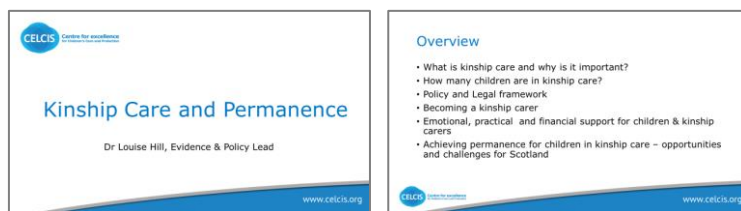


DATE: August 2020

TITLE: Kinship Care and Permanence

SPEAKER: Dr Louise Hill, Evidence and Policy Lead, CELCIS

You are watching a webinar about the PACE programme, from the delivery team in CELCIS at the University of Strathclyde. PACE is a quality improvement programme aiming to reduce drift and delay in permanence planning for looked after children. These webinars were recorded in the spring of 2020, so please be aware that key changes in legislation, guidance and practice may have occurred since this time.



This webinar was recorded live as part of the PACE Collaborative programme; in this webinar you will hear about kinship care and permanence. The session is delivered by Dr Louise Hill (Evidence and Policy Lead for CELCIS).



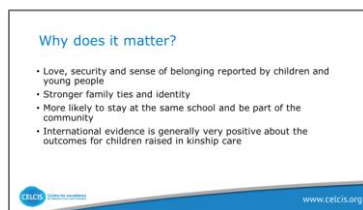
Across Scotland, obviously, there's lots of children who live with families and friends, at lots of different points during their childhood, and you will all know that there's a really wide range of reasons that we can have for this. So from all of your practice experience and key areas, you would know that we'd have parental imprisonment, parental drug and alcohol use, mental health issues, bereavement, illness, absence and periods of time abroad.

So, a really wide range of issues but I think with regard to the characteristics, the academic David Pitcher writes about what he considers to be these core characteristics of kinship care so that we see the care relationship as long-term, care that is full time; it's normally a response to family upheaval or adversity. As I said for some of the reasons that we've discussed, at different times lots of families can face difficulties, in lots of different ways, different kinds of challenges - so that's kind of always a key factor around kinship care.

And I think, probably, it's pretty critical (and we'll get into much more depth in this presentation) but one aspect would be that kinship care can be formal - so it can have the involvement of the state - or it can be informal - so it can be arranged by the family and it can be a completely private family matter; particularly if a child is being cared for with a close relative there is no requirement for any person within the state, I suppose, to be notified around that. So we have a real kind of mixture of experiences; so kinship care can be for a short period of time in some circumstances but often one of the ways that we frame kinship care is that we do look at it as more of a full-time provision, and for some children it could be a permanent arrangement, which means that the child will not be returning home to the care of their parents.

But obviously lots of kinship care could be for a particular period of time and that would be particularly around (for example) parents who have had periods of time in prison, so that tends to be quite an important kinship care relationship and just thinking about that from - actually a lot of my own PhD research, which was with children affected by parental substance misuse - there was actually a much more fluid understanding of kinship care, where children could have periods of time where they were cared for by granny, or a big sister; often very informally, not with any involvement, formal involvement I suppose, of social work services but then it moved to a place where it actually became more of a formal arrangement.

So I know that all of you will be very aware of all the diversity that we have around kinship care, and I hope that that's useful; I feel that, academically, these core characteristics that are quite important ways of framing. So there you go, that's my diagram of the presentation. It'll also be a graph.



So why does it matter? Okay so let's start really importantly from a value base, and what do we know in terms of the international evidence? What does it tell us? So, it matters because it really matters to children and young people and their families. It's absolutely key. The themes that come up again and again, across all countries where research has been conducted and across practice experience, is the law of security, a sense of belonging for children and young people; stronger family ties and identity, which increasingly, I suppose, we're much more aware of how much that matters to children/young people's sense of self, sense of who they are and where they come from, the kind of importance of being claimed perhaps by being a part of wider kith and kin, the way that we frame that and how children grow and develop.

