

Response to Scottish Government on the Children and Young People Bill Consultation

Education, Children and Families

9 October 2012

Purpose of report

- 1 To outline the proposals contained in the Children and Young People Bill which will be introduced to Parliament next year, and to provide the response to the consultation on behalf of the City of Edinburgh Council.

Main report

- 2 The Children and Young People bill sets out a series of proposals that are intended to create momentum in achieving services which are more child-centred, responsive and joined up; that support interventions when they are first needed; and services that listen and take account of children's views.
- 3 Specific changes are proposed on:
 - the rights of children
 - wellbeing
 - better planning and outcomes
 - early learning and childcare
 - getting it right for every child
 - care

Rights of Children - United Nations Convention on the Rights of the Child (UNCRC)

- 4 The bill proposes the rights of children and young people across the public sector should be embedded in line with the United Nations Convention on the Rights of the Child (UNCRC), with duties placed on Scottish Ministers to take steps to further the rights of children and young people and promote and raise awareness of the UNCRC.
- 5 It also sets out for the wider public sector a requirement to report on what they are doing to take forward realisation of the rights set out in the UNCRC.

- 6 An extension of the powers of Scotland's Commissioner for Children and Young People is also proposed, to allow investigations to be undertaken on behalf of individual children and young people.

Wellbeing

- 7 Under these proposals, services would work to support the whole wellbeing of a child or young person. The Government wants to set out an approach to welfare that puts an understanding of wellbeing based on the Getting it Right for Every Child (GIRFEC) approach.

Planning and Outcomes

- 8 Duties would be placed on public bodies to work together to design, plan and jointly deliver policies and services so they focus on improving children's and young people's wellbeing, and report on what this means for children and young people through a common set of high level outcomes.

Early learning and childcare

- 9 The importance of high quality, flexible, integrated early learning and childcare as a major factor in supporting healthy development in the early years of a child's life is acknowledged in the proposals.
- 10 Through the Children and Young People Bill, the Government intends to:
- increase the funded annual provision from 475 hours pre-school education for 3- and 4-year olds to a minimum annual provision of 600 hours early learning and childcare for 3 and 4-year olds and looked-after 2-year olds.
 - make early learning and childcare more flexible and seamless for the child and better suited to the needs of families. It is proposed that this is achieved by placing a duty on local authorities to increase the flexibility and expand the provision of early learning and childcare provision for children and families, including the most vulnerable 2- year olds.

Getting it Right for Every Child

- 11 GIRFEC is rooted in cooperation between services with the child at the centre. The Bill proposes that:
- all children and young people from birth up to leaving school have access to a Named Person
 - all relevant services cooperate with the Named Person in ensuring that a child's and young person's wellbeing is at the forefront of their actions
 - a single planning process should be in place to support those children and young people needing the involvement of a range of services, through a single Child's Plan.

Care

- 12 The proposed legislation recognises that Scotland needs a care system that provides effective, rapid support for children and young people, centred on their long-term as well as their short-term needs.
- 13 Legislation proposes:
- the right of young people leaving care to ask for help from a local authority is raised from the age of 21 to 25
 - a clear definition of corporate parenting is put on statute
 - a new 'order' is put on statute to support the parenting role of kinship carers
 - use of Scotland's Adoption Register by local authorities is made compulsory.

Consultation Arrangements

- 14 A number of facilitated meetings with teams across the Children and Families Service were supported, allowing for detailed discussions on specific proposals contained in the bill, as well as more general points. In addition, two informal events were offered for staff to bring their views on the bill. An online blog was also set up.
- 15 The combined response is presented in Appendix 1 and is approved by Children and Families Senior Management Team. It was circulated to members of the Committee to allow for further comment before the submission deadline on 25 September. The response is presented to Committee for information.

Financial Implications

- 16 The proposals contained in the Bill have considerable upfront and ongoing financial implications. Officials from the Children and Families and Corporate Governance departments are currently assessing the financial implications of the proposals set out in the consultation. This will inform a COSLA led exercise to prepare a consolidated financial position across local government.

Equalities Impact

- 17 An impact assessment on the response to the Bill consultation has been completed and found only positive impacts as a result of the response made.

