

## **The Looked After Children (Scotland) draft Regulations**

### **Response of the Scottish Council of Jewish Communities**

The Scottish Council of Jewish Communities welcomes the introduction of the Looked After Children Regulations, and supports the intention “*to make the child and his or her needs the starting point of the legislation*”. Those needs include, amongst others, religious needs, and we make the following recommendations for ensuring that these are fully taken into account.

#### **Regulation 4: Matters to be addressed in a care plan**

We welcome the requirement in Regulation 3 for recording a child’s religion in the care plan. However, it is important that notice should be taken of this information, rather than it simply being noted on a list, and we therefore regret that it has not been included in Part I of Schedule 2.

Faith communities frequently provide a stable and supportive environment for children who, for whatever reason, find their home lives disrupted, and continuity of religious practice, culture and ethical outlook all contribute to children’s sense of identity and security. The facilitation of a child’s accustomed religious observance should, therefore, be intrinsic to the care plan.

We therefore recommend that paragraph 2 of Part I of Schedule 2 should be reworded to read “Details of any services to be provided to meet the care, education, health, and religious needs of the child”.

#### **Regulation 6: Considerations to which a local authority shall have regard in making a care plan for a child to be, or being looked after by them, where the local authority are considering placing the child**

We welcome the requirement in 6(2) for the foster carers of a child to be, where practicable, of the same religious persuasion as the child, or, where this is not possible, or if the child is to be placed in a residential establishment, for the child to be brought up in accordance with his or her religion. It is, however, to be presumed that foster parents and staff in residential establishments will not have the detailed knowledge required to bring up a child in accordance with a religion other than their own, and we therefore recommend that, in addition to requiring the local authority to “[consult] the person in charge of the residential establishment” in this respect, that it should also be required to consult with an appropriate religious authority.

#### **Regulation 12: Notification of occurrences involving the child**

We note that, on receiving notification that a looked after child “*suffers a serious illness or injury likely to result in death*”, the local authority is required, if practicable, to notify people with parental responsibility for the child. We recommend that, if this

proves impossible, the local authority should be required to take notice of the child's religion as recorded in the care plan, and to contact an appropriate religious authority to ensure compliance with the relevant religious rituals. A child with knowledge of his or her situation may also wish to observe appropriate religious rituals before their death (for example, a Catholic child may wish to receive the last rites).

### **Regulation 13: Death of a child**

Similarly, we note that, in the case that a child being looked after by the local authority dies, the local authority is required only to notify Scottish Ministers, and, if practicable, the child's parents. In a case in which it proves impossible to notify either parent, the local authority should also have a duty to take notice of the child's religion, as recorded in the care plan, and to notify an appropriate religious authority in order that appropriate arrangements can be made for preparation and disposal of the body.

The local authority should also have a duty, so far as is reasonably practicable, to notify any siblings of the dead child and any other close relatives of whom the authority is aware, as these may have religious obligations following the death. For example, the sibling of a dead Jewish child will require to observe the *shivah* (seven-day initial period of mourning that begins after the burial has taken place), which enables them to begin moving through the grieving process, and is therefore, often of great psychological benefit. In the case that the siblings are also in the care of the local authority, carers should be put in touch with an appropriate religious authority who can advise on how to facilitate the child's religious observance.

### **Regulation 30: Payment of allowances**

There may sometimes be cost implications attached to religious observance, and we urge that this should be taken into account when setting guidelines and scales for fostering allowances. For example, some items of kosher food, such as meat and cheese, are more expensive than non-kosher food, and foster families should not have to argue every case on a one-off basis so as to receive an adequate allowance to feed the child. Fostered children may also require special garments or articles in order to carry out their religious observance (for example a Jewish boy may require to purchase *tefillin* (phylacteries) when he reaches thirteen years old and becomes *bar mitzvah*).

### **Training**

We welcome the proposal in the commentary that the Scottish Government proposes that training will be given on the Act and associated Regulations. We urge that this should emphasise the importance to children of ensuring continuity with aspects of their day-to-day life, such as religious observance, especially when their family life is in turmoil. In order to facilitate this, we strongly recommend that all practitioners should have access to up-to-date contact details for an authoritative, and genuinely representative body in each faith community, that can respond to any questions as

and when they may arise. (In respect of the Jewish Community, the Scottish Council of Jewish Communities “Guide to Jewish Facilities in Scotland”, online at <http://www.j-scot.org.uk/Communities/Guidebook.pdf>, provides information about issues such as obtaining kosher food, as well as contact details for the major Jewish communal organisations throughout Scotland.)

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Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response we have consulted widely among members of the Scottish Jewish community, particularly those involved in the social work professions, and with a UK-wide Jewish adoption agency.