



Staying Together and Connected:
Getting it Right for Sisters and Brothers

National Implementation Group Final Report

June 2023

Staying Together and Connected National Implementation Group members:

- Dawn Abell, Scottish Government (Co-Chair)
- Heather Ottaway, Centre for Excellence for Children's Care and Protection (CELCIS) Co-Chair
- Lizzie Thomson, CELCIS Co-Chair until January 2023
- Alistair Hogg, Scottish Children's Reporter Administration (SCRA)
- Angie Gillies, Association for Fostering, Kinship and Adoption Scotland (AFKAS)
- Craig Kellock, Scottish Government (Analyst)
- Debbie Silver, Scottish Government (Secretariat)
- Edward McKim, Childrens Hearings Scotland (CHS)
- Gill Short, Scottish Children's Reporter Administration (SCRA)
- Hannah Graham, Scottish Government (Policy)
- Jacqueline Cassidy, Fostering Network
- Jillian Gibson, COSLA
- Jim Wallace, Aberlour
- Joanna Duff, Scottish Social Services Council (SSSC)
- Karen Morrison, Siblings Together and Reunited (STAR)
- Karin Heber, British Association of Social Workers (BASW)
- Kate Richardson, Scotland's Adoption Register
- Katy Nisbet, Clan Childlaw
- Laura Pasternak, Who Cares? Scotland
- Linda Richards, Perth and Kinross Council
- Liz Nolan, Aberlour
- Mary Morris, Care Inspectorate
- Rhona Pollock, AFKAS
- Sara Smith, Fostering Network
- Susan Fountain, Scottish Government (Secretariat)
- Thomas Carlton, The Promise
- Vivien Thompson, Social Work Scotland

Background

Relationships between siblings are uniquely important. For many, they are among our most enduring, significant, and lifelong relationships. As highlighted in *The Promise*¹, contact with the care system has led to separation between brothers and sisters for too many children in Scotland. Despite an existing (pre-2021) legal presumption² that children will stay together with their brothers and sisters in care wherever appropriate, research evidence³, and the powerful testimony of care experienced people, underscore that separation and estrangement continues, with profound lifelong consequences for many sibling relationships.

A collective commitment to change this was behind the enactment of legislative changes in 2020 and 2021⁴ to strengthen the law and protect children's rights to maintain their sibling relationships.

To aid in understanding the complexity of this work and in supporting the implementation of these legislative changes and the national practice guidance accompanying them, a Staying Together and Connected (STAC) National Implementation Group was established in November 2021. Four short-life-working-groups were also established to drive forward focused work on areas in need of particular attention, namely:

- **Learning, development and leadership** – to promote implementation and knowledge of the legislation at all levels within the workforce and in particular to those who have responsibilities to lead on and assess, plan and support sibling relationships.
- **Scaffolding and infrastructure** – to explore how structural and cultural barriers to keeping brothers and sisters together and in touch are being, or could be, overcome.
- **Legal matters** - to identify experienced and potential difficulties in the effective, consistent interpretation and application of the legislation.

¹ Independent Care Review (2020) *The Promise*. Independent Care Review. p62

² Under the Looked After Children (Scotland) Regulations 2009

³ Jones, C. & Henderson, G. (2017) *Supporting Sibling Relationships of Children in Permanent Fostering and Adoptive Families*. Glasgow: University of Strathclyde; Jones, C., Henderson, G. & Woods, R. (2019) 'Relative strangers: Sibling estrangements experiences by children in out-of-home care and moving towards permanence', *Children and Youth Services Review*, 103, 226–235; Cusworth, L., Hooper, J., Henderson, G., Whincup, H. & Broadhurst, K. (2022) *Born into care in Scotland: circumstances, recurrence and pathways*. Edinburgh: Scottish Government

⁴ Children (Scotland) Act 2020 and Looked After Children (Scotland) Amendment Regs 2021

- **Data** – to understand the impact of the implementation of legislation and guidance on children’s experiences of staying together and connected with their brothers and sisters, and develop a baseline to measure improvement over time.

The short-life-working-groups benefitted from the insight and feedback of children and young people with lived experience to shape their work through a small participation project led by Who Cares? Scotland. Sixteen care experienced children and young people aged 6-27 years (majority aged 6-20) from a range of care settings took part in the project.

This report is intended to **summarise the work of the group, the progress made, and the priorities for further work in the immediate, medium and longer term**, for Scotland to continue on its journey to ensure brothers and sisters with care experience stay together and connected.

