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Scottish Government consultation on the Future of Foster Care

CYCJ Response

Collaborating for rights-respecting justice
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CYCJ's response to the Future of Foster Care consultation

Overview

Background

The Children and Young People's Centre for Justice (CYCJ) is based out of the University of Strathclyde, Glasgow, and works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting; contributing to better outcomes for our children, young people and communities.

Our response to this consultation draws together our research evidence, policy and practice knowledge, and evidence from our participatory work with children and young people with experience of Scotland's care and justice systems.

Consultation's purpose

With this [consultation](#) the Scottish Government has set out a vision for the future of foster care which prioritises children's experiences, and meets their many and varied needs, in a changing sector and society. It proposes a new flexible fostering approach that builds on the unique skills and qualities of foster carers, the good practice and innovation already happening across Scotland and the UK, and it is underpinned by comprehensive ongoing support for foster carers.

The Scottish Government has identified foster care is key to delivering the Promise by 2030 and to supporting collective efforts to tackle child poverty.

Key summary of our position

CYCJ very much welcomes the opportunity to respond to the Future of Foster Care consultation and have responded only to the questions most relevant to our work. We are in support of many aspects of the Scottish Government's vision and proposals, in particular around flexible foster care. We believe it resonates with core themes of the Promise and [Reimagining Secure Care \(RSC\)](#) – a 2024 report produced by CYCJ and commissioned by the Scottish Government. That said, as we have set out below, we believe that these proposals need to be matched by a whole system change - one which recognises and values foster carers within a truly flexible and rights-respecting system to supporting children and families.

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Consultation questions

Vision

1. What are your views on our vision for foster care?

The Children and Young People's Centre for Justice (CYCJ) is based out of the University of Strathclyde, Glasgow, and works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting; contributing to better outcomes for our children, young people and communities. Our response to this consultation pulls together our research evidence, policy and practice knowledge, and participatory work with children and young people with experience of Scotland's care and justice systems.

CYCJ welcomes many aspects of the Scottish Government's vision on the future of foster care overall and believe it resonates with core themes of the Promise and Reimagining Secure Care (RSC) – a 2024 report produced by CYCJ and commissioned by the Scottish Government. The RSC report provided a comprehensive roadmap for rethinking secure care, placing the rights and well-being of children at the heart of Scotland's approach. We welcome the strong parallels to both this and the Promise in the emphasis placed in the Future of Foster Care vision on listening to the voices of children and young people, upholding rights, and placing fundamental needs like love, safety and respect at the core.

To realise the vision's creativity and ambition in full, however, CYCJ believe this needs to be matched by a whole system change, which would promote a developmental approach to meeting all children and young people's needs through infancy, childhood, adolescence and through a seamless transition into adulthood. By whole system change, we mean that the positive changes required within fostering and alternative family care need to take place within evolutionary and interconnected changes throughout the whole landscape of those responsible for caring for the people of Scotland.

We view this flexible, developmental approach as 'GIRFEC in action' and believe it should be led by the best way to provide all children with what they need to thrive when they need it and by those best placed to meet it. We believe many of the principles outlined in Reimagining Secure Care (2024) provide a helpful foundation to support this, for example, **child, young person and family are included**, which ensures that participation is embedded throughout all support offered to children, young people and their families; **whole family support**, which upholds that children and their families have unstigmatised access to effective holistic and intensive family support, with the right support being provided at the right time by the right people and services; **integrated supports**, which advocates for a flexible, holistic framework of inter-organisational collaboration, where moves between different stages of care and development are smooth and

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cohesive; and **trained, nurtured, and valued workforce**, which highlights the need for those working with children to feel valued, respected and able to exercise autonomy and agency within their roles.

We very much welcome links to the United Nations Convention on the Rights of the Child (UNCRC) and are pleased that reference is made to the specific needs of unaccompanied asylum-seeking children. We would like to see reference to the importance of education in the context of cultural diversity and supporting Scotland's wider commitment to embedding anti-racism across its public sector.

CYCJ would like to highlight the relevance of the Scottish Government's consultation on Moving on From Care into Adulthood last year in considering the role of foster carers, along with the wider system of care and scaffolding that support adults in this vision of foster care.

