

**REPORT TO:** East Lothian Council

**MEETING DATE:** 18 December 2012

**BY:** Executive Director (Services for People)

**SUBJECT:** Annual Report of the Chief Social Work Officer 2011/2012

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## **1 PURPOSE**

- 1.1 To provide Council with the Annual Report of the Chief Social Work Officer on the statutory work undertaken on the Council's behalf. The report also provides Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

## **2 RECOMMENDATIONS**

- 2.1 Council is asked to note the Annual Report of the Chief Social Work Officer.

## **3 BACKGROUND**

- 3.1 The requirement that every local authority should have a professionally qualified Chief Social Work Officer is contained within Section 45 of the Local Government (Scotland) Act, 1994. The particular qualifications are set down in regulations. This is one of a number of officers, roles or duties with which local authorities have to comply. The role replaced the requirement in Section 3 of the Social Work (Scotland) Act, 1968 for each local authority to appoint a Director of Social Work.

### **3.2 The Role of the Chief Social Work Officer**

A key proposal from the *Changing Lives, 21<sup>st</sup> Century Social Work Review* was the recommendation of the need to strengthen the governance and leadership roles of the Chief Social Work Officer. A national Working Group was established and tasked with developing the principles, requirements and guidance of the role of the Chief Social Work Officer (CSWO). This Working Group reported in February 2009 after a period of formal consultation. This is attached as Appendix 1 and is noted in the

Recommendations section of this report. The paper clarifies the role and function of the CSWO and how the post will support local authorities and Elected Members in ensuring that this statutory post enhances professional leadership and accountability and provides a key support and added value to a local authority and its partners in delivering positive outcomes locally.

### 3.3 **Statutory Duties and Decisions**

East Lothian Council's delegated Agency Decision Maker on fostering and adoption is Children's Wellbeing Service Manager (Resources). The Deputy Agency Decision Maker is the Head of Children's Wellbeing.

#### 3.3.1 **Fostering & Adoption**

As at 31 March 2012, there were 83 children in Foster Care Placements in East Lothian and a further 29 children in Formal Kinship Care. During the year 116 children were placed with registered foster carers.

There were a further 5 East Lothian children in Foster Care, whose placements were out with East Lothian.

It is the Agency Decision Maker's responsibility to make decisions based on the recommendations by the Fostering Panel, the Adoption and Permanent Care Panels, two Kinship Care Panels, and two Adoption and Permanent Care Panel groupings. The Fostering and Adoption and Permanent Care Panel groupings are each scheduled to meet on a four-weekly basis and consider the following:-

#### **Fostering Panels :**

- Foster Carer Approvals.
- Foster Carer Reviews.
- Share the Carer Approvals.
- Share the Carer Reviews.
- Day Carer Approvals.

#### **Adoption and Permanent Care Panels:**

- Approval of Prospective Adopters.
- Registration of children or young people for Adoption or long-term Fostering.
- Matching children with prospective adopter(s) or long-term foster carers.

- Advice on complex situations that are being considered for Adoption or Permanent Care.

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The Kinship Care Panel groupings are scheduled to meet on an eight-weekly rota.

### **Kinship Care Panels:**

- Approval of Kinship Carers of Looked After Children.
- Registration of Private Foster Carers

The Agency Decision Maker receives Minutes of the meetings, meets with the Chair of the Panel, if required, and makes decisions based on the recommendations. For many of these tasks there are specific legal timescales.

All Foster Carer, Prospective Adopter and Kinship Carer applicants and Foster Carers, Prospective Adopters and Kinship Carers can request a review of the decision not to approve them; the detail of their approval or decision to terminate their approval. A different Panel grouping and Chair must undertake the Review and a different Agency Decision Maker must make a decision based on the recommendation of the Panel.

### **Volume of Business:**

#### **Fostering Panel Business January 2011 – 31 December 2011**

<b>Foster Care Approval</b>	<b>Foster Care Review</b>	<b>Foster Care De-Reg</b>	<b>Level 2/3 application</b>	<b>Share The Care Approval</b>	<b>Share The Care Review</b>	<b>Share The Care De-reg</b>	<b>Long-Term foster approval</b>
<b>13</b>	<b>18</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>0</b>

#### **Internal Carer Reviews 2011**

<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
<b>0</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>7</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>3</b>

### Fostering Panel Business January 2012 – 20 September 2012

Foster Care Approval	Foster Care Review	Foster Care De-Reg	Level 2/3 application	Share The Care Approval	Share The Care Review	Share The Care De-reg	Long-Term foster approval
7	24	1	4	7	4	0	1

### Internal Carer Reviews 2012

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	2	3	1	3	1	4	2	0	0	0	0

### Adoption Panel Business January 2011 – 31 December 2011

Registration for Permanency	Panels Deferred	Permanency decisions revisited	Matchings	Adopter	Long-term foster approvals	Permanence Orders	
						P.O.	P.O.A.
7	6	2	6	6	4	0	5

### Adoption Panel Business January 2012 – 27 September 2012

Registration for Permanency	Panels Deferred	Permanency decisions revisited	Matchings	Adopter	Long-term foster approvals	Permanence Orders	
						P.O.	P.O.A.
20	1	2	5	3	2	13	9

### 3.3.2 Child Protection

As at 31 March 2012, there were 66 children on the Child Protection Register, a rate of 3.5 per 1,000 0-15 population GRO(S) compared with a national rate of 2.9. However, the average for the year was 62 children, still significantly above the national average. The majority of registrations were due to physical neglect and there were only eight children who had appeared on a Child Protection Register previously. Eleven children on the Register were also Looked After.