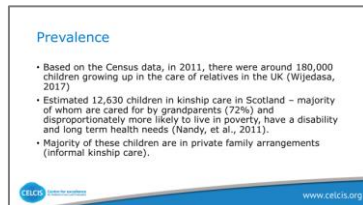
In terms of 'why does it matter', in terms of the research that we have from children and young people themselves in the UK, we know that children that are in kinship care are much more likely to be at the same school and to stay within the same community. So, overwhelmingly I suppose, we know that that's a positive for many children and young people. Obviously, in some circumstances, a change of school and a change of community can be incredibly positive changes as well, obviously there's a lot of issue about transition and how that's managed, but in terms of what their experiences might have been and the abuse and neglect that they may have experienced and what that might mean staying within the same community - particularly for maybe some of our rural communities or very small communities, where people are known to each other - there could be particular challenges for some children and young people around them.

Also kinship care doesn't necessarily mean that they'll be within that same community, in a geographical community. Kinship carers can be all over Scotland; in fact, down in England as well obviously or even internationally in some cases. So there's diversity within that and our understanding. But in terms of what children young people say to us, what matters to them is that there's a lot of change often for children and young people within kinship care and if we can have some continuities - so friendships are often linked to schools and linked to where they live, so that can be a really important thing that we try and hold. Then we're talking really about kind of emotional permanence for children/young people. So, broadly speaking, the international evidence on kinship care is very positive about the outcomes.

For the reasons I've probably raised above, of course you'll be fully aware that there's nuance around that. There's different findings that we have for children and at different stages of childhood and when decisions are made about kinship care, of course; there tends to be much more positive findings around mental health for children in kinship care but that might be as well about the stories of kinship care and children's journeys into kinship care, generally. Certainly some of the big US studies have shown lower reported rates in behavioural difficulties. The counter argument at times to that is that the level of love and commitment to children and young people may mean in some circumstances that kinship carers are less likely to seek help for children and young people in their care, until a stage where behavioural difficulties may be much more pronounced.

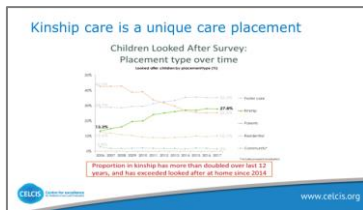
So that may be a slight difference because obviously for children that have a history of trauma, abuse and neglect there can sometimes be challenges that those issues have not been addressed as fully as they could be. But the importance around kinship care, which I'll repeat I think throughout this presentation, is that globally it is the most commonly used form of alternative care for children and young people. We have some countries - and New Zealand and Australia for example - **have** very, very high rates of children in kinship care. We'll be talking three quarters of all children, up to 80% in some

in some countries, would have children placed in kinship care with involvement of the state. So we have real varies; the US, again, has very, very high rates of kinship care. We have some different rates across Scotland that I can discuss: we generally perform on kinship care about 28% but (I'll come on to this a little bit later) I think it's an important message for us to know that it's a very substantial part of understanding the care system from an international base.



So based on some of the census data - this is the work done down at the University of Bristol - there are 180,000 children growing up in the care of relatives in the UK. So that's the last census data that we have, and of those we would have twelve thousand - almost thirteen thousand - children in kinship care in Scotland; fairly high numbers actually. The rates have dropped slightly; since the 2001 census, interestingly, they've increased in England and Wales, but in Scotland we've had a little dip in that, which we can try and make sense of.

