

Section 25 webinar questions and answers

On 6 November 2024, CELCIS held the webinar 'Non-compulsory care for children and young people: What next for Scotland? Learning from research on Section 25'. During the webinar, we received a number of questions from attendees. These questions, reproduced anonymously, have been briefly answered by the CELCIS researchers who took part in the webinar and led the research, Dr Robert Porter and Dr Brandi Lee Lough Dennell.

More information about CELCIS's Section 25 research and the final report can be found here: <https://www.celcis.org/section25>

Question
"Given National Government remit to promote and embed children's rights in public services and the growing national agenda around this - incorporation of UNCRC, The Promise, Children's Hearings Reform etc - is there not a direct role/responsibility for National Government to also develop accessible information for parents, carers, children and young people that supports them to both understand and protect their rights too?"
Response
One of the next steps identified by the research is the development of accessible information for children, young people, and families. We have aimed to produce accessible information alongside the final research report through the creation of a video resource for children and young people. However, we would agree that it is incumbent upon the Scottish Government and local authorities to ensure that parents, carers, children, and young people are supported appropriately to understand their rights, through a variety of accessible sources of information.
Question
"Thank you everyone for the excellent presentations so far. Thank you Tarja for highlighting the experiences of children and the need for more understanding about them. Their needs and rights and felt experiences will of course be central to all of our work but it is essential to keep naming this. The youngest and most vulnerable babies, infants and children's voices require particular skill and effort to ensure they are included; that their needs are advocated for by those specifically trained to understand their needs."
Response

We agree that it is vital to keep the views, perspectives, and needs of children and young people, including babies and very young children, at the heart of all work to improve children's lives and outcomes. While we were not successful in including many of these voices in the research, for reasons outlined during the seminar and within the report, any work to improve the experiences of Section 25 arrangements must continue to prioritise gathering and representing their views and needs.

Question

"Is there a solution in a process which requires advice, checking understanding, involving YP [young people] and discussion, rather than just giving an impression that the SW [social work] is making the decision?"

Response

We heard in the research that parents are almost always advised to get legal advice about a Section 25 arrangement, but also that there was a lack of availability or support to access such advice. We also heard instances of involving young people in the decision-making process, particularly when they were over the age of 14.

We did not often hear that social workers were seen as 'making the decision', but rather that the parents were placed in a position where there was no real choice other than to agree to a Section 25 arrangement. Improving the experiences of Section 25 arrangements would appear to require addressing this element of parents' experiences.

Question

"Did the researchers explore the implications of children being on a Sec 25 [Section 25 arrangement] when permanence is being progressed through adoption?"

Response

We asked about the impact on permanence processes of children being on a Section 25 arrangement. We heard that it usually made little or no difference to permanence processes, and that permanence processes were able to proceed, and Permanence Orders obtained, while children were being cared for on Section 25 arrangements. Solicitors and social workers who we talked to both reported that Section 25 arrangements did not pose barriers to, or extend timescales of, permanence processes.

Question

“Was there any data about the interactions between different decision makers? For example, where SWs [social workers] use S25 [Section 25 arrangements] initially with family but later refer to the [Children’s] reporter believing compulsory measures are now required, was there consistent response from SCRA? Did [Children’s] reporters regard families as not requiring compulsion in some of these cases due to perceived 'voluntary' cooperation?”

Response

We heard different information from social workers and reporters on this issue. Social workers reported that they had experienced Children’s Reporters making a decision that there was no need for compulsory measures as the child was being cared for under a Section 25 arrangement, and that they found this frustrating. They also reported that they could experience challenges in presenting evidence of risk, given that the child was not living at the place that was perceived to be potentially harmful. Children’s Reporters, however, told us that they would welcome referrals for children and young people cared for under Section 25 arrangements, and some believed that referrals should be made to the Children’s Reporter in all instances of Section 25 arrangements being put in place. These reporters did not consider that the existence of a Section 25 arrangement would prevent them making a decision to call a children’s hearing.

Question

“What about the experience/support needs of those caring for children under Section 25 arrangements and the coercion/emotional `blackmail' felt by family/friends to accommodate these arrangements?”

Response

This research did not include those who cared for children and young people being cared for under Section 25 arrangements. However, this is a very important area for further research, and it is important that we better understand the experiences of carers (especially kinship carers) in this situation and explore their support needs in greater detail.

Question (from chat, rather than Q&A function)

“When social workers are under pressure, are some going too far trying to 'persuade' parents to place children in care?”

Response

Social workers who took part in our research did not report caseload pressures as a particular factor in decisions to pursue Section 25 arrangements. Rather, the emphasis was on external factors, such as interpretation of the no order principle, perceived policy positions, and team expectations. Social workers were also clear that they worked hard to avoid 'persuading' parents to agree to Section 25 arrangements, but wanted to make sure that they made an informed decision with a full

understanding of the potential impacts of the choice. This was then *experienced* by the parents we heard from as a lack of choice or being coerced into a particular decision.

While some of the parents were unaware of the Section 25 arrangement, or lacked understanding of their rights and responsibilities, we did not hear that social workers overstepped any boundaries by trying to 'persuade' parents to place their children in care.