

PE1418/D

Children and Families Directorate

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Stuart Todd
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Public Petitions Committee
T3.40
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Your ref:
Our ref:
19 April 2012

Dear Stuart

CONSIDERATION OF PETITION [PE1418](#)

Thank you for your letter dated 28 March in relation to the above petition.

Petition by Katherine Alexander calling on the Scottish Parliament to urge the Scottish Government to compel all local authorities to ensure that all social work management posts are held by professionally trained and accountable registered social workers.

You have asked the Scottish Government to respond to 2 issues raised by the petitioner that:

- A potential loophole may exist in relation to the protection of vulnerable adults when the line of accountability does not rest finally with an individual who is registered as a social worker or who holds a social work qualification.
- There is the potential for complaints/investigations to be dealt with administratively and not more formally through statutory adult support and protection procedures (*Official Report, col. 492*).

The effective delivery of social services is key to protecting the most vulnerable in society and local authorities have a statutory duty to deliver these services within a framework set out in legislation and guidance. It is the responsibility of local authorities to appoint such officers as they think necessary and fit to discharge their

functions, taking account of any statutory requirements in relation to posts, roles or duties.

'Changing Lives' indicated that there was a need to strengthen the governance and professional leadership roles of the Chief Social Work Officer (CSWO) to oversee social work services and ensure the delivery of safe and effective practice. In March 2011, the Scottish Government published the Practice Governance Framework, in conjunction with the guidance on the Role of the Chief Social Work Officer and the Role of the Registered Social Worker. The Framework provides a suite of materials to support both employers and practitioners. It is a prompt which can be used to assess whether there is clarity of roles, responsibilities and accountabilities. Whilst the Framework focuses on CWSOs and registered social workers, there is resonance and applicability for other practitioners delivering social services, and indeed employers, whether dealing with social workers or allied staff.

Under the Social Work (Scotland) Act 1968, all local authorities must have a CSWO. The CSWO must be a qualified social worker, registered with the Scottish Social Services Council (SSSC) and can demonstrate extensive experience at a senior level of both operational and strategic management of social work and social care services. The scope of the role relates to all social work and social care services, whether provided directly by local authorities or in partnership with other agencies including the private and voluntary sectors.

The CSWO's main role is to ensure the provision of effective, professional advice to local authorities – elected members and officers – in the authorities' provision of social work services. Amongst other things they should;

- Support and advise managers in maintaining and developing high standards of practice and supervision;
- Ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- Ensure that significant case reviews are undertaken into all critical incidents either resulting in, or which may have resulted in, death or serious harm;
- Be visible and available to any social services worker and ensure the availability of professional advice and guidance;
- Provide professional advice as required to senior managers across the authority in support of corporate agendas; and
- Take final decisions on behalf of the local authority in relation to a range of social work matters and other statutory decisions required from time to time.

Local authorities have a statutory responsibility to promote social welfare. Partnership working with, and being managed by, other professionals is key to providing high quality and effective support services. Where a social worker is line managed by someone other than a qualified and registered social worker, in line with guidance that social worker would receive additional professional supervision e.g. from the CSWO.

Some tasks required in respect of statutory interventions may be undertaken by someone other than a registered social worker. However, final decisions/making recommendations for statutory intervention, drawing on information held by others

and work done by them, lies with the accountable registered social worker. Where some tasks within the function may be carried out by other staff, the employer retains overall responsibility for the competence and performance of such staff.

There is legislation e.g. the Adult Support and Protection (Scotland) Act 2007, where statutory work need not be undertaken by a registered social worker. However, the 'Council Officer' carrying out the measures contained in the Act is accountable for their actions and, as previously stated; the employer retains overall responsibility for the competence and performance of such staff.

All local authorities must have a complaints procedure in place as directed by Scottish Ministers. The current procedures provides for three stages which includes an independent Complaints Review Committee considering the complaint. In light of recent reviews of complaints handling, and in line with work carried out by the Scottish Public Services Ombudsman (SPSO), the Scottish Government recently issued a consultation on the social work complaint procedures. The consultation closed on 18 March 2012 and the outcome is awaited.

The Scottish Government is content that there is sufficient legislation and guidance in place.

I hope the information in this letter, the content of which has been approved by the Minister for Children and Young People, will be of assistance to the Committee in its further consideration of the Petition.

Yours sincerely

Diane White
Social Services workforce Team