Patterns of registration vary considerably across Scotland. Within the Lothians, East Lothian's figures are generally similar to Edinburgh, and significantly lower than Midlothian.

Several other small authorities also have relatively high registration rates. There were 44 families who were represented on the register, so

movement could lead to changes in numbers. More importantly, there are close working relationships between agencies (Getting It Right For Every Child) which ensure that concerns are reported and there is intolerance of neglect and abuse.

### 3.3.3 Secure Orders: Secure Accommodation Authorisations

The use of secure accommodation is rare in East Lothian. Decisions are made by the CSWO with advice from Children's Wellbeing senior managers. In the absence of the CSWO this will be delegated to senior Children's Services Managers, and any decisions with regard to secure accommodation will be reported to the CSWO as soon as reasonably possible following the decision. Authorisations will be noted in the CSWO report to the Council.

Last year, at different times, a total of five young people were in secure accommodation from East Lothian, but never more than two at a time. As at 31.03.12 there were 2 young people in secure accommodation. Between 01.04.11 and 31.03.12 there was a total number of 61 Secure Order weeks used by East Lothian young people.

### 3.3.4 Private Fostering

At 31 March 2012 no children known to ELC were placed with registered private foster carers. There was a Private Fostering awareness raising initiative for professionals and community groups in East Lothian in February and March 2012. A private fostering action plan is in place.

### 3.3.5 Adult Protection

Since the implementation of the Adult Support and Protection (Scotland) Act 2007 in October 2008, the duties, powers and measures to safeguard adults who may be at risk of harm have been embedded into practice and used to improve outcomes for people.

#### Adult Protection Activity 2010-2012

Measure	Short Term Trend	Long Term Trend	2010/11	2011/12
Referrals	↑	↑	835	941
Inquiries	↑	↑	140	306
Investigations/IRD	↑	↑	70	146
Case conference	↑	↑	46	95
Open cases (average)	↑	↑	29	56
LSI	↑	↑	4	5
Protection Orders	↓	↑	8	4

Adult protection referrals leading to a Duty to Inquire have increased significantly from 143 in 2010-11 to 307 in 2011-12, with 47% (145) progressing to Inter-agency Referral Discussion, and 65% (95) of those progressing to case conference. The average number of cases being managed under Adult Support and Protection procedures over the year increased from 29 in 2010/11 to 56 in 2011/12.

### Protection orders

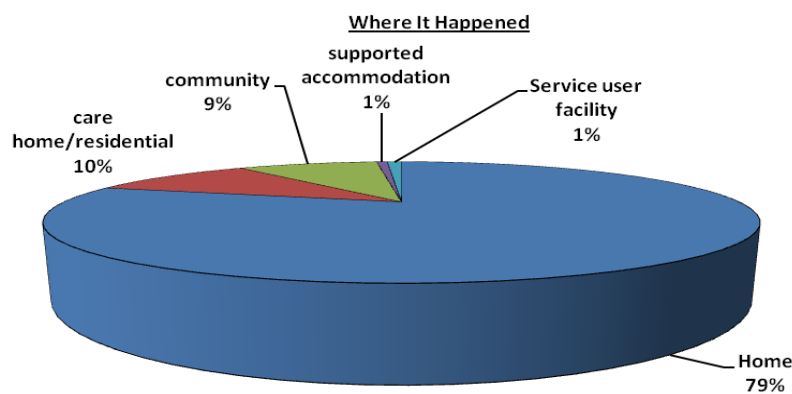
The use of protection orders is still a very small part of the work introduced by the Act, however a protection order is routinely considered when someone is at risk of serious harm.

In 2010/11 applications were granted for one Assessment Order which resulted in no further action under the Act; one Removal Order to remove someone from a situation of serious harm to a suitable place and six Banning Orders, all with powers of arrest. In 2011/12 there were four Banning Orders again with powers of arrest. As expected, Banning Orders are the most commonly used of the protection orders available under the 2007 Act, and in East Lothian they have been used successfully in a variety of situations; in some cases where the subject is a family member or partner, and in others, an acquaintance who had befriended the adult and thereafter caused them serious harm.

### Large Scale Investigations

In total there have been nine large scale investigations in the last two years in the East Lothian council area. Four of these investigations related to three different care homes and five related to three different care at home agencies. With the care homes, issues were around manual handling, infection control and dignity and respect, and with the Care at Home agencies, issues were mostly around physical and financial harm. These figures are not included in the number of referrals and inquiries quoted in above except where individual investigations have been required as well.

### East Lothian Prevalence from 1<sup>st</sup> April 2010 – 31<sup>st</sup> March 2012



In East Lothian the vast majority of harm (79%) happens in the adult at risk's home. The 10% occurrence in care home reflects the individual adult protection investigations in care home settings.

### 3.3.6 Mental Health (Care & Treatment) Act

The Mental Health (Scotland) Act 1984 introduced the requirement for local authorities to appoint experienced, trained and accredited personnel to be involved in the compulsory detention of people with mental disorders. Under the terms of the Act, it is the responsibility of the MHO (Mental Health Officer) to "satisfy himself that detention in a hospital is in all circumstances of the case the most appropriate way of providing the care and medical treatment the patient needs".

