

NATIONAL VOLUNTARY CHILDREN'S FORUM – 20 MARCH 2007
MINUTES OF MEETING
BALMORAL SUITE, ROYAL TERRACE HOTEL, 18 ROYAL TERRACE,
EDINBURGH

Attendees:

Ellenor Anwyl	Contact a Family
Tam Baillie	Barnardo's Scotland
Abi Bremner	Capability Scotland
Heather Brown	Early Education and Childcare (SE)
Robert Brown	Deputy Minister for Education and Young People (Co-chair)
Rod Burns	Early Education and Childcare (SE)
Bronwen Cohen	Children in Scotland
Marion Davis	One Parent Families Scotland
Paula Evans	Children in Scotland
Ellen Finlayson	Clic Sargent Cancer Care
Karen Garrett	Down's Syndrome Scotland
Faye Gatenby	Capability Scotland
Pauline Gerrard	ACVO
Kirsten Gooday	Community Care Providers Scotland
Douglas Hamilton	Save the Children
Marguerite Hunter Blair	Play Scotland
Gill Jones	Children in Scotland (Co-chair)
Elaine Lane	Support for Learning (SE)
Sheona Lawson	Children in Scotland
Ross Lindsay	Social Inclusion and Voluntary Issues (SE)
Ruth Leith	Partners in Advocacy
Robert McGeachy	NCH Scotland
Don McGillivray	Early Education and Childcare Division (SE)
Ian McLaughlan	Scottish Pre-School Play Association
Tom McNamara	Children and Families (SE)
Gillian Miller	Cultural Policy (SE)
David Milliken	Home-Start
Fiona Morrison	Scottish Women's Aid
Andrew Mott	Children and Families (SE)
Calum Munro	Highland Children's Forum
Tracy Rodger	Clic Sargent Cancer Care
Gita Sharkey	Children and Families (SE)
Jonathan Sher	Children in Scotland
Maggie Simpson	Scottish Childminding Association
Addie Stevenson	Aberlour and Care Trust
David Thomson	Youth Justice and Children's Hearings (GIRFEC)
Heather Coady	Scottish Women's Aid
David Wilson	Children 1st
Angie Wynn	Enable Scotland

Welcome and Introductions

1. **Robert Brown** and **Gill Jones** welcomed everyone to the meeting.

Apologies

2. Apologies were received from:-
Val Cox, Head of Children, Young People and Social Care (SE)
Martin Crewe, Barnardo's
Pauline Gerrard, ACVO
Mike Gibson, Support for Learning (SE)
Anne Houston, Children 1st
Janet Law, Scottish Out of School Care Network
Christine Lowden, Dundee Voluntary Action
Hugh Mackintosh, Barnardo's
Catherine Montgomery, ENABLE
Judy Panton, Family Fund
Kay Tisdall, University of Edinburgh
Juliet Wilson, Playbus
Kit Wyeth, Children and Families (SE)

Minute of Previous Meeting

3. The Minute of the meeting on 9 October 2006 was accepted as a true record.

Matters Arising

UNCRC reporting for 2006-07 (item 7)

4. **Tom McNamara** reported that a first draft of the UK report was currently being prepared. DfES remain committed to publishing a draft of the UK report for comment in the spring and to submitting the UK report in July. The draft document and annexes ran to 1400 pages long and is to be distilled to a maximum of 120 pages.
5. Alongside this, work was continuing on preparation of a stand-alone Scottish report which would set out the progress made in implementing the UNCRC in Scotland since 1999. A draft of this was consulted on between December and February and was being re-worked in the light of comments received, which included comments from representatives of the Forum. It was intended to publish and submit the Scotland report alongside the UK report in July.
6. There was concern that the extended annexes would dilute the impact and value of the report. **Douglas Hamilton** informed the Forum that the Scottish Alliance for Children's Rights were in the process of co-ordinating an alternative response which mirrored the SE response. Voluntary sector members were welcome to submit comments by the end of June. **Fiona Robertson** was the key contact.

