

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE : 8 NOVEMBER 2005

REPORT ON SOCIAL WORK INSPECTION AGENCY REPORT – AN INSPECTION INTO THE CARE AND PROTECTION OF CHILDREN IN EILEAN SIAR

Report by the Executive Director of Educational and Social Services

1. PURPOSE OF THE REPORT

- 1.1 To inform committee members of the publication of the Social Work Inspection Agency Report on the Care and Protection of children in Eilean Siar. A copy of the report is available in the Members' Information Point.
- 1.2 To summarise the main findings and recommendations from the report.
- 1.3 To provide Education Committee with information regarding the initial response from Educational and Social Services within East Ayrshire to the Eilean Siar report.

2. BACKGROUND

- 2.1 In October 2003 13 adults were arrested in relation to the alleged abuse of three children resident in the Western Isles. Nine adults were subsequently charged.
- 2.2 The children concerned were siblings and had a significant involvement in the Child Protection System spanning a number of years.
- 2.3 In July 2004 the Crown Office announced that it was not proceeding with the case against any of the individuals charged.
- 2.4 In the same month Comhairle nan Eilean Siar (CNES) invited the Social Work Services Inspectorate (SWSI) to undertake an independent review of the Council's involvement in providing services to two families and to report findings and any lessons which could be learned to the Western Isles Child Protection Committee.
- 2.5 SWSI agreed to review the role played by the Council.
- 2.6 Subsequently representatives from police, health and education joined the inspection team which examined the actions of all of the agencies involved who provided services to the families.
- 2.7 SWSI became an independent Executive Agency (SWIA) in April 2005 and the report resulting from the inspection was therefore produced by SWIA.

3. SUMMARY OF MAIN FINDINGS

- 3.1 The report concluded that the three children had experienced severe and prolonged neglect, physical, emotional, and sexual abuse.
- 3.2 Social Work practitioners and managers should have acted sooner to protect the children.
- 3.3 Some of the decisions made over the course of the eleven year period of intervention were seriously flawed. This included decisions of Child Protection Conferences, Child Care Reviews and Children's Hearings.
- 3.4 Information on the family was shared across agencies but was not acted upon appropriately nor was there clear evidence of a proper evaluation of the information.
- 3.5 Health professionals failed to respond appropriately to the potential child protection issues raised by the children's health problems and distress.
- 3.6 The Western Isles NHS Board did not have the systems in place to support health professionals in protecting children.

4. RECOMMENDATIONS FROM EILEAN SIAR REPORT

- 4.1 The inspection report made 31 recommendations in total. 7 recommendations were made relating to CNES and Western Isles NHS Board, 14 recommendations were made across all Police, Social Work, CPC's and local authority services in Scotland and 10 recommendations were made to the Scottish Executive.
- 4.2 The recommendations to all Local Authorities include the:
 - importance of timely transfer of records when families move to another authority
 - the need for appropriate training and support for foster carers and their families
 - the need for effective recording and sharing of information by school staff
 - the need for training for school staff on child protection
 - the need for supervision and support of social work staff
- 4.3 The recommendation for police and social work staff refers directly to the need for joint training for staff undertaking joint investigative interviews.
- 4.4 The recommendation for Child Protection Committees (CPC) refers to the need for guidance to be issued from CPC's regarding the best practice for caring for children when their parents are arrested.
- 4.5 The recommendations for all Child Protection Agencies include:

- comprehensive risk assessments should be undertaken in families where there is a convicted Schedule One offender;
- all agencies should bring key information together into a chronology of significant events;
- all agencies should ensure that appropriate support and confidential counselling is in place for staff involved in child protection work .

4.6 Recommendations to the Scottish Executive are detailed at Appendix 1 which also includes the Executive response to these recommendations.

5. EAST AYRSHIRE COUNCIL POSITION

5.1 The Executive Head of Social Work welcomes the opportunity to respond to the key recommendations.

5.2 Social Work Managers have already met to discuss the key recommendations from the report and their impact upon our service.

5.3 Work is underway to highlight any issues relevant to East Ayrshire Council and this will be reported to the Chief Social Work Officer.

5.4 The Child Protection Committee will discuss the recommendations from the report and put in place an action plan for all agencies in line with a number of the key recommendations from the Eilean Siar report.

5.5 The Chief Social Work Officer will update Social Work and Education Committees accordingly of any significant developments arising out of the report.

