

## **NSPCC Scotland response to the Scottish Government debate on Scotland – the best place in the world to grow up**

**March 2013**

NSPCC Scotland welcomes the opportunity to contribute to the Scottish Government debate on making Scotland the best place in the world to grow up. We fully support this commendable aspiration and, particularly welcome the focus around early intervention and prevention, and recent proposals to entrench children's rights in public service provision. However, we believe there are areas where the Government's work programme should be strengthened in order to meet better this ambition.

### **About NSPCC Scotland**

The NSPCC aims to end cruelty to children. Our vision is of a society where all children are loved, valued and able to fulfil their potential. We are working with partners to introduce new child protection services to help some of the most vulnerable and at-risk children in Scotland. We are testing the very best intervention models from around the world, alongside our universal services such as ChildLine<sup>1</sup>, and the NSPCC Helpline. Based on the learning from all our services we seek to achieve cultural, social and political change – influencing legislation, policy, practice, attitudes and behaviours so that all children in Scotland have the best protection from cruelty.

### **NSPCC Scotland response**

#### **Children's rights**

Making Scotland the best place in the world to grow up requires a commitment across all levels of Government. The development of a Children and Young People's bill presents a unique and very welcome opportunity for increasing the protection of children's fundamental rights and freedoms. While we welcome the proposals as a step forward in promoting children's rights, our preferred method of providing this distinct protection for children's rights would be to fully incorporate the UNCRC and its optional protocols into Scots law.

The UN Committee is clear that it expects governments to take all appropriate measures to give the UNCRC legal effect within domestic law. We recognise that the proposals do seek to give statutory weight to the UNCRC but this falls short of full incorporation of the Convention, as is recognised in the consultation document. We strongly feel that this would be a missed opportunity.

A child's right to be brought up in circumstances that help them do as well as possible should be the defining principle which underpins the design and delivery of all children services in Scotland. A range of activity is required to successfully embed children's rights; to reduce inequality; and to support children's healthy development. However, it is not clear the extent to which children and families living in disadvantage are able to

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<sup>1</sup> Until March 2012, ChildLine in Scotland will be delivered by Children 1<sup>st</sup>, on behalf of the NSPCC.

access support, and whether the support that is available meets their distinct needs. It is therefore essential that local and national Government provide the best care to all families through a supportive, highly skilled and well trained workforce, with a higher level of support for the most vulnerable families ('progressive universalism'). This will go some to addressing the disproportionate disadvantage experienced by children and families who have difficulty accessing their rights to support and services.

### **A duty on public bodies to work together**

NSPCC Scotland supports in principle any measures that would facilitate joint working of public bodies to improve outcomes for children and young people. However this must be supported by a significant package of resources to provide a strong platform to allow these commendable proposals to succeed.

We strongly support the proposition that improving child wellbeing should be the focus of any new duty to integrate design, planning and delivery of services. Child wellbeing is predicated on children's rights being respected in all areas of their lives.

We are also aware that there is a raft of legislative proposals under consideration which potentially change the future landscape for children and family support services. Our concern is that these proposals are mostly being advanced in policy contexts where the impact in terms of the needs and rights of children are not guaranteed to be prioritised or considered.

### **Integration of adult health & social care services**

Numerous Significant Case Reviews and inquiries into Child Protection have reminded us of the fundamental importance of working across boundaries between adult, child, health and social care services.

We believes that the integration of adult health and social care bill presents a range of opportunities to strengthen Community Planning Partnerships; to exercise leadership in the design, delivery and oversight of effective, integrated high quality services for children to include the Health, Social Work and Education; and to embed effective strategic and operational links to adult health and social care delivery under a single public service approach.

However, we would stress the importance of upholding duties to ensure that children are consulted and co-operated with in the design and delivery of services provided through community planning (as is required through the Local Government in (Scotland) Act 2003). It is important that this commitment is not lost in any new Adult Care Act, we would therefore welcome some information on the Minister's intentions in this respect.

NSPCC Scotland is supportive of the need for integration of health and social care services because we recognise it has the potential to improve the effectiveness, responsiveness and quality of these services; thus improving children's experiences of growing up in Scotland. The current proposals must consider the risks of division that the proposed arrangements for adult's services carry in relation to children's services. We

would urge the Minister to consider the roll of integration in delivering services which vastly improve the experiences of children growing up in Scotland.