CYCJ wholly supports the incorporation of children and young people's views and rights outlined in the UNCRC in developing this whole system change. As highlighted by the Promise, by listening to those with lived experience of foster care, and other wider care settings, we can better understand the little and big things that can help children feel safe and supported and promote positive mental health and self-esteem.

CYCJ believe foster carers should be thought of as a critical resource in caring for children in conflict with the law and those at risk of being deprived of their liberty. Jo Lipscombe's 2003 study of foster care for young people on remand, found that the use of remand foster carers and community-based support is associated with increased rehabilitative impact for young people compared to custodial remands.

Well-supported, community-based, specialist foster families for children, as an alternative to secure and residential settings, would provide a welcome opportunity to address current aspects of systemic discrimination and better promote children and young people's individual needs and rights. Children and young people participating in Reimagining Secure Care (2024) highlighted the real-life impact of living under the blunt instrument of group living, such as the impact on the right to privacy. Children living in residential care are also not currently afforded access to the full gamut of least restrictive, and more developmentally appropriate, measures afforded to their peers living in the community. In remitted cases, for example, where alternatives to deprivation of liberty, like a Movement Restriction Condition (MRC), are being considered, there are practical and systemic barriers as electronic monitoring equipment cannot currently be utilised in group living settings in Scotland.

CYCJ is pleased that work to address child poverty is highlighted in the strategic context, along with other key social factors (like housing and education). We appreciate that the issue of children living in poverty in Scotland is significant (24% of children were living in relative poverty after housing costs according to the Accredited Official Statistics Publication for Scotland published on March 21, 2024) and will require broad strategic and economic investment. Statistics relating to poverty significantly increase when examining the context of some of

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Scotland's most vulnerable children. A CYCJ-led census identified that 80% of children in secure care experienced relative poverty and had grown up in the most deprived areas of Scotland ([Gibson, 2020, 2021](#)). Therefore, we were pleased to see the eradication of child poverty at the forefront of the Scottish Government's Programme for Government for the year ahead. We view this, along with whole system change and effective early intervention, as fundamental in supporting children to remain safely with their birth families and reduce the need for alternative care and foster family provision.

As part of the whole system change required to support a truly flexible and needs-led fostering approach, CYCJ would like to see more detailed reference to education and the need for tailored support to meet the needs of children either in foster care or on the edges of care who are excluded or marginalised at school. We understand statistics on the number of children nationally in foster care who are not furnished with a full education timetable is not publicly available at present. However, we know the significant impact that disrupted and exclusionary education has on a child's self-esteem, overall development and their future outcomes.

The findings from our Reimagining Secure Care report identified "education as a central component of care, expanding personalised learning plans that address individual needs and foster both academic and personal growth in alignment with UNCRC rights". This includes, where a child's level of need requires significant support, the provision of flexible and carefully resourced support that places relationship-based and trauma-responsive practices at their core. We believe foster carers can play a role in this.

Based on a firm belief that positive self-esteem and loving connections with caregivers form the building blocks for robust future mental health, CYCJ would like to have seen specific reference to mental health services for infants, children and young people, as part of the wider policy landscape supporting this vision for foster care in Scotland. This would naturally fit with the Promise's core commitment to scaffolding for children and their families, and Scotland's ambitious national trauma transformation programme, which promotes responsiveness to trauma and adversity in all public services.

We understand that mental health services for babies, children, and young people in Scotland are significantly stretched given the emerging picture of need across the country. We believe investment in early intervention to support parents of very young children benefits individuals and wider society exponentially by reducing the need for holistic support and public spending later. We acknowledge the rapidly growing insight and knowledge about neurodiversity and the impact of neurodevelopmental needs throughout childhood and beyond. We understand that many children wait long periods for clinical assessment and that families struggle in the context of formal diagnoses often being required to enable access to specialist support. CYCJ wishes to highlight the prevalence of mental health needs, often undiagnosed or untreated, amongst Scotland's most at risk and vulnerable children. In the year 2022-23, 94% of children in secure care settings in Scotland received care or treatment to assist their mental well-being (Children's Social Work Statistics – Secure Care, Scottish Government, 2024). We believe a flexible whole system approach, responsive to children's needs when and where they need it, could support the long-term addressing of systemic pressures on resources.