In the course of their assessment MHOs draw on a wide range of evidence, from interviews with the individual, carers and professionals (social work/care and medical) to referring to police, medical and social work records, emphasising the complexity of the task.

#### Mental Health (Care & Treatment) Act Orders 2011

	Apr -11	May -11	Jun -11	Jul -11	Aug -11	Sep -11	Oct -11	Nov -11	Dec -11	Jan -12	Feb -12	Mar -12	Total
CTO1	0	0	0	0	0	0	0	0	2	1	1	1	5
Emergency Detention	2	3	0	2	3	0	1	2	0	2	0	0	15
Short Term Detention	7	4	5	9	6	4	7	5	2	4	2	6	61

#### Guardianship Orders granted by local Authority Area 01 April 2011 to 31 March 2012

Local Authority Guardianships Granted 2011-12	Private Guardianships granted 2011-12	All applications granted 2011-12	LA Rate per 100k Over 16 pop	Private Rate per 100k over 16 pop	Total Rate per 100k over 16 pop
15	22	37	19	28	48

#### Duration of orders granted to Local Authorities 01 April 2011 to 31 March 2012

Up to and including 3 years	Greater than 3 but including 5 years	Greater than 5 years	Indefinite	Total Orders	% of total orders granted which are indefinite
10	2	0	3	15	20

#### Duration of Orders granted to private individuals 01 April 2011 to 31 March 2012

Up to and including 3 years	Greater than 3 but including 5 years	Greater than 5 years	Indefinite	Total Orders	% of total orders granted which are indefinite
3	11	4	4	22	18

The mental health officers' statutory work in relation to the Mental Health (Care and Treatment) Act has remained stable in the past year and is commensurate to the population of East Lothian.

However, there has been a very significant increase in statutory mental health officer work relating to the Adults with Incapacity Act which has been commented on by the Mental Welfare Commission for Scotland (Annual Report 2011-2012). In particular, there was a 76% rise in approved guardianship applications in East Lothian in year 2011-12 . There were 37 guardianships granted making East Lothian the sixth highest per capita local authority area for guardianships in Scotland.

Reasons for this increase are:

- The active work Adult Wellbeing staff have done to raise awareness of the Adults with Incapacity Act with parents of young people in transition from Children's to Adult services ( 12 of the 22 private applications were for young adults)
- Intervention orders under the Act are no longer seen as a sufficient measure under which ongoing tenancies can be signed on behalf of an adult who lacks capacity and therefore a guardianship application has to be completed and lodged with the court pending a hearing.
- Statutory requirement to supervise all Private Guardians.

This has had an impact on the workload of mental health officers (MHO) with the result that social work task required can no longer be completed by the involved MHO and have to be transferred to a social worker. However, this does ensure the ongoing focus of the MHO and his/her client remains as above.

The Mental Welfare Commission has a responsibility to carry out visits to people with mental disorder under section 13 of the Mental Health (Care and Treatment) (Scotland) Act 2003. They have authority in respect of interviewing individuals (Section 14) and inspecting records (Section 16). They look at the care service users receive, their views on their care, service providers' and care managers' concerns, if any, and whether there is proper legal authority to support individual care packages where necessary.

### **3.3.7 Criminal Justice Services**

Community Payback Order legislation was introduced in February 2011 and since that time Criminal Justice Social Workers (CJSW) have been supervising such orders as well as probation and community service orders, made on offences committed before the date of legislation.

It is useful to understand the increase in orders this year – in 2010/11 there were in total 63 community sentences (i.e. probation and Community Payback Order (CPO)) whereas this year there have been 87 community sentences. In terms of unpaid work orders in 2010/2011 there were 164



orders made which required offenders to undertake unpaid work and in 2011/2012 there were 216 orders made.

This represents almost a 40% increase in supervisory work and over a 30% increase in unpaid work.

The Caledonian programme is a multi agency, integrated approach to tackling domestic abuse. The programme works with both perpetrators and victims to decrease risk. The programme has 12 East Lothian perpetrators on it, all of whom are subject to risk assessment and management, liaison with other departments and preparation for groupwork.

Over the last year we have had the introduction of the LSCMI (Level of Service Case Management Inventory) risk assessment and management tool. This has involved the whole team in 5 days training and there are continuing challenges with the implementation of the tool. This is being led by one of the team leaders.

The team also do throughcare work both statutory and voluntary, which includes supervisory work in the community and active contact during incarceration. There have been increases in this area of work although voluntary through care has shown a dip. Interestingly the numbers of voluntary cases has reduced more than the number of individuals suggesting that involvement with the individual may be more long term and potentially indicates a more meaningful intervention.

There are ongoing discussions with Community Care to see how we can work more effectively with offenders who require the services of both disciplines. This is positive and hopefully will result in more seamless interventions.

Criminal Justice Social Workers are active within MAPPA (Multi Agent Public Protection Arrangements) and in the past year there have been 34 Risk Management Case Conferences – on both sexual and violent offenders. These have been chaired by the Sex Offender Liaison Officer team leader and are in effect the template for the MAPPA meeting.

During 2011/2012 we had 13 offenders on supervision who were assessed at Level 1 and 5 managed at MAPPA Level 2. There were no Level 3 offenders. The Criminal Justice Service Manager has chaired the L2 multi agency meetings, sharing this responsibility with the police inspector.

The team also work at the beginning of the system preparing diversion reports which has also shown a slight increase. There were 41 reports requested in 2011/2012 compared with 35 in 2010/2011.