Environmental Impact

- 18 None

Recommendations

- 19
- a) To note the response on the Consultation on the Children and Young People Bill

Gillian Tee
Director of Children and Families

Appendices	1. Consultation on a proposal for a Children and Young People Bill – Respondent Information Form
Contact/tel/Email	0131 529 2135 nancy.henderson@edinburgh.gov.uk 0131 529 2132 david.maguire@edinburgh.gov.uk
Wards affected	All
Single Outcome Agreement	All
Background Papers	A Scotland for Children - A Consultation on the Children and Young People Bill

Consultation on a proposal for a Children and Young People Bill



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

Please key F11 to move between fields

1. Name/Organisation

Organisation Name

The City of Edinburgh Council

Title Mr Ms Mrs X Miss Dr *Please tick box as appropriate*

Surname

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate X Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

4. Background

In analysing your response, it would be helpful to know your background. Please indicate the area which best describes your involvement with children from the options below.

Please tick box as appropriate:

Early Years	x
Education	x
Health	<input type="checkbox"/>
Justice	x
Parent/Carer	<input type="checkbox"/>
Police	<input type="checkbox"/>
Social Work	x
Sport and Leisure	<input type="checkbox"/>
Voluntary Organisation	<input type="checkbox"/>
Other	x

This response is submitted on behalf of the City of Edinburgh Council and the Children and Families Service.

CONSULTATION QUESTIONS

1. A SCOTLAND FOR EVERY CHILD

Overall comments

General comments regarding the Bill's proposals.

- GIRFEC is being presented as one of a number of areas or as a specific project, when really it is an approach to all aspects of work with children and young people. The Bill could go further and bring together and rationalise existing provisions, definitions, and assessment systems e.g. assessment systems for Child Protection, GIRFEC, Looked after children, and additional support for learning. Relevant amendments to existing Acts would be required.
- The Bill includes a number of new duties which have major resource and infrastructure implications. Full understanding of the financial implications and structural changes is essential before the Act comes into force, otherwise, there is a great risk the good intentions of the bill will not be achieved, to the detriment of improving outcomes for children and young people. Properly costed, child centred services is essential.

- The Bill proposes a shift in intervention without the consideration of the implications on the duties, rights and responsibilities of parents and carers. There is a lack of reconciliation e.g. of parents' rights with the rights of children and young people. Currently, there are different definitions of a parent in the Education Act and Children Scotland Act, and for rights of access as set out in the Education (Disability Strategies and Pupil's Educational Records) Act 2002. This has implications for information sharing between agencies and the role of named persons. This means that people not recognised as parents would have access to files held by the named person in school.
- There is an absence of focus on the role of parents, families and communities, and under 2s in the proposals.
- The needs to be coherence with existing duties and Acts for example, integrated planning for children services, community planning, and duties under education legislation. References to education and interfaces with education duties should be strengthened.
- Greater link between the bill's intention and the role of the inspection frameworks is needed. Consideration should be given to how the inspection framework could achieve some of Bill's intentions rather than through additional powers/duties.

More effective rights for children and young people

1. Do you feel that the legislative proposals will provide for improved transparency and scrutiny of the steps being taken by Scottish Ministers and relevant public bodies to ensure the progressive realisation of children's rights?

Yes. Clear duties will improve transparency and scrutiny of how public bodies are delivering and implementing children right's and the UNCRC. However see response to question 3.

There should be more focus on children with disabilities and the duty of all agencies including universal providers to make arrangements for their inclusion.

2. On which public bodies should a duty to report on implementing children's rights be applied?

The duty to report should apply to all community planning partners, and not just restricted to those organisations providing children and young people's services, for example, the Scottish Prison Service should be included (thousands of children

are affected by adult incarceration every year). The duty should also be applied to those providing children's services on behalf of public bodies, such as commissioned services.

Reporting should be coordinated across partners and complement existing reporting mechanisms rather than creating an additional reporting layer.

3. Do you agree that the extension of the Children's Commissioner's role will result in more effective support for those children and young people who wish to address violations of their rights?

Yes with reservations. Criteria for referrals to the Children's Commissioner and the potential power of the Commissioner to require agencies to change practice are not discussed in the consultation paper. There is already a range of options for resolution. Local Authorities and Child Care Agencies have their own arrangements for resolving complaints; there are national children's rights organisations that also undertake this role, and there are options for children and young people taking forward issues through children's hearings and the Courts etc. as well as the ombudsman.

Extending the Children's Commissioner role would provide an additional route for independent investigation but there are potential resource and capacity issues for the Children's Commissioner's Office. Consideration needs to be given to the value and impact of diverting resources away from service provision to funding the extended role, as well as to the evidence that this is needed.