Context

The aspirations of the legislation, national practice guidance, and the STAC group are high. They reflect a commitment, set out in the Promise Plan 21-24 and from national and local partners, to ensure that wherever appropriate, care experienced children in Scotland will live with their brothers and sisters. There is an intent that whether children live together or apart, their sibling relationships will be supported to flourish and reach their lifelong potential. Children and young people have a right to express their views and for these to be taken into account when Local Authorities are making plans for them and their siblings.

These aspirations for brothers and sisters align with, and are encompassed by, a wider and equally strong vision of change across the whole landscape of support for children, young people and their families, as Scotland works to implement the UNCRC, GIRFEC and #KeepThePromise by 2030, as well as establish a National Care Service and a National Social Work Agency. This is a vision where all families (always keeping as the paramount consideration each child's best interests) are supported to stay together, are involved and listened to when decisions affecting them are made, and where love and relationships are at the heart of all forms of care and support.

This provides a strong foundation for change. However, it must be acknowledged that there are factors within the wider environment which challenge our collective desires and ambitions to fully implement the level of change needed to support brothers and sisters to stay together and connected.

The work of the Independent Care Review highlighted how important sibling relationships are to children's health and well-being, and this underpinned the commitment of the National Implementation Group to see consistent good practice across the country in this area.

A small participation project, led by Who Cares? Scotland, informed the work of the group, and demonstrated that practice is currently inconsistent and impacted by a range of factors. Implementation requires a skilled and supported workforce, equipped with the knowledge, experience, and dedicated time to assess and support children's sibling relationships, and ensure children are aware of their rights and able to access them. It requires:

- sufficient numbers of skilled carers (whether foster, kinship, residential, or prospective adopters), with the right support and resources to enable them to care for children together with their siblings.
- access to suitably sized and affordable housing where children can live together with their brothers and sisters.
- carers supporting children and young people who live apart to have the skills, commitment and practical resources to make sure these brothers and sisters spend quality time together.
- child-friendly places and spaces to be accessible for children who live apart from their siblings to spend quality time together.
- accountability, with monitoring of how siblings rights are being experienced, and remedies to address breaches of rights.

At a time when recruitment and retention of the social work workforce⁵, and of carers⁶, is particularly challenging, and in a context of a housing, public sector resource, and cost of living crisis, these barriers to meeting our

⁵ Miller, E. & Barrie, K. (2022) *Setting the Bar for Social Work in Scotland*. Edinburgh: Social Work Scotland

⁶ [Recruitment targets foster carers; The Fostering Network](#)

aspirations consistently, for all children, are increasingly challenging to overcome.

Whilst acknowledging these challenges, this report identifies areas of progress, priorities for further work, and tangible actions to enable progress to continue over the immediate, medium (in line with The Plan 21-24) and longer (in line with work to #KeepThePromise by 2030) term. No one organisation can do this work in isolation, we must work collaboratively as everyone has a role to play. National and Local Government leadership is crucial and this summary identifies priority actions for the Scottish Government and Local Government to consider across a number of areas.

Priority areas of work and recommended next steps

Five priority areas of work are identified. These are:

- People, culture and practice
- Connections and staying connected
- Rights
- Housing
- Understanding impact and lived experience

Whilst these areas are presented as distinct, there are interconnections between them, and as such, work in one area is likely to influence others.

People, culture and practice

Underpinning the realisation of the ambitions for brothers and sisters in Scotland is the availability of a skilled, knowledgeable, and supported social work workforce, with access to sufficient resources and time in their workload to implement the legislation and guidance, and support families and carers to nurture and support sibling relationships.

This requires workforce planning, resourcing, training and support. In the current context of a recruitment and retention challenge within the children and families social work workforce, this is particularly difficult and will have implications for on-going training and development. In the immediate term, social workers experiencing practice challenges, or seeking to reflect and

learn from others, will benefit from supportive, reflective and solution focused spaces to share and develop practice.

There are varying levels of knowledge and understanding about the legislation and guidance across the broader workforce whose roles place them in contact with children and families in Scotland. Whilst there is a need for learning and development for all, different levels of learning are required commensurate with differing practitioner roles. In recognition of this, **a tiered Learning and Development Framework has been produced by the 'Learning, development and leadership' short-life-working-group, and signed off by the National Implementation Group, which sets out the knowledge, skills and abilities required at three levels (aware, informed, enhanced)**⁷.

This ranges from a basic understanding by the public that, for example, a sibling can be someone one shares a parent with, but also those with whom one has 'sibling-like' relationships; up to the enhanced skills and capabilities that a social worker requires to assess, plan and intervene to support sibling relationships in the context of early-life trauma; or to assess a carer's capacity to care for siblings together, and prioritise and support relationships where siblings live apart.

