

**APPENDIX I**

**EAST AYRSHIRE COUNCIL**

**CHILDREN FAMILIES AND CRIMINAL JUSTICE SUB-COMMITTEE OF THE  
SOCIAL WORK COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 11 SEPTEMBER 1996 AT 1405  
HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Jane Darnbrough, Drew McIntyre, Irene Reeves, Gordon Cree, Ronald Brailsford, Jim O'Neill and Kathleen Hall.

**ATTENDING:** David Montgomery, Chief Executive; Bernadette Docherty, Senior Depute Director of Social Work; Sue Angus, Depute Director of Education, Bill Walkinshaw, Principal Administrative Officer; Lesley Gibson, Principal Officer (Children and Families); Donal Flannery, Principal Officer (Criminal Justice); Janie Allen Principal Officer (Pre-Five); David Mitchell, Principal Solicitor and Apryl Chalmers, Senior Solicitor.

**APOLOGIES:** Councillors Alan Campbell, Jimmy Boyd and Tommy Farrell.

**CHAIR:** Councillor Jane Darnbrough, Chair

**EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, that the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Schedule 7A of the Act.

**THE CHILDREN ACT 1989 PART X: RECOMMENDATION TO REFUSE  
REGISTRATION AS A CHILDMINDER - MRS A B, CUMNOCK**

2. There was submitted a report by the Director of Education (circulated) providing details on an application for registration as a childminder under the Act including results of enquiries carried out by the Education Department.

It was reported that the duty to keep a register of persons who act as childminders on domestic premises had been imposed on Local Authorities by Section 71(1)(a) of the Children Act 1989. Any person wishing to childmind must apply to the Local Authority to be registered and the Local Authority may, under Section 71 (7) of the Act refuse registration if it is satisfied that the applicant is not fit to look after children under the age of eight.

Under the Council's Scheme of Delegation, the Director of Education was required to refer any recommendation to refuse or cancel a registration to this Sub-Committee.

The applicant, who was not present, had been informed of the Department's recommendation to refuse registration and of her right to make representation to the

Sub-Committee in terms of Section 77 of the Act, prior to a formal decision being reached by the Sub-Committee.

It was agreed to refuse the applicant's request for registration as a childminder due to the unsatisfactory content arising from the necessary checks and references obtained from the Social Work Department, General Practitioner, Scottish Criminal Records Office and one of the personal referees which confirmed that both the applicant and her husband were not fit to childmind in terms of the Children Act 1989 and that the Director of Education notify the applicant accordingly.

### **RE ADMISSION OF PRESS AND PUBLIC**

3. The press and public were readmitted to the meeting.

### **“HELPING THE COURT DECIDE”: REPORT OF AN INSPECTION OF SOCIAL ENQUIRY REPORTS FOR THE CRIMINAL COURTS**

4. There was submitted a report dated 5 September 1996 (circulated) by the Director of Social Work providing details of the findings of the inspection report by the Social Work Services Inspectorate on Social Enquiry Reports for Criminal Courts and seeking approval for action which East Ayrshire Council would take to implement recommendations made within the report.

The Inspectorate had recommended that Local Authorities take steps to improve:

- the objectivity of the report,
- the reliability of the information contained in the report,
- assessment skills relating to risk of re-offending,
- dialogue with the courts, to discuss meeting their information needs more efficiently

The Inspectorate had also recommend that National Standards be revised to give clearer guidance to Social Workers on:

- addressing in reports the risk of future re-offending,
- indicating the basis on which a report was written,
- offering advise to the court about disposal

The Inspectorate had further recommended that the Crown Office, Scottish Court Service and Local Authorities consider the means whereby information to Social Workers concerning the current offence and its impact on the victim could be improved.

The Sub-Committee having noted the content of the Director's report and that a summary outlining the findings of the inspection had been provided to all relevant staff and discussed in detail with the staff and managers, agreed to approve the undernoted action intended by East Ayrshire Council's Social Work Department in respect of meeting the recommendations of the Inspectorate's report, viz:-

- (i) a training initiative in assessing risk of re-offending to be included with training on the broader findings of the report; initially this training would be targeted at relevant Criminal Justice staff. Thereafter the findings would be incorporated

into a Criminal Justice Training Programme aimed at relevant non Criminal Justice staff;

- (ii) the monitoring arrangements for Social Enquiry reports currently operating would incorporate the relevant recommendations of the Inspection report;
- (iii) Whilst forums for continuing dialogue with sentencers were in place, the Social Work Department would improve its method of obtaining feedback on the service provided, from both sentencers and offenders. The Social Work Department was currently reviewing how best to achieve this aim, for example, by establishing contact with Justices of the Peace with whom there had been previously little involvement; and
- (iv) through National forums East Ayrshire Council would contribute to any review of National Standards and discussion on increasing information available to Social Workers, and about the current offence and its impact on the victim.