A really important finding is that the majority of those children are cared for with grandparents; they are disproportionately more likely to live in poverty and more likely to have a disability - that's a disability of the grandparent or the carer - and have long-term health needs. We know there is obviously a real diversity in who children may be cared for in kinship care but grandparents are an absolutely core and critical group of providers of care. Older siblings; so, older brothers and sisters, and particular sisters are another key group that we have, and aunties and uncles. And then we have kind of a real mix of lots of other circumstances that you would expect but it still is, in the majority of cases, a blood relation that we tend to find. But, this is of the census data, so the majority of these children are in a private and family arrangement - so we would we would consider that to be an informal kinship care. So that's the majority of children that we have, so I don't know if that's a surprise or not. The links to all of these studies are in the final reference page for you, and I've put them all in as hyperlinks so you can access all the reports and I've also added some resources for you, and those of you that are really keen can come back to me and ask me much more about this.



Okay, so that gives you a sense of the figures. So, this is some good work done by Micky Anderson, who many of you may know, so thank you Micky for the lovely graph. What we found in Scotland - and this relates to children in formal kinship care - is that we have had a substantial increase of children. So you can see there (I did promise you a graph, I think this is my only actual graph on this presentation, you might be delighted to hear!) that we've increased. We did some work actually with the statisticians in the government recently to see what it was like in the 80s and 90s and it used to be that around 10 percent of the care population would be in kinship care. So we've got that growing number up to 27-28%. There's a few changes of late; so I think the latest figures show that just over 4,000 children in Scotland are in formal kinship care. There's a very, very big caveat to this overview for Scotland, that I'm sure that many of you will know from your own local authorities, there is huge variance in your rates of children in formal kinship care by local authority. So for example Glasgow would be sitting at about 40% of their care population are informal kinship care, we have some local authorities that are less than 10%, still, and the average I think comes out around 24-25%. But I think that it's important to say that there is a really big difference from your own area of where you sit, I suppose, in terms of the proportion of children that are in a formal kinship care placement.

Policy

- National policy of kinship care as the 'first option' set out in *Getting it Right for Every Child in Kinship care and Foster care* (Scottish Government, 2007)
- Political attention and grassroots campaigns - especially in relation to financial allowances
- Some attention with the Kinship Care Order in the Children and Young People (Scotland) Act 2014
- National Review of Kinship Care and Foster Care Allowances - twelve recommendations including national rates to be agreed (Summer 2018)

www.clics.org

Just in terms of a little policy for you, kinship care has been considered to be the first option for quite a long time actually. 2007 was the first very specific regard to kinship care in the (for those of you that actually might have been involved in that) [Getting it Right for Every Child in kinship and foster care](#), and that was part of a big review, and on the back of that a series of recommendations that linked into the Looked After Children's Strategic Implementation group work.

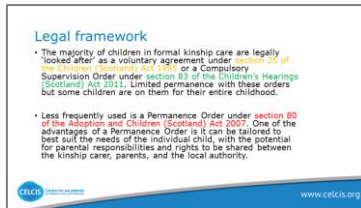
So the rhetoric I suppose we've had, the national policy rhetoric of the importance of kinship care, has been about quite a long time. But you could see from that graph that the rise in kinship care was growing before that. From conversations that I would sometimes have with international academics, however, they tend to think our rates are still very, very low

compared to what their rates are. So it's interesting that although we have the policy of kinship care as the first option, it's still fairly low and, obviously, in some local authorities it's very low as a first option, but we might get into the discussion later of why you feel that might be the state within your own local authority. But it should be considered to be, I suppose, the first option within our care placements.

There's been quite a bit of political attention at different times, I would say on, kinship care - some grassroots campaigns, some good lobbying outside parliament. I know from contact that I have with Civil Servants that there are an awful lot of questions that come in for the First Minister on kinship care. I think that's partly because it does get raised a lot as a constituency issue, there's a lot of passionate MSPs on kinship care that basically get kinship carers attending surgeries at their offices. So it gives it kind of quite a particular kind of political profile.