EU “Treaty” – Strategy on the Rights of the Child (item 7.3)

7. **Tom McNamara** reported that the UK Parliament’s European Standing Committee had considered the issue on 16 December 2006 and the responsible Minister (Bill Rammell) had been content to look at where co-operation could improve practice but were not prepared to change legislation or to contemplate the EU extending its remit beyond its competence. There will be a European Forum on the Rights of the Child convening in Berlin on 4 June 2007 which is intended to agree plans for implementation of the strategy. Discussions were currently ongoing about the agenda for the Forum but this has yet to be agreed. The UK Government will have a representative at the Forum as will the UK Children's Commissioners.

8. Kit Wyeth had already submitted comments on the explanatory memorandum that DfES sent to the Westminster Parliament and would be willing to share these more widely.

9. **Bronwen Cohen** asked whether Tom could provide DfES contacts so that Children in Scotland could advertise them and give the voluntary sector the opportunity to submit further comments. Tom agreed to supply the contacts to Children in Scotland but also agreed to act as a conduit to convey concerns to DfES.

Action: Tom McNamara

10. **Gill Jones** mentioned that items 12 and 19 were still open ended and that this should be noted for future meetings.

Topics for Discussion

11. **David Thomson**, SE Getting it Right for Every Child Team, gave a presentation on the Children’s Services (Scotland) Bill. There had been presentations on the Bill to over 700 professionals and volunteers so far and this would reach well over 1,000 by the end of the process. The draft Bill had 2 parts:-

- a) Duties on Agencies; and
- b) Amendments affecting referrals for the Children’s Hearing’s System.

After the Bill was enacted there would be policy guidance on the process which would include consulting the relevant bodies. Any public funded body who work with children was likely to be covered. There had been lots of responses on this.

12. There would be a new definition for “wellbeing of the child” showing regard to health, welfare, development, harm and emotional and behavioural issues. There were some varied responses to the consultation, some happy with this definition and some suggesting that there may be problems with interpretation of the terms.

13. When it comes to considering the views of children, relevant agencies will be required to involve the child and any relevant people (parents etc.).

14. Agencies will need to do their best to assess the needs, highlight any unmet needs and take action to address these. Consultation responses queried delivery for children on

statements such as “*such action as is appropriate*”, “*monitored until satisfied that need being addressed*” and “*record decisions made and actions taken*” with various views.

15. When Agencies take action, they will be required to do things which are consistent with the proper exercise of their duties. Consultation responses queried whether this was a get-out clause or the right leeway to avoid being caught needlessly.

16. The Bill also provided a framework for agencies to work together, co-operate with one another and resolve disputes. Consultation responses suggest that more prescriptive terms or significant guidance may be needed to help get through this though others were happy with the lack of prescription to allow local solutions to be developed.

17. When 2 or more agencies work together they must adopt a joint plan and designate a person to take the lead. There had been lots of consultation discussion on this over who and how, powers and so on.

18. There will be changes to the grounds for referral around Children’s Hearings with the intention of giving a more streamlined procedure. Children’s Hearings would not disclose information about a child but still cater for information sharing amongst agencies.

19. There is also a draft partial regulatory assessment in the document on which views were being sought.

20. Responses were due by 31 March 2007 and with the May election looming it was hoped that the legislation would be ready for the new administration to consider as part of their legislative programme.



21. **Jill Jones** introduced **Tam Baillie**, Barnardo’s who gave a presentation on Getting it Right for Every Child. He firstly welcomed the consultation process and said how it was helpful to engage in the Bill early on. There was also widespread sign-up to the GIRFEC vision generally but it was necessary to consider that this would mean a culture change and reform over the next five years and questioned whether legislation was the right way to achieve this. Higher level thinking regarding resources would be required to achieve better, longer term outcomes for children.