### **CHARGES FOR PROSPECTIVE ADOPTERS FOR HOME STUDY REPORTS**

5. There was submitted a report dated 5 September 1996 (circulated) by Director of Social Work with regard to the proposed introduction of a charge to prospective adopters for Home Study Reports related to the adoption of children from overseas.

It was reported that the 1993 Haig Convention on "Protection of Children and Co-operation in Respect of Inter-Country Adoption" would be implemented on a United Kingdom (UK) basis mainly through the introduction of legislation and a draft Adoption Bill had been produced which would introduce changes to provide for inter-country adoption to be part of the Scottish Adoption Service provided by Local Authorities and some specialist agencies.

The main changes in relation to inter-country adoption were:-

- it would be an offence for a person other than a parent or guardian to bring a child who was habitually resident outwith the British Isles into the UK for the purpose of adoption without satisfying requirements which were to be prescribed in Regulations.
- Local Authorities would have a duty to provide a service for those who wished to adopt a child from overseas and this would be a new statutory duty on Local Authorities.

It was also reported that in anticipation of the Act, a framework for providing a comprehensive service, including a home assessment study needed to be developed. A home study assessment report involved a full assessment of the suitability, skills and qualities of the applicants proposing to adopt the overseas child and the provision of the report was a demanding and detailed piece of work which required a significant time commitment from the Social Work Department. Details of charges by other authorities were provided in the report and it was proposed that a charge of £1000 be set for the provision of a Home Assessment Report.

The Sub-Committee agreed to recommend:-

- C (1) that East Ayrshire Council set a charge for the provision of a Home Assessment Report, of £1000 to applicants who wished to adopt children from outwith the UK; and C

- (2) that the Director of Social Work review this charge in the light of experience and report to this Sub-Committee accordingly.

**“REALISTIC AND RIGOROUS”: THE REPORT OF AN INSPECTION OF  
DISCIPLINE AND ENFORCEMENT OF COMMUNITY SERVICE ORDERS IN TWO  
LOCAL AUTHORITY AREAS**

6. There was submitted a report dated 5 September 1996 (circulated) by the Director of Social Work providing details on the content of the Inspection Report by the Social Work Services Inspectorate, on discipline and enforcement of Community Service Orders, and of the action which East Ayrshire Community Service Scheme needed to take to implement the recommendations.

It was reported that the Inspectorate had carried out inspections of the Community Service Schemes provided to Inverness Sheriff Court by the former Highland Regional Social Work Department and to Edinburgh Sheriff Court by the Edinburgh division of the former Lothian Region's Social Work Department. The objective of the inspection was to assess the extent of which local practice complied with National Standards, set by the Scottish Office, on enforcement and discipline in Community Service.

It was reported that the majority of the recommendations made in the report related directly to the two authorities inspected, however, general recommendations, were as follows:-

- to restrict the exercise of discretion to “highly exceptional” circumstances,
- to improve the quality of case recordings,
- to submit “breach” applications within 5 working days of the “trigger” incident.

The Sub-Committee whilst noting the contents of the Director's report and that the discreet nature of the management and organisational arrangements for Community Service in East Ayrshire ensured that many of the problems highlighted in the Inspectorate's report did not occur, approved the undernoted action in respect of the Inspectorate's recommendations:-

- (i) the use of discretion in issuing formal warnings in East Ayrshire was monitored to the levels required by National Standards by the Community Service Organiser. Any exercise of discretion beyond this would be the decision of the Community Service Organiser following consultation with the Supervising Officer;
- (ii) the Community Service Organiser would monitor individual case files through supervision arrangements to ensure consistency in quality and content of recording;
- (iii) as the recommendation to submit “breach” applications within 5 working days was considered impractical by the Social Work Department, and unnecessary by Local Sheriffs who were satisfied with local practice, that these views be made known to the Social Work Services Inspectorate; and
- (iv) crediting hours against public holidays and annual leave was not a practice operating in East Ayrshire and therefore no action was required.

**CASH FOR KIDS AT CHRISTMAS: APPLICATION FOR GRANT**

7. There was submitted a report dated 5 September 1996 (circulated) by the Director of Social Work in respect of a request from the manager of Community Service Volunteer Media, which co-ordinated the Cash for Kids appeal, for the sum of £1720 to support the administration of the appeal this year.

It was reported that provision existed within the Social Work Department's Section 10 budget to make a one off payment of £1720.

The Sub-Committee agreed that subject to Community Service Volunteer Media, receiving sufficient financial support from other Local Authorities within Scotland to make the appeal viable, to make a grant of £1720 and that the necessary arrangements be remitted to the Director of Social Work.

The meeting terminated at 1433 hours.