Community Payback Order legislation has sought to emphasise the reparatory nature of the order whether it be supervisory or unpaid work - it is a sentence and is thus not breachable by further offence, a fact that has not been easily accepted by the judiciary. The service needs the judiciary

to have confidence in the order, seeing it as something that can be as credible as custody. Unpaid work is a requirement of the Community Payback Order which is popular with the judiciary. It is more readily understandable as a disposal which allows the offender to give back to the community in equal measure to that which they have offended against the community. There is an argument however that unpaid work is no longer used as an alternative to custody and breaches by offenders who would not realistically have been imprisoned due to their index offence put them at risk of being imprisoned.

Criminal Justice Social Work is aware that it needs to engage with the judiciary to make supervision as credible.

Raising the profile of the work of the Criminal Justice Social Work service is under way - we have had a major role in Adult Wellbeing Briefings, we have published in the Living Magazine and made presentations to the Access Forum. In the following year we hope to have more dialogue and debate with the Sheriff.

The Criminal Justice team are also aware of the need to engage within the whole area of community planning and have moved to become more proactive with questionnaires to service providers (unpaid work), engagement in looking at service design for offenders (arrest referral/ drugs), offers to speak at the induction of community councillors and members of the resident and tenant association.

### 3.4 **Regulation & Inspection**

#### 3.4.1 **Care Inspectorate**

The Care Inspectorate (CI) has established a process to determine a proportionate level of scrutiny of social work services in Scotland. The level of scrutiny is determined through the Initial Scrutiny Level Assessment (ISLA). The ISLA establishes the amount of scrutiny to be carried out in each Council through a risk-based assessment of evidence. Inspectors consider evidence submitted by Councils against nine risk based questions, alongside case file reading and focus groups.

East Lothian Council's social work services for adults, children and families underwent the ISLA process during the latter part of 2011. This resulted in the Council's social work services being assessed by the Care Inspectorate as "*Level one assessment – low risk, good performance and good improvement work*" (Care Inspectorate definition).

The Council's ISLA rating is the best possible outcome. The importance of the Level One assessment is that it resulted in the lowest level of scrutiny of Council Services, reflecting a high level of confidence in our services by the inspectors.

Against its nine risk based questions, the Care Inspectorate identified six "green" areas in the Council's assessment. This means they had no

significant concerns and did not require to inspect these areas any further. A further three areas were assessed as “amber” meaning that while the Care Inspectorate did not have concerns about these areas, they had some uncertainty that they required to look into further to remove their uncertainty.

On-site scrutiny to look at the three amber areas was carried out by inspectors from 11- 13 January 2012. In line with the Level One assessment, the scrutiny was completed over 15 sessions each of which involved one or two inspectors meeting with key individuals or focus groups of staff or service users.

The amber areas covered by the inspectors were;

- Is there evidence of effective governance including financial management?
- Is there evidence of positive outcomes for people who use services and carers across the care groups?
- Is there effective partnership working?

The inspection report made three recommendations to the Council and we have developed an action plan in response to these. The recommendations made by the inspectors were;

- i. East Lothian Council should drive down the number of exclusions of looked after children. Senior managers in Education Services and in Children’s Services should regularly monitor progress, reducing exclusions of looked after children and should take timely remedial action if progress is not satisfactory
- ii. East Lothian Council should strive to improve the educational attainment of looked after children. In the event of progress that is not satisfactory, senior managers in Education Services and in Children’s Services should take timely remedial action
- iii. Adult Social Care should implement its plans to increase the amount of respite provision for older people – this includes overnight respite and daytime respite. Adult Social Care should increase the amount of daytime respite for adults, if this is feasible within the available budget.

### **3.4.2 Scottish Commission for the Regulation of Care (SCRC)**

Care Commission Reports are presented in Appendix 2

### 3.5 **Public Policy**

#### 3.5.1 **Integration of Adult Health and Social Care**

The Scottish Government signalled its intention to integrate health and social care services in late 2011. In May 2012, it published a consultation paper seeking views on its proposals to bring forward legislation to integrate health and social care services. Cabinet approved the Council's response which was prepared jointly with East Lothian Community Health Partnership in September 2012. Production of our response involved extensive discussions between Council officers and our partners in the statutory, voluntary and community sectors.

The Scottish Government plans to introduce legislation to create Health and Social Care Partnerships (HSCPs). The purpose of HSCPs is to bring together a range of existing NHS and local authority services within a formal partnership to focus their combined resources on supporting more people to be supported in their own homes and communities than is currently the case, thereby shifting the balance of care and improving service outcomes.

There will be a focus on locality planning bringing together not only professional health and social care staff working in local communities, but also partners from local voluntary and community organisations and independent sector care providers.

In summary, the Scottish Government proposes;

- The integration of all services focusing initially on services for older people
- A broad approach to partnership emphasising the role of the voluntary and independent sectors
- Integrated budgets that encompass all spend on health and social care for older people and some acute care, where money loses its identity
- A senior Joint Accountable Officer reporting to Chief Executives of both the Council and the Health Board
- Two options for governance; either a separate body corporate, or where this is delegated to a host partner
- Integration measures included as part of Single Outcome Agreements and publication of local performance data
- Locality service planning led by professional staff groupings with devolved decision making and budgetary responsibilities
- The abolition of Community Health Partnerships
- One Partnership Committee per Council area. Equal health and council representation with a minimum of three elected members and three NHS non executive directors

- NHS Board Chair and Council Leader to oversee effectiveness of partnership and review meetings to monitor effectiveness by NHS Chairs and Council Leaders.

