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Infants born into care in Scotland: Initial findings

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Summary

Comparisons between England and Scotland

- Between 2008 and 2017 one in 85 children born in Scotland became looked after before their first birthday. This is higher than the equivalent figure for England of one in 119 children. More Children in Scotland than in England are looked after at home with their parents, but this does not account for all of this difference (Section 3.1).
- Between 1st March 2008 and 31st July 2017 (the study period) rates of children entering care under 1 year in Scotland increased only slightly compared to a much greater increase in the English rates (Figure 1). Published statistics show that these rates increased in both countries over the earlier period, 2002 to 2008, but more steeply in Scotland than in England (Figure 2).
- In the study period 6180 children in Scotland entered care aged under 1 year. One third of these children started being looked after in their first week. The proportion under 1 week increased from 25% to 38% from 2008/9 to 2016/17 (Section 3.1).
- The rates of children entering care under 1 week in the study period are almost the same in England and Scotland and both show the same increase over time (Figure 1).

The remaining points refer to children in care in Scotland

- Most children under 1 year are first cared for by foster parents; 59% of all under 1 year and 76% of those under 1 week. A further 22% are cared for by friends or relatives, but only 12% of those entering care under 1 week. A first placement is with parents for 14% of all children under 1 year, but under 2% for those starting care under 1 week (Section 4.1).
- The median length of time in care for all children starting care under 1 year is 2 years 5 months and differs little by age at starting care (Section 4.2).
- Children's destinations on discharge from care differ between those starting care under 1 week and those starting later in the first year. Those entering care earlier are more likely to be adopted, while the later group are more likely to be reunited with their parents or with friends and family (section 4.3).
- The rate of discharge from care to parents is highest in the early months, giving short episodes of care. However, 30% of children leaving care to return to the parental home had one or more further episodes of care. Later episodes tend to occur soon after the initial discharge from care and the majority return the child home again (Sections 4.3 and 4.4).
- The rate at which children in care are adopted is at first low but increases to a peak in the child's third year of care, decreasing thereafter. There is evidence that the rate of adoption from care increased from the year starting in April 2011, especially for those starting care under 1 week (Figure 5).
- On their 5th birthday, 46% of children starting care under 1 week are with adoptive parents, and 43% were no longer looked after. For those starting care later in their first year these percentages are 21% and 18%. (Table 4). At this age, 25% of children starting care under 1 week are with their birth parents, and 22% were no longer looked after. For those starting care later in their first year these percentage are higher at 37% for all and 31% no longer looked after.

- 46% of all completed episodes consisted of a single placement, and 3% had 5 or more.
- The duration of each episode can also be subdivided according to the legal reasons applying at each time point. These time periods did not, generally, map neatly onto the episodes. There were more legal reasons than episodes, 23% of children having 5 or more legal reasons. (Table 8). Many of the children with a large number of legal reasons had consecutive time-limited orders (Child Protection Orders or Interim Compulsory Supervision Orders) at the start of care that were renewed after their time period expired.
- The most common legal reasons on entering care were Child Protection Orders or Section 25 (voluntary care with parental permission). The legal reasons changed for many children during the first weeks of care (Figure 7).
- Many different patterns of legal reasons are found during an episode of care, but reasons for completed episodes can be classified into 4 groups that have very different pathways through care (Tables 11, 12 13).

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A **technical report (TR)** presents some further details of the data analysed and the methods used. It can be accessed from our website (www.scadr.ac.uk/new-report-infants-born-care-scotland).

An **Excel spreadsheet** is available on our website (www.scadr.ac.uk/new-report-infants-born-care-scotland) that gives details of the data presented in some of the figures in the report.

1 Introduction

1.1 Background and overview

In February 2020 Scotland's Independent Care Review commented on the Scottish Government's official statistics about care-experienced children¹:

"Alongside listening, access to good data can enhance good decision making but currently, official statistics report on a single 'episode of care' basis and present a series of 'snapshots' at specific points in time. This means that an individual's 'journey of care' (constituted by linking together the individual episodes which make up their care experience) and their progress over time is not represented in official statistics."

This report is one of the first outputs from a project based in the Scottish Centre for Administrative Data Research (SCADR)² that uses linked data from the Looked after Children in Scotland data (LACS)³ to examine looked after children's journeys. These data were made available to the research team in a secure environment that protects the privacy of all subjects. This report describes the patterns of care for infants who first became looked after in Scotland when under 1 year of age between 1st April 2008 and 31st July 2017. It includes details of all episodes of care up to the end of follow-up (31st July 2017). It parallels a recent report from the Nuffield Family Observatory (NFJO) on infants under 1 year of age who have been the subjects of care proceedings in England (Broadhurst et al., 2018)⁴, as well as a recent article that expands the evidence for England (Bilson and Bywaters, 2020).

We found that the rate of children becoming looked-after under 1 week in Scotland was almost identical to that for England, with both increasing in a very similar way between 2008 and 2017. For all children entering care under 1 year of age, rates were higher in Scotland. Part, but not all, of this increased rate in Scotland can be attributed to the higher proportion of children looked after at home with their parents in Scotland. As well as this comparison of rates we present a picture of the pathways in and out of care of these children from starting to become looked after until the end of follow-up at 31st July 2017.

These analyses present only a partial picture of the consequences for the child and the family when an infant becomes looked after. A recent major study of looked after children in Scotland (*Permanently Progressing? Building secure futures for Children in Scotland*) reports on the care-experience of a sample of children under 5 years of age looked after away from home, starting in 2012/13 and followed for a subsequent 4 years using quantitative and qualitative methods. The 5 reports of this project can be read alongside this report to gain a much fuller picture of looked after children in Scotland⁵, as well as a review of research evidence, policy and legislation. The

¹ <https://www.carereview.scot/>

² <https://www.scadr.ac.uk/>

³ <https://www.gov.scot/policies/looked-after-children/>

⁴ A similar report was also produced for Wales, but a detailed comparison with Welsh data is not included here because it did not report on children starting to be looked after under one week.

⁵ Available from <https://afascotland.com/images/documents/PermanentlyProgressing> Accessed 25/10/20.

Permanently Progressing team were not able to carry out any interviews with the mothers of children who had been removed from their care.

The removal of a child at birth is a serious intervention by the state – it is not hard to imagine the distressed mother’s face, compounded if they know in advance that they will not be looking after the child they are bearing. Mothers who lose care of their child suffer a clear deterioration in health and well-being (Wall-Wieler et al. 2018a and 2018b, Broadhurst and Mason 2019). A recent qualitative study (Critchley 2018) describes the experience of parents in Scotland who face the possibility of such a loss. Concern for mothers and fathers is balanced by concern for the best interests of the child, which article 3 of the UN Convention on the Rights of the Child⁶ states “must be the primary consideration”. The greater vulnerability of infants and the developmental consequences of inadequate care (Ward et al 2012) are to the fore for all decision makers in these complex and troubling circumstances. The current restrictions imposed by the coronavirus pandemic making communication with parents even more difficult (Porter et al. 2020). The life-changing nature of the decisions taken for child, birth parents, and wider family networks require a detailed understanding of the consequences for all parties.

This report looks at one aspect of outcomes for the population of infants and newborns who become looked after in the first year of life in Scotland. The main source of data is the LAC-S; described in detail in the accompanying **Technical Report (TR)**. The analysis presented is limited by what is currently available in administrative sources. In the conclusion we make recommendations to extend the utility of this data for future policy development.

The report presents “initial findings” because it is the first use of these longitudinal data for all looked after children Scotland to reach publication. The original data had to be sorted, cleaned and linked together before any analysis could be undertaken. This involved consultation with the data providers in local authorities and in the Scottish Government. We anticipate, in future, that the quality of the LAC-S data⁷ will benefit from this process.

Further work with the complete LAC-S is already being undertaken. It shows that trends in the proportion of children entering care at older ages are quite different from those for the youngest children. The rates for older children have declined substantially between 2009 and 2017, most steeply for children of secondary school age. This agrees with results from the Scottish Government reports. The 2017/18 report (Scottish Government, 2019) noted that “the total number of children looked after in Scotland has fallen for the sixth consecutive year”.