In particular, I suppose, the focus has been on financial allowances at different times and that's been an ongoing kind of debate, we can return to that. I'm sure we'll have many different views, and there's lots, but I think it's worth saying that since I've been around and then picking up the work - even from before then - I know there's been very active debates for about 15 years on the financial allowances for kinships carers and it's changed quite substantially over time. But it has been an ongoing big debate that's been held. There's been some attention, and I'll come back to this in the legal section if you'd like more details, but some attention with the kinship care order that came in for the Children and Young People Scotland Act - part 13 of that legislation, again I suppose gave a renewed focus particularly around assistance and support on kinship care, seeking legal orders but also about how that was framed, so it gave a little bit of a spotlight again on kinship care.

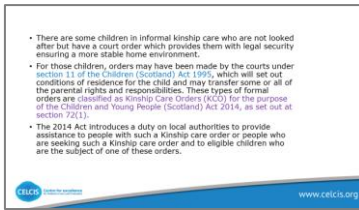
There's also been a national review of the allowances that was chaired by Iona Colvin, who is the social work advisor to the Scottish Government. It resulted in 12 recommendations, for those of you interested; recommendation 3 was that we should have a national rate agreed for Scotland on the levels of which we provide allowances for children in kinship and in foster care. Just for those who are interested: in the rest of the UK, England, Wales and Northern Ireland all do have these established agreed rates, often linked to the fostering networks, but I think that that's a key recommendation that's come out. There are ongoing discussions with the Scottish Government and COSLA in regards to that. You can imagine it is a very heated topic but there has been a national review. That's my policy blurb chat, very happy to chat more.



So, Kinship Care's had different prominence at different times. Let's talk about the legal framework, if that's okay. So the majority of children are in formal kinship care, legally looked after under Section 25 of the Children's Scotland Act or a compulsory supervision order. I know that many of you will know all around this from when we've looked at it at different periods of time, and those of you might remember there was an FOI by the Equality and Human Rights Commission a few years ago that asked what legal orders local authorities were using at that time. There was still quite a lot of variance about what legal orders were being used, and you (and Kirsty) will probably know more and be able to inform me about what the different policies are at the moment.

In the kinship care round tables that I was involved in, at that time, there were some interesting discussions with different viewpoints, showing that we've always used Section 25, and not necessarily with a rationale around it. And I'd be sat on the table next to someone from a different local authority that would say 'oh we've always used a different order' - so that was quite interesting around that. Generally, I think (and we can discuss this more later) there's limited permanence with these orders, and some people - some children - are on them for their entire childhood.

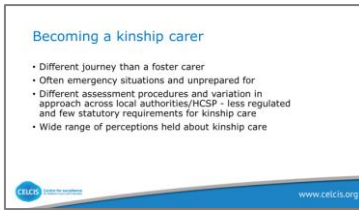
So Section 25 was never in the guidance that we have for the '95 Act. It was never really envisaged to be used as a voluntary agreement for the whole of a childhood really but that tends to be a way that they have been used. Again the compulsory supervision order requires an annual review, so children would still be going to a Children's Hearing on an annual basis for that. So there's interesting different levels around that and what we mean by permanence. From when we did that little bit of work at that time, permanence orders were not being used to a great extent and I think maybe that might still be the case, but you might have some different viewpoints on that. I think for us, one of the particular advantages that I see around a permanence order is that it's really tailored to the individual child, and it can have really relevant parental rights and responsibilities and a really nice balance based on how it works for that child and those family circumstances. So that's a real value added in permanence orders that you don't get within the other two orders. So I would hope over time, we would increasingly see a use of permanence orders, partly because it's a much more - if we're going to think about it in terms of the GIRFEC approach, a much more child-centred way of working - I think it's a much more relevant order for children in those circumstances. So there you go, a little bit on that for you.