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We believe a whole system flexible approach to children's needs will significantly benefit individuals and families, will prove more cost effective for the public purse in reducing the need for further scaffolding later in life, and will ultimately lead to a safer and healthier society if children are supported to achieve better outcomes.

Flexible fostering approach

2. What are your views on the proposed flexible fostering approach?

CYCJ welcomes the proposed flexible fostering approach set out in the consultation. We are supportive of developing a flexible and responsive approach, able to support complex needs, in a way rooted in the principles of GIRFEC and the Promise. We also note the focus on ongoing training and development alongside placing foster carers as a critical part of multi-disciplinary teams around the child.

We believe this approach can form a key part of transforming to a flexible care system that holds children and their families at the centre, is rights-respecting, needs-led and promotes strong and enduring relationships and supports. As well as connecting with the Promise, CYCJ believes this vision resonates with CYCJ's Reimagining Secure Care (2024) report which invited thinking of a whole system change to support "interconnected support systems that enable individualised responses across the continuum of the care system".

That said, for a truly flexible fostering approach to work, we believe considerable space, time and resources are required to create the flexible and responsive wider system (incorporating health, education and social care) needed to provide children and their families with what they need, when they need it. Alongside multi-disciplinary teams providing specialised support, the Reimagining Secure Care (2024) report identified other core components needed for this wider framework. This included community-based hubs - flexible, dynamic spaces that offer a continuum of support tailored to local needs – and Flex Secure, which delivers intensive 24/7 care for two to four children in home-like environments that are embedded in communities. These offer supportive, relational-based care in spaces that are nurturing, therapeutic, and trauma-responsive.

While focused on designing an alternative vision for supporting children who are currently in secure care, the report contains evidence relevant to considering how best to support a flexible and systemic approach to meeting the needs of children and young people looked after away from home more broadly. Reimagining Secure Care highlighted the critical importance of trusted relationships in the community, consistency of support, and equitable access to services for all young people. CYCJ, therefore, welcomes the connected themes outlined in the flexible fostering approach related to making best and appropriate use of those closest to children and their families (if that happens to be a foster carer), to supporting in times of crisis, and to providing responsive and relational scaffolding when birth families are working towards resuming care of their children.

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Likewise, the proposed fostering approach could also support the delivery of the Scottish Government's Secure Care: Pathway and Standards (2020), which were designed in response to a call to action voiced by children and young people in the [Secure Care in Scotland: Young People's Voices](#) (2017). The standards offered a vision of transformational change to ensure the rights of children and young people in secure care are respected and their experiences and outcomes improved upon, including in relation to their experiences prior to, and upon leaving, secure care. Standard 2, for example, highlighted "my needs are met by appropriate supports in the community which are right for me and the people who are important to me. These supports help keep me and others safe and prevent my liberty from being restricted".

3. What are your views on the seven different elements in the flexible fostering Approach?

Whilst CYCJ supports the inclusion of the seven different elements as forming the flexible fostering approach, we believe they need to be situated within a wider whole system change which is needed to create a flexible, rights-respecting and needs-led approach across all support agencies. This needs to cover all children, including in secure settings, and be centred on providing family-based and community-based support.

With regards to high quality alternative family-based care, CYCJ would like for this to apply to all children in Scotland, including those currently cared for in secure settings either due to concerns about the risk they pose to themselves or others, and those placed by courts in the context of being in conflict with the law. Children deprived of their liberty have unique needs to be met and supporting the maintenance and, where required, repair of family relationships lies at the heart of successful reintegration of children into their communities and a reduction in the risks they may pose to themselves and others.

In this context, we believe the Scottish Government should consider the 'remand fostering' model used in England as a way of providing family-based specialist foster care for young people remanded and awaiting court dates for an alleged offence. It presents an important alternative to the use of custodial and secure care settings. As well as caring for young people with their individual needs and supporting the maintenance of birth family relationships, remand foster carers support young people with their court appearances; offering relational consistency and containment and an opportunity to process information and emotions associated with the justice system ([Barnardo's](#)).