⁶ UN Convention on the Rights of the Child: Article 3 <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/> : accessed 29/04/2020.

⁷ Two more years of administrative data are now being prepared for longitudinal analysis with collaboration between SCADR and the data providers.

2 Looked after Children (LAC) in Scotland and in England

2.1 Legislation and procedures

The legal basis by which a child in Scotland becomes looked after differs greatly from that in England and Wales, see McGhee, Bunting et al. 2018 and Bywaters, Scourfield et al. 2020 for more details. In Scotland many of the decisions as to whether a child should be looked after are taken by the Children's Hearing system, first established in 1971, administered by the Scottish Children's Reporters Administration (SCRA)⁸. Children's hearings are lay-led tribunals that bring together parents, children and professionals, intended to provide non-adversarial fora where the welfare of the child is paramount. Children's Hearings Scotland⁹, recruits, trains and supports its lay hearing members, who are the decision makers.

Following a children's hearing, if the decision is that the child is in need of compulsory measures of supervision, SCRA will issue the **compulsory supervision order (CSO)** to the local authority (LA) confirming the type of care for the child. This can include supervision at home, supervision away from home placing the child either in a family setting (generally kinship or foster care) or in residential care¹⁰. The hearing can make an interim compulsory supervision order (ICSO), a temporary order until a final decision is reached. This is intended for urgent situations where the child is at risk or is a risk to others. The ICSO replaced the previous system of "warrants" and lasts for a maximum of 22 days before it must be reviewed.

Children can also become looked after, with their parents' agreement, without a referral to SCRA or the Scottish Sherriff Courts, under Section 25 of the Children (Scotland) Act, 1995¹¹. Courts remain the decision maker where adoption or permanence decisions¹² are necessary and where there is an immediate risk or presence of significant harm to a child. In the latter case a Child Protection Order (CPO) can be issued which permits the removal (or keeping) of a child to a place of safety. A CPO is reviewed by a children's hearing on the second working day after implementation and, if continued, ends on the 8th working day. At that point the normal processes of children's hearings take over. The hearing can make an ICSO until reaching its final decision about the need (or not) for compulsory measures of supervision. The relationship between these different bodies and other organisations is complex (Woods et al. 2018); this is illustrated graphically by a chart designed by the Centre for Excellence for Children's Care and Protection (CELCIS)¹³.

In contrast, decisions about looked after children In England and Wales are taken by the family courts within a time-frame of 26 weeks to reach a final decision. The court can issue care orders (section 31, Children Act 1989) which place the child in the care of LA children's services and can last up to the child reaching 18 years. Supervision orders (section 31, Children Act 1989) also permit children's services to supervise the care of a child for 1 year with a possibility of extension to two years. Interim care or supervision orders (section 38, Children Act 1989) can be made during the

⁸ <https://www.scra.gov.uk/>

⁹ <https://www.chscotland.gov.uk>

¹⁰ In 2020 46% children subject to compulsory supervision orders were living with a parent/other relevant person in the community. https://www.scra.gov.uk/resources_articles_category/online-statistics-2019-20/ accessed 13/10/20

¹¹ <http://www.legislation.gov.uk/ukpga/1995/36/section/25> : accessed 29/04/2020.

¹² Section 80 Adoption and Children (Scotland) Act 1995, children subject to permanence orders are included in the definition of looked after children.

¹³ <https://www.celcis.org/knowledge-bank/search-bank/child-protection-and-permanence-system-map/> : accessed 29/04/2020.

court proceedings until a final decision is made. There are also provisions for a child's removal to a place of safety on an emergency basis. Emergency Protection Orders (EPOs, section 44 Children Act 1989) last for 8 days with extension by the Sherriff Court for a further 7 days possible. A child can also become looked after, with parental agreement, under Section 20 of the Children's Act 1989.

2.2 Data sources

The Education Analytical Services Division of the Scottish Government collects statistics for looked after children in Scotland¹⁴ and the Department of Education¹⁵ collects the equivalent data for England. These collections are based on returns made annually by LAs and include all looked after children. We refer to these two sources as **Looked after Children Scotland (LAC-S)** and looked after children in England (LAC-E). The Child and Family Court Advisory and Support Service¹⁶ (Cafcass) collects statistics on children subject to care proceedings in England that exclude children who are looked after with their parents' consent under Section 20 of the of the Children's Act 1989. In Scotland SCRA collects data on referrals to the reporter, and the decisions made and processes undertaken in response to these referrals.

The **Nuffield Family Justice Observatory (NFJO)** reports for England (Broadhurst et al. 2018) and for Wales (Alrouth et al. 2018) used the Cafcass data to look at trends in proportions of very young infants coming into care. Bilson and Bywater, 2020 extended the analysis for England by using the equivalent LAC-E data obtained from a freedom of information (FOI) request.

In this report we use a longitudinal file created from the LAC-S data by linking children across each of the annual returns that were available from 2008/09 onwards. It was a major task to create the longitudinal file by resolving inconsistencies between a child's records returned in different years. Data were supplied as a file of placements (each location where a child is looked after) and a file of legal reasons, each grouped by anonymised child identifier and episodes of care. To produce a longitudinal file suitable for the analysis it was necessary for the placements and legal reasons to be consistent as described in the Appendix to the **Technical Report (TR)**. Records had to be checked and cleaned to retain the most plausible set of episodes for each child. For children of all ages the original records identified over 53,000 children. Records for fewer than 2% of children had to be rejected because inconsistencies could not be resolved.

We report on rates of children starting to be looked after before their first birthday to compare trends over time with the LAC-E data. We also compare the legal reasons for which these children became looked after with reports derived from the Cafcass data for England.¹⁷ As well as comparing trends in Scotland with those found in England, the longitudinal LAC-S data allows us to examine these infants' pathways in and out of care over a nine-year period. The LAC-S return primarily holds data on age, sex, disability and ethnicity of the child. Background information on the birth family will be contained within individual care files within LAs and the Children's hearings system. Contextual information is therefore limited, so we cannot address many of the issues identified as important by the Independent Care Review¹⁸, but only supply a structure within which they might be set.

¹⁴ <https://www.gov.scot/collections/childrens-social-work>

¹⁵ <https://www.gov.uk/government/collections/statistics-looked-after-children> accessed 2/09/2020.

¹⁶ See <https://www.cafcass.gov.uk/> accessed 2/08/20

¹⁷ The comparison with the Welsh Cafcass data would also be possible, but has not been included here because no equivalent of the LAC-E data is currently available for Wales.

¹⁸ <https://www.carereview.scot/conclusions/independent-care-review-reports/> accessed 5/08/2020

2.3 Pre-birth child protection

Although the law is the final arbiter, the Scottish Child Protection system also includes an administrative system involving interdisciplinary multi-agency case conferences and LA-maintained registers of children at potential risk of maltreatment. These **Child Protection Case Conferences (CPCCs)** can decide whether legal measures to safeguard a child should be taken forward. When CPCCs are held before the birth the unborn child can be entered on the LA Child Protection Register with a recommendation that a CPO be applied for when the child is born. What is clear is that across the UK pre-birth child protection practices have become more common (Bunting, et al., 2018), with neglect and emotional abuse the central child protection concerns. In Scotland, there are temporal guidelines for these pre-birth CPCCs deciding whether a child should be removed at birth from the mother's care^{19,20}. The legal outcomes for the child might be temporary or permanent removal of the child from the care of parents and ultimately alternative permanent care being sought via adoption or in some cases kinship care.

3 Rates and trends in numbers of LAC under 1 year in Scotland and England

3.1 Summary of rates and trends

Details of the data used in this report, as well as tables corresponding to each plot, can be found in the **Technical Report (TR)**. Briefly, we have used records for all children becoming looked after in Scotland before their first birthday from 1st April 2008 to 31st July 2017. Using LAC-S and LAC-E data, **Figure 1** compares the rates per 10,000 live births for children starting to be looked after under 1 year and under 1 week in Scotland and in England.

