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Short Article

Keeping The Promise in regulation: Our revised approach to how we regulate and inspect services for children and young people

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Abstract:

The Care Inspectorate is the regulator for care homes for children in Scotland. We are on a journey of change to ensure that The Promise is at the heart of the regulation and inspection of individual services for children. This article will outline our revised approach to what we look at when we are assessing services and why. It will also outline the main changes we have made to our key question 7 inspection framework and the process we used to inform the changes. These key messages were shared in an online session in April 2024.

Introduction

The Independent Care Review (The Promise) was published in Scotland in 2020. This was, and continues to be, a groundbreaking review, driven by those with experience of care. The review was announced by Scotland's First Minister in 2016 as a root and branch review of the care system. The review was radical in the way it was undertaken, with time taken to engage meaningfully with children and adults with experience of care. The chair of The Independent Care Review in her introduction (2020, p. 4) writes of an unwavering commitment to making sure the care experienced community would be at its very heart. This approach has given the review authenticity and galvanised widespread support to move forward in Scotland with the necessary changes outlined.

The Promise (2020) highlighted that if children are not able to live with their families, then the focus of their care must be on building childhoods that are underpinned by loving relationships, fun, play, education, and opportunity. The



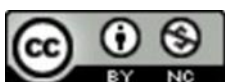
Care Inspectorate has tried to capture these messages in our inspection methodology, which looks at the extent to which children and young people are safe, feel loved, and get the most out of life; and that leaders and staff have the capacity and resources to meet and champion children and young people's needs and rights. One of the key drivers in developing this methodology for residential childcare services in Scotland was, as The Promise (2020, p. 119) asked us to do, 'prioritise the quality of relationships experienced by children, not the processes that surround their care'. The Promise (2020, p. 119) also stated that 'the rights of children must be at the heart of a new framework so that all services, settings and professionals understand that it is their responsibility to uphold and promote children's rights'.

The Care Inspectorate are committed to playing our role in ensuring The Promise is kept. Meaningfully taking on board what The Promise has asked us to do requires careful consideration and a collaborative approach. Some processes, including those we call core assurances (2024b), are integral to the prioritisation of the quality of relationships children experience, minimising risks to their safety, and to upholding their rights. In our approach to how we revised our inspection framework we wanted to be clearer about some of these intricacies, complexities and links. We wanted to be more explicit and aspirational in terms of children's rights, ensuring our inspection framework helps services with self-evaluation and reflection.

Promise Plan 24-30 (2024) has helpfully built on The Promise and identified the major bridges and barriers needed to keep it. In terms of scrutiny, the plan notes, regarding what Scotland needs more of, 'that scrutiny bodies must review if scrutiny leads to and enables reflection and improvement'. Our work to review and refresh our inspection framework supports this. Plan 24-30 has also stated that there should be greater focus on outcomes and experiences, rather than compliance and minimum standards. The plan further identifies risks, and the section 'What Scotland Needs Less Of' identifies 'tolerating high levels of risk in the absence of a skilled and confident workforce'. The Scottish residential childcare sector in 2024 faces challenges including recruitment and retention pressures. Navigating this territory as a regulator charged with public assurance is complex, fast paced, evolving, and at times difficult. We will describe the approach we have taken so far, upon which we will continue to build.

Supporting improvement through quality frameworks

Since the introduction of Scotland's Health and Social Care Standards (Scottish Government, 2017), The Care Inspectorate has adopted an approach to inspection that prioritises the outcomes of people receiving care and places a greater focus on supporting improvement (Okasha, 2017). The quality frameworks, which launched in 2019 for children and young people's services, are arranged around a set of key questions and quality indicators. The frameworks are a key driver in how The Care Inspectorate supports



improvement within regulated care services (2024a). Key question 7, comprised of quality indicators 7.1 and 7.2 (2022), was introduced in 2022. It represents a distillation of the range of key questions included in the quality frameworks for children and young people's services. This shift led to adopting a streamlined methodology where inspectors only report on one or two quality indicators relating to a single key question. So, we have to be confident we are looking at the things that matter to children and young people and those that support good outcomes and experiences. We understand that distilling in this way means we need to be clear with services about what we think are the components that lead to evaluations of very good or weak. Our quality illustrations, which are part of the revised key question documentation, aim to do this.