There is a raft of evidence south of the border which supports the long-lasting benefits of remand foster care experiences for young people in conflict with the law, in comparison with those deprived of their liberty in custodial and secure care settings (see, for example, UK Government's [Department for Education's](#) fostering review, 2017). Jo Lipscombe's [2003](#) study of foster care for young people on remand noted benefits including positive changes to behaviour, self-esteem and identity, as well as a reduction in disruption to family relationships and education, when using specialist remand foster carers as an alternative to secure settings for children and young people awaiting a court date.

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Underpinned by children's rights and voices, a flexible fostering approach should provide flexible community-based support for children as an alternative to out-of-home (and often far from home) facilities for children at risk to themselves and/or others. Research from Ruby Whitelaw (2023) highlighted the importance of family settings in supporting young people to acquire the developmentally appropriate skills required to support successful independent living, and the loss of skills identified by some young people due to the culture of dependency fostered in institutional group living settings.

Furthermore, during last year's consultations with children and young people in secure settings, children identified the lack of privacy as a significant area requiring change (broadening this issue to their wider experience of residential care in general). The impact of limited privacy when showering and toileting was highlighted along with the importance of private and protected space to process the complex emotions associated with their unique situations "it was suggested that being trusted to be alone and enjoy 'peace and quiet' would help them with their emotions" (Reimagining Secure Care, Children and Young People's Participation, 2024: 5). It is of note that participants from secure and Young Offender Institutions (YOI) settings highlighted that those with mental health problems and who struggle with self-harm should not be in secure settings at all, stating "the environment made these problems significantly worse because you're "locked in with your feelings". (Reimagining Secure Care, Children and Young People's Participation, 2024: 5).

The issue of transformative identity during children and young people's formative years is critical and further supports a developmental and flexible approach to fostering. Related to this is the importance of providing children and young people with the opportunity to access positive role models and engage in conversations about empowerment and hope during a time in life where they can be experiencing hopelessness. (Reimagining Secure Care, Children and Young People's Participation, 2024:11). [Talking Hope](#) is a project that explores the concept of hope and its importance in promoting a sense of agency and better futures for young people residing in secure care settings (Talking Hope Report, 2019). We believe family and community-based care for all children would support this.

CYCJ agrees that the recruitment and retention of dedicated and experienced foster carers/parents is central to the quality-of-care babies, children, and young people receive. As reflected in the Promise, this 'quality' should result in children feeling loved and 'at home'. Central to that is the presence of scaffolding that the Promise so clearly highlighted. For adults to be emotionally responsive to the individual needs of the children in their care and develop resilience to weather significant developmental and trauma-led challenges, they require to be adequately and sensitively supported in all the ways outlined in the Future of Foster Care introduction. Namely, to enjoy consistent relationships with those directly supporting them, robust educational support for the children in their care, and responsive health services, are vital as part of the wider system change needed.

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With regards to building the potential and capacity of existing foster carers to support and facilitate family time, CYCJ supports the creative and flexible utilisation of trusted relationships of those closest to children and their families. Children and young people in secure settings highlighted a need for greater access to safe methods of communication with friends and family (Reimagining Secure Care, 20024, Children and Young People's Participation). Whilst elements of this related to safe access to technology, it also included the crucial issue of how best to support children to remain connected with their birth families more generally. We believe this aspect of the flexible fostering approach goes some way to embedding and putting into action the ten family support principles outlined in the Promise (2020). Furthermore, building skills in families and communities was highlighted in Reimagining Secure Care in the context of bespoke and flexible professional support from multi-disciplinary teams (MDT), as required. This advocates for using a relational-based approach in collaboration with a broad spectrum of expertise from the MDT, which acknowledges that those closest to children and their families, like potentially their foster carer, have existing relationships and in-depth knowledge of the family. Therefore, they may be best placed to meet the needs of the family with attuned and specialist support and expertise available from the multi-disciplinary team as required.

With regards to the suggestion that some foster carers, in some situations, have a role in supporting birth families whose children are in foster care, to facilitate reunification, we believe this aligns with the ten principles of intensive family support as set out by the Promise (2020) and would go some way to delivering on the Promise. For example, addressing the stigma associated with the professionalisation of work with families, and, critically, the application of more responsive and timely support for families out with the current constraints of support being tailored to the needs of traditional business hours (Monday-Friday 9am-5pm). We strongly believe this increased flexibility requires to develop in the context of whole system change where, as advocated in Reimagining Secure Care, the multi-disciplinary teams supporting families also demonstrated the same level of flexibility. For all caregivers, be they birth parents or foster carers, to provide the attuned and responsive care that enables children to thrive, and supports birth parents to address their identified issues, they themselves require to be provided with robust, consistent and attuned support.