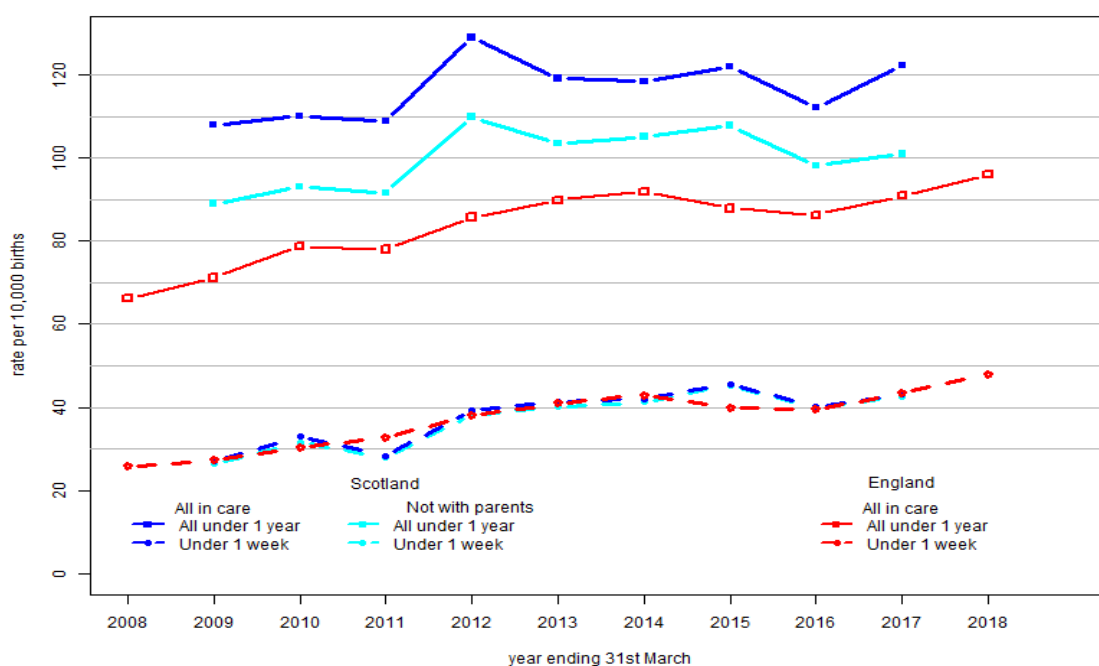


Figure 1 Rates of children starting care under 1 year and under 1 week by administrative year (1st April to 31st March) for England and Scotland.

¹⁹ National Guidance for Child Protection in Scotland 2014, <https://www.gov.scot/publications/national-guidance-child-protection-scotland/> accessed 13 October 2020

²⁰ Working together to Safeguard Children 2018 and Wales Safeguarding Procedures outline child protection guidance for each jurisdiction, <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> and <https://safeguarding.wales/chi/> accessed 13 October 2020

We are grateful to Andy Bilson for providing a copy of the data, received by FOI, on the number of children starting care in the LAC-E data (Bilson and Bywaters, 2020). Note that the LAC-E data include more children than the NFJO study (Broadhurst et al. ,2018), which used data from Cafcass because the NFJO report excluded periods of care for children looked after with their parents' consent, under Section 20 of the Children's Act 1989. The data used to produce Figure 1 can be viewed in the accompanying spreadsheet. The LAC-S data differ slightly from those in annual reports²¹ because of a change in the reporting period.²²

The rates of children under 1 week being taken into care are very similar for Scotland and England. As reported in Bilson and Bywaters, 2020, the rates per 10,000 births in England have increased from 26 to 48 between 2007/08 and 2017/18. The comparable rates for Scotland are from 27 to 43 from 2008/09 to 2016/17. The rate of increase is almost identical in the two countries at 2 per 10,000 births per year.

The picture for all children under 1 year differs between the two countries the average rate being 38% higher in Scotland than in England. Taking all children becoming looked after before their first birthday, the rates increase more steeply in England (2.5 per 10,000 per year) than in Scotland (1.3 per 10,000 per year). These trends are small compared to the much higher rate in Scotland where, on average during this period, one in every 85 children born will have some period in care during their first year. This compares to 1 in every 119 children in England.

In Scotland the percentage starting care under 1 week of all starting care under 1 year has risen from 25% to 38% between 2008/09 and 2016/17. The equivalent percentages for the LAC-E data are from 38% to 45%; a less steep increase because of the greater increase in all under 1 year. Details are presented in the accompanying spreadsheet. Figure 1 also shows the rate of children in Scotland looked after away from home; this is discussed in the next section where we look at differences between the LAC-S and the LAC-E data sources.

For all children under 1 year we can extend the rates back in time by going to published sources. These include the Annual Reports for Scotland and England as well as data from an analysis of the LAC-E data by McGrath-Lone et al. (2016). This is illustrated in **Figure 2**²³. The English data show a steady increase over time for the whole period from 1992 to 2018. The rates for children under 1 year in Scotland have increased very steeply from 2002 to 2011, more than doubling over that 10 year period, then remaining fairly stable after thereafter (see accompanying spreadsheet for details).

²¹ <https://www.gov.scot/collections/childrens-social-work>

²² The LAC-S data were reported for 1st April to 31st March for 2008/9 and 2009/10 and thereafter from 1st August to 31st July. For this report the rates have been recalculated from the longitudinal file to years ending 31st March to make them comparable with the LAC-E data

²³ See the accompanying spreadsheet for details and notes of the data used in Figure 2.

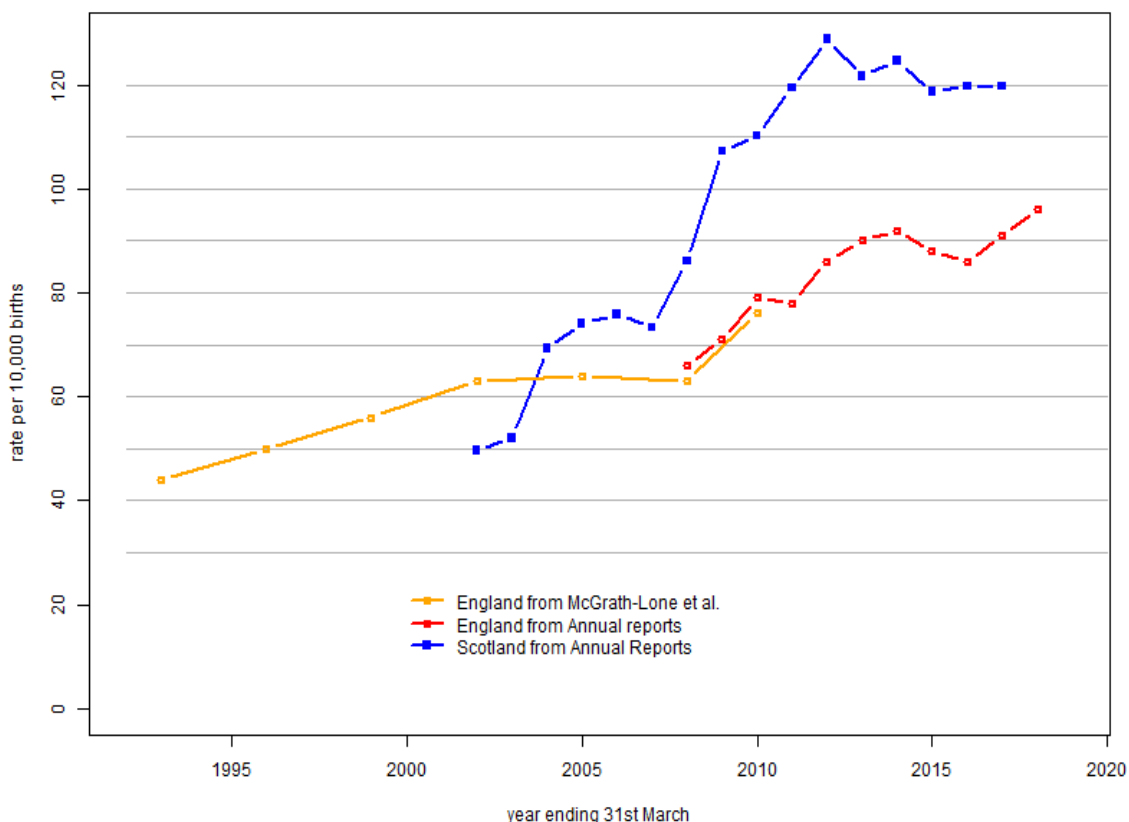


Figure 2 Rates of children starting to be looked after under 1 year of age in England and Scotland from published sources

3.2 Differences between LAC-S and LAC-E data

There are two categories of looked after children who may appear to a different extent in the Scottish and English data. These two categories are:

1. Children who are looked after but are living with their parents.
2. Children starting to be looked after in Scotland without any contact with Children’s Hearings or Sherriff Courts under Section 25 (S25), or in England under Section 20 (S20) in England). In both cases children become looked after with their parents’ consent.