The establishment of Health and Social Care Partnerships is designed to improve outcomes for service users by shifting the balance of care and encouraging greater use of preventative services. The local partnership will therefore support delivery of East Lothian's Older People's Strategy, the Council Plan and Single Outcome Agreement.

Detailed planning for the establishment of a Health and Social Care Partnership in East Lothian is now underway.

### 3.5.2 Adoption and Children (Scotland) Act, 2007

The Adoption and Children (Scotland) Act, 2007 was implemented on 28 September 2009 and was the first major change in adoption legislation in over 20 years, emphasising the ongoing, flexible support necessary for children and young people and others affected by adoption. The major changes from the previous adoption legislation include:-

- (i) **Permanence Orders** - Replaced Freeing for Adoption Orders and Parental Responsibility Orders. This makes the route to securing permanence for children more straightforward and allows for greater flexibility in planning future care and support. Permanence Orders can have ancillary provisions attached which can provide birth parents and others with a full range of rights and responsibilities other than residence. It is hoped that this will lead to better outcomes for children and enable permanence to be better suited to the individual's needs.
- (ii) **Adoption Support** - A duty was placed on local authorities and adoption agencies to assess the needs of a range of people who have issues relating to adoption and provide comprehensive support. This can include birth parents, adopters, siblings, etc.
- (iii) **Criteria for Adopters** - The new Act also extended the range of people who may apply to adopt or foster children. The criteria to adopt has been widened to include single people and same sex couples (S.29 & S.30). The same rigorous process of assessment and approval remains, but this development opens up the potential for a significant more diverse range of people to care for our most vulnerable children on a permanent basis.
- (iv) East Lothian Council submitted their Adoption Service Plan (S4) requested by the Minister for Children and Young People for 31<sup>st</sup> March 2012.
- (v) East Lothian Council has registered with Scotland's Adoption Register.

- (vi) The Register is funded by the Scottish Government and operated by BAAF Scotland. The creation of the Register was a recommendation from the Adoption Policy Review Group, the main political drivers being to increase the numbers of adoptions in Scotland and to contribute to increasing the speed in which these happen. The primary way in which the Register plans to do this is through the creation of a National Linking Service. Scotland's Adoption Register will also collate adoption data for the Scottish Government.

### 3.5.3 Self Directed Support

The Self Directed Support (Scotland) Strategy (2010) sets out a 10 year vision and plan for increasing people's choice and control over the support they receive.

The strategy defines self-directed support as supported people, families and carers having "...an informed choice about the way support is provided..[to them]"<sup>1</sup>

#### Key Facts about the Bill

- General principles: involvement, informed choice, and collaboration.
- The local authority must offer four options: (1) direct payment to the person; (2) The person selects their own support and the local authority or provider manages the budget; (3) The local authority selects, arranges and manages the budget; (4) The person chooses a mixture of options 1 to 3.
- The local authority duty to assess remains the same, though assessment will be made more collaborative
- There will be equal access for everyone with care and support needs. This includes offering SDS options to people with mental health problems, dementia and learning disabilities.
- The four options are, however, not open to individual ineligible for direct payments under existing legislation. These include people subject to certain mental health / criminal justice orders.
- Young adults (16yrs – 18yrs) will have choice and management of any of the four options.
- For children (over 12 yrs) the person with parental responsibility will have choice and management of any of the four options – with maximum input from the child.
- Where carers are assessed as needing support in their own right, they will also be given the choice of the four options.

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<sup>1</sup> Scottish Government (2010) "Self- directed Support Strategy" (November 2010) <http://bit.ly/HU0g8G>

East Lothian Council Adult Wellbeing and Children's Wellbeing held a stakeholder event on November 22 2012 to launch implementation of Self Directed Support in advance of the Bill receiving Royal Assent in autumn 2013

### 3.6 Consultation

- LAC Peer Group – This group allows looked-after young people to relax together and also to contribute to consultations.
- Corporate Parenting Event took place on 28 November 2012. We looked at the progress we have made since 2007 and seek ways to build on this work and expand our corporate parenting role in the challenging times ahead. It's an opportunity to improve the futures of our looked-after children and young people. The event featured a keynote speech from Tam Baillie, Scottish Children and Young People's Commissioner. There was also inputs from the Chief Executive, Sharon Saunders and Marion Wood in Children's Services and, of course, from young people themselves.
- 'Family led Information Point' (FLIP) continues to meet once a month and has a role in advising services on how their information resources could improve as well. FLIP have set up their own web page on the East Lothian council website and they now have a Facebook page
- Education Accessibility Strategy –consultation with schools; community planning; school councils; FLIP parents; the Disability Team and focus group.
- Autism Support Worker Project – provided evidence / interviews to support funding proposal.
- Listen More Assume Less 5 – a bi-annual report produced by the Involvement Officer for Integrated Children's Services. It lists involvement / consultation and engagement activity with children and families. It also reports on outcomes arising from consultation / involvement activity and what needs to be done to address new issues arising from consultation and the involvement of children, young people and their families.
- My Future –the Transitions follow-on Group.
- Commissioning Strategy – focus groups, development and delivery of SHANARRI (key welfare indicators) Bull's Eye, service evaluation questionnaire for young people in residential provision.