CYCJ supports plans to build on existing skills and experience of the foster care workforce and highlights the need for enhanced, trauma-informed training and support if these additional aspects of the role are to become more widely used. Supporting foster carers to work directly with birth families will, by and large, represent a significant shift in role and will require resources and sensitivity to ensure adequate scaffolding is in place to support all involved. Furthermore, the development of the foster carer role in this respect should be led by the needs of children and their families and must not be used as a substitute for inadequate resources or a lack of appropriate interventions.

We also recognise that, whilst positive relationships between foster and birth families have proven to be hugely beneficial for children, there remain inherent complexities. Some foster carers do not feel comfortable or equipped for such an involved and dynamic role and would feel overwhelmed or discouraged. Therefore, such changes could negatively impact on

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recruitment and retention of foster carers who would otherwise be a great asset to the fostering system. To mitigate this risk, clear communication in respect of these changes, ongoing consultation and review with relevant stakeholders, and a robust plan for resourcing enhanced training and support for foster carers, and organisations responsible for foster carers, is required.

Regarding the idea that foster carers may be well placed to have a role supporting families on the edge of care, a flexible care system would support the vision outlined in Reimagining Secure Care which calls for a “reimagined secure care that is embedded in the continuum of care, is flexible, responsive and rights based”. The critical importance of overcoming barriers to building relationships between children, their families and support/statutory agencies was highlighted in Reimagining Secure Care, with some children identifying that them not engaging with social work was seen as one of the reasons they entered secure care (Reimagining Secure Care, Children and Young People’s Participation, 2024:10). Likewise, generally children described a mistrust and absence of any positive experience with the police.

Again, we believe this would represent direct application of the principles of family support laid out in the Promise. Specifically, in relation to empowerment and agency, this flexibility could enable children and their families to choose foster carers (or whomever they felt they could trust) to help them with this incredibly sensitive and important time in their lives. Likewise, with regards to holistic and relational this could enable the streamlining of support so that those closest to children and their families can be upskilled rather than the introduction of strangers at a critically important time in a family's life. It is hoped this could reduce the need for alternative care for children as “the likelihood of success is not based on the specific intervention but on a relationship of trust between families and workers” (The Promise, 2020:58).

Furthermore, CYCJ wishes to highlight the critical importance for development of this role in the context of an integrated and systemic model of support across the multi-agency landscape. While focused on designing an alternative vision for supporting children who are currently in secure care, the multi-disciplinary teams (MDT) described in Reimagining Secure Care (2024) offer a relevant and useful model of flexible relational-based practice that refers to “referring in, not referring on”. Specifically, this related to skilling up and supporting the people closest to a child to meet their needs, rather than referring on to new and unfamiliar professionals, perhaps with delays and waiting times associated with this. This flexible approach shares common ground with the Step Up Step Down programme referenced in the consultation.

Having said this, we understand that the main role for foster carers is proposed to remain providing alternative family care, and we acknowledge it is already a unique, complex and challenging role. Any additional role would require to be commensurate with individual needs and skills, and in the context of appropriate support and remuneration.

The fifth element of the flexible approach relates to building on existing short break provision, regular breaks, which are child centered. CYCJ supports the expansion of short breaks in

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supporting a flexible family model of care for children. Central to this must be the use of consistent short break carers so that trusting relationships and a sense of belonging can be supported to develop for children. In respect of babies and infants, caution should always be applied when using short breaks, due to the unique developmental needs of very young children who require to be cared for by consistent caregivers, and the potential harm caused by multiple disruptions to care in those early formative months and years. CYCJ welcomes the expertise of colleagues in infant mental health and other relevant disciplines to comment in more detail on this.

CYCJ invites creative exploration of the use of short break fostering provision for children and young people who are, or are at risk of, being cared for in secure settings. Scottish Government statistics indicate that approximately 53% of children cared for in secure care in 2022-23 were placed there for less than three months. A short stay with a foster carer in their own community would significantly reduce disruption, and likely distress, for this group of children and young people.