Children looked after with their parents

In Scotland, Children’s Hearings can issue a CSO, under the Children’s Hearings (Scotland) Act 2011, that specifies that the child is looked after but placed at home with parents. There is no such category in the English legislation although a small proportion of children are subject to a care order while living at home. Over the period 2008 to 2017, 45% of looked after children of all ages in Scotland have their first period of being subject to compulsory supervision orders at home with their parents. Annual Reports on looked after children from the Department of Education²⁴ show that the proportions of children of all ages starting to be looked after at home in England were between 3% and 6% over the years being compared.

²⁴ Data from the annual reports published by the Department of Education for England can be accessed at <https://www.gov.uk/government/collections/statistics-looked-after-children> , accesses 2/9/10.

In Scotland under 2% of infants starting to be looked after in their first week are initially placed with their parents. This rate remains low for children becoming looked after before 12 weeks of age, but then gradually increases to around 40% at 1 year²⁵. For children starting to be looked after over 1 year of age, rates of those at home with their parents increase from 40% for the youngest to 60% for the oldest. Details are in Table T2 of the TR.

In **Figure 1** the light blue lines illustrate the rates of care away from home for those under 1 week and under 1 year in Scotland. For those coming into care in their first week almost all are cared for away from home, so the plots of rates comparing all children with those away from home are barely different and the light blue line is hardly visible. For children under 1 year the rates are lower for those away from home, now only 22% higher than the overall English rates, compared to 38% higher for all children entering care under 1 year. It is unlikely that the equivalent English rates will be much lower than the rate for all English looked after children.

Children looked after under Sections 25 (Scotland) or Section 20 (England)

The NFJO report (Broadhurst et al., 2018) used data from Cafcass and thus excluded children looked after under Section 20. This gave considerably lower rates of children coming into care under 1 week than the rates from the LAC-E. The difference for rates for all children under 1 year were less pronounced. As Bilson and Bywaters, 2020 suggest, this appears to be because a high proportion of children starting care under Section 20 have a subsequent order from the family courts in the weeks following their start of care. The TR includes an analysis of the LAC-S data where entry into care is defined by the first ruling from a Children's Hearing or from a Sherriff Court.

4 Care experience of looked after children under 1 year in Scotland

4.1 First placements

A total of 6180²⁶ infants in Scotland came into care during their first year of life between 1st April 2008 and 31st July 2017. An episode of care is a continuous period of time during which a child is in the care of a LA. It consists of 1 or more placements that describe the location of care. For each child we have details of where they were placed during every episode of care until 31st July 2017, and for those leaving care, their destination at the end of each completed episode.

There is a large difference in where children began to be looked after between those becoming looked after in their first week compared to later in their first year (**Table 1**). For children entering care under 1 week 76% were placed in foster care, compared to 51% of those entering care later in the first year. A higher proportion of children entering care later were first in the care their parents or with relatives or friends. There is little evidence of any trends in these proportions over the 9-year period (see TR).

²⁵ See accompanying spreadsheet for details.

²⁶ All numbers of children in this report are rounded to the nearest 10.

Table 1: Location of first placement by age at starting to be looked after

	% first placement by age at becoming looked after (Column %s)		
	All under 1 year	Under 1 week	1 week to 1 year
Number of children*	6180	2010	4170
<i>Percentage of initial placements</i>			
With foster parents	59	76	51
With friends/relatives	22	12	26
With parents	14	2	20
With prospective adopters	0	1	0
other	5	9	3

* All numbers rounded to nearest 10

Overall, 89% of children had a single episode of care during follow-up, 9% had two episodes and 2% had 3 or more episodes. Some of these children will go on to have further episodes after 31st July 2017 (follow-up end).

4.2 Length of first episodes

At follow-up end, 35% of children were still being looked after in their first episode of care. To allow for these incomplete episodes survival analysis methods must be used to get unbiased estimates of the episode lengths. Leaving-care curves can be calculated using the Kaplan-Meier method to estimate the proportions of children who leave care at each time, making appropriate adjustments for incomplete episodes. **Table 2** gives the estimated percentages of episodes not completed at 1 to 7 years from start of care.

Table 2: Percentages of episodes completed by years from start of care estimated from leaving-care curves.

	years from start of care							
	0	1	2	3	4	5	6	7
<i>Starting care under 1 week</i>								
Number still in care*	2010	1420	890	450	250	160	120	90
Episode ended %	0	20	43	66	77	82	84	85
<i>Starting care 1 week to 1 year</i>								
Number still in care*	4170	2890	2000	1290	800	540	370	240
Episode not ended %	100	24	41	58	70	76	79	80

* All numbers rounded to nearest 10

The full leaving-care curves corresponding to Table 2 are shown in the TR. Children are initially discharged from care more slowly if they enter care after 1 week, 20% discharged from care in 1st year compared to 24% of those starting care later. Beyond 1 year from the start of care this pattern is reversed with 82% of those starting care in their first week still in care at 5 years compared to 76% of those starting care after 1 week. Differences are small and there was no evidence of any overall trends in episode length over the 9 years of follow-up.

Another way of summarising the lengths of episodes for these groups is the median length of episodes (the time at which 50% of episodes have ended). For all children entering care under 1 year the median episode length was 2 years 5 months, slightly shorter, at 2 years 4 months, for those entering care under 1 week and slightly longer, at 2 years 6 months, for those becoming looked after later.

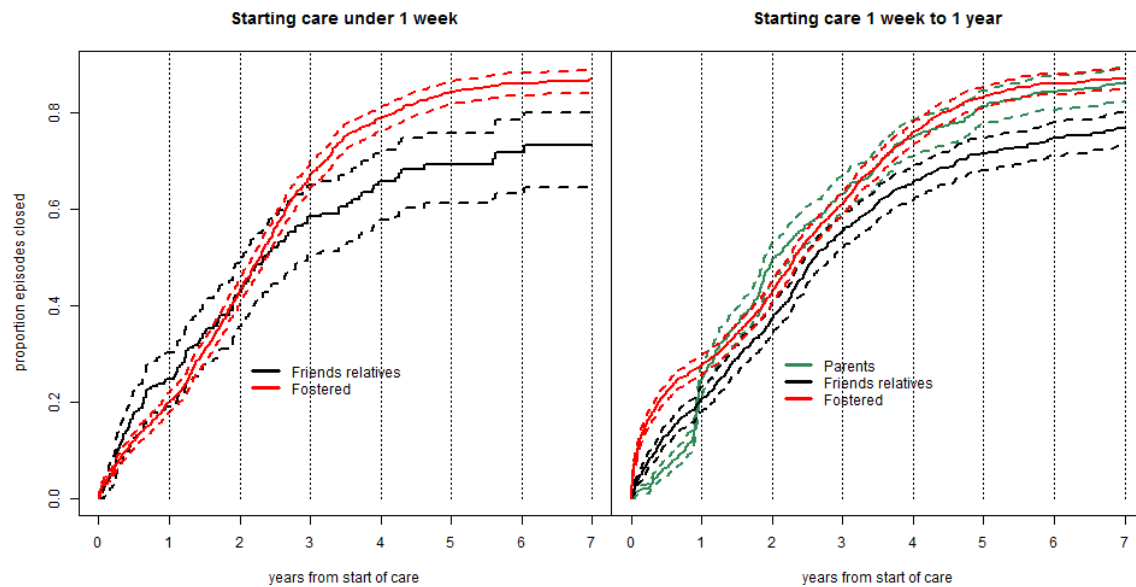


Figure 3 Leaving-care curves by initial placement type

Figure 3 shows the leaving-care curves by initial placement for children starting care under 1 week and between 1 week and 1 year, by the first placement type. Groups with only small numbers of children have been omitted. There is evidence of difference between groups when the 95% confidence intervals (shown in dotted lines) do not overlap. For infants starting care under 1 week those initially fostered, or with friends/relatives have similar patterns of leaving care for the first three years of follow-up, but a larger proportion of those starting with friends and relatives have episodes lasting three years or more.