Embedding a culture which values and prioritises children's sibling relationships is crucial, and the voices of those with lived experience of care significantly contributed to the development of the legislation and guidance through the Independent Care Review.

Young people's views involved in the participation project informing the work of the National Implementation Group amplify the need for cultures and attitudes which uphold sibling rights. Many of the children and young people were not aware of their rights, and they highlighted the role of advocacy workers in helping ensure that these rights were understood.

All practitioners and others involved in caring for children directly or indirectly should understand the legislation and support children to ensure their rights are understood and upheld. The children and young people also strongly advocated for broader public education around care and

⁷ A copy of the Learning and Development Framework is included as Appendix 1

experiences of care, including upholding sibling rights, as a means of shifting culture.

Local authority feedback reflects the positive impact of ensuring sibling relationships feature in strategic and corporate parenting plans, and the focus brought by accountability measures, such as reporting templates which require specific attention on children's views of their sibling relationships.

First priorities (immediate)

- Ensure that all stakeholders, including Scottish and Local Government, undertake awareness-raising and capacity building about the legislation and guidance in relation to siblings staying together and connected, and highlight the work that is already taking place.
- Scottish Government to lead on identifying and supporting stakeholder(s) to establish and host an online Community of Practice for social work practitioners to share learning, reflect, and share ideas/solutions to overcome practice challenges relating to supporting siblings to stay together and connected.
- Scottish Government to lead on identifying and supporting stakeholder(s) to scope existing materials, and assess the need for development of new training and learning materials required to implement the tiered Learning and Development Framework. Alongside this, in partnership with stakeholders, Scottish Government to lead scoping of wider strategic, cost, delivery, and any legislative implications associated with implementing the framework.

Medium term (completed by end 2024)

- Ensure the needs of siblings are held as a key consideration in connected areas of work led by the Scottish Government, for example, the Kinship Care Collaborative; wider work by the Government to consider the future of foster care and adoption, including any recommendations such as recruitment of foster carers; and national attention being given to the recruitment, retention and training and development of the social work workforce.
- In partnership with stakeholders, Scottish Government to coordinate the development, pilot, evaluation and roll-out of the Learning and

Development Framework, ensuring this is linked to the development and establishment of the wider advanced practice framework, as well as other multi-agency partners (e.g. education, legal) as appropriate.

- Local government to review practices to ensure a consistent focus on sibling relationships in local reporting, and within regular social worker reports (e.g. children in need and child protection reports).
- Consider a focus on sibling relationships when the Scottish Government is preparing the next report to Parliament on the progress of Corporate Parenting (due 2024).

Longer term (completed by 2030)

- Scottish Government Local Government and The Promise Scotland to lead on monitoring progress and continually supporting implementation to consolidate the actions above, and ensure full integration with all work to #KeepThePromise focused on ‘Supporting the Workforce’.

Connections and staying connected

There is strong commitment within the social work workforce to ensuring that children retain relationships with brothers and sisters (and (re)establish where this is necessary). This includes with those whom children have a sibling-like relationship, but who may not be a blood relative. This not only requires the assessment, planning and intervention skills outlined previously, to enable sibling relationships to flourish (whether children live together or apart), but importantly requires consistent approaches to understanding and mapping key relationships for children within the dynamic context of their often-complex lives and family structures.

Rather than a robust assessment of such relationships taking place only at the point of permanence decisions, this should begin at the point at which children become known to social work services. The development of a national tool, based on the GIRFEC framework, to ensure social workers can approach this consistently and comprehensively, and understand the value of relationships to the child, how and whether these change over time, and how this is part of the child’s life story would be beneficial.

The care experienced children and young people who took part in the participation project highlighted the central importance of maintaining relationships with their brothers and sisters, and that a number of principles should underpin the time they spend together. These included that time spent together should be fun, there should be choice around how to spend family time together, and it should focus on normality, privacy and having enough time.

Where brothers and sisters do not live together, supporting them to keep in touch and spend time together in the best way for them is a priority. Successfully doing so relies on a number of factors including:

- fully listening to the views and needs of children
- clear planning
- prioritising time and resource to ensure time together is well supported
- active support from carers/families to support relationships between brothers and sisters who don't live together
- carers/families developing positive relationships to plan and facilitate natural child-centred time together
- availability of spaces and places to spend time together if not possible to do this within the child's home.

