

# Change and Continuity: Caring for Children and Young People

**Carole Wilkinson**

## **Abstract**

The article is the author's reflections on a working life in social care that has spanned over 20 years in Scotland, starting with the most recent as Chair of Scottish Children's Reporter Administration. It examines changes since the Killbrandon report, arguing that change has not fundamentally altered the original philosophy and has helped bring the Hearing System into the 21st century. Some of the changes have been about ensuring children, young people and their families can participate more fully in their Panel Hearings. It then goes on to highlight some of the work now in progress to further the aim of better hearings for all those involved. The article then looks back at the establishment of the Scottish Social Services Council and the registration and regulation of the social services workforce, covering some of the debates and arguments. It examines issues around the status of the workforce particularly residential child care staff, and what still needs to be done to achieve proper recognition for such a demanding and important role.

## **Keywords**

Children and young people, residential child care, workforce, participation, status and value

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## **The Hearing System**

An invitation to contribute to the journal provided an opportunity to reflect on a career working in the public sector for over 30 years which has included periods as a social work practitioner, as a senior manager of social work services, and the opportunity to set up the Scottish Social Services Council (SSSC). This was followed by positions as a non-executive on Boards covering health, education and child care, the particular highlights of which include setting up the Social Work Department in Falkirk, establishing the Scottish Social Services Council and my eight years as chair of The Scottish Children's Reporter Administration (SCRA). Those of us who work in public service do so because we want to make a difference, in my case to be part of improving the lives of children and families and those who are disadvantaged, and supporting and developing the workforce. In this article I intend to firstly say something about the Hearing System, its purpose, current focus and future plans. I will then reflect on the work to establish the registration and regulation of the workforce with particular reference to social workers and residential child care staff and finally I will reflect on where we are now as public sector workers.

It is remarkable to consider the longevity of the Children's Hearing System. Designed to serve society in the 1960s, it has survived amendments in the 1990s, tinkering in 2004, and legislative reform in 2011. For the most part these changes, apart from those in 2004, have continued to support the philosophy of the hearing system as set down by Lord Kilbrandon (Scottish Home and Health Department, Scottish Education Department, 1964). In acknowledging the soundness of the original report and legislation, it is important to acknowledge

the changes to the system, to see them as supporting it and not as attacks.

Resisting change, I would argue, undermines progress towards an appropriate approach to helping children and young people.

Society in 1960s Scotland was a very different society to today and it makes sense to have a system for the 21st century that reflects the current needs of children, young people and their families. It is particularly interesting to note that a system designed primarily to deal with children who offend now receives more referrals for children in need of care and protection. The vast majority of children and young people referred to the Reporter are for concerns about their welfare. In 2016/17 a total of 15,118 children were referred to the Reporter, 13,254 on non-offence grounds, and 2,995 on offence grounds, representing 1.7% of all children and young people. There has been an increase in the number of referrals of children aged two years and younger, suggesting perhaps a greater focus on early intervention and GIRFEC, the Scottish Government policy, Getting It Right for Every Child, having an impact? The overall number of referrals has been falling, through a combination of better early identification and assessment through pre-referral screening, allowing some families who need help to be given it without recourse to a hearing. This allows for greater attention to be given to those most in need of compulsory measures and at greater risk. The cases coming to the attention of the reporter are increasingly complex and challenging, recent research by SCRA sought to explore what this means in more depth (Woods, Henderson, Kurlus, Proudfoot, Hobbs & Lamb, 2018).

What makes this approach to children and young people so unique? It is the focus on welfare, the unitary nature of the system (dealing with those who

offend and those offended against as children in need), the forum that hears cases and the informality. The role of the Hearing is to balance the rights of adults and children with the clear focus on the welfare and best interests of the child being paramount. Our system in Scotland recognises the impact of family background, poverty, social exclusion, poor school attainment, not as excuses, but as factors in the child's experience. When it works well it allows for discussion, identifies the important issues, facilitates participation, and comes to good decisions about the best ways of helping children and young people.

I want now to look at some of the changes that have taken place or are planned as part of ensuring the System remains relevant and fit for purpose. I begin with three legal challenges McMichael versus UK 1995, S versus Miller 2001 and PR versus K and others 2010, all challenged the welfare versus rights debate and their outcomes and what constituted a fair hearing. The judgements led to the provision of panel papers and reports for parents, for children and young people, the provision of Legal Aid and broadened the scope of 'relevant person' to include an unmarried father and grandparents. The definition of a relevant person was a key debate in the drafting 2011 legislation (Children's Hearing (Scotland) Act 2011). Looking back it seems odd that it took so long to make what seem sensible and proper changes, ones that recognised the importance of the participation of children, young people and their families, and that this needed to be meaningful. This does, I maintain, chime with Kilbrandon. This only goes so far and there is still work to do to make reports and papers more accessible; they need to be shorter, written in plain English and in appropriate formats. Young people often complain that Panels rehearse their pasts, focus on the negatives rather than on progress, on their good points and what needs to

happen, so why keep producing reports, often lengthy ones, with lots of historical detail?