Alongside professionals, we propose using more experienced foster carers (who no longer wish to foster full-time) to mentor new foster carers and deliver training. CYCJ wholly supports this aspect of the flexible fostering approach. Amplifying the voices and wisdom of those with lived experience can only deepen the quality of training and support for foster carers and is in line with principles of the Promise. The provision of consistent relational support from someone who has 'walked the walk' of fostering will be immeasurably beneficial, alongside models of advice and support offered by supervising social workers and the multi-disciplinary team around foster families.

And finally, regarding the potential for a foster carer to stay in a family home, for a short time, to provide immediate support and care at times of family crisis. The need for home-grown and community-based support constitutes a major component of the Promise and Reimagining Secure Care amongst other current policy documents. Any efforts to reduce transitions, care disruptions and loss/trauma associated with the care system is worthy of exploration.

For all children, but especially in the case of infants, separation from primary caregivers can be actively distressing and developmentally damaging, particularly when practiced in a repeated pattern. For example, when infants are removed from their birth parents they may experience further distress in the context of high frequencies of family time, often being transported by strangers in unfamiliar vehicles to and from family time. If parents and their children could be cared for and supported together, this would be one of the innumerable benefits to children, reducing distressing transitions and the potential for developmentally damaging stress.

Issues of transport and the distress it can cause children are relevant to all children subject to care arrangements. Whilst relating specifically to the experiences of arriving in secure settings, most children participating in Reimagining Secure Care (2024) noted that their experience of transport was negative and that they felt unprepared and uninformed. They talked of travelling with 'strangers' or travelling during the night and unaware of where in the country they were. Any

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models that work to help children remain in their own communities and keep them well informed and active participants in their lives requires attention.

In the context of examining these creative models of care, we would welcome further exploration of foster care and community-based models commonly practiced around the globe, where integrated community-led responses to children's need could offer Scotland guidance on how to move towards a whole system and culture change and a shift away from 'professionalising' the way we raise our most vulnerable children.

4. What implications does a flexible fostering approach have for how fostering is funded and how foster carers are remunerated?

Although CYCJ does not have expertise or knowledge in relation to this aspect of fostering, we recognise the need to pay and support foster carers appropriately for the critical and unique role they play in caring for Scotland's babies, children and young people.

5. How can the Scottish Government, working with you, support the delivery of the flexible fostering approach?

CYCJ provides significant practitioner support and training, publishes critical research on youth justice, delivers participatory work in HMP&YOI Polmont, and plays a key role in policy development for children and young people in conflict with the law. We are keen to support the Scottish Government with the delivery of the flexible fostering approach in whichever way our expertise would be best utilised. For example, we welcome invitations to respond to future consultations, to make use of the evidence and children's voices we have gathered, and to contribute to relevant steering or working groups. We are also more than happy to share our practitioner expertise and research learning, such as our recent Reimagining Secure Care (2024) report.

Recruitment

11. What are your views on the 'offer' described above?

CYCJ wishes to highlight the need to ensure that adequate resource and time is provided to support the significant culture and practice changes required to deliver this vision. As set out in previous answers, CYCJ believes this flexible fostering approach requires wider system change as a precondition to it being delivered.

It is paramount that changes are based on a clear and Scotland-wide understanding of systemic unmet need, and inappropriately met need, as well as needs that are currently well met. A robust understanding of all three aspects must underpin changes to fostering in Scotland. Otherwise, the proposed vision risks not being as effective in meeting the needs of children and their families and may lead to unintended consequences, as well as missed opportunities, for other parts of the caring system. CYCJ would like the vision to include, and specifically relate to,

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a wider systemic approach across the whole continuum of care, which would include foster care, residential care, secure care, kinship care and children looked after at home.

Retention

17. What other practical support would help foster carers?

As stated throughout our response, the flexible fostering approach being developed as a developmental approach in the context of systemic flexibility and collaboration across the care continuum would be most beneficial.

19. How effective is the current financial model for foster carers? Is there an alternative?

Please explain your answer.

CYCJ does not have expertise or knowledge in relation to this aspect of fostering however supports the need to pay and support foster carers appropriately for the critical and unique role they play in caring for Scotland's babies, children and young people.

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