



---

**REPORT TO: MORAY COUNCIL ON 7 OCTOBER 2020**

**SUBJECT: SPSO REPORT ON CHILDREN'S SOCIAL WORK**

**BY: CHIEF SOCIAL WORK OFFICER**

**1. REASON FOR REPORT**

- 1.1 To inform the Council of actions required as an outcome of a parental complaint made to the Scottish Public Services Ombudsman (SPSO).
- 1.2 This report is submitted to Council in terms of Section II (14) of the Council's Scheme of Administration relating to exercising all the functions of the Council as a Social Work Authority within terms of relevant legislation with regard to research; assessment of need re: community care services, provision of information to carers and assessment of ability to provide care; and to determine the Council's policies in regard thereto.

**2. RECOMMENDATION**

**2.1 It is recommended that Council considers and notes:-**

- i) the content of this report;**
- ii) the actions taken in response; and**
- iii) improvements to Children's Social Work that are being undertaken.**

**3. BACKGROUND**

- 3.1 The SPSO are a Government agency that investigate complaints when a complainant remains dissatisfied with a Council's response. Report 201707281, published in August 2020, relates to complaints originally made in November and December 2017, regarding events that occurred from March 2016. The report can be found here <https://www.spsso.org.uk/investigation-reports/2020/august/the-moray-council>
- 3.2 The majority of issues that were described within the SPSO report were previously identified by Senior Social Workers in Moray, both the Chief Social Work Officer and the previous Head of Integrated Children's Services during the initial review of the complaint response in 2019. These issues are identified in 3.9.

3.3 Ms C complained on behalf of Mrs A, about Moray Council (the Council) Children and Families social work department. Mrs A's two children, Child Y and Child Z, were removed from Mrs A's care in September 2016 as a result of a Child Protection Order (an emergency legal order granted by a Sheriff which allows the local authority to remove a child from their parent's care). Ms C complained that the Council unreasonably failed to gather and take into account relevant information when making decisions regarding the children's care and education, both before and after the children were removed from Mrs A's care and placed into accommodation.

3.4 Ms C also complained that the Council failed to handle complaints raised by herself and Mrs A in a reasonable and timely manner.

3.5 The SPSO's investigation identified the following failings:

a) *Prior to the children being accommodated:*

- little or no evidence of exploring parenting style, family or other supports; or questioning and challenging what was observed;
- little or no evidence of clear assessments of risk and need;
- little evidence of the Getting It Right For Every Child practice model (GIRFEC; the Scottish Government's approach to supporting children and young people) being utilised, including a robust, multi-agency assessment; and
- failure to make attempts to engage the family in supporting the prevention of a breakdown in the family or to provide kinship care as a means of preventing statutory care.

b) *Following the children being accommodated:*

- failure to consider and arrange independent advocacy for the children in a timely manner;
- in the absence of independent advocacy, failure to explore ways of communicating with the children to elicit their views and feelings;
- failure to include the views and feelings of the children in many reports;
- failure to facilitate Child Y attending their hearings when Child Y voiced their wish to attend;
- when Child Y changed their story about allegations made, it appeared that the allegations were given less weight and there was not enough understanding of the way in which children and young people may retract their stories. Rehabilitation with the children's father (Mr A) went ahead without this being resolved or there being more clarity on the risks and safeguards in place;
- failure to reasonably consider and assess potential kinship placements and follow national guidance and legislation in relation to kinship care assessments;
- failure to communicate in a reasonable and timely way with extended family in relation to kinship care;
- no evidence that Child Z's views were obtained in relation to moving school; or that Child Z or the new school were prepared for the transition;
- failure to promote or encourage extended family relationships;

- failure to inform Mr & Mrs A of Child Z's admission to hospital shortly after they were accommodated; and
- failure to complete a number of Looked After Child forms which should have been completed at the point of the children being accommodated, in a timely manner.