- SHANARRI wheel – Development of outcomes-based questionnaire for Family Support Team to gauge views of families, young people and workers
- Involvement in recruitment for new Head of Education and Knox Headteacher posts. This model is now used to recruit staff to other senior management posts in Knox.
- Involving children, young people, parents and carers in a wide range of consultations and focus groups, including A Right Wee Blether, Care Inspectorate, SCRA/Children’s Hearings, Listen and Learn, National Foster Carer Contract, Who Cares? Scotland Regional Forum, Shared Services etc
- Regular feedback from children and young people through Viewpoint and Your Views
- Active involvement of foster carers and young looked-after people in planning and delivery of fostering recruitment campaign, including input into content and design of recruitment materials and media work.
- Consultations with service users of the Tynebank service as part of the re-tendering exercise.
- Consultation with members of the Joint Planning Groups as part of the review of East Lothian’s joint planning system.
- Consultation with staff, managers and partners as part of the process of responding to the Scottish Government’s consultation on the integration of health and social care.
- Consultation with Adult Wellbeing staff on budget savings options as part of the Autumn 2012 staff briefings programme.
- Consultation with service users on the Violence Against Women re-tendering exercise.

### 3.8 **Major Achievements**

- We have now established 46 projects under the Older Peoples Change Fund. These are focused on reshaping care for older people and provide a range of services from low level support in the home and community, to more complex care in residential settings. The projects are managed by a very successful partnership of the Council, the NHS, voluntary and independent sectors.



- Our Emergency Care Service is now in its second year of operation and demand for the service continues to grow. During August 2012, the service received 528 calls. This compares with 194 calls during August 2011.
- In October 2012, East Lothian Council and NHS Lothian won the award for Telecare in Care Homes to Reduce Falls in the national e-Health Awards, against UK wide competition. The aim of the project is to use appropriate telecare equipment to reduce the number of falls in care homes: a significant cause of emergency admissions to hospital. The use of falls detectors, chair and bed occupancy sensors led to an average 37% reduction in falls.
- We have developed the Education & Children's Wellbeing Commissioning Strategy, 2012 – 2022, which aims to keep children safely together with their families wherever possible so that we can avoid the need for them to become looked after, and to improve the quality of the care experience and longer term outcomes for all children, including those who are looked after and those affected by disability or with additional support needs (ASN). This will be the basis of most of our future planning.
- One of our Looked After Children is to be congratulated for securing a place at university.
- Anne Beattie, Senior Practitioner, Social Work Team, Children's Wellbeing received an ADSW travel award to travel to Perth, Australia to further her research and practice using the Signs of Safety model. She will be going to Australia in November/December 2012

#### **4 POLICY IMPLICATIONS**

- 4.1 There are no policy implications arising from this report.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other - None.

## **7 BACKGROUND PAPERS**

- 7.1 Appendix 1 – The Role of Chief Social Work Officer – Scottish Government Guidelines 2011
- 7.2 Appendix 2 - SCRC Inspections of ELC Services 2010/2011
- 7.3 Appendix 3 - SCRC Inspections of ELC Services 2011/2012
- 7.4 Appendix 4- Children’s Wellbeing Inspections by the Care Inspectorate between April 2011 and March 2012

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# **THE ROLE OF THE CHIEF SOCIAL WORK OFFICER**

**Principles, Requirements and Guidance  
pursuant to Section 5(1) of the Social Work  
(Scotland) Act 1968**



## Introduction

1. The 21st Century Social Work Review, *Changing Lives*, described the changing social environment in which we operate and the complexities, challenges and expectations this brings. Engaging with people in developing the solutions which best meet their needs in line with local priorities will make a significant contribution to improved outcomes for individuals and communities. This requires a confident, competent and valued social care workforce, capable of working flexibly in a variety of settings. Particular challenges are raised for staff working in integrated service delivery arrangements whether they be internal, interdepartmental settings or multi agency partnerships with NHS or Police partners. While these matrix arrangements can carry great benefits for effective service delivery, they do re-emphasise the need for clarity of accountability and professional leadership.
2. Clarification of the role and function of the Chief Social Work Officer will support local authorities and elected members in ensuring that this statutory post not only enhances professional leadership and accountability, but provides a key support and added value to a local authority and its partners in delivering positive outcomes locally.

## Background

3. The requirement for every local authority to appoint a professionally qualified Chief Social Work Officer (CSWO) is contained within Section 3 of the Social Work (Scotland) Act 1968. The particular qualifications are set down in regulations. This is one of a number of statutory requirements in relation to posts, roles or duties, with which local authorities must comply.
4. The overall objective of the CSWO post is to ensure the provision of effective, professional advice to local authorities – elected members and officers – in the authorities' provision of social work services. The post should assist authorities in understanding the complexities of social work service delivery – including in relation to particular issues such as corporate parenting, child protection, adult protection and the management of high risk offenders – and the key role social work plays in contributing to the achievement of national and local outcomes. The CSWO also has a role to play in overall performance improvement and the identification and management of corporate risk insofar as they relate to social work services. Clarity and consistency as to the purpose and contribution of the CSWO is particularly important given the diversity of organisational structures that exist.
5. *Changing Lives* concluded that there was a need to strengthen the governance and professional leadership roles of the CSWO to oversee social work services and ensure the delivery of safe, effective and innovative practice. In doing this, there are a number of key issues to be clarified and addressed:

- (a) Role and function;
  - (b) Competencies, scope and responsibilities;
  - (c) Accountability and reporting arrangements.
6. This guidance:
- (a) will assist local authorities in the discharge of their social work responsibilities;
  - (b) will help local authorities maximise the added value of the CSWO – both at a corporate and professional level;
  - (c) acknowledges that local authorities operate with very different management and organisational structures;
  - (d) provides advice on how best to locate the CSWO role within operational structures to maximise its effectiveness; and
  - (e) is sufficiently generic to remain relevant in the event of future management or organisational structural change.