6. POLICY/PERSONNEL/LEGAL IMPLICATIONS

6.1 Nil.

7. FINANCIAL IMPLICATIONS

7.1 Any financial implications arising out of a more detailed examination of the Eilean Siar recommendations will be reported to Social Work and Education Committees in due course.

8. COMMUNITY PLANNING

8.1 Child Protection and the need for effective inter agency working lies at the heart of the main themes of the Community Plan.

8.2 The implementation of the recommendations from the Eilean Siar report will take account of Community Planning priorities.

9. RECOMMENDATIONS

9.1 Members of Education Committee are requested to:

- (i) note and agree the response to the recommendations from the Eilean Siar report;
- (ii) agree that a detailed report from the work currently underway in Social Work is presented to a future Child Protection Committee;
- (iii) otherwise note the contents of the report.

John Mulgrew
Executive Director of Educational & Social Services
26th October 2005
Enc (1)

LIST OF BACKGROUND PAPERS

1. SWIA Report – An inspection into the care and protection of children in Eilean Siar – August 2005.

For further information please contact: Sally Ann Kelly, Senior Manager, Children and Families and Criminal Justice, telephone: 01563 576845

IMPLEMENTATION OFFICER: JACKIE DONNELLY

**SCOTTISH EXECUTIVE RECOMMENDATIONS ON SOCIAL WORK INSPECTION
AGENCY REPORT – AN INSPECTION INTO THE CARE AND PROTECTION OF
CHILDREN IN EILEAN SIAR**

We have recommended that the Scottish Executive change the fostering regulations to ensure the robust assessment of relatives and friends when children are placed with them through a children's hearing and take steps to improve the information available to children's hearings. We recommend a national system is set up to provide advocates for children and guidance for professionals to enable children to express their views. We make recommendations about a national training programme for chairs of child protection case conferences, best practice in the use of forensic medical evidence and the role of paediatricians in child protection work. Two key recommendations are the establishment of a multi-agency resource to which all staff in Scotland working with complex child protection issues can draw upon for advice, expertise, training and research including the development of a national register of staff suitably qualified in joint investigative interviewing. Secondly, we recommend the Scottish Executive develop guidance to help professionals determine the most appropriate course of action where a child is found to be living in a household with a convicted sex offender.

22. The Scottish Executive should urgently develop guidance to help professional staff determine the most appropriate course of action where a child is found to be living in a household with a convicted sex offender (paragraph 116).

SE response: the response to this is linked with recommendation 16. SE response: In November 2003, the SE Justice Department and the Scottish Prison Service jointly issued revised guidance entitled "Protecting Children: Guidance on the Imprisonment and Preparation for Release of Schedule 1 Prisoners" to assist local authorities, the SPS and other agencies to deal with prisoners who may pose a threat to children because of their involvement or suspected involvement in an offence against a child. It deals with prisoners remanded or serving sentences for offences against children or with a previous known history of offences against children but is based on principles of good practice which can be applied more widely.

The guidance underlines the importance of partnership working in undertaking risk assessments, developing action plans, delivering prison based programmes, preparation for release and dealing with prisoners in the community. In carrying out assessments which follow sentence and plan for release, prison based social workers are required to liaise with community colleagues to obtain information on any multi disciplinary investigation/assessment undertaken or planned before imprisonment. They are advised to liaise closely at an early stage with community colleagues who may have been involved with the victim or prisoners family. On identification of a firm release date, there is a requirement for prison based social work units to notify the Chief Social Work Officer of the impending release of such an offender. The guidance is primarily about steps to be taken following sentence, but emphasis is also placed on local authority children and families services, together with other agencies working together to assess and manage risk, to ensure that all the necessary steps are taken to protect children throughout the various stages of the criminal justice process including arrangements

following release. This revised guidance was issued in consultation with Directors of Social Work and Chief Social Work Officers, the Association of Directors of Social Work, COSLA the Scottish Prison Service, Crown Office and Scottish Court Service.

From report

23. The Scottish Executive should seek to amend the fostering regulations and relevant guidance so that relatives and friends must be formally approved as carers for a child who is looked after when that child is placed with them as a condition of a supervision requirement made by a children's hearing. Approval should be based on an assessment of their ability to care for, protect and meet the needs of the child (paragraph 145).

SE response: This recommendation has also been made by the adoption policy review group and is being taken forward as part of the work to update the legislative framework for adoption and permanence.