First priorities (immediate)

- In partnership with stakeholders, Scottish Government to lead the scoping and development of a relationships mapping tool, including reviewing current tools in use in a range of settings. Support to utilise the tool, ensuring that children's views are integral, should be part of this work. Scoping and development includes the design of the tool, how to use the data it captures, and strategic, cost, delivery, accountability, and any legislative implications of introducing it. This should take place alongside (and integrated with) the development of other GIRFEC assessment and planning materials already in progress, or planned.

Medium term (completed by end 2024)

- In partnership with stakeholders, Scottish Government to coordinate work to build, pilot, evaluate and roll-out the relationships mapping tool.
- Through Scottish Government led work to implement the tiered Learning and Development framework cultures will shift to ensure that corporate parents pay attention to logistical factors such as leisure opportunities and spaces which enable and support children to meet together and have fun at times which suit them.

Longer term (completed by 2030)

- Scottish Government to lead on monitoring progress and continually supporting implementation to consolidate the actions above.

Rights

The legislative changes for brothers and sisters, and national practice guidance, are underpinned by a commitment to respecting and upholding children's rights, always holding at the centre of decision making the paramount consideration of the child's welfare. Further concerted action is required to ensure this commitment is fully and consistently realised, so all children have their rights to respect for family life upheld.

This includes their views being actively and sensitively sought, heard, listened to and respected in relation to their sibling relationships; support to understand why decisions have been made; keeping in touch with brothers and sisters if they live elsewhere wherever appropriate; and to know what they can do if they feel any of these rights are not being respected.

The effective application of these principles requires clarity and consistency in understanding the legislation and guidance. This is particularly so for those responsible for putting in place children's plans and in decision making. For planning and decision making to be needs driven, there must be available resources to support this.

Some young people also spoke about the challenges they know their social workers are facing around capacity to fulfil their rights, including high caseloads and having a significant number of social workers in a short time period. The young people felt that these issues affect their ability to build and maintain consistent relationships with their social workers, and that ensuring high quality family time together with brothers and sisters was not able to be prioritised.

As well as proactive work by duty bearers to uphold children's rights, children and families require support to understand their rights in order to exercise them effectively. For all, this requires access to information, for many this may also require advocacy, and for some, child-centred legal support.

First priorities (immediate)

- In partnership with stakeholders, Scottish Government to lead the development of broader public awareness of the importance of relationships and rights of brothers and sisters across Scottish society, as part of existing (and any new) public awareness campaigns at a national and local level. Reference should be made to the impact on mental health and wellbeing and the benefits of sustaining the relationships. Additionally, there should be reference made to the trauma which can result for some care experienced children where sibling relationships have been neglected.
- Through consultation with relevant stakeholders, Scottish Government to provide a clearer definition of terminology used in legislation and guidance. The varied interpretation of this can lead to children's rights being inconsistently upheld. There must be a wider understanding of the impact of other legislation and policies needed for the effective delivery of the commitment to siblings. This includes, but is not limited to, the availability of resources (such as experienced practitioners to assess and support the sibling relationship); housing legislation to ensure that sibling groups can be physically accommodated; carers being properly resourced to support sibling relationships.

- Scottish Government to lead on reviewing existing supports for children’s rights, and how this is developed, monitored and reported on by local authorities and other corporate parents to ensure that siblings’ right are fully reflected and upheld e.g. between children’s advocacy or legal representatives and social work practitioners.
- Scottish Government to consider different approaches to monitoring how rights are being experienced (e.g. through advocacy evidence), and ensuring remedies are available to redress rights breaches, are crucial.

Medium term (completed by end 2024)

- Through the implementation of the tiered Learning and Development framework, practitioner and corporate parent awareness of children’s rights and their responsibilities in relation to children’s sibling relationships will be enhanced. Furthermore, practitioners, Sheriffs, Children's Hearing Panel Members and Panel Members on Adoption/fostering Panels will be aware of their legislative duties, and guided in how to exercise these to safeguard the rights of children and siblings.

Longer term (completed by 2030)

- Scottish Government to lead on monitoring progress and continually supporting implementation to consolidate the actions above.
- Consider rights in additional contexts. For example, enhancing rights protections for sibling relationships where a child has been adopted.

Housing

The limited availability of large enough homes for families (be they birth, kinship, foster or adoptive) to live in and enable brothers and sisters to remain together without being overcrowded has been highlighted throughout the work of STAC as a factor limiting successful implementation.

Findings from the participation project informing STAC highlighted the need to keep siblings close together (in the same local authority area) if they

can't all be in the same house, and for them all to live in safe areas. Local authority and social housing stocks are extremely limited, and private rents are scarce and can be financially more difficult to manage. Some homeowners are also facing greater precarity, in light of interest-rate rises. There is a need to improve access to suitably sized homes. Some local areas currently may provide loans/conditional funding for carers to use to extend their homes and enable siblings to stay together, but this is neither widely nor consistently available.