Review of key question 7

Having introduced key question 7 at pace, it was agreed in 2023 that The Care Inspectorate's methodology team would undertake a review of the document and overall approach. The aim of this work was two-fold. Firstly, we needed to establish whether this approach had helped achieve our objectives, which were to:

- produce a more proportionate regulatory footprint, affording services space to focus on recovery and development as we transitioned out of the pandemic,
- prioritise the quality of relationships experienced by children, not the process surrounding their care, and
- support engagement with more children and young people, through visiting more services.

Secondly, we sought to identify whether the current key question 7 documents were capturing the principles of The Promise, as well as pinpointing what was important to children and young people experiencing care.

As the focus of this work was narrow, and we were undertaking a refresh rather than introducing something new, we carried out a proportionate level of stakeholder engagement, involving our inspectors, staff working in services, and young people with previous experience of care. Findings from our engagement work demonstrated that there was broad support for the key question 7 methodology. People told us that it helped prioritise the relationships children and young people experience and that some parts of our inspection process seemed more proportionate. We were able to engage with many more children and visit more services, following the lifting of limitations the pandemic imposed on our work. People advised us of ways in which our methodology could be further developed, including providing clarity on how we assessed some of the processes relating to children and young peoples' care and how we used these to evaluate outcomes. In addition, it was argued that we could make some changes to the quality indicators to more closely reflect The Promise principles.



Updating key question 7

Taking the engagement findings into account, we have revised the content of our key question 7 documents. Firstly, we provided more context around the processes that we evaluate during our inspections. These are what we refer to internally as the 'core assurances', which 'guide providers on the areas that are important to people's safety and wellbeing as well as identifying any potential risks to outcomes for children and young people' (2024b, p. 7). The revised key question 7 document contains a descriptor for each of the core assurances. We introduced this to be more explicit about the aspects we look at when we visit services, to ensure that strong foundations are embedded within services.

We recognise that there is an inherent contradiction in prioritising outcomes and relationships while also providing a list of processes that services should have in place. We explain this to providers as,

quality inputs and processes are a key driver for good outcomes and minimising the risks to poor outcomes, which is why we examine these core assurances at every inspection. Our focus is on the effectiveness of these in delivering good outcomes and minimising the risk of poor outcomes.
(2024b, p. 7)

In addition, our internal guidance for inspectors provides support with proportionality and how to balance the quality of processes with the quality of outcomes. Plan 24-30 (2024) articulates that as part of the foundation, people will have the skills they need to do what is required of them in their day-to-day jobs. We see our core assurances as linking to what children and young people need day-to-day in services to ensure they experience a good childhood.

Secondly, we strengthened some of the content of the quality indicators and the illustrations within them to ensure they were more fully reflecting children and young peoples' rights and the expectations of The Promise. We reframed and changed the language in the quality illustrations that are part of the key question 7 documents. The aim of including these examples is to help services understand their current positioning. Can they see what they provide to children and young people reflected in what is described in the illustration for 'very good'? If they do, this is reassuring and confirms they are mainly on the right track. Staff and managers working in services told us they find this helpful, and the quality illustrations help them understand what they might need to do to improve. We wanted to further support them in this journey of improvement and better link this to the messages in The Promise.

In the revised and refreshed quality illustrations, in line with The Promise aspiration that Scotland strives to become a nation that doesn't restrain its children, we have been clearer about the impact of children both experiencing and witnessing restraint. 'The significant risk of young people experiencing trauma from being subject to or witnessing restraint is minimised by a culture,



policy and practice which progressively reduces the likelihood of this' (2024, p. 13). We know that the issue of restraint and restrictive practices in residential childcare settings is complex, and making effective, positive cultural changes to ensure restraint and restrictive practices are only used to enhance the safety of children and young people can be difficult. Young people told us that this was an issue they felt strongly about, and that they wanted us to be explicit in our support to services around this.