From report

24. The Scottish Executive children's hearing review should make sure that reports provided to the children's hearing include information about the child's family history and an assessment which takes account of significant past events. The inter-agency chronology of events outlined in recommendation 17 should always be included with these reports (paragraph 171).

SE response: Accept as part of the implementation of 'Getting it Right for Every Child : Proposals for Action' was published in June and is currently out for public consultation. The proposals require agencies to record significant events in a child's life (a chronology) and take account of these when making an assessment. The chronology can be included with the Plan which will go to the Hearing.

From report

25. The Scottish Executive should set up a national system for all children involved in children's hearings and other inter-agency meetings to have the opportunity of an advocate, when decisions are made about their needs, care and protection (paragraph 175).

SE response :In Getting it Right for every Child: Proposals for Action we have said we will recommend a way forward on advocacy following receipt of research which has been commissioned. We are committed to ensuring children are able to express their views and to ensure they have the necessary help to do so. We remain open to how this might be best achieved. We are aware that when a child goes to a Hearing there may be a number of professionals involved with them and that they may also be represented by a legal advisor, an advocate and a safeguarder. In ensuring a child's voice is heard we do not want to create a system which will require them to tell their story to more people than is necessary.

From report

26. The Scottish Executive should provide guidance for professionals on how to help children express their views. This should be developed in consultation with practitioners and must take account of the diverse communication needs of all children (paragraph 186).

SE response: Communicating with children is an essential core skill for all those working with them and should be part of initial and post qualifying training.

From report

27. The Scottish Executive should establish a multi-agency national resource for those working with complex child protection issues. This should offer consultancy and co-working for staff in relevant agencies. It should set up a managed care network, based on the model of managed clinical networks, and establish a register of recognised experts who could be called upon if required. It should set up a database of relevant research and contribute expertise to qualifying training and continued professional development for staff working in relevant agencies. The Scottish Executive should, in conjunction with this resource, develop a national register of staff suitably qualified in joint investigative interviewing (paragraphs 239 and 296).

SE response: We will consider the detail of this recommendation as part of the Child Protection Reform Programme building on work that is already being done for example in developing a training framework for all those involved in child protection and suite of materials which can be accessed and added to in the long term. We will also consider the links between this recommendation and the development of managed clinical networks (see recommendation 14)

From report

28. The Scottish Executive should make sure that all chairs of child protection case conferences have access to a national training programme (paragraph 271).

SE response: This will be picked up as part of the work of the Child Protection Reform Programme, and in particular a specific project on training in child protection for all agencies being developed as part of the programme.

From report

29. The Scottish Executive should set up a working group of representatives from the Crown Office, Royal College of Paediatrics and Child Health and NHS Scotland. The group should prepare guidance on the nature and use of forensic medical evidence, processes for obtaining and presenting this evidence and the roles and responsibilities of health professionals in forensic medical examinations(paragraph 329).

SE response: Discussions have already commenced between the RCPCH and the Crown Office about the provision of appropriately trained and experienced forensic paediatricians and the role of paediatricians as expert witnesses. The Scottish Executive will involve NHS QIS in this work and agree a remit and timescale for reporting.

From report

30. The Scottish Executive should consider the findings of the pilot schemes for video recording of the statements of child witnesses with a view to drawing up guidance on extending this throughout Scotland(paragraph 337).

SE Response: An evaluation of the pilot schemes to visually record investigative interviews with children was commissioned in June 2005 and will report at the end of May 2006. The aims of the evaluation are to: establish the extent to which the pilot schemes are working effectively; identify good practice; and, inform the future development of visually recorded interviews, and their use as evidence in court proceedings.

From report

31. The Scottish Executive should further develop the guidance on interviewing child witnesses to include guidance for police and social workers investigating complex cases where the allegations of abuse include several adults and where several children are involved (paragraph 340).

SE response: The Guidance on Interviewing Child Witnesses in Scotland, issued in September 2003, was the first in a series of guidance documents on Child Witness Support. It aims to set standards of practice to significantly improve the quality of investigative interviews of child witnesses. It is primarily designed for police and social work but should be taken as a benchmark for any organisation involved in interviewing children.

A monitoring and evaluation exercise will be established in Autumn 2005 to assess the use of this document, along with the other documents in the Supporting Child Witnesses Guidance Pack. This exercise will address the impact of the documents upon training and practice and identify the need for updating and revising them. This will include examining how the Interviewing Child Witnesses in Scotland document could be extended to give best practice guidance when dealing with complex cases, including those involving several adults and children.