

PE1836/B

Petitioner submission of 26 November 2020

Both the Scottish Government submission and the SPICe briefing are technically correct. Families and children caught up in child protection know that they are totally unworkable because there is, in my view, absolutely no accountability in Child Protection and no independent organisation has the power to investigate at a complaint holistically. My definition of Child Protection refers to a looked after child not at home and subject to a Child Protection order.

Any child looked after not at home is controlled by decisions made by a Children's Hearing. Reports submitted to a Children's Hearing are compiled by social workers using their own opinions, suppositions and assumptions together with input from a wide range of other agencies including (but not exclusively) Police Scotland, NHS, Education and charities. Where a child or the family see misinformation or wrongly formulated opinions, assumptions suppositions they try to get them resolved. As the Independent Care Review highlighted, children and families suffer greatly when a child is taken into care especially when they know the information put to a Children's Hearing is wrong and misleading. Local Authorities are totally responsible for the wellbeing of looked after children, irrespective of how many other agencies involved. Mention is made of a number of various groups/meetings that are supposed to work through difficulties with the child and families when children are looked after. It is the experience of some children and families that they do not resolve any problems. In fact, I believe that in many cases they aggravate the situation by the stance of the "professionals". These meetings are described by children, families and supporters/advocates as "Bear Pits"

The Care Inspectorate deal with single complaints in other scenarios e.g. old aged people in homes etc. There are numerous different agencies involved in such cases, but it does not prevent the Care Inspectorate investigating and acting on individual cases. Exactly the same procedures can be used in investigating complaints in child protection. The Care Inspectorate supervises child protection guidelines, procedures and protocols in Councils. The Petition asks that those powers be increased to look deeper into individual complaints. Foster Care is a commercial business yet lightly regulated. They should be brought into the remit of the Care Inspectorate.

There is no single independent body to investigate individual complaints. It is the experience of some children and families that any complaint made to an agency/Local Authority is passed around the houses and nobody taking responsibility. It is the experience again of some children and families that where a complaint is made to a Local Authority, it is the case managers who investigate the complaint and in an extremely high percentage of cases no action of any kind is taken. Mention is made of SPSO and SSSC. Both organisations can take over two years to investigate a complaint, a period when the children will still be in care

and at risk of being damaged. SPSO can only report on the procedures of the body complained about and cannot force a reinvestigation.

Prime examples of the failure of the current system to have a single and independent investigating body into child protection can be witnessed at <https://www.spsso.org.uk/investigation-reports/2020/april/the-moray-council> and <https://www.spsso.org.uk/investigation-reports/2020/august/the-moray-council>. The SPSO reports were published some 4 years after the children involved first went into care. All children suffered serious health issues because the Council refused to investigate and take action at the earliest opportunity. No action has been taken against any of the “professionals” involved in the cases. By their own admission, SSSC, through a recent FOI does not take any action in 99.7% of complaints lodged by members of the public i.e. children and families

The current redress is to a) appeal to a Sheriff who is presented with the information presented by professionals to the Children’s Hearing. Current Child Protection legislation effectively makes the mother responsible for everything to do with the child therefore, it is my view that, the assumption is that the mother is guilty of something and the professionals are correct. In 1992 Lord Clyde said in his report on the Orkney Children case that neither a Sheriff or a Children’s Hearing have the knowledge to argue what is put in front of them. The next step for the child or family is to take civil action. That can take years and is extremely expensive.

The Independent Care Review received the contents/aim of the Petition during the course of their interviews with care experienced people – parents and children.