Providing early resolution, mediation and redress at the local level is considered best practice. There is support for the proposed duty only once all existing routes for resolution and independent investigation have been concluded and where the complainant remains unsatisfied.

A new focus on wellbeing

4. Do you agree with the definition of the wellbeing of a child - or young person - based on the SHANARRI Wellbeing Indicators, as set out in the consultation document?

Yes. There is strong support for using SHANARRI as the definition for well-being of a child or young people. Children's rights underpin the SHANARRI well-being indicators so building on these so that they support a joint understanding of well-being is welcomed, both from a perspective of making the step change in getting it right for every child, but also for embedding children's rights.

Definition would need to be unambiguous. Retaining sight of 'welfare' within the concept of well-being is also important; children's 'welfare' being the basis of Scots law e.g. adoption law. The provision of guidance is welcomed.

5. Do you agree that a wider understanding of a child or young person's wellbeing should underpin our proposals?

Yes, if the question refers to well-being being defined through the SHANARRI indicators (allowing for welfare).

Better service planning and delivery

6. Do you agree that a duty be placed on public bodies to work together to jointly design, plan and deliver their policies and services to ensure that they are focussed on improving children's wellbeing?

There is currently a duty to produce and report on an Integrated children's services plan which involves a wide range of organisations and public agencies in the provision and delivery of the plan. The benefit of having strengthened duties (definition dependent) could assist in addressing current barriers to further joint working, and could encourage more resource sharing, joint commissioning, and data sharing etc, under the explicit purpose of delivering better outcomes for children and young people. Policing a new duty could prove challenging.

Strategic and local priorities articulating effectively for children and young people at the local level, ensuring that local priorities are addressed and taken into account, are essential. Any new duty would need to be coherent with community empowerment proposals.

7. Which bodies should be covered by the duties on joint design, planning and delivery of services for children and young people?

Rather than a list of public bodies, a general power to require those relevant to contribute to the planning process might be more useful. It would have the added benefit of longevity. It is our view that all bodies involved in community planning and child protection arrangements should be involved.

GPs aren't included at the moment this might mean changes to contractual arrangements to facilitate their involvement.

8. How might such a duty relate to the broader Community Planning framework within which key service providers are expected to work together?

Any duty should be clearly linked to the SOA approach. Children and young people's issues are reflected in the whole partnership arena including many other services (economic, health etc.) as well as planning for cities.

Making the local delivery aspect much clearer and emphasising the role of local solutions will be important. See also responses to 6 and 7.

Improved reporting on outcomes

9. Do you agree that we should put in place reporting arrangements making a direct link for the public between local services and outcomes for children and young people?

Yes. For this to have the intended impact there needs to be good quality qualitative and quantitative measures that measure that we need to measure, and avoid the use of proxies. Measurement and outcomes need to be clear and validated.

Reporting should be proportionate and not overly bureaucratic.

Coherence with other reporting requirements will be important, for example standards and quality reporting under SHANARRI wellbeing indicators may assist in achieving the step change in momentum looked for in this Bill/Act.

10. Do you think that these reporting arrangements should be based on the SHANARRI Wellbeing Indicators as set out in this consultation paper?

Yes. Some national direction on these would be useful on agreeing performance indicators and reporting.

The role of self-evaluation is important and should be promoted as part of reporting arrangements, and supported through all relevant inspection frameworks including schools and community learning. Coherence with other national frameworks, priorities and strategies would be needed e.g. SOA, Poverty, Early Years etc.

11. On what public bodies should the duty for reporting on outcomes be placed?

The duty should be placed on all community planning partners and child protection partners. The duty should be placed on *partnerships* and as well as individual partners.

2. A SCOTLAND FOR EACH CHILD

Improving access to high quality, flexible and integrated early learning childcare

12. Do you agree that the Scottish Government should increase the number of hours of funded early learning and childcare?

Yes.

As important as the increase in hours (from 475 to 600) is the shift to recognise

the importance of childcare in early years provision, as well as, providing flexible integrated approaches to better meet the needs of children and families. This is welcomed. Emphasis should also be given to consider positive interventions where they are most needed, e.g. building on the capacity of families, on hard to reach families etc.

There are significant logistical and resource issues in taking forward the proposals in terms of costs, staffing, buildings/property, the capacity in the early years estate, challenges around contracts, and additional monitoring of quality for extended provision. These all require detailed consideration. Should delivery of these proposals result in the divergence of resources from other services, the impact needs to be made clear.