22. The Bill presentation suggested that transitional money would be allocated to help agencies including the voluntary sector achieve objectives. The concept of relevant agencies needed clarification regarding expectations of the voluntary sector, and this was linked to the issue of contracts and Service Level Agreements that may need to be looked at. Further guidance was needed on where we are on Information Sharing.

23. There may be a bigger role for the National Forum and we will need to look at how best to co-ordinate the voice of the voluntary sector and also how to co-ordinate the voluntary sector at a local level. The resource challenges are likely to be in the realm of learning and development and IT but also looking at how we operate, thinking beyond the legislation and how we go about bringing long term change together.



24. **Robert Brown** responded that the resources issue is one that applies to any Bill and there is always some ceiling to finance resources and we are now living in a tighter finance climate. There will not be the same money available so the emphasis will be on best use of resources. We need to look at what options are available for getting the administrative arrangements in place so we have a better system to deliver children's rights. We need to look at existing budgets and have to deal with those who didn't have early intervention. Part of the process will also be to make linkages to other policies and try to get a balance between the terms of the legislation and the resources available.

25. **Gill Jones** commented on the tension between "Every Child" and the inevitability that the most needy are forgotten or we end up just touching the fringes of the need. **Robert Brown** responded that it was hoped that it will not be judged this way but that the needs of all children will be included with more capacity for the most needy.

26. **Calum Munro** informed Forum attendees that the Highland Pathfinder had consulted children and parent carers and there was unanimous support for the Bill but there was a question about its achievability. It may be seen by parents as putting in a tariff bar. It had to be recognised that there would be a challenge to agencies and funds would need to be made available to put the Bill into practice on the ground.

27. **Robert Brown** added that we would need to make sure that administrative arrangements were put in place. We can't just deal with Early Intervention - we will need to get a more realistic view of resources available.

28. **Bronwen Cohen** asked how the thinking was developing on a definition for "well-being" and whether cultural wellbeing was included in the thinking. **David Thomson** responded that this could potentially relate to the 7 points of the vision e.g. healthy, safe, nurtured etc. and that the definition would not be exclusive, was linked to equal opportunities, and they were not at this stage intending to close down the definition but looking at making the legal definition as wide-ranging as possible.

29. **Gill Jones** asked whether we had considered how we would be evaluating, measuring and monitoring provision. **David Thomson** said that the Highland Pathfinders will influence what advice we give. **Calum Munro** commented that there was some tension in the Executive wanting the voluntary sector on board and the sector requiring the resources to achieve its goals and the voluntary sector need to feel engaged about the practicalities.

30. **Paula Evans** asked about the Information Sharing Agenda and whether it was the intention to join up with GIRFEC. **David Thomson** responded that Jane Scott from the GIRFEC team was writing the information sharing guidance and he hoped that there was an obvious link.

31. **Jonathan Sher** commented that he thought that the Executive had managed to capture the obvious need and that the essence of putting the child at the centre had been captured. He went on to comment that considering a child's well-being hinged on the

relationship a child had with the primary adult in their life. The Bill didn't mention much on parental or grandparental relationships. It appeared to be more about professional and agencies and how they can work and less about family. **Robert Brown** explained that in terms of legislation it was difficult to see how we could capture this but hoped that they were being supported in other ways. **Angie Wynn** mentioned that there was just one line about parental support and that "a person" had been translated as a professional. She asked, could a parent or parents be that professional? **David Thomson** commented that if the position of parents and children appeared to be denigrated this was definitely not the intention, and that this issue may need looked at and that voluntary sector representatives should respond to the consultation on this point.

32. **Jonathan Sher** mentioned the need to help parents with their problems (e.g. drug/alcohol) to help the child and it was difficult to see how this fits into the Bill. It's clear that the aspiration is there but how can this be implemented? **Calum Munro** commented that some parents lose their relationship with agencies as they see it as another burden on them and legislation shouldn't put more burdens on parents.