Local housing departments would benefit from reviewing allocation policies from the perspective of corporate parenting. Guidance and local policies should reflect the best interest of care experienced children and prioritise this in all allocations, specifically prioritising steps which enhance and promote siblings remaining together. Collaborative working between social work and housing departments could allow more opportunities for suitable housing to be identified.

First priorities (immediate)

- Scottish Government to lead on scoping the viability, including the cost, legal and practical implications, as well as the benefits, of establishing a centralised Scottish Government fund for families/carers to apply to for loans/resource to modify (or move) homes to provide suitably sized accommodation for siblings to live together.
- Scottish Government to request local housing departments review allocation policies from the perspective of corporate parenting.

Medium term (completed by end 2024)

- Through the implementation of the tiered Learning and Development framework coordinated by the Scottish Government targeted learning and development activity, and corporate parenting support to housing partners will support changes to culture and practice and enable prioritisation of children's sibling relationships
- Based on the findings of the scoping activity, Scottish Government to take forward identified actions on the centralised accommodation fund.

Longer term (completed by 2030)

- Scottish Government to lead on monitoring progress and continually supporting implementation to consolidate the actions above.

Understanding impact and lived experience

The Promise amplified that children and young people's views and experiences are core foundations on which support for children and their families must be built⁸. As well as children's views about their brothers and sisters informing individual care planning decisions, there is a need for information about children's relationships, lived experiences and the impact of decisions, plans and support to inform strategic planning and improvement at local and national levels, in a meaningful and ongoing way.

Where children with brothers and sisters are in care, current practices in recording information about these relationships are inconsistent across the country, and there has previously been no national requirement to return data about these relationships and any separations.

As a result of data work through the Staying Together and Connected National Implementation Group, and in collaboration with local authorities, four new data items have been agreed and will be included in the annual national data collection 'Children Looked After in Scotland' (CLAS) from 2023-24.

These measures will establish a national picture on the extent to which sibling groups are separated or living together: prior to entering care, at the point of entering care, and at any change of placement whilst in care. Workshops will be held to support and identify solutions in response to some local authorities noting elements of this data being challenging to provide.

Further work is underway to develop data items to understand the reasons for children being separated from their siblings when this occurs. These are important first steps, but do not provide qualitative information about children's sibling relationships. Further work is required to develop

⁸ Independent Care Review (2020) *The Promise*. Independent Care Review. p9

consistent practices and recording systems which enable children's views and experiences of their sibling relationships to be captured, and there is a strong expectation that all parties involved (locally and nationally) work to further develop data gathering beyond these initial requirements, and use this data to support internal decision-making and provide a clear record of decisions made about sibling relationships.

First priorities (immediate)

- Scottish Government to include new data items in CLAS return and provide advice/support to local authorities to implement this.

Medium term (completed by end 2024)

- Scottish Government to lead on development of data items into CLAS to understand the reasons for children being separated from their siblings when this occurs.
- Ensure understanding of children's sibling relationships is integral to ongoing work of the Scottish Government led Promise Collective.
- Scottish Government to consider how to integrate and use data already available which reflects children's experiences of their sibling relationships (e.g. children's rights and wellbeing data via children's rights plans and advocacy data)
- Scottish Government to consider commissioning research to understand the current practice landscape in relation to assessing, supporting and maintaining sibling relationships from a range of perspectives. The research would seek to identify key enablers, solutions and barriers around implementation of the national practice guidance and contribute to on-going work to ensure that siblings in Scotland can stay together and be connected to one another.

Longer term (completed by 2030)

- Scottish Government to lead on monitoring progress and continually supporting implementation to consolidate the actions above.

Conclusion

Scotland has introduced strong, aspirational and rights-based legislation and guidance to ensure brothers and sisters with care experience stay together and connected. The context for their initial implementation has been, and continues to be, challenging for a wide variety of reasons.

Further concerted, ongoing implementation support is required, as well as ensuring that the workforce is resourced to have sufficient numbers of skilled practitioners with time to listen and work with the children and young people and crucial to this is the Scottish Government's leadership and prioritisation of this important agenda.

Through the work of STAC, tangible progress across a range of key areas outlined in this summary has been made. Priority areas for immediate, medium and longer term action are identified, in order that the aspirations of the legislation and guidance can be met for all brothers and sisters, and these should be kept under review.



© Crown copyright 2023



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83521-030-7 (web only)

Published by The Scottish Government, June 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1316402 (06/23)

W W W . g o v . s c o t