I think - I don't want to confuse people by talking about orders for children that are in informal kinship care, but certain children obviously are on orders, so there's a huge group of children for whom there's no legal orders involved in their care, it's a private family arrangement and has no involvement from the state. So you have that group, but in Scotland (and in England; under different bits of legislation) we also have the section 11 order. So, you probably know these from the past as a residence order, that would be the way we'd normally refer to them, and you might have been interested that they were being renamed as a 'kinship care' order in the 2014 Act, because I had a lot of phone calls at the time saying 'is this different from the section 11 order?' and I'd go 'well, essentially no' - but there's a few more things in it around assistance and support, more duties on local authorities around it. So relevant to know but it is essentially a section 11 order that's been reconfigured slightly as a kinship care order.

I think what's probably important about why we even use court orders generally for children in informal kinship care is about a more stable home environment. So that's often why some kinship carers might choose to seek a court order which can give them some parental rights and responsibilities. Of course that that will be an individual level of discussion within that particular court order. So they can be used that way, and as I say there, for the 2014 Act there's a duty on local authorities also to provide assistance to people with the kinship care order, or people who are seeking the order, and the eligible children who are subject to one of these orders.

So it does go a little further than what section 11 does, but in terms of how we understand children being placed on these orders, I think that that's quite important, a key point. I hope that feels okay in terms of legislation, a little bit of a whistle stop tour perhaps, probably talking too much, as is my way, so I'll try and move on.



Okay, so I just wanted to say something about becoming a kinship carer and just from - this is very basic start - but it's a different journey than that of a foster carer. So most kinship carers become known to a local authority social work department more in emergency situations and it's unprepared for. I mean that in terms of unprepared for, normally, for the child, as then it's not been part of the preparation that's been done, they've often obviously not had an allocated social worker beforehand, but also the decision to become a kinship carer has not been an active decision in the same way that maybe a foster carer could choose and undergo a period of training and also very importantly undergo a period of assessment.

So it's a very different kind of journey into becoming a kinship carer, and that's very relevant because that makes more sense of how assessment procedures and the variation, I suppose, across different local authorities has even come about. And so generally speaking for your local authorities and for your healthcare social partnerships it's less regulated, and there are generally fewer statutory requirements for kinship care than you would have to do as a foster carer.

So that's kind of the framework that's around it. I think also it's worth saying that in many conversations that we've had and across research literature, there's a really wide range of views about kinship care. There can be different opinions at different times about whether this person might not have fulfilled all the criteria to become a foster carer, so it's very different to how they would become a kinship carer. One of the critical things I suppose that's different about even understanding kinship care, is they're not being assessed to be a carer for any child, or for a child within a particular age band, they're being assessed to become a kinship carer for this specific child and that's a different form of assessment that needs to be undertaken.



So let me talk about some aspects of support. So this is across the research and practice experience that we have around what comes up again and again, what matters to kinship carers, the importance of information advice and support on a wide range of issues. I think it's important to look at this with a lens of, 'yes, there are definitely lots and lots of similarities here with the kind of support that we provide for foster carers' but also there are some particular differences.

I think in particular it's worth thinking about keeping in touch with the family, or contact and what that means when you're a kinship carer; perhaps it's your daughter rather than a different kind of relationship you have as a foster carer. So there are a lot more complexity around that and the kind of support that you might require as a kinship carer.

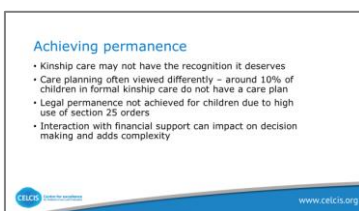
The top issue that comes up again and again for kinship carers, when they talk about support, is on relationships. So relationships with the wider family and often the sons and daughters, or nieces and nephews - you know, the person which still has some relationship with the child. So that comes up again and again, huge issues around relationships within those families and support on that. But usually issues for relationship, particularly if it's kinship carers that are in a relationship. So there's an awful lot that's reported in the literature about relationship breakdown - due to the pressure of becoming a kinship carer and what it means for family dynamics - so it's really important. Sensitive, skilled, relationship-based work that is done in supporting kinship carers untangle all those issues that they're often facing. Complexity, as well, around the stigma around kinship care, issues of shame and guilt are very common as well. So those issues are all around.