For children entering care after 1 week of age there are differences in the first year of follow-up. Those starting in foster care have the largest proportion of short episodes in the first months. Children starting care with their parents are slowest at leaving care initially, but then catch up with the others in the few weeks before the end of their first year. This probably relates to a children's hearing review of such cases required to take place by the end of the first year in care. After the first year all groups have similar leaving-care curves, but as with those starting care under 1 week, those starting with friends/relatives have more longer episodes.

There was evidence that the length of the first episode had become shorter over the 9 years when the children started care. The picture appeared complicated, and was only clarified when separate analyses by the destination at the end of follow-up were carried out as described below.

4.3 Destinations at the end of the first episode

Table 3 shows destination accommodation at the end of their first episode, for the 4020 children (67% of all) who had a completed first episode during follow-up. Of those with a known destination, just under half were adopted and 33% were back with their parents. A higher proportion of those starting care under 1 week were adopted and fewer returned to their parents after their first episode.

Table 3: Destination after first episode and median length of completed first episodes for infants with completed first episodes

<i>Percent of completed episodes (Column %s)</i>			
Destination at end of first episodes	All under 1 year	Under 1 week	1 week to 1 year
Home with parents	48	35	54
Home with newly adopted parents	33	51	24
Home with friends/relatives	14	10	16
Other including not known	5	4	6
<i>Median length of completed episodes</i>			
All children			
From survival analysis	2 yr. 5 mo.	2 yr. 4 mo.	2 yr. 6 mo.
All complete episodes	1 yr. 8 mo.	1 yr. 8 mo.	1 yr. 9 mo.
<i>Median length of completed episodes</i>			
Home with parents	11 mo.	7 mo.	11 mo.
Home with newly adopted parents	2 yr. 5 mo.	2 yr. 2 mo.	2 yr. 9 mo.
Home with friends/relatives	2 yr. 2 mo.	1 yr. 11 mo.	2 yr. 2 mo.
Other including not known	1 yr. 2 mo.	11 mo.	1 yr. 2 mo.
<i>Numbers of children*</i>			
All completed episodes	4020	1300	2720
Incomplete episodes	2160	710	1450

* All numbers in this report are rounded to nearest 10.

Table 3 also shows the median length of the completed episodes. These are lower than the eventual episode lengths that will be achieved with complete data, since longer estimates are excluded. For all children the median length of completed episodes estimated from the leaving-care curve was 2 years 5 months, compared with the 1 year 8 months in Table 3. Children leave care to their parents at earlier times while episodes ending in adoption are longer.

Leaving-care curves by destination measure the proportion of all children, still in care at each time, who leave care by each destination²⁷. This is not the same thing as the proportion of all children who end the episode by each destination. Thus, they require careful interpretation (see TR for details). It is not possible to estimate median lengths of episode from this analysis because we do not know the number of children who will eventually leave care by each destination. But we can compare the rates of leaving care by each destination. The slope of the leaving-care curves estimates the rates per unit time of leaving-care to each destination²⁸. But for any short period of time this is based on small numbers and would give a very bumpy picture. To look at how this rate of leaving care changes over time the smoothed estimates of rates are plotted in **Figure 4**.

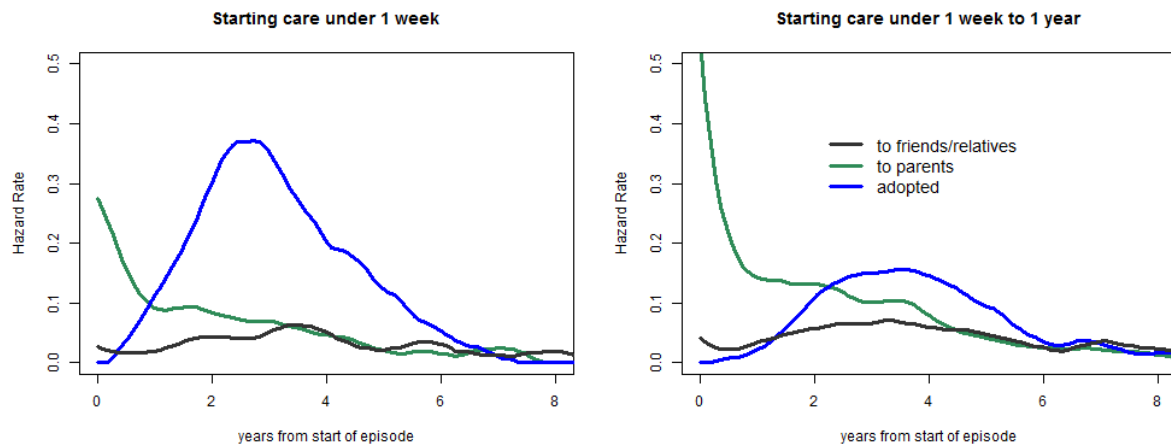


Figure 4: Rate of children leaving-care to each destination at the end of the first episode estimated from a smoothed estimate of the slope of the leaving-care curve.

The rate of leaving care to return to parents is highest in the first months declining steeply up to 1 year, and then more slowly in the subsequent years. The initial rate of returning to parents is higher for those entering care after 1 week, compared to during their first week. The rate of leaving care to friends/relatives is fairly constant over follow-up time. The most striking patterns are seen for rates of adoption. These are initially low but increase until the first half of the third year, after which they decline steeply.

There was evidence of trends in these rates by the year when the child started care. Rates of leaving care have increased over time. The main differences are between the period before 1st April 2011 and later years. In the earlier period the median length of episodes was 2 years 8 months, but over the later period it was 2 years 4 months. These differences were to a large extent due to the increase in the rates of adoption in the later period, especially for those entering care before 1 week of age.

²⁷ This is known in the survival analysis literature as a competing risks analysis.

²⁸ This is known in survival analysis as the hazard rate, with no implication that there is anything dangerous about the event.

Figure 5 illustrates this. Other destinations also contributed, as discussed in the Technical Report.

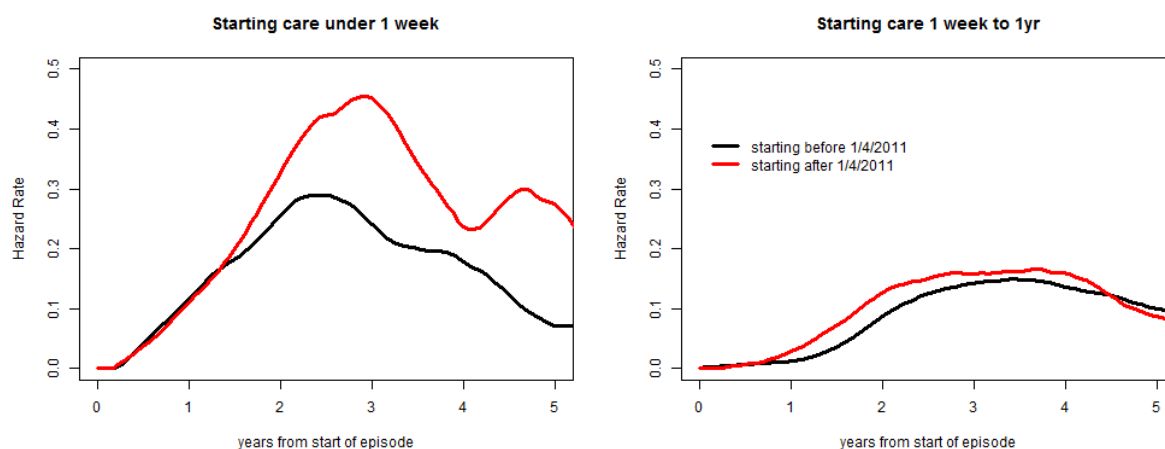


Figure 5: Rate of children leaving-care to adoption at the end of the first episode estimated from a smoothed estimate of the slope of the leaving-care curve.