13. Do you agree that the Scottish Government should increase the flexibility of delivery of early learning and childcare?

Yes. Agree in principle but in the context of meeting children's needs at the local and individual level, positive relationships with families, and the national parenting strategy.

More coherence is needed between initiatives already available e.g. breakfast clubs.

14. Do you think local authorities should all be required to offer the same range of options? What do you think those options should be?

No. It may be possible to set out minimum requirements and entitlements e.g. around parenting support, wraparound and out of hours, but there also needs to be a balance between Scotland-wide entitlements and local delivery arrangements and needs.

Achieving consistency across Scotland will be very challenging and may divert attention away from meeting individual needs.

15. How do you think the issue of cross-boundary placements should be managed, including whether this might be through primary or secondary legislation or guidance?

No. There is no need for further legislation for this. Current rules relating to ordinary residency apply in the case of cross-boundary placement and are well established and understood. Children from this council area need to be the first priority when allocating places. About 400 children come into Edinburgh for placements (many more than go out).

Each local authority should pay for young people from its area regardless of where they are placed.

All placements should be based around the needs of the child and with their well-being central to placement decisions.

16. Do you agree with the additional priority for 2 - year olds who are ‘looked after’? What might need to be delivered differently to meet the needs of those children?

No. While this proposal is positive, a more flexible approach would be in keeping with the wider intentions of the bill. Allowing children under the age of two identified as in need (e.g. subject to child protection supervision, with disability, or experiencing neglect, looked after at home) to receive priority consideration would bring greater benefit. In addition, a focus on funding work with parents to address parenting/nurturing/attachment/stability issues would enhance the impact of providing earlier access to care provision for vulnerable children. A need assessment approach would apply.

The Named Person

17. Do you agree with the proposal to provide a point of contact for children, young people and families through a universal approach to the Named Person role?

Yes - There is agreement for the right to a named person from pre-birth to leaving school in universal settings as outlined in the bill. Providing a point of contact for children, young people and families is considered best practice and is known to be a protective early intervention mechanism. There should be recognition of the role in other circumstances e.g. beyond leaving school such as provided by Throughcare and Aftercare services.

Implementation of the named person should complement rather than compete with the rights and responsibilities of parents.

18. Are the responsibilities of the Named Person the right ones? Are there any additional responsibilities that should be placed on the Named Person?

Yes. The role of named person already exists and this should not be seen as something new. It's part of the duty of care and should be based on existing responsibilities.

The division of role and responsibilities between named person and lead professional needs to be clear.

19. Do you agree with the proposed allocation of responsibilities for ensuring that there is a Named Person for a child at different stages in their lives set out in the consultation paper?

Yes.

There needs to be some place for the views of the young person and family if they want to change their named person.

It will be important to ensure smooth handovers and transitions when children move from one stage to another.

Ensuring the communication of the name of the named person, and changes in the named person, as proposed would have administration and capacity issues for some services, especially where there is greatest need. It would require more resources. Under current arrangements, in normal circumstances most children/young people and carers/parents know who to contact if there is an issue or problem and do so, e.g. guidance teacher, head teacher, health visitor. A proportionate approach should be taken and existing roles of delegation of the named person role recognised.

The provision to extend the duty for all relevant bodies and services to co-operate and share their concerns with the named person is welcomed. At the same time, information sharing needs to be proportionate and balanced with the child's right to privacy.

20. Do you think that the arrangements for certain groups of school-aged children as set out in the consultation paper are the right ones? What, if any, other arrangements should be made? Have any groups been missed out?

No. The named person in relation to home educated children needs to have a clearly defined role which recognises rights of parents and children. Allied with this, there needs to be clarity on the powers of intervention and their proportionate use in the best interest of the child.

Groups missed out include:

Young people who offend are not included in these groups.

The role of named person in the proposed extension for care leavers to 25 needs consideration vis a vis Throughcare and Aftercare responsibilities.

See also response to question 19.

The Child's Plan

21. Do you think a single planning approach as described in the consultation paper will help improve outcomes for children?

Yes - to the principle of having a single planning and assessment framework brought together in a Single Child's Plan.

The bill does not propose altering existing statutory duties which place planning responsibilities on agencies for specific purposes e.g. ASL, CSPs. It is not clear how the duty for a single planning/assessment framework will address some of the difficulties which arise currently between different statutory planning requirements unless there are some alterations to the various Acts referenced in the bill.

