Education Committee

20th Meeting, 2005

Wednesday 16 November 2005

The Committee will meet at 10.00 am in Committee Room 1

1. **Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill:** The Committee will take evidence at Stage 1 from—

   **Panel 1**
   - Graham Donaldson, HM Senior Chief Inspector, HMIE
   - Neil McKechnie, Director, Services for Children Unit, HMIE
   - NHS Quality and Improvement Scotland

   **Panel 2**
   - Gill Ottley, Depute Chief Social Work Inspector, Social Work Inspection Agency

2. **Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill:** The Committee will consider issues arising from the evidence.

**Proposed future business**
At its next meeting on 23 November the Committee will consider the general principles of the Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill. The Committee will further consider the general principles of the Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill and the Scottish Schools (Parental Involvement) Bill at subsequent meeting. For further details, contact the Clerk to the Committee, whose details are provided at the end of the Bulletin.

Eugene Windsor
Clerk to the Committee
Room T3.40, Committee Office
Ext. 0131 348 5204
The following papers are enclosed for the meeting

**Agenda item 1**
Written submission from HMIE  ED/S2/05/20/1
Written submission from SWIA  ED/S2/05/20/2
Joint Inspections of Children’s Services and Inspection of Social Work Services (Scotland) Bill
Statement by HMSCI Graham Donaldson

The Context of the Bill

Recent major reports and successive enquiries into child deaths highlighted the need for change in the delivery of children’s services. Common features of concern have included fragmentation, poor communication between universal and targeted services, too much assessment and too little provision of service, intervention taking place only after a crisis is reached and system failure. These failings resulted in very poor outcomes for some children who had not been protected from harm.

In March 2004 HMIE was asked by Ministers to establish a multi-disciplinary team to undertake joint inspections of all children’s services beginning with child protection. The purpose of the new approach was to promote joint working between inspectorates and to improve outcomes for children and young people by adopting a new methodology which focused on inter-agency working and outcomes achieved for children and their families.

The Development of the Approach

An initial audit was carried out in Tayside testing out some features of the proposed methodology followed by two pilot inspections of child protection in East Dunbartonshire and Highland authority areas. Although inspectors from the multi-disciplinary team were able to gain access to health records in the Tayside trial, health authorities indicated in the pilot inspections that they were unable to allow access to health records because they were not convinced they had the legal basis to release information. Case tracking is regarded by inspectors as an essential element of the methodology adopted and inspectors were unable to fully evaluate the contribution made by health services to the well-being of children in the pilot authorities. However, those agencies subject to inspection found the pilot inspections a constructive experience which prompted improvements in joint delivery of services for children.

The Bill

The primary legislation overcomes the difficulty experienced in the pilot inspections by making the sharing of information with the inspection team lawful. It permits the sharing of information across inspectorates which allows for a proportionate approach and potentially reduces duplication of requests for information. It provides for case tracking thus allowing detailed study of intervention in a sample of vulnerable children. This informs an evaluation of the effectiveness of the referral,
assessment, planning and review process within and across agencies. It assists in making judgements about outcomes achieved and maintains a clear focus on the experience of the child and family. A sample of children, parents or carers are also invited to participate in discussions with inspectors so that the views of service users can be given appropriate weight. The view of HMIE is that the proposals are necessary and proportionate to support a rigorous inspection process and allow HMIE in partnership with other inspectorates to comply with the challenging timescales for completion of the Child Protection inspections and initiating joint inspections of children’s services.

The main focus of HMIE is Part 1 of the Bill.

Section 1 - Joint Inspection of Children’s Services

- Subsection 1 confers on Ministers the power to request two or more of the bodies described in subsection 6 to conduct an inspection of children’s services. Following the request from Ministers in March 2004 to undertake joint inspection activity beginning with the inspection of child protection, HMIE have established both a steering group of inspectorates and regulators and a multi disciplinary team of inspectors to undertake these inspections. Two pilot inspections of child protection have taken place.

- Subsections 2 and 3 provide that inspections may focus on provision of all children’s services within a defined area or across Scotland, on specific or thematic inspection such as child protection or youth justice or focus on the services provided to a particular child or group of children. The steering group of inspectorates and regulators have endorsed a current consultation on developing a common approach to inspecting services for children and young people.

- Subsection 4 sets out the purposes of the joint inspection of children’s services to evaluate and systematically report on the effectiveness of provision of children’s services. This statement of purpose addresses the ‘lawful, necessary and proportionate’ tests applying to the sharing of sensitive information. In the view of HMIE and for the reasons previously stated the methodology adopted complies with these tests and is compatible with the requirements of existing legislation.

- Subsection 5 is self-explanatory.

- Subsection 6 lists the bodies who presently undertake inspection or joint inspection. The inclusion of paragraph (g) is important while the framework for joint inspection is further refined or developed. It allows for a flexibility to include other agencies or inspectorates without the need to resort to primary legislation.

Section 2 - Participation in inspection

- Subsection 1 is particularly important from HMIE’s perspective as the existing inspection teams include seconded staff, part-time inspectors and Associate
Assessors. The exact nature of the constituent agencies and inspectorates is liable to change according to the specific inspection activity undertaken.