4.4 Later episodes

The majority of children who have further episodes of care, after the first, are those who left care to stay with their parents. Of the 1930 children returning home after their first episode of care 580 (30%) went on to have a further episode of care. This compared to 6% of children returning to friends or family and under 1% of those adopted. Second episodes most often returned children home (62% of completed episodes) and the gaps between episodes were short, with a median length of 8 months. Further episodes thus tend to extend the total time in being looked after for those returning home.

4.5 Where are the children at ages 1 to 7?

To simplify these complicated patterns of care we can work out where each child will be at ages 1 to 7 years, including any subsequent episodes after the first. The child may still be looked after or may have left care to be at home with parents, with adopted parents or with friends/relatives. On Figure 5 the darker shading is used for children no longer looked after, and lighter colours for those still looked after (indicated by LA on the legend). The lighter blue are children placed with prospective adoptive parents. Only those children who have been followed up to each age contribute to the calculations. The rates at the oldest ages are thus based on smaller numbers.

Details of the percentages plotted in Figure 6 are in Table 4. By ages 5 to 7, 44% of children becoming looked after in their first week are at home with new adoptive parents and 22% are at home with their parents and no-longer looked after. For those coming into care between 1 week and 1 year the percentage adopted by ages 5 to 7 is lower at 20%, but the percentage home with their parents and no longer looked after is higher at 30%.

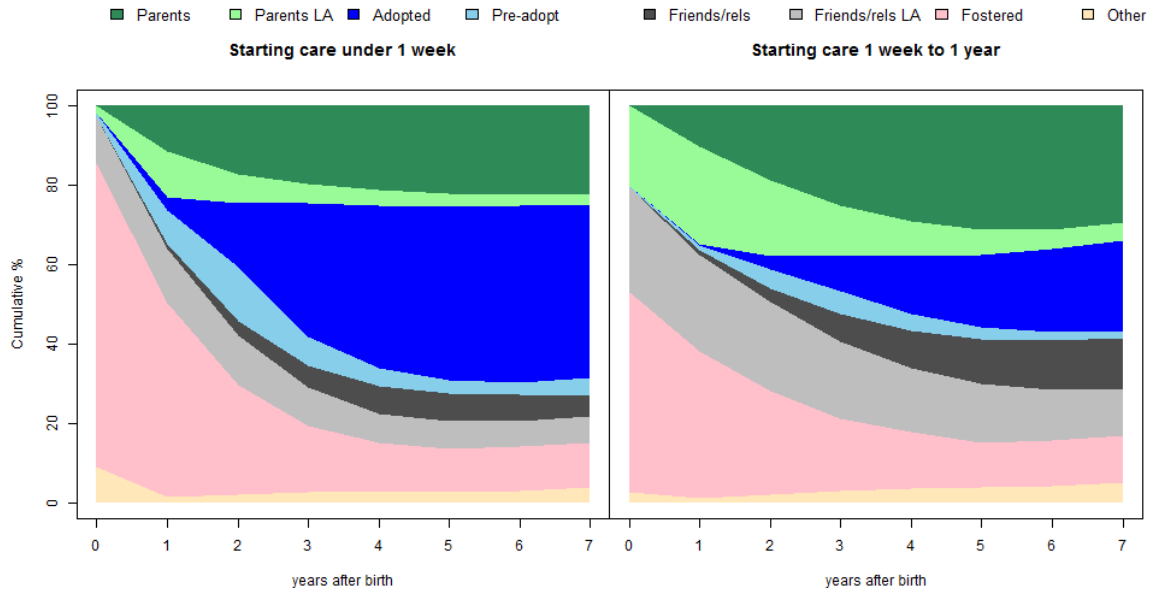


Figure 6: Percentage of children by location at start of care and on their birthdays from ages 1 to 7,

Table 4: Location of children at ages 0 to 7 years following becoming looked after under 1 year

Children starting to be looked after under 1 week of age	% location by years of age of child (column %s)							
Location of child	0	1	2	3	4	5	6	7
Home with parents	0	11	17	20	21	22	23	22
Home with parents looked after	2	12	7	5	4	3	3	3
Adopted	0	3	16	34	41	43	45	44
With prospective adopters looked after	1	9	14	7	5	3	3	4
With friends/relatives	0	1	4	5	7	7	7	5
With friends/relatives looked after	12	14	12	10	8	7	6	7
Fostered looked after	76	49	28	17	12	11	11	11
Other or not known	9	2	2	3	3	3	3	4
Number in follow-up*	2010	1780	1560	1310	1070	820	500	420

Children starting to be looked after under 1 week to 1 year	%location by years of age of child (column %s)							
Location of child	0	1	2	3	4	5	6	7
Home with parents	0	10	19	25	29	31	31	29
Home with parents looked after	20	25	19	12	9	6	5	5
Adopted	0	0	3	9	15	18	21	23
With prospective adopters looked after	0	1	5	6	4	3	2	2
With friends/relatives	0	1	4	7	9	11	12	13
With friends/relatives looked after	26	24	22	19	16	15	13	12
Fostered looked after	51	37	26	18	14	11	11	12
Other and not known	3	1	2	3	4	4	4	5
Number in follow-up*	4170	3940	3530	3120	2700	2260	1770	1300

* All numbers rounded to nearest 10

4.6 Numbers and patterns of placements

Just under half the children have a single placement during their first episode, but this percentage is lower for those entering care under 1 week (**Table 5**). A substantial minority have more than 2 episodes of care.

Table 5: Number of placements per first episode for all children with completed first episode

	N*	% of children by number of placements (row %s)				
		1	2	3	4	5+
All starting under 1 year	4020	46	32	13	5	3
Starting to be looked after under 1 week of age	1300	33	40	18	6	3
Starting to be looked after under 1 week to 1 year	2720	53	29	11	5	3

* All numbers rounded to nearest 10

We can group the types of placement during the first completed episode according to the combinations of locations during their first episode. The largest category (30%) are those only in the care of foster parents. **Table 6** gives the number of placements in the first episode by the combination of types of placement in each episode. Those with a single type of placement may have more than one placement recorded. This may be an over-estimate, especially for children who are fostered because a new placement may be recorded when some aspect of the care (e.g. source of finance) changes.

Table 6: Number of placements per first episode for all children with completed first episode by grouped combinations of types of care (row percentages).

Combinations of types of care (grouped)	N *	% of children by number of placements (row %s)				
		1	2	3	4	5+
Only with parents	440	96	4	0	0	0
Only with friends/relatives	580	86	12	1	0	0
Only with foster parents	1200	74	20	5	1	0
Ever with prospective adopters	830	2	59	24	8	6
Parents and friends/relatives	160	0	70	24	5	2
Parents and foster parents	390	0	57	26	12	5
Fostered and with relatives	240	0	56	33	7	5
Other	180	17	10	28	25	19

* All numbers rounded to nearest 10

Table 7 gives the combinations of placement type by the final destinations at the end of the first episode.

Note that some children become adopted without previously being placed with adoptive parents. In many cases they may have been adopted by their foster parents, as the data does not record the type of adoption.

Table 7: *Patterns of care during completed first episodes by destination at end of first episode.*

Combinations of types of care (grouped)	Destination at end of first episode (column %s)				
	N*	Parents	Adopted	Friends/relatives	Other/unknown
Only with parents	440	20	1	1	12
Only with friends/relatives	580	12	3	53	11
Only with foster parents	1200	35	29	7	45
Ever with prospective adopters	830	1	61	0	8
Parents and friends/relatives	160	17	3	1	12
Parents and foster parents	390	2	3	25	8
Fostered and with friends/relatives	240	7	1	5	2
Other combination	180	6	0	7	2
<i>Numbers of children*</i>					
All combinations	4020	1930	1320	560	210

* All numbers rounded to nearest 10

Looking at the column percentages in **Table 7**, we can summarise the children with completed episodes according to their destination at the end of the episode, bringing in information from other parts of this section.