As I leave SCRA, work continues to develop information in formats that are meaningful, to encourage pre-hearing visits, to extend the programme of modernising hearing rooms across all localities, work with partners to create better hearings for all participants and the creation of a Young Peoples' Board now known as Our Hearings Our Voice. This programme of work is all designed to ensure the Hearing System helps children and young people to really feel part of their hearings ([Children's Hearings Improvement Partnership](#)).

One piece of work undertaken during my period as Chair of SCRA took me back to my work with the Scottish Social Services Council (SSSC), this was the creation of a Diploma and a specific training and qualification programme for Reporters, a recognition that the role of the Reporter is an important one and needs to be carried out by an appropriately qualified professional.

Scotland took a very bold step in the mid 1990s when it embarked upon the registration and regulation of the care workforce. Following consultation, it was agreed to extend the workers to be registered beyond social workers to include, amongst others, those in residential care, day care, early years workers, housing support and to encompass those in managerial and supervisory roles. It is important to note that residential child care workers were initially included as their roles were considered as important as fieldwork staff. Registration required workers to hold a qualification or to be working towards gaining one, a significant step towards having a fully qualified social services workforce and to recognising that the work they do is skilled and of value.

When the Register opened in 2003, other than social workers, only a small number of social services staff held a qualification and one of the early tasks of the SSSC, in consultation with stakeholders, was to set a timetable for groups of staff to be registered and then to agree the relevant qualification requirements. Residential child care workers were the second group to be registered following social workers. By 2016 there were 90,000 registered social services workers.

Early investigation into the educational background and qualifications of residential child care staff indicated a mixed picture of staff with few school-based or professional qualifications. This reflected their status despite the difficult and demanding job they do, and is very different when compared to similar workers in parts of Europe, such as, Scandinavia where they are seen, much like teachers, as respected professionals and paid accordingly. One of the challenges of registration and regulation is to raise the profile and standing of those who work in care services, many of whom are women on low pay.

In those early years of registration there were lots of debates about what Scottish Vocational Qualification level should be set for key staff, with arguments that the bar was being set too high, or too low, that SSSC was not sufficiently rigorous or aspirational. All of this was set against a backdrop of fears that staff would not be able to achieve the necessary qualification, that they would leave, placing pressure on service delivery and stability, that resources were limited, that qualified staff would demand more pay and there were even those who questioned why certain staff needed a qualification. Whilst the path to a fully qualified workforce, one that is recognised and valued, remains aspirational, many of the fears have not been realised. Staff have worked hard to achieve their qualifications and over time the bar has been raised, for example, in the

early years sector. There has not been a mass exodus of staff but resources remain stretched and recruitment and retention a source of concern. The latter, I would argue, as much to do with the nature of the work, how well staff are supported and the levels of pay and less to do with needing to register, and being subject to regulation.

Alongside the work to register and regulate workers, the SSSC has done extensive work to develop training and education materials, to promote professional development and to embed learning in the workplace. There is still much to do in this area and there remains the task of raising the profile of the workforce, gaining proper recognition for an important and difficult job.

The profession is helped by the voices of those who receive services and their many campaigns. One example is Who Cares? Scotland and the work they have done to highlight the experiences of being looked after, of frequent changes of school and what this means for children's education, what it's like attending a Hearing, and their expectations of residential care. Speaking out is having an impact and has influenced the setting up of a review of the child care system particularly looking at how we might deliver better residential care services to children and young people. Any recommendations will need to consider those who work in the service and how things can be made better for them. I strongly believe the route to quality services is by having a well qualified workforce, with opportunities for continuous professional development, one that is properly supported and valued and appropriately remunerated.

## About the author

Carole Wilkinson has spent over 30 years working in the public sector in England and in Scotland. She came to Scotland in 1995 to take up the post as Director of Social Work in Falkirk then moved in 2001 to become the first Chief Executive of the Scottish social Services Council, the body set up to register and regulate the social services workforce. Since her retirement in 2009 she has served as a Non-Executive on public boards, this has included chairing the Board of Children's Reporter Administration and positions on NHS Education and the Scottish Qualifications Authority.

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