33. **Robert Brown** made the point that Families and Family Support are central to what we want to do and **Karen Garrett** said that parents should be able to work in partnership with agencies. **Bronwen Cohen** suggested that parent and families should be a key aspect included within the definition of wellbeing covered by the Bill.

Points for Information

- **An update on the progress of the Protection of Vulnerable Groups Bill at Stages 2 and 3, particularly any news concerning retrospective checks impacting greatly on the voluntary children's sector and more generally any updates on advice and guidance developments.**

34. **Andrew Mott** reported the removal of part 3 from the Bill but emphasised that a non-statutory code of practice was still being worked on and a draft would be issued for consultation before the end of March. Amendments at stage 3 required the Scottish Parliament to debate retrospective checking before it occurred (regulations subject to affirmative procedure) and also placed Ministers under a duty to issue guidance, the intention being to provide substantial guidance to stakeholders. A stage 2 amendment had been made to the definition of "protected adult" to include adults receiving prescribed welfare services, in response to concerns from the voluntary sector. There would be extensive consultation on key issues of concern to stakeholders: fees, retrospective checking, the definition of "protected adult" etc. A question was raised on the wider debate on child safety and research for other countries.

- **Clarification on the concept of cultural entitlements in the draft Culture (Scotland) Bill and what is envisaged for children and young people?**

35. **Gillian Miller** reported that a cultural entitlement was proposed as an opportunity to take part in cultural activity and that entitlements were intended to embrace all sections of society, including children and young people. The Bill aimed to ensure that local cultural entitlements were provided as part of cultural planning activity. Statutory Guidance had been published in draft along with the Bill, explaining processes involved and what Ministers expected local authorities to do to fulfil the proposed new duties. The consultation period

would end on 30 March. Under the draft legislation and Guidance, local authorities would be required to consult with local people about what cultural services they wanted to see in their area, and the local authorities would develop local cultural entitlements in response. There would be an opportunity for young people to have their say in the kind of cultural activity they wanted to see and be involved with.

36. In the Highland Council area young people were playing a key role in shaping the cultural options for their school in 2007, choosing from a menu of cultural ‘promises’, the activities in which they wished to participate and experience. A programme of 13 pathfinders (including the *Highland Promise*), was being match-funded by the Executive to produce learning that could be shared with other local authorities and used to develop the Guidance. The projects’ key focus was to help develop effective approaches for involving all sections of society, so that opportunities would be more consistently accessible once the Culture (Scotland) Bill became law.

- **Whether the Nutrition Bill is extended to all early years provision or not, there is a need for an Expert Reference Group on early years along the lines of Hungry for Success. What is the Scottish Executive's plans for creating such a group?**

37. **Don McGillivray** reported that stage 3 of the Bill had passed and we were looking to develop health promotion guidance for early years, linking it to the National Care Standards and are open-minded about having some form of group to help develop that. The core membership would be drawn from the SE, Health Scotland, LTS/HPSU and there might be opportunities for voluntary sector representatives from SPPA and CSMA to get involved in the process.

38. **Bronwen Cohen** noted the value of the Hungry for Success panel in addressing the issue of school meals and suggested a similar model for the early years. She made a plea for more visionary and radical thinking. **Robert Brown** said this would need to be a matter for the new Parliament given the parliamentary cycle.

Future Agenda Items

39. Suggestions were:-

The new parliament agenda

Action Framework for Children

Review of the priorities for childcare in light of the new administration

Specialist Health Services for Children

Consultation with children

Standards of good practice

Early Years Strategy

UNCRC

Risk Aversion Issues

Proportionate Protection, involving the Commissioners Office

Any Other Business

40. None.

Date of Next Meeting

41. The date of the next meeting would be in October 2007, subject to the Minister's availability.

**Action: Secretariat to liaise with Children in Scotland
to confirm suitable date.**