### **Self-directed support**

NSPCC Scotland raised similar concerns around the recently introduced Social Care (Self Directed Support) legislation. Whilst we believe that people have the right to control and choice in all aspects of their lives, especially when choosing what care they receive and how they receive it, the measures, as introduced, clearly have a much greater focus on adults than children.

The changes will have a significant impact on many children and their families in Scotland, particularly on the type and kind of services available to them. We call on the Minister to ensure that children and families are at the centre of implementation plans and that statutory guidance includes reference to the specific needs of children and how a child-centred and children's rights approach can be delivered by local authorities.

We also call on the minister to make a commitment that the proposals in this Act will be aligned with the proposals in the Children and Young People Bill for strategic planning of children's services by all public bodies delivering services to children, the single child's plan and the new duty on all parts of Government to advance children's rights.

### **Indicators**

NSPCC Scotland believes that considerable and concerted effort is required to deliver on the Scottish Government's admirable ambition to make Scotland the best place in the world to grow up. A report by UNICEF in 2007, 'Report card 7: An overview of child wellbeing in rich countries<sup>2</sup>', the UK was at the bottom of the league table of child wellbeing when compared to 20 other OECD countries.

Therefore, we believe that rigorous evaluation of Government activity must take place to measure progress in delivering this ambitious aim. Internationally comparable wellbeing indicators which correspond to the reporting clusters proposed by the UNCRC<sup>3</sup> should be developed and implemented with immediate effect. This would significantly improve public bodies capacity to monitor the implementation of the UNCRC and the capacity of the Scottish Government to legitimately fulfill its proposed new children's rights duty.

### **National Foster Care Review**

NSPCC Scotland considers the Scottish Government's commitment to undertake a National Foster Care Review as an important step in making Scotland the best place in the world to grow up.

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<sup>2</sup> 11 <http://www.unicef.org.uk/Latest/Publications/Report-Card-7-An-overview-of-child-well-being-in-rich-countries/>

<sup>3</sup> See Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention on the Rights of the Child, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/469/10/PDF/G1046910.pdf?OpenElement>

The value of foster care should be strengthened to ensure that it is a high-quality intervention which offers nurturing support and secure attachment for vulnerable children. NSPCC Scotland has found that one of the issues local authority partners struggle with is how to recruit, train and support foster carers. It is also unclear what evidence there is behind the vast bulk of the training and support arrangements for foster care in terms of the impact on healthy attachment and recovery from abuse.

NSPCC Scotland would welcome any national measures to strengthen foster care, provided the stimulus is enhancing the care experience for the looked-after child. Latent models of foster care can provide little more than an extended respite service; however, if appropriately resourced and developed, it has the potential to provide nurture and stability and, particularly for our youngest children, meet their urgent attachment needs.

Zeanah and colleagues in New Orleans have taken a rigorous approach to assessing and intervening in families of maltreated young children who have been placed in foster care<sup>4</sup>. They identify barriers to the development of positive attachment and work with families to remove these within an appropriate developmental time span. NSPCC Scotland is happy to provide further information on this, and other NSPCC services.

### **Equal protection**

NSPCC Scotland believes that any initiative to protect and promote children's rights must seek to provide children with the same protections as adults under the law against physical abuse. We believe the Children & Young People's bill presents a real opportunity for the Scottish Government to reconsider full legal protection for children from physical chastisement in the home, or any other setting. Additionally, we would urge the Government to seek to promote non-violent parenting within the forthcoming National Parenting Strategy.

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### **Conclusion**

NSPCC Scotland is committed to working closely with the Scottish Government to help realise its commendable ambition to make Scotland the best place in the world to grow up. We fully support this aspiration and, particularly welcome the focus around early intervention and prevention, and recent proposals to entrench children's rights in public service provision as outlined in the draft Children's legislation.

However, we believe there is a need for greater cohesion between all legislative proposals currently under consideration. We believe that a key consideration of all Government activity must be the potential impact, directly or indirectly, on the care, protection and wellbeing of children and young people in Scotland

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<sup>4</sup> Zeanah et al, 2001