- 3.6 The SPSO also identified that the council had failed to handle the complaints raised by the parent and her supporter in a reasonable and timely manner. Whilst it was acknowledged that the complaint was complex, involving correspondence from a number of people, some of which had overlapping issues and with concurrent requests for information, they considered that much of the complaint handling was unreasonable, and this aspect of the complaint was also upheld.
- 3.7 Fourteen of the recommendations made relate to social work practice, underpinned by knowledge skills, values and rights in the approach to assessment and working with children and families, including extended families; policy and procedure to be reviewed and refreshed in relation to kinship care, child protection, and looked after children.
- 3.8 An extensive action plan has been drawn together to ensure that the explicit detail on the recommendations is attended to in the required timescales, and this is to be found in **Appendix 1**.
- 3.9 Prior to receiving the SPSO report, Social Work managers in Moray including CSWO and the then Interim Head of Children's Services had reflected upon the complaint responses previously provided and put together learning points from this. The learning points identified were:
- i) Child Protection Orders:
    - To consider the process of applications to consider how a legal order fits within child planning and how reflection and governance of orders is established within ICS Practice Governance.
  - ii) Family Work:
    - Establishing the principle of all wider family members being regarded as relevant for consideration in child planning.
    - Establishing the wider application of family and systemic work in ICS including as a preventative intervention.
    - Consider social work development in family including issues of diversity and community context
  - iii) Parenting Assessments and Support:
    - To review parenting assessment work with a view to establishing any training and development needs.
    - To have dialogue with commissioned providers of parenting assessments to achieve parenting assessment and support review.
    - Ensure that contact and communication between birth families and children/young people is maintained in accordance with child's plan

iv) Escalation of Complex Situations and Governance:

- To establish practice protocols that provide support and review in complex situations, including support and strategy meetings, communication protocols and enhanced supervision arrangements.
- Establish Practice Governance in ICS to provide a supportive infrastructure for social work decision making.
- Consider allocation of more than one social worker to complex family situations so that divergent views can be adequately heard and represented.

v) Business Processes Review:

Consider the business processes followed in case work situations especially those in complex situations to ensure that:

- a. Written documentary confirmation and clarification to all stakeholders is adequate.
- b. To ensure that communication is clear and of good standard.
- c. Identification of and opportunities for prevention of family breakdown / family support can be made in a timely and supportive manner

3.10 The learning points were discussed with staff involved in Children's Social Work.

3.11 Additionally the CSWO discussed with the Chief Executive and recommended the establishment of additional Consultant Practitioner posts to support the identified required change in practice. These posts were advertised and filled in early 2020. So it can be confirmed that practice changes were identified and resources put in place for improvement before receipt of the SPSO report.

3.12 Approaches to social work practice underpin the Improvement and Modernisation programme for Children and Families and Justice Social Work, to embed relational practice, and seeking to support families positively, even when legal measures may be required. This approach is further echoed in the Independent Care Review, published in Feb 2020.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Children's Services plan 2020/23 identifies improving outcomes for looked after children as a key priority the Children and families and Justice Social Work service improvement plan identifies actions to be taken to support these improvements the Corporate plan ( 2020 update) identifies the following priorities:

Work with families as partners to give their children the kind of lives they want them to lead so that children grow up to be strong and resilient )  
Improve the life chances and outcomes for care experienced children and young people Improvement in children and young people's health and well-being.

**(b) Policy and Legal**

Policies are being reviewed in light of the outcome of the investigation and required actions.

**(c) Financial implications**

Changing practice culture within social work will require investment in additional system wide learning and development, to include relational approaches similar to family group decision making, and functional family therapy.

**(d) Risk Implications**

The report and associated action plan to meet the recommendations outlines significant changes in practice that need to occur, without which the reputation of the council could be at risk.

Furthermore, any intervention by social work should improve outcomes for children and young people and without these changes to practice being implemented, there is a risk that this does not happen

**(e) Staffing Implications**

Staff will need to be supported with additional learning and development programmes.

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

Not required

**(h) Consultations**

Chief Executive, Moray Council; Chief Officer, Health & Social Care Moray; Chief Social Work Officer; Head of Service, Children & Families & Criminal Justice Services; Morag Smith, Senior Solicitor, John Black, Complaints Officer; Tracey Sutherland, Committee Services Officer and the Equal Opportunities Officer have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

**5. CONCLUSION**

**5.1 We welcome the findings of the SPSO, despite the report making extensive recommendations and making uncomfortable reading. A programme of actions and activities are underway to make the required improvements**

**5.2 Whilst the SPSO investigation has been underway, the CSWO and previous and current Heads of Service reviewed practice and identified improvements required, including the need to support social work practice with the role of Consultant Social Work Practitioners, which have been in place since January 2020.**

**5.3 A review of complaints handling has also been undertaken with improvements identified.**

Author of Report: Jane Mackie, CSWO/Head of Service  
Background Papers:  
Ref: SPMAN-1108985784-327