There is a risk that a single plan could attempt to be all things to all people. For a relatively small number of children complex plans are required – for example in relation to permanency and we would not want to see this detail lost. Some children's plans have a number of functions. They can both outline the services and resources the child will need in the future, but also act as a record of decision making for the child in later life. A model involving an overarching plan linked in some cases to sub plans would be helpful. As an example, work is on going in Edinburgh to bring together ASL planning into a Single Plan approach.

22. How do you think that children, young people and their families could be effectively involved in the development of the Child's Plan?

There are a range ways already being applied to support children/young people and families in planning and in a range of settings. Involvement should be age and stage appropriate and there are already effective ways to do this.

Sharing and accessing expertise on better ways to support those with complex difficulties/ communication issues would be useful e.g. use of talking mats for young children.

Making sure meetings are solution-focussed and clear (no jargon).

Ensuring advocacy support is available when needed/requested.

Guidance would be welcomed on:

- how best to meaningfully engage with children and young people and their families/carers as 'equal stakeholders'
- a coherent interpretation on the capacity of a child to make decisions – varies from aged 8 (or 12 as proposed) in criminal proceedings, at any age for medical intervention (at discretion of clinician), aged 16 to make a placing request. This is important to assist better inter-agency working.
- ways to monitor the quality of the involvement of carers, parents, children and

young people in developing their plan

Guidance addressing these issues would promote greater consistency and quality of involvement in planning.

Access to training/development and sharing of good information would also be beneficial.

Right to support for looked-after children

23. Do you agree that care-leavers should be able to request assistance from their local authority up to and including the age of 25 (instead of 21 as now)?

Yes. Care leavers should be able to request assistance up to and including 25 and there should be a duty on local authorities and other public agencies to respond and provide services assessed as being needed. The proposed extension in responsibilities for this group of young people has resource implications for local authorities and potentially other agencies e.g. Health, and these need to be quantified. The nature of assistance expected would need to be clear.

The responsibilities on the local authorities for those who have previously been looked after need to be clarified.

Clarifying overlaps between legislation pertaining to children and adults so that there is a clear legal position for Care Leavers is needed.

Corporate Parenting

24. Do you agree that it would be helpful to define Corporate Parenting, and to clarify the public bodies to which this definition applies? If not, why not?

Yes. There needs to be a better understanding of and clarity about responsibilities and duties across all public bodies in relation to corporate parenting, and the duty to cooperate with the Local Authority.

25. We believe that a definition of Corporate Parenting should refer to the collective responsibility of all public bodies to provide the best possible care and protection for looked-after children and to act in the same way as a birth parent would. Do you agree with this definition?

Yes. Responsibility across partnerships is blurred at the moment so this needs to be clear in the definition. All community planning partners, integrated children's service and local neighbourhood/ local partnerships have collective responsibility.

Definition could be better phrased as 'best' care and protection instead of 'best possible', and linked to SHANARRI. The current reference to 'birth parent' is maybe a little cumbersome – it carries an assumption that all birth parents act in an ideal way. We would support the following definition;

'Corporate parenting is the collective responsibility of all public bodies to ensure that children who are looked after have their need for wellbeing met. This includes the provision of high quality care, education, leisure and social development opportunities, as well as after care support and training and employment opportunities. Corporate parenting should mirror the ambitions good parents have for their own children.'

Kinship care

26. Do you agree that a new order for kinship carers is a helpful additional option to provide children with a long-term, stable care environment without having to become looked after?

No. It is not clear what the proposed new order would add. Kinship carers can already apply for parental responsibilities under Section 11 of the Children's Act. Local authorities can secure children in kinship care placements which do not involve them in being looked after. Local authorities have existing powers to provide ongoing financial support for children who are subject to parental responsibilities under section 11.

The proposal implies more kinship carers want legislative security. This is questioned.

Kinship carers should be supported by the state where assistance is needed. Current provisions allow for this. As proposed, the new order would require more assessments, with new kinship carers under the order requiring financial support. The financial implications of the proposal need to be fully assessed and costed.

27. Can you think of ways to enhance the order, or anything that might prevent it from working effectively?

New order not supported. See above.

Adoption and permanence

28. Do you agree that local authorities should be required to match adoptive children and families through Scotland's Adoption Register?