- Subsection 2 introduces safeguards to ensure that the sharing of sensitive information is carried out with due regard to the tests previously mentioned. HMIE's draft protocol on access to Health Information sets out the procedures to be adopted in respect of the Child Protection inspections, similar procedures will be adopted for other joint inspections of children’s services. In particular, the confidentiality of information and the anonymity of individuals will be maintained in full compliance with the law.

**Section 3 - Regulations for the Purposes of Joint Inspection**

- Subsection 1 (a) provides for regulations to enable the joint inspection team to have access to all necessary records including health records. HMIE welcomes the clarity of an explicit reference to health records. Our experience from the pilot inspections is that such provision is necessary to provide the robust inspection process that Ministers have requested. Case tracking is an essential component of the methodology adopted. The inspection team will evaluate the strategic level (planning and leadership) and the service delivery level. It is imperative that it also examines the experience of, and the outcomes for, children and families as service users. The prime source of evidence for both the service user experience and the validation of working within and across professional boundaries requires to be a sample of records from individual agencies backed up by the power to discuss individual cases with professionals.

- Subsection 1 (b) allows inspectors to discuss individual cases with medical practitioners. In the Tayside audit this was regarded by team members as a particular benefit in evaluating health’s contribution to child protection.

- Subsections 1 (c), (d), (e) are self explanatory while (f) allows for the creation of sanctions in cases of non-compliance.

**The Regulations**

The Bill provides for the detail of the regulations to be set out in subordinate legislation. Section 3 of the Bill gives a firm indication of the areas to be covered within the regulations. The provision indicated within Section 3 would allow the Child Protection inspection programme to proceed as planned. Consultation with stakeholders has taken place to inform the methodology of the child protection inspections. However, HMIE will continue to refine the methodology of the inspection process, including the protocol adopted to access health information, if the findings from initial inspections indicate revision is necessary.

Consultation is currently taking place in respect of the proposed approach to joint inspections. The methodology is likely to be refined to take into account the views of service users and other stakeholders.

For these reasons it may be advisable to set out the detail of the powers in subordinate legislation.
Conclusion

In order to achieve improvement in outcomes for children, in the delivery of children’s services as well as a cultural change in the way people within agencies work together with a focus on the individual child, inspectors need to be empowered to work in new ways that will meet partnership agreement priorities.

This Bill provides the necessary powers for HMIE and other inspectorates to undertake new ways of working. Inspection is a key component of a wider commitment by the Executive and all relevant agencies to improve the quality of services for children. Joint inspection arrangements need to reflect the multidisciplinary nature of service planning and delivery in children’s services, while retaining a focus on the child’s perspective at the heart of the inspection process.

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11 November 2005
JOINT INSPECTION OF SERVICES FOR CHILDREN AND INSPECTION OF SOCIAL WORK SERVICES BILL

Evidence from SWIA

SWIA (the Social Work Inspection Agency) is a new agency, established in April 2005, to improve social work services in Scotland. It replaced the former Social Work Services Inspectorate (SWSI). The strategic priorities of the agency are to;

- improve the quality of social work services in Scotland
- secure improved public confidence in social work services
- build capacity in Scotland’s social work services
- inform the development of social work policy.

SWIA welcomes the provisions of the Joint Inspection of Services for Children and Inspection of Social Work Services Bill which will enable current work plans, developed under existing policy, to progress on the basis of explicit powers.

SWIA will undertake performance inspections of the social work services of all 32 local authorities over the next three years. SWIA also conducts specific inspections of local authority criminal justice social work services. Over the next three years SWIA will, in partnership with other relevant bodies, conduct inspections and thematic reviews of services for older people, people with learning disabilities and substance misuse services. In their responses to the draft SWIA Corporate Plan local authorities and other stakeholders welcomed the establishment of SWIA and its planned programme of work.

The Bill will enable SWIA to work effectively by allowing the agency to focus on outcomes for people who use services. It does not put additional duties on the agency nor does it introduce additional inspection activity.

Part One will allow SWIA to contribute fully to effective joint inspections of children’s services. The powers to allow access and sharing of individual records, within strict parameters, will allow inspectors to focus on the experience of and outcomes for children and young people.

Part Two will give SWIA explicit powers to inspect social work services provided by or on behalf of local authorities. It does not extend or restrict current powers held by SWIA in relation to specific social work services, it makes clear that those powers are exercisable in relation to social work services generally. It does not change the relationship between SWIA and any other inspectorate in the exercise of their respective powers.

The Social Work (Scotland) Act 1968 gives SWIA extensive powers in relation to inspection of certain types of residential setting for looked after children and a power of inquiry into the functions of a local authority. Part Two of this Bill precisely replicates the explicit powers in respect of residential settings to apply to social work services generally. It is required to give statutory backing to current activity and does not create any requirement for new or additional inspection activity.
SWIA has been fully involved in development of the detailed methodology for the joint inspections of children’s services, starting with child protection, and has led in development of its detailed work plan for its own inspection activity. It has also been fully consulted on the provisions of the Bill, the supporting regulations and the draft protocol.

SWIA is developing formal agreements with other regulators and Inspectorates including NHS Quality Improvement Scotland, HMIE and the Care Commission that will explain to stakeholders how they will work together to increase the impact and reduce the burden of regulation. This Bill will not affect that exercise.