## Role and Function

7. The CSWO is required to ensure the provision of appropriate professional advice in the discharge of local authorities' statutory social work duties. For the role to be effective in the varying circumstances and configurations of Scottish local authorities, a focus on role and function rather than position or structures is appropriate. However, the CSWO should be positioned at a level of seniority commensurate with being able to advise the local authority and undertake the complex duties described in this guidance.
8. The CSWO is a 'proper officer' in relation to the social work function: an officer given particular responsibility on behalf of a local authority, where the law requires the function to be discharged by a specified post holder.

## Competencies, Scope and Responsibilities of the CSWO

9. Clarification of competence, scope, responsibilities and access, should maximise the effectiveness of the post and the corporate and professional contribution it makes.

### 9.1 **Competencies**

The qualifications of the CSWO are set down in regulations<sup>1</sup>. The post holder must be a qualified social worker, registered with the Scottish Social Services Council. Local authorities will want to ensure that the CSWO can demonstrate extensive experience at a senior level of both operational and strategic management of social work and social care services.

### 9.2 **Scope**

The scope of the role relates to all social work and social care services, whether provided directly by the local authority or in partnership with other agencies. Where services are purchased on behalf of the authority, including from the private and voluntary sector, the CSWO has a responsibility to advise on the specification, quality and standards of services commissioned.

### 9.3 **Responsibility for values and standards**

The CSWO should:

- (a) promote values and standards of professional practice, including relevant National Standards, and provide a clear statement of expectation of social services workers and employers (consistent with the SSSC Codes of Practice) to be agreed with the Chief Executive and elected members;
- (b) ensure that these values and standards are communicated on a regular basis, adhered to and reviewed periodically;
- (c) work with Human Resources (or equivalent support function) to ensure that all social service workers meet the requirements of the SSSC's Code of Practice and that all registered workers meet the requirements of their regulatory body;
- (d) support and advise managers in maintaining and developing high standards of practice and supervision;
- (e) ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- (f) ensure that there are effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards. Where the council's corporate policy on risk does not reflect this balance, the CSWO is required to bring this to the attention of the Chief Executive and to contribute to the development of appropriate governance arrangements;
- (g) ensure appropriate advice is provided on corporate workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;

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1 **1996 No. 515 (S.49)** The Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 HMSO

- (h) actively promote continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of the service user;
- (i) oversee the quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;
- (j) ensure that appropriate systems are in place both to promote good practice and to identify and address weak and poor practice. The CSWO should work with managers to ensure these systems are effective and, where this is not the case, the CSWO has the responsibility for bringing this to the attention of the Chief Executive and contributing to the development or improvement of such systems;
- (k) ensure that significant case reviews are undertaken into all critical incidents either resulting in – or which may have resulted in – death or serious harm;
- (l) take final decisions on behalf of the local authority in relation to a range of social work matters, including adoption, secure accommodation, guardianship and other statutory decisions required from time to time;
- (m) contribute to reports to the Chief Executive and elected members – providing independent comment where necessary – on the findings of relevant performance reports, setting out:
  - i. implications for the local authority, for services, for service users and carers, for individual teams/members of staff/partners as appropriate;
  - ii. implications for delivery of national and local outcomes;
  - iii. proposals for remedial action;
  - iv. means for sharing good practice and learning;
  - v. monitoring and reporting arrangements for identified improvement activity;
- (n) report to the local authority on any other social work related issues;
- (o) prepare an annual report to the local authority on all of the statutory, governance and leadership functions of the role.

#### 9.4 Access

To discharge these responsibilities effectively, the CSWO needs:

- (a) **access** to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners, partner services and agencies. These arrangements will vary according to individual councils, but should be clearly articulated;

- (b) to be able to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;
- (c) to **be visible and available** to any social services worker and ensure the availability of professional advice and guidance;
- (d) to provide professional advice as required to senior managers across the authority in support of corporate agendas.

### 9.5 Leadership responsibilities

The CSWO is responsible for providing professional leadership. The CSWO should:

- (a) support and contribute to evidence-informed decision making and practice – at professional or corporate level – by providing appropriate professional advice;
- (b) seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;
- (c) support the delivery of social work's contribution to achieving local outcomes;
- (d) promote partnership working across professions and agencies to support the delivery of suitably integrated social work services; and
- (e) promote social work values across corporate agendas.

## Accountability and Reporting Arrangements

10. Local authorities will need to agree:

- (a) how the CSWO is enabled to influence corporate issues, such as managing risk, setting budget priorities and public service reform;
- (b) access arrangements for the CSWO to the Chief Executive and elected members;
- (c) how the CSWO reports to the Chief Executive;
- (d) a statement on how any potential conflict of interest will be recognised and resolved;
- (e) the relationships, responsibilities and respective accountabilities of managers and the CSWO;
- (f) a mechanism to include an independent, professional perspective to the appointment of the CSWO;
- (g) procedures for removal of a CSWO postholder, bearing in mind the need for continuity in the provision of the CSWO functions, the value of independent professional advice and the arrangements for the appointment and removal of the local authority's other proper officers;
- (h) formal deputising arrangements to cover any period of absence by the CSWO.



