

CONSIDERATION OF PETITION [PE1673](#)

Social Work Scotland response

Social Work Scotland wishes to thank the Committee for the opportunity to provide a view on the action called for in the petition PE1673 and the submissions received.

Child protection is a complex and difficult area of work, one in which the consequences can be far reaching for families. We are sympathetic to and understand families views in situations where children's services have fallen short of expectations and will always support their right to have their individual circumstances investigated in some way. However, we do not feel that in the majority of circumstances, the practical experience of the operation of child protection systems differs from what is envisaged by the regulation and procedures that govern the operation of the system. Our experience is that, for most, professionals are doing their best to support children to remain at home within their families where it is safe to do so. This is because we know that outcomes are likely to be better where this can be achieved.

We are not clear as to what benefit a further independent inquiry would provide. There are currently two independent inquiries, the Scottish Child Abuse Inquiry and the Care Review, both of which are likely to bring forward further learning in relation to strengthening children's services. We note also the recent independent Child Protection System Review, led by Catherine Dyer, former Crown Agent and Chief Executive of the Crown Office and Procurator Fiscal Service. The Review made a number of recommendations which are being taken forward as part of the current Scottish Government Child Protection Improvement Programme. Significantly, this Review has also led to the establishment of a National Child Protection Leadership Group chaired by the Minister for Childcare and Early Years.

In March 2017, the report of the independent Child Protection Systems Review was published. The "Review concluded that when children or young people are identified as being at risk of or subject to significant harm then the child protection system in Scotland works well". It however made a number of recommendations against three key themes; **Leadership, Governance and Accountability**; **Developing a Learning Culture** and **Shared Values**. We feel it important to restate these here because we agree that we need to continue to work to strengthen responses and early help to children and families and believe that these themes are what are at the heart of improving practice.

As has already been noted in evidence given to the Committee, legislation is already in place and we are aware that the Minister for Childcare and Early Years is keeping under review the possibility of further legislation should the Child Protection Improvement Programme not bring forward the expected improvements. However, in protecting children, we rely on *individuals* to make the best decisions alongside children and families and on a *system* to support and enable them to do this. Where weaknesses are identified, it tends to be at the interface of the two and we would argue that it is cultural change, supported by robust resourcing and not more inquiries or legislation that is required to strengthen practice. On this basis, we would be concerned about any proposal which would remove either priority or resourcing from direct practice with children and families.

Children's services are already subject to robust regulation and scrutiny. The most recent programme of Care Inspectorate led joint inspections for services to children in local areas was to date the most far reaching. In each local inspection they engaged independently with children, young people, families and carers as well as meeting with staff and undertaking staff surveys. We are aware that in the majority of these inspections they found that services in local areas were having a good or very good impact on children and families. We note that where the Care Inspectorate have found services to not be meeting children's needs as well as they should be, these areas have received support but have also been subject to additional monitoring and scrutiny to effect change. The results of this programme are being used to inform the next round of inspections, which we understand will focus on those children subject to child protection, looked after and on the edges of care. This appears to be in line with much of the focus of the petition and subsequent submissions and we would agree that this is where our scrutiny should be.

That the child care and protection system is based on a civil justice system is correct and we believe necessary to afford protection to the most vulnerable in our society. We do not see this as affording a lesser protection for parents and note that the judicial system has taken action where it has felt that it has been necessary to strengthen the position of parents. In 2013, the Court of Session made a ruling in relation to the granting of two Child Protection Orders which subsequently strengthened practice in relation to parental representation. The Committee has also already been made aware of the discussions around a court ruling in a permanency case last year which sparked a number of learning conversations. In Social Work Scotland, we held discussions with our members, the judiciary and the Scottish Government to better understand the current state of practice, what learning needed to be taken forward and how best to do this. We also partnered with SCLD, SASW and Parenting Across Scotland to convene a seminar for practitioners to support practice in relation to direct working with parents with learning disabilities and highlight the good practice guidance.

Work is also continuing in relation to the Children's Hearing Improvement Partnership which Social Work Scotland is participating in. This is seeking to improve the experience of children and families and practice in relation to Children's Hearings and we believe that this partnership has been a significant opportunity not only in taking forward the Child Protection Improvement Programme recommendations which relate to Children's Hearings, but also in strengthening children and young people's voices in the system.

We believe and agree that engaging with children and families is critical to good outcomes. We are aware that whilst many parents and carers may feel as though they are heard and are able to contribute within the child protection processes, they can also feel disempowered and intimidated. For children, there can be an inherent tension between the child's view of their safety and the need for agencies to undertake their statutory duties to protect¹. Whilst we must be sensitive to families views and ensure they are taken into account, the duty to protect takes precedence. Despite this, children services for most part are able to work alongside children and families and as a sector we have seen a conscious movement towards investment in strengths based, participatory models such as Family Group Decision Making, Signs of Safety and more recently Safe and Together all of which provide frameworks to work alongside families – the “walking with” rather than “doing to”. Whilst it is a testament to the importance of relationship based practice that investment in participatory approaches continues despite the austerity measures, the sector needs robust resourcing to ensure that family engagement is secured at the heart of practice.

In addition to ensuring that the right models and approaches are in place to support rights and relationship based practice with families, regularly seeking children and families views on their experiences of formal processes as well as self-evaluation is critical to the development of supports and interventions. Local areas are undertaking these activities in a plethora of different ways, often with the support of the Care Inspectorate. Similarly, where something has gone wrong, the Significant Case Review system is in place to ensure that lessons are learned and learning applied. Traditionally, the local area has been responsible for the dissemination of learning. Whilst it is right that local ownership is in place, work under the Child Protection Improvement Programme is looking at building on the Care Inspectorate role as a central repository for reviews to ensure that they are able to extract systemic themes which should inform wider public health campaigns, national policy and planning of services.

As we have outlined, there are a number of activities taking place at this time across the sector all of which are focused on supporting and strengthening practice and the experiences of children and families. We note also that there are developments which are yet to take place such as the introduction of the advocacy service under the 2011 Children's Hearings (Scotland) Act which will seek to better support children and young people in the hearing process. Overall, it is our view that these initiatives, supported by robust resourcing will give better effect to consistency and strengthening of children's services than any further Inquiry.

However, we note the intention of the second phase of the independent Care Review to consider “the edges of care”. Given that many of the points raised by the petitioner focus on the decision making and actions in this area of work, the Committee may wish to consider whether the submissions received should be provided to the Care

¹ Woolfson, RC. Heffernan, E. Marianne, P. Morven, B (2010) 'Young people's views of the child protection system in Scotland' British Journal of Social Work 40, 2069-2085

Review to contribute to their work examining practice with children and families at “the edges of care”.