

PE1785/C

COSLA submission of 28 May 2020

Thank you for giving COSLA the opportunity to provide a response to the above petition. While this response will offer a high level, system-wide perspective, COSLA would point the Committee to the submission from Social Work Scotland for a more detailed response to issues of practice.

Local Government is fully committed to ensuring that all children and young people get the right support at the right time and that a safe environment is provided for all of our children, young people and families. COSLA, as the representative voice of Scottish Local Government, works closely with professional organisations to support the development and improvement of policy and service delivery across Scotland to ensure that all children are safe and have the best opportunities while growing up.

COSLA appreciates the concerns of the petitioner. Engaging in social work services can undoubtedly be challenging and complex for any adult or child and this interaction will have a significant impact on individuals at a sensitive time in their lives. It is vital that these services are delivered in a way that is understanding, sensitive and as far as possible where practical in a consultative manner. Local Authority social work services are professionally managed and regularly, and correctly, regulated by the Scottish Social Services Council, and are subject to scrutiny by the Scottish Public Services Ombudsman, the Scottish Parliament and the Scottish Government, at the same time as being bound by statutory duties. Being subject to consistent standards of scrutiny is key in ensuring the social work system fully complies with their duties and standards, as well as ensuring the welfare of the child is at the core of decision making.

COSLA welcomes the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law. Local Government plays a key role in realising children's rights and local authorities will be crucial in successful incorporation. Getting It Right For Every Child (GIRFEC) has ensured that children's services and social work departments within councils take a rights based approach to service delivery. The implementation of the UNCRC into Scots law offers another opportunity to further embed children's rights and should help to address many of the concerns of the petitioner and continue to ensure the wellbeing of the child is at the heart of any decision made in social work services.

COSLA fully supported the work of the Independent Care Review, published in February 2020, and will work with the Scottish Government and a wide range of stakeholders on implementation of those recommendations. Many of the recommendations from the review relate to social work practice.

Since the Independent Care Review began their work in February 2017, Local Government has been closely involved. This includes membership of the Review's workstreams during the Journey Stage and providing opportunities for the Review to interact with locally Elected Members. COSLA will be working closely with the Scottish Government and other partners to drive forward the conclusions of the Review. This will undoubtedly require a whole system approach to change to ensure that the health and wellbeing of children and young people are put first, and that they are supported in every aspect through any care journey by an experienced, skilled, professional and compassionate workforce. The vision of the Review puts relationships and rights at its centre and, reiterating points made above, this is strongly supported by Local Government. It is imperative that all sectors can work together to make this change to ensure every family and child has the right support at the right time.

Social work teams will always work to ensure that every action they take is in the best interest of the child, protect them from harm and promote their wellbeing. Decisions and practice are all taken within a robust statutory framework, and in partnership with other professionals as well as the family. In addition, COSLA, as a co-signatory to the National Performance Framework, is fully committed to the enhancement of wellbeing and opportunities for every adult and child in Scotland.

In addressing some of the specific points raised by the petitioner, the issue of information sharing is explained in the SPICe briefing. Social workers are subject to UK data protection legislation, and all social workers and affiliated organisations have a role in ensuring compliance, as well as respect and care for the sensitivity of the data they are privy to.

The petitioner rightly points out the impact that changing schools can have on a child's education. School is an important part of a child's development and a change in school, whenever possible, should be avoided as long as it is in the best interests of the child. However, it is important that this remains an option for the child, as each child and their family will have a unique set of circumstances where, in certain situations, changing schools may be necessary or even beneficial to a child. This is not a decision taken lightly and is thoroughly assessed by professionals before a decision is made.

The petitioner states that no child should be taken away "from their families without a risk assessment", and COSLA would agree with this statement. As noted above, all recommendations made by social workers are carefully informed by thorough professional assessment, usually on a multi-agency basis, which considers a range of factors to determine the best outcome for the child. At the heart of social work practice is listening to the views, perspective and experience of those who are impacted by any decision. The SPICe briefing makes clear that no child can be taken away from their family without a legal order. Careful consideration of the participation of children and their parents and carers in assessment and decision making is fundamental within the

legal system, and thus, parental participation at all stages is built into the process. Social work teams across Local Government work closely with a range of agencies and partners to ensure the safety and care of children and enhance their wellbeing. Local authorities have duties to promote the upbringing of children within their families where it is in the best interest of the child's welfare. In a minority of cases it is not possible to reach an agreement, which means that these cases are determined by courts and Children's Hearings' panels, with the best interests of the child always placed at the forefront of any decision. COSLA will continue to work with partners to make any improvements to the system where possible. The publication of the Independent Care Review, as mentioned above, will look to make these long-term improvements to the whole-system approach to supporting children and families, and will hopefully address the concerns held by the petitioner. The Review highlights the importance of listening to children, a focus of maintaining and building long-term relationships, the importance of parenting, not "processing" children, and supporting families to stay together where it is safe to do so. Local Government across Scotland is committed to ensuring the best possible environment for the child and strengthening family relationships and will engage constructively with partners to achieve and act upon this aim.

I hope this letter is useful in informing the Committee.

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