There can be particular challenges around support that a child becomes cared for in a kinship care relationship as a very young child and then the support needs to change and grows as that child develops. So there's a lot reported in the literature around breakdowns in kinship care relationships that may happen when children become teenagers and then they want to return, maybe to live with mum again, and that not being a safe place for living. So there's all those kinds of issues that come, so it's not just about support at the time of an original placement but ongoing support and how that might change over time. Managing difficult family relationships I've talked about, so it's really demanding and practical and emotional support that is required.



Moving on, specific advice on the legal and financial matters now. I'm sure that many of you know this (really up to speed; I've put lots of resources at the end) but it's incredibly complicated for kinship carers to navigate our social security system, it's not made easy. It's also not made easy that it's a system, more or less, designed in London that does not work with our Scottish legal system - that complicates things. It really complicates things on what order a child is placed, which really matters in terms of what the interaction then is with different benefits - in terms of child benefits and child tax credits; it's a very, very complicated picture that often requires some specialist advice. Luckily we have the [Child Poverty Action Group](#), who do amazing work, with their handbook - I put all their resources in at the end as well. But that becomes a very difficult area to navigate for social work practice and I have an awful lot of sympathy for those of you on the ground that are working with kinship carers trying to decide what would be the correct order to maximize support.

The other things to say as well is that what order a child is placed on would have an impact in terms of accessing continuing care and aftercare support. And that often isn't particularly taken into account when a child is originally placed, normally because it's in an emergency situation, it normally could be viewed as a short-term rather than a long term. But certainly some of the data that we know from PACE is that, actually, it does end up being a long-term placement. But what they're placed on makes a significant difference.



This is my final proper slide. It's around some of the issues that we know around achieving permanence for this group of children and young people. So my first big headline would be that kinship care does not actually have the recognition it deserves in our care system. It actually is a critical component of providing care for children and young people. We know it really matters to children and young people, for all those reasons I've heard: love, belonging, we know it really matters to families and we know that they in often in incredibly challenging circumstances are doing an absolutely amazing job in caring for children. So we cannot underestimate the task that's there. For those of you that are the champions of kinship care within your local authority, thank you - because it's really, really important work. But I think

as an area of prominence, that it's had within the profession, I think it possibly still has a long way to go to get the core component and the thinking through what assessment should be in place, what level of training or coaching methodology we have all around it, and how we actually really support children and families to have the most positive childhoods that they can.

So I know that that's a message that all of you will know even by just participating in this webinar. So, thank you. Care planning is often viewed differently, there is a huge variety across local authorities in terms of how you do this, but it is a little bit concerning I suppose that there is a high percentage of children in formal kinship care who do not have a care plan. So there's something that's quite unusual; 10%, this is quite a concerning figure to me. Obviously in these particular circumstances, children are just entering care, going straight to home kinship. That does make sense but there's maybe an issue around sometimes the priority that it may be given or the perception that it has, or it might be that these figures are just not a true reflection of your practice, that there's other routes that are being chosen to do. But there are some very clear statutory duties and frameworks around care planning, so we need to get in and understand that to a much greater extent about what's happening around care planning.

Legal permanence not being achieved children, and particularly I suppose due to that high number of section 25 holders; I respect that you might have lots of different viewpoints on that. The way section 25 was envisaged and developed at that time was not to be used as a long-term option, and you certainly might have some questions around permanence. I'm curious to hear your views on whether or not you're using permanence orders, and what you think some of the barriers might be around permanence orders, or if there are any drawbacks on using permanence orders that we might have not considered in as greater detail perhaps as best we could.

And another final point that I think does have a big impact on the permanence issue is about this interaction with financial support. It's a hotly debated topic; I'm sure with current financial circumstances within your own local authorities there was huge pressure on kinship care, and what that means in terms of your social care budgets at this time, but there is a complexity and perhaps a conflict of interest around our care planning for children. The assessment of kinship carers often gets linked to the financial decision making around providing financial support, and that might be a different decision that could be made around our kind of care planning work.

