

Children's Hearings Scotland (CHS) Response to the "Future of Foster Care" Consultation

Although Children's Hearings Scotland (CHS) does not have any operational responsibility for the delivery of foster care services, we welcome the opportunity to respond to this consultation as many of the children that attend a children's hearing will have experience of foster care. A children's hearing is a legal tribunal comprised of Panel Members who make decisions as to whether compulsory measures of supervision are required for children in need of protection, or whose behaviour puts themselves, or others, at risk of harm. The statutory role of CHS is to recruit, train and support Panel Members, to ensure that high quality decisions are made which will improve the outcomes for children within the care system in Scotland.

Children's hearings protect and uphold the rights of children in accordance with United Nations Convention on the Rights of the Child (UNCRC). The Scottish Government needs to ensure there are enough foster carers to meet demand with the necessary skills, knowledge, and support to provide high quality care to children when they need it. As clearly outlined in *The Promise*¹, remuneration, respite, and levels of responsive support provided, ongoing training and quality assurance will likely be key factors in improving high quality foster care provision for children in Scotland.

As part of its commitment to keeping *The Promise*, CHS supports the position there must be safeguards in place to avoid the monetisation of the care of children and prevent the marketisation of care. Foster care provision must be designed and delivered with the primary focus being the best interests of the child. CHS recognises the challenges resulting from a shortage in foster carers recruited, trained and supported by local authorities who often have to source foster care provision for children via independent fostering agencies, often sometimes requiring children to move out of their local area.

A key proposal within this consultation is that children in need of foster care should be kept in their local community wherever possible and multiple moves, which can destabilise a child and further traumatise them, should be minimised. There is compelling evidence that multiple moves and placement

¹ <https://thepromise.scot/>

instability is a predictor of negative development outcomes for children and young people². CHS fully support any work to address the availability of stable, foster placements in a child's local community so they can maintain friendships and key relationships which lead to better outcomes.

Evidenced-based research cited by The Fostering Network UK concludes if foster carers are not equipped with the necessary knowledge, skills and financial support to undertake their critical role in meeting the needs of vulnerable, often highly traumatised children, there is a risk that placements may breakdown³. Therefore, CHS supports the Scottish Government's proposal to develop bespoke trauma training and resources to ensure alternative caregivers are trauma informed. CHS have worked extensively to increase Panel Members training and awareness in the area of adverse experiences and the effects of childhood trauma through partnership with NHS Education Scotland. A bespoke training offer was created which now forms part of mandatory training that all Panel Members must complete. All foster carers must be provided with bespoke, high quality training to ensure they can provide the best possible care to the children they look after.

There needs to be national consistency in terms of recruitment, training and support of foster carers to ensure any child in need of foster care can access high quality care that is, as far as practical, in their local area. It is important to ensure there is appropriate capacity amongst the foster care provision to enable brothers and sisters to be cared for together. Children's hearings respect, protect and uphold the rights of children to maintain relationships with those who are important to them, taking into consideration the United Nations Guidelines for the Alternative Care of Children, Guideline 17⁴, "Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests."

² [Maguire, Darren & May, Keziah & McCormack, David & Fosker, Tim. \(2024\). A Systematic Review of the Impact of Placement Instability on Emotional and Behavioural Outcomes Among Children in Foster Care](#)

³ <https://www.thefosteringnetwork.org.uk>

⁴ <https://www.alternativecareguidelines.org>

Foster carers are often a child's primary carer for a substantial period of time. They develop close relationships with children in their care and have a unique insight into the emotional wellbeing of children and their typical behaviours. CHS believe this knowledge to be crucial and strongly support foster carers having a right to participate in decisions and care planning for all children that they care for. This could be enhanced by broadening the definition of a Relevant Person within the Children's Hearings System being expanded to allow for long-term foster carers or kinship carers to be given automatic Relevant Person status or participation rights, which would secure their right to participate fully in a child's hearing and care planning.

CHS agrees that foster carers play a critical role within Scotland's care system. It wholeheartedly supports investment and innovation to raise the profile, importance, status and recognition of foster carers. CHS acknowledges the recent Scottish Government investment via The Promise Implementation Plan to ensure families, including foster families, get the right support, in the right way and at the right time.

In October 2024 Children's Hearings Scotland was proud to become accredited as a Fostering Friendly employer in a programme run by the Fostering Network to help organisations actively support fostering and foster carer employees. CHS values the contribution that foster carers make to society and would encourage the Scottish Government to take steps to support other organisations in Scotland to become Fostering Friendly employers who recognise the need for flexibility in a person's working arrangements when they also undertake a fostering role which is crucial to supporting Scotland's children and young people that are in need of care and protection.