Children returning home to their parents; this is the largest category for all children under 1 year, although it makes up a smaller proportion of those starting care under 1 week (see Figure 3). The 35% who have only had stays with foster parents before returning to their parents is perhaps surprising. Examining the 680 children in this category, shows that over 90% of them have only a single placement with foster carers. This group, as a whole, had the shortest episodes.

Children who are adopted; this second largest group are a larger proportion of those coming into care under 1 week. They have the longest episodes and very few have a subsequent episode after they have gone home with new adopted parents.

Children leaving care to stay with friends or relatives; this is a smaller group who have had some placements with friends or relatives during the episode and a wider range of episode lengths than other groups.

5 Legal reasons affecting looked after children in Scotland

5.1 Number and pattern of legal reasons

Our longitudinal data provides a time series for each child of the legal reasons that were in place during each episode of care. The series of legal reasons do not map neatly onto the changes of placement for a child, since a child may change placement while the same legal reason is in place, or conversely may be cared for in the same setting even though the legal reason for their being in care changes. The records for legal reasons had more inconsistencies, such as missing or overlapping dates, requiring fixing before the analysis, than was the case for the placement records (see Appendix to the technical report). There were over 21 thousand legal reasons for children becoming looked after under 1 year, compared to 13 thousand placements. **Table 8** gives the number of legal

reasons per episode for the first completed episode. Because it is biased to shorter episodes, this underestimates the final number of legal reasons for all first episodes during the period.

Table 8: *Number of legal reasons in first episode for all children completing first episode*

		Percentage of first episodes (row %)									
		Number of legal reasons per first episode									
Entering care	N*	1	2	3	4	5	6	7	8	9	10+
All under 1 year	4020	42	16	12	8	5	5	4	3	2	4
Under 1 week	1300	35	14	13	9	5	7	5	3	2	6
1 week to 1 year	2720	45	17	12	7	5	3	3	2	2	3

* All numbers rounded to nearest 10

The number of legal reasons varied according to the destination at the end of the episode. For episodes ending in adoption 26% had 5 or more legal reasons compared to only 10% of episodes when the child returned to their parents.

The episodes many legal reasons are largely made up of the two legal reasons with short durations, CPOs and ICSOs. These are generally consecutive sets at the start of care.

For all children under 1 year the most common legal reason at the start of care is being looked after under Section 25. For those under 1 week at the start of care there are as many children in care as a result of CPOs as of those detained under Section 25.

Table 9: *Legal reason at start of care for all children*

		Percent of children starting care with legal reason (row %s)					
First reason		CPO	ICSO	CSO at	CSO away	Section 25	Other
				home	from home		
Under 1 week		44	4	0	4	44	4
1 week to 1 year		18	12	16	9	39	6
All under 1 year		26	10	11	7	40	6
N of children under 1 yr. starting with each legal reason*		1630	610	680	430	2500	350

* All numbers rounded to nearest 10

However, CPOs and ICSOs are short-lived and even after 1 week the proportion of children with each legal reason changes markedly. **Figure 7** shows how the legal reasons change from 1 week to 2 years in care. For those under 1 week at start of care, the majority of the CPOs become ICSOs by the end of the first week, but by 6 months from the start of care the percentage of CPOs increases again. For those starting care after 1 week, the proportion starting with CPOs is lower, but CPOs and ICSOs still make up a substantial proportion of all legal reasons up to 2 years from starting care. Those being cared for under Section 25 decrease from the start of care to the end of the first week, but remain stable after that (see the accompanying spreadsheet for details of percentages in Figure 7).

The other group includes CSOs in a residential setting, as well as permanence/adoption orders. The latter seldom appear in the LAC-S data, perhaps because of reporting/recording issues²⁹. The other category contains a proportion of cases where the legal reason is given as “not known”. The “not known” percentage is lower in the later years (see Figure T5 in the TR).

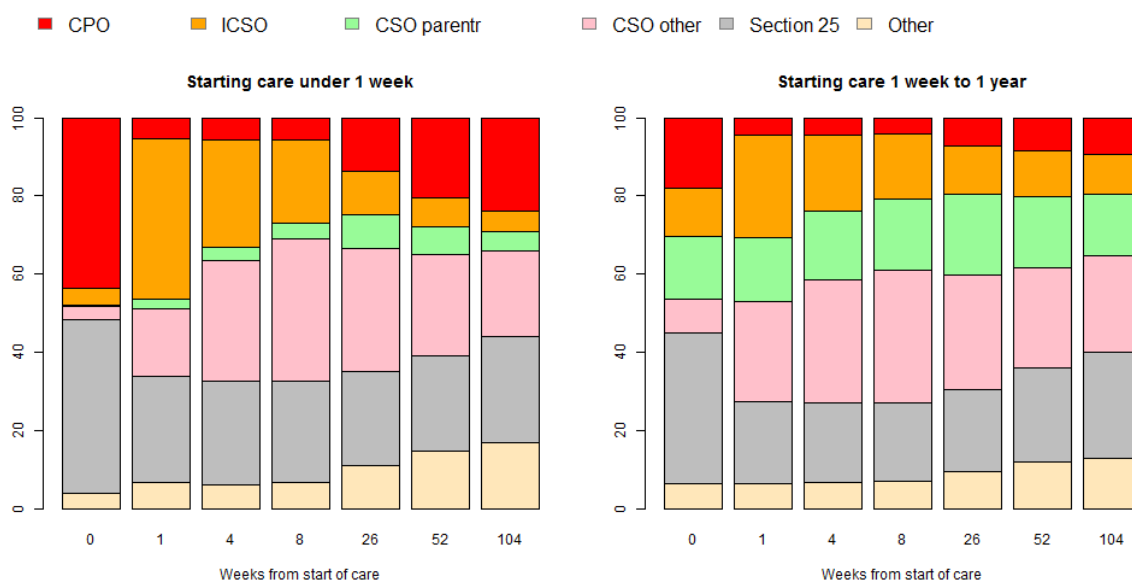


Figure 7 Percentage of first legal reasons by weeks from start of care

Bilson and Bywaters, 2010, have obtained data on the first legal reasons for children who enter care under one week for the LAC-E data. It looks very different from the first columns of the left hand chart in **Figure 7**. Only 7.5% of children in the LAC-E data started care for child protection reasons while 50% entered under Section 20 (i.e. with parental permission). This percentage varied over time, starting low and then decreasing after 2014. Dickens et al., 2019, argue that this may be due to court judgements that have influenced practice. There was little evidence of a trend in the initial reasons for starting care in Scotland (See TR Figure T5 and accompanying spreadsheet).

By comparing the LAC-E data with the Cafcass data, Bilson and Bywaters argue that a high percentage of those entering care under Section 20 had court proceedings initiated during their first week of care. In the LAC-S data 41% of children entering care under 1 week under Section 25 had an order from the Children’s Hearings in their first week and a further 4% have a CPO. The same percentages for those starting care between 1 week and 1 year are 34% and 3%.

5.2 Grouping legal reasons

The legal reason at the start of care did not relate strongly to the first placement or to the destination at the end of care. A more helpful approach was to group completed episodes by the pattern of legal reasons per episode. The largest group was those starting with a CPO, followed by other legal reasons, most often CSOs. The second largest group were those who were in care under Section 25 throughout the whole episode. These two groups made up larger percentage of children starting care under 1 week (**Table 10**).

²⁹ This is being investigated, but it would not be expected to affect legal reasons near the start of care.

Table 10: *Combination of legal reasons during first episode for completed episodes by age at starting care*

Combinations of types of legal reason in completed episodes (grouped)	N* Age at start of care (column %s)			
	All	All	Under 1 week at start	1 week to 1 year at start
1 Starting with CP or ICSO followed by CSO(s) in most cases	1370	34	46	28
2 Only S25	1040	26	30	24
3 S25 followed by CSOs and/or CPs	710	18	17	18
4 Only CSOs	590	15	2	21
Other including some unknown	310	8	5	9
Number of first completed episodes*		4020	1300	2720

* All numbers rounded to nearest 10

The majority of those looked after only under Section 25 returned to their parents at the end of the first episode. The same was true of those with only CSOs, and no CPOs, S25 or ICSOs. The two groups most likely to be adopted were 1) those starting with S25 and then going on into care that was no longer voluntary and 2) those starting with CPOs or ICSOs, usually followed by other legal reasons.