I'm interested in conversations more about trying to disentangle the role and duties of social work, and whether or not social work actually are always the right place, and have the right kind of position to be decision making on financial support, which has obviously huge consequences for children in kinship care, and whether or not the establishment of the new social security

agency in Scotland could be a new way of thinking about how we support kinship carers.

So that's a little polemic there to throw in at the end! But it's just thinking about whether or not the duties (all the other duties that are within different parts of our legislation about supporting children in kinship care) are sometimes getting overshadowed by the financial issue; it can take up an awful lot of time and energy, which we understand. Sometimes I wonder whether or not there's a new opportunity with the development of a social security system that's based on dignity and respect.

A final point on that is just what we know from the first slides, around the prevalence of children living in kinship care also living in poverty. So actually, how can we use aspects of our social security system, maybe, to provide that financial support around these families and allow social work to do some really, really kind of good practice relationship based work with families? So that's potentially a good one to get our discussion started.



So let me move on to some resources I have provided. So many of you probably will know the really good work that's done by Mentor UK, the <http://www.kinship.scot> websites there, they provide this kind of definitive guide, it's an online guide and some of you might have the lovely hard copies. They do great work in this area. Highly recommend them if there's any of you that haven't used their work, it's excellent - it actually helps as well a little bit of that navigation about what order children are on, to how they then interact with benefit systems, that's super useful.

[The Child Poverty Action Group](#) work - they provide also quite a lot of training on kinship care as well, half day and full day training, highly recommend. Also good to link in with your welfare rights officers if your local authorities that have them and their knowledge of the changing impact of universal credit and what that might mean for the interaction of kinship carers as well. And then a few more things there: the [Scottish Kinship Care Alliance](#) and [Citizens Advice Scotland](#) which provide a lot of support and then also the work of Parent Line and being a direct source of support. As well as, obviously, within your local other areas there's probably lots of kind of hopefully kind of grassroots support organisations and we know, again and again, that kinship carers really, really value that having space to meet with other kinship carers. Slight caveat on that is they tend to be more heavily used by women, so women are more disproportionately represented in kinship care anyway, but maybe it's not always the forum that works for

men. But we do know that there are some men that are single kinship carers so it might be worth thinking about what's in your local authority area to support men and also those of different ages. So there's sometimes it comes about that different groups can form, which can be wonderful but also might work particularly well for a particular age cohort but not as well for others. For example, sometimes some older brothers and sisters that are involved in caring for children are not necessarily always seeing the links of those local support groups, but generally they are found to be incredibly, incredibly useful.



OK, the final slide for the academics in you all, and those of you that love a little bit of research - I've put them all in as hyperlinks so you should be able to access everything with the exception of David Pitcher's work; sorry, that's a book, but hopefully there's lots there that you can access or link to. There is an awful lot more on this area but that's me trying to keep it relatively brief for you, but I'm more than happy to discuss any aspect.

Thank you very much for listening.

Other resources

CELCIS Knowledge Bank:

CELCIS Knowledge Bank:

<https://www.celcis.org/knowledge-bank/>

Independent Care Review and The Promise:

<https://www.carereview.scot/>

www.kinship.scot (run by Mentor UK)

Child Poverty Action Group in Scotland - CPAG (2018):

<https://cpag.org.uk/sites/default/files/files/resource/CPAG-scot-factsheet-Kinship-care-benefits-May-2019.pdf>

Citizens Advice Scotland:

<https://www.cas.org.uk/>

Scottish Kinship Care Alliance:

<http://scottishkinshipalliance.com/>

Children 1st –Parentline /Kinship care:

<https://www.children1st.org.uk/help-for-families/parentline-scotland/guidance-advice/kinship-care/>

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