Another very clear message from The Promise related to the importance of children sustaining relationships with their families and people that are important to them. Feedback from children and young people reiterated this was something that had the potential to make a huge difference to their lives. The Promise emphasised the specific importance of sibling relationships and the profound pain that can result if these relationships are not nurtured. In the illustration for very good services, we have therefore been more explicit about this. 'Meaningful connections to family, including siblings, friends and the community are championed, fostered and sustained' (2024, p. 15). This clarity about the critical importance of these relationships to children and young people will hopefully contribute to the articulation in Plan 24-30 that 'when the promise is kept, the relationships that are important to children will not be affected by their experiences of care and they can keep in touch whenever it is safe to do so'. The inclusion of safety in this context is important and demonstrates the complexity of supporting all the rights of children, including safety and protection. This is another part of the rationale for The Care Inspectorate having a core assurance about children being kept safe.

The Promise highlighted the importance of children and young people being supported for as long as they need support. We have tried to capture this and the importance of enduring relationships in our illustration: 'There is an enduring commitment to children and young people staying in the service as they become an adult. This is clearly reflected in planning, policy, advocacy and enduring relationships and support' (2024, p. 15). Plan 24 -30 helpfully expands and reiterates that for The Promise to be met,

[r]esidential care settings will be supported and resourced to keep places open for children and young people in line with continuing care legislation. Scotland will ensure this does not end when children and young people do not want and are not ready to leave.

This confirms that our evolving methodology is on the right track and that individual services are working towards the wider policy agenda and aspirations.

As a further demonstration of The Care Inspectorate's commitment to ensuring The Promise is kept and to taking a partnership approach, the very good quality illustration for 7.2 clearly references and supports the need to move forward in line with The Promise: 'Leadership and improvement activities drive forward how the Promise will be met. This is underpinned through the effective



implementation of both child-centred care planning strategies and sustained service development' (2024, p. 18).

We recognised that the residential childcare sector was experiencing high levels of challenge and providers were keen for additional support from The Care Inspectorate. With this in mind, we took the opportunity to develop a range of toolkits that can support services to monitor and evaluate the quality of children and young peoples' care and support. The self-evaluation toolkits, and accompanying guidance (Care Inspectorate, 2024c) underline our commitment to supporting improvement in services. Each tool is designed to help services evaluate key areas of practice and identify any areas for improvement that they can take forward to enhance the quality of children and young people's care and support. To provide additional support to the residential childcare sector, we held a webinar (Care Inspectorate, 2024d) to launch the revised key question 7 documents. At this event, we also provided some support and guidance around the use of self-evaluation in residential childcare services.

Conclusion

This article has highlighted the changes The Care Inspectorate have made to our inspection framework. We have shown that we have responded to feedback. As a result of this feedback, we have included the core assurances in the key question 7 documentation. This shows transparency. We want services to anticipate what we will be looking for when we inspect them, and that we will continue to look at core assurances. We have tried to show that core assurances are about the foundations of good care, supporting positive outcomes for children. They also reduce the risk of poor outcomes and demonstrate that services we evaluate as very good are likely to be able to sustain positive outcomes for their children and young people. We have outlined the changes made within the quality illustrations and shown how they link to the aspirations of The Promise and the helpful route map in Promise Plan 24-30. We are delighted that this work was recognised within Plan 24- 30, as follows:

Changes have been made to the questions asked as part of the inspection of regulated children and young people's services. This has resulted in creating a more balanced regulatory footprint to support services recovery and development post pandemic. These questions (Key Question 7) prioritise the quality of children's relationships over care processes and increase engagement with children through more service visits.

We understand that there is more to do, and we are committed to working in partnership to support services and to implement the aspirational change agenda we are all committed to.



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About the authors

Mary Morris qualified as a social worker in 1990. Mary has worked in and managed a number of residential childcare settings. Mary's substantive post is as a team manager within the children and young people's team at The Care Inspectorate. Mary is currently covering the service manager post for the children and young people's team.

Anthony O'Malley is the senior methodology adviser at The Care Inspectorate. The role of the methodology team is to coordinate the development and enhancement of The Care Inspectorate's scrutiny and assurance approaches, and to develop and support the implementation of new approaches. This means putting in place frameworks and tools to support our inspectors and help drive improvement in the services we regulate. Anthony's background is in third sector care services for children and young people aged 5-16 and the development of early years and school-aged childcare policy at a national level.