Table 11: *Combinations of legal reasons during first episode by destination at end of first episode:*

Combinations of legal reason (grouped)	N	Destination at end of first episode (row %s)			
		Parents	Adopted	Friends/ relatives	Other/ unknown
1 Starting with CP or ICSO followed by CSO(s) in most cases	1370	38	41	16	5
2 Only S25	1040	68	17	11	4
3 S25 followed by CSOs and/or CPs	710	24	55	17	4
4 Only CSOs	590	68	12	14	6
Other including some unknown	310	43	36	10	11

* All numbers rounded to nearest 10

The lengths of episodes varied by this grouping of legal reasons (**Table 12**) as did the number of legal reasons during the episode (**Table 13**). We summarise the differences between the groups, below. The first two groups listed are those most likely to return to their parents at the end of the first episode. The two other groups have many placements, many legal reasons and longer episodes.

1. **Starting with a CPO or an ICSO.** This is the largest group (34% of all). They have slightly shorter first episodes but more legal reasons. Their episodes most often end in adoption, but a similar proportion are returned home to their parents at the end of the episode.
2. **Section 25 only.** Around 20% of looked after children have no contact with Sherriff Courts or with Children’s Hearings before they return to their parents (the majority) or until an adoption order is obtained from the Sherriff Court. These children most often have only one placement before their final destination or their stay with prospective adopters. The median length of completed episodes in this group is the shortest at 20 weeks.

3. **Only CSOs** The other group where a high proportion return to their parents is those where the only legal reasons are CSOs. These are more often children aged over one week at the start of care. The majority of this group again have a single placement, most often a CSO at home with parents, but their time being looked after is longer, with a median stay of 89 weeks.
4. **First detained under Section 25, followed by Sherriff Court rulings or CPOs.** This group have the longest episodes, and the highest proportion adopted.

Table 12: Percentiles of length of completed episode in weeks for episode groupings:

Combinations of legal reason (grouped)	N	Percentiles of length of episode in weeks				
		10th	25th	median	75th	90th
Starting with CP or ICSO followed by CSO(s) in most cases	1370	17	67	109	156	204
Only S25	1040	2	7	20	48	96
S25 followed by CSOs and/or CPs	710	60	95	128	172	224
Only CSOs	590	33	49	89	142	202
Other including some unknown	310	5	38	103	177	235

* All numbers rounded to nearest 10

Table 13: Number of legal reasons per completed episode by grouping of reasons:

Combinations of legal reason (grouped)	N	Number of legal reasons per episode				
		1	2	3	4	5+
Starting with CP or ICSO followed by CSO(s) in most cases	1370	7	14	19	14	45
Only S25	1040	98	2	0	0	0
S25 followed by CSOs and/or CPs	710	0	36	24	13	27
Only CSOs	590	73	19	4	2	2
Other including some unknown	310	43	25	11	8	13

Detailed examination of the legal records revealed several anomalies that still remained after data cleaning. Some CPOs and ICSOs lasted longer than was legally permitted, suggesting missing reports. There were variations between LAs in the data quality. The data from the Sheriff Courts and SCRA is reported to the LAs and then returned along with the placement data. But it is not used in relation to decisions about caring for the child in the same way as the placement data. Further investigation is needed to understand these data better. Despite these limitations we are confident that the grouping described above provides a useful summary. Further discussions with the data providers are needed to clarify its interpretation.

6 Discussion

This report represents the first population-level study of infants and newborns becoming looked after in Scotland and their pathways in and out of care. The substantial number of infants in Scotland (1 in 85 of all infants) entering the care system and the significant increase over time raise important questions for policy and practice. In particular the increased orientation of the child protection system towards very young children requires further examination. The pathways in and out of care present a complex picture including the use of legal measures. There is a mixed picture in the stability offered these very young children at important developmental stages and in the pace of their moves towards permanence. Social workers, health professionals, lawyers and volunteers at Children's Hearings must make difficult decisions for children's care that balance the need for child protection alongside the right to a family life (McFarlane, 2017). This report suggests that, over the past 18 years, the balance has shifted towards child protection, at least for very young children.

While this report provides an analysis of these broad pathways in and out of care for newborns and infants there remains an urgent need to understand and document the lives and subsequent outcomes for parents of children who start to be looked after as babies. At present we do not know how many of these infants are siblings, how many parents themselves might be care-experienced, nor what proportion of mothers lose more than one child to the care system. These are all-important questions for child welfare policy and could inform policies for continuing provision of service to parents who no longer care for their infant.

There is a potential for data, and the LAC data in particular, to be more informative about children and families' care journeys. **There are three ways that this might be achieved:**

1. By improving the quality of the data that are already being collected
2. By adding additional items to the data provided by LAs
3. By linking the LAC data to other sources of information on children and families

We hope that the work done to prepare the data for this report will already have made some contribution to the first of these.

The second will require input from those caring for children to see what might be feasible, but we can make one suggestion. Current policy emphasises the need to make plans for permanence for all children from the time a child comes into care. These are recorded in the child's care plan. Over 90% of children in our study were recorded as having a care plan but no information as to contents is available. One of the reports from the *Permanently Progressing* study describes permanence planning and emphasises that social workers may often have several options for a child (Whincup et al., 2019). Some way of recording these options, and how they change over a child's period in care, could help improve our understanding of decision-making.

We have not included links to area measures of deprivation in the additional information we might want to collect about looked after children; see for example the Nuffield-funded project on Child Welfare Inequalities (Bywaters et al 2020).³⁰ There is already overwhelming evidence from many sources (Bywaters et al. 2016, Pelton, 2014, Waterhouse and McGhee, 2002) that the proportion of

³⁰ <https://www.nuffieldfoundation.org/project/inequalities-in-child-welfare-intervention-rates>

children in care is highest in deprived areas where poverty and drug use affect parents' ability to care safely for their children. Increasing family support for children and families, emphasised in the Independent Care Review, may go some way to supporting children and their families to lead happier lives. However big improvements are unlikely to come about without the alleviation of poverty and its consequences for families in Scotland. In the short term the Coronavirus pandemic makes the achievement of this goal unlikely.

Finally, linkage to other data sources could answer at least some of the questions about outcomes for children and their parents, albeit retrospectively. This could be done using record linkage techniques, with appropriate safeguards to protect the privacy of the subjects as has already been started for the mothers of looked after children in Wales (Griffiths et al. 2020) and undertaken elsewhere, see for example Wall-Wieler, Roos et al. 2018. Data linkage for birth fathers is much less straightforward.

In relation to children, other sources include data from SCRA that contain information about birth families and their contacts with the Children's Hearings System. Hooper et al., 2019 have already shown that this linkage is possible. Links from the LAC data to educational outcomes such as child exclusions and attendance and qualifications are already published in Scottish Government Annual Reports³¹. They show that there appears to have been improvements in each of these outcomes over time for children being looked after at the time of the school attendance or qualification. Longitudinal data will allow us to look at these outcomes according to children's history of being looked after. Other possible sources of linked information are those on children's mental and physical health, such as the SMR data on hospital admissions and on births collected by the NHS in Scotland. Once a child is adopted, they acquire a new identity that precludes linkage to their care history. This will limit some of the information we can reach from such linkages.

Administrative data at present can only collect specific indicators for looked after children, including for example data on the stability of placements over time and in the longer term, the educational achievements of children. The subjective experience of the child, parents and wider family networks within the care system cannot be documented within administrative systems, as the Independent Care Review (ICR) has remarked. However, as was noted at the beginning of this report the ICR observed the paucity of longitudinal data linking children in the public care system over time. This report provides initial findings that provides a long view of care journeys for infants within the Scottish care system. It is hoped the information and our observations on the information gaps will be of benefit to the Promise Oversight Board as it takes forward the re-design of the care system.³²

³¹ <https://www.gov.scot/collections/childrens-social-work>

³² <https://www.thepromise.scot/get-involved>

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Infants Born into Care in Scotland: Initial findings

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