**Appendix 2**  
**SCRC Inspections of ELC Services 2010/2011**

UNIT NAME	SERVICE TYPE	DATE OF INSPECTION	TYPE OF INSPECTION	GRADING - OF CARE AND SUPPORT	GRADING - OF ENVIRONMENT	GRADING - OF STAFFING	GRADING - OF MANAGEMENT AND LEADERSHIP	NO. REQUIREMENTS	NO. RECOMMENDATIONS
Greenfield Park	Residential Care Home	20 April 2010	Announced	4	N/A	4	N/A	1	0
Eskgreen	Residential Care Home	09 June 2010	Announced	4	N/A	4	N/A	0	2
Adult Services	Adult Placement Service	06 July 2010	Announced	5	N/A	N/A	4	0	0
Fa'side Lodge	Residential Care Home	13 August 2010	Announced	5	5	5	N/A	0	1
Pathway Resource Centre	Young People's Care Home Service	10 September 2010	Unannounced	5	N/A	4	N/A	0	2
Lothian Villa	Residential Unit for Looked After Young People	21 September 2010	Announced	6	N/A	5	N/A	0	0
Fa'side Lodge	Residential Care Home	03 November 2010	Unannounced	N/A	N/A	N/A	5	0	1
The Abbey	Residential Care Home	22 November 2010	Announced	5	N/A	N/A	N/A		
Greenfield Park	Residential Care Home	22 November 2010	Unannounced	4	N/A	N/A	N/A	0	0
Lothian Villa	Residential Unit for Looked After Young People	10 December 2010	Unannounced	5	N/A	N/A	N/A	0	0
Education & Children's Services	Adoption Service	January 2011	Announced	5 (from Dec 2009)	Not Applicable	4 (from Dec 2009)	5 (from Dec 2009)	3 (from Dec 2009) All Now Met	0
Education & Children's Services	Fostering Service	January 2011	Announced	4 (from Dec 2009)	Not Applicable	4 (from Dec 2009)	5 (from Dec 2009)	3 (from Dec 2009) All Now Met	0
Port Seton Resource Centre	Adult Day Centre	12 January 2011	Announced	5	N/A	N/A	N/A	0	1
Prestonpans Resource Centre	Adult Day Centre	12 January 2011	Announced	5	N/A	N/A	N/A	0	2

**1 = Satisfactory; 2 = Weak; 3 = Adequate; 4 = Good; 5 = Very Good; 6 = Excellent; N/A = Not Assessed**

### Appendix 3

#### SCRC Inspections of ELC Services 2011/2012

UNIT NAME	SERVICE TYPE	DATE OF INSPECTION	TYPE OF INSPECTION	GRADING - OF CARE AND SUPPORT	GRADING - OF ENVIRONMENT	GRADING - OF STAFFING	GRADING - OF MANAGEMENT AND LEADERSHIP	NO. REQUIREMENTS	NO. RECOMMENDATIONS
Eskgreen	Residential Care Home	18 January 2011	Unannounced	5	N/A	N/A	N/A	0	0
Mansfield Road Resource Centre	Adult Day Centre	18 January 2011	Announced	5	N/A	N/A	N/A	0	1
Tynebank Resource Centre	Adult Day Centre	19 January 2011	Announced	5	N/A	N/A	N/A	0	1
The Abbey	Residential Care Home	24 January 2011	Announced	5	N/A	N/A	N/A	0	0
The Abbey	Residential Care Home	07 March 2011	Unannounced	5	N/A	N/A	N/A	0	0
Throughcare After Care Team	Housing Support Service	29 <sup>th</sup> March 2011	Announced	5	N/A	3	N/A	3	3
Throughcare After Care Team	Housing Support Service	3 November 2011	Unannounced	5		5	N/A	0 (previous all met)	5
Pathway Resource Centre	Young People's Care Home Service	5-6 July 2011	Unannounced	2	5	N/A	N/A	2	2
		11 January 2012	Unannounced	4	N/A	N/A	4	4 (previous all met)	2
Family Support Team	Care at Home Service	November 2011	Unannounced	4		4	4	1	1

**1 = Satisfactory; 2 = Weak; 3 = Adequate; 4 = Good; 5 = Very Good; 6 = Excellent; N/A = Not Assessed**

Appendix 4

Children's Wellbeing Inspections by the Care Inspectorate between April 2011 and March 2012

NAME	SERVICE TYPE	DATE OF INSPECTION	TYPE OF INSPECTION	GRADING - QUALITY OF CARE AND SUPPORT	GRADING - QUALITY OF ENVIRONMENT	GRADING - QUALITY OF STAFFING	GRADING - QUALITY OF MANAGEMENT AND LEADERSHIP	NUMBER OF REQUIREMENTS	NUMBER OF RECOMMENDATIONS
Throughcare and Aftercare Team	Housing Support Service	3/11/11	Low intensity	Very Good	N/A	Very Good	Not inspected	0	5
Pathway Resource Centre	Care Home Service	6/07/11	Medium intensity, unannounced	Weak	Very Good	Not inspected	Not inspected	2	2
Pathway Resource Centre	Care Home Service	11/1/12	Unannounced	Good	Not inspected	Not inspected	Good	2	4
Family Support Service	Support Service Care at Home	17/11/11	Unannounced	Good	N/A	Good	Good	1	6