No. This would not be seen as improving on the current position. The register is relatively new and is used as appropriate. Compulsory use would encourage more placements outside of local communities leading to issues with post adoption support. Compulsory use may also lead to delays in making placements.

The register could be better used for harder to place children and young people e.g. enabling more sensitive matched adoptions in terms of ethnicity, culture and disability.

Better foster care

29. Do you agree that fixing maximum limits for fostering placements would result in better care for children in foster care? Why?

Yes, but with caveats e.g. for sibling groups or where a placement breaks down, a child could return to a previous foster carer for a period of time.

Making a recommendation for a maximum for non-related children placements may be more appropriate but with option for flexibility. This would still allow for the ability for case by case assessment where the best interests of the child/ren are paramount and as well as allowing for the best use and matching of skills and capacities of carers.

30. Do you agree foster carers should be required to attain minimum qualifications in care?

No. Effective training and support for foster carers is more important than a qualification(s). Setting minimum qualification requirements will make it even harder to recruit foster carers and may risk losing existing ones.

The recruitment and assessment process currently provides training and support for foster carers. Supporting a more standardised approach to training for foster carers is good but this would need to allow for flexibility so that training can be matched to local policy/approaches/priorities.

A requirement for ongoing foster carer training and development, linked to the foster carer's and placement's needs would be supported. There may be a place for seeking children's views in this process to help inform the assessment of

development needs.

31. Would a foster care register, as described, help improve the matching by a local authority (or foster agency)? Could it be used for other purposes to enhance foster care?

No. The ability to increase the number of local foster carers and match children to foster carers in their local community would not necessarily be achieved through a national register.

Considering ways to increase the number of foster carers where there are shortages would be a more useful focus than developing a register.

A register for those who should not be foster carers (e.g. those who have been struck off) would be more beneficial than a foster care register for matching purposes.

Consideration should be given to SSSC registration for foster carers.

32. Do you think minimum fostering allowances should be determined and set by the Scottish Government? What is the best way to determine what rate to pay foster carers for their role – for example, qualifications of the carer, the type of 'service' they provide, the age of child?

Yes, in principle, however, there are resource implications which would need to be costed. Foster carers should be appropriately reimbursed for expenditure incurred as a result of being a foster carer and providing care for those placed with them but within the context of working within a budget (as with all households).

The setting of allowance rates through the Scottish Government would provide independent assessment of allowances and allow for more regular review. Rates would need to take account of local circumstances and needs.

Foster carers could be supported as part of the corporate parenting role e.g. through provision of leisure access cards, transport passes etc. (Feedback from Young People in Care Council, Edinburgh)

Assessing Impact

33. In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the legislative proposals in this consultation document may have on any particular groups of people?

The bill should have positive impacts for looked after children and other vulnerable children e.g. children under child protection, experiencing neglect and with disability. The assessment could draw on more evidence from, for example, school

census data, HMIE pupil and parent evaluations and post school destinations. All of these can be disaggregated by protected characteristics. We agreed with the identified barriers for inclusion for parents from minority ethnic communities and would welcome recommendations to address this.

The positive impact identified for women by increasing the early years workforce is by the same token a negative impact on men. There is an acute shortage of men in the early years workforce and this impacts negatively on children.

To ensure the intended impact there will be staffing training requirements, in particular, staff will need to be able to demonstrate sufficient knowledge, experience or understanding of disadvantage, diverse families and different cultural backgrounds.

34. In relation to the Equality Impact Assessment, please tell us what potential there may be within these legislative proposals to advance equality of opportunity between different groups and to foster good relations between different groups?

It is important not to lose sight of the needs and rights of specific equalities groups in the general focus on children and young people's rights.

Equality of opportunity would be enhanced if the bill was supported anti-poverty legislation.

35. In relation to the Business and Regulatory Impact Assessment, please tell us about any potential economic or regulatory impacts, either positive or negative; you feel the legislative proposals in this consultation document may have, particularly on businesses?

Some of the proposals could have significant resource implications, especially re foster carers, raising the age that care leavers can request support and increasing the number of early years and childcare hours.

There is the potential that by focussing resources on targeted areas, other effective evidence-based early interventions would not be supported as resources are diverted to new statutory requirements.

Thank you for responding to this consultation.

Please ensure you return the respondent information form along with your response.

The closing date for this consultation is 25 September 2012. Please return to childrenslegislation@scotland.gsi.gov.uk

or

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