

PE1835/B

Petitioner submission of 1 December 2020

It is my opinion that the Scottish Government's submission was written by somebody who has no experience of child protection system and in particular "looked after children" in Scotland. The comments are based on guidelines and legislation, which, I believe, are often ignored and result in children ending up unnecessarily in care.

Parents (especially mothers) and families are traumatised. Statistics show very bad outcomes for children in care. I speak from personal experience. I had a 45-year career in criminal and civil law investigation and enforcement. I have also witnessed the system through the eyes of families I have supported in recent years.

The Children's Hearing system was set up in 1971 to deal with child offenders. They had admitted their guilt or had been found guilty in Court. Juvenile offenders accounted for approximately 95% of children referred. The format of the Hearings system has not changed. Now over 85% of children appearing are on a "welfare" basis. Panel members are lay people with little training, acting on reports submitted by social workers. These reports are anywhere between 35 and 90 pages long. Should these reports contain misinformation, it "lives" for ever. The child and parent receive them less than 4 days before a Hearing and often on the day of the hearing. They have very little time if any to read and understand the report.

Where a child is considered at risk, social workers compile reports with input from other agencies/departments which are submitted to a Sheriff or a Children's Hearings with the request the child be taken into care. None of these processes are done under oath or affirmation therefore the crime of Perjury does not exist. Children's Hearing are not a Court therefore the oath is not administered. No criminal offence is committed when lies and false information are put in reports. In many cases submissions to a Sheriff are done without the knowledge of child or parents. In many cases, the social worker does not even attend the Sheriff's Hearing. Where a Sheriff orders a child to be taken into care, the case must come before a Children's Hearing within 48 hours. Parents and child are extremely traumatised at this point. Very few children appear personally in front of any Children's Hearing, irrespective of age or health. The Scottish Children's Reporter Administration is unable to give the number of Children's Hearings where a child did not appear.

Instructions are that a Children's Hearing should last no more than an hour. Over 20 minutes of that hour are taken up with introductions, procedures including the final decision. The key legislation states that the mother is totally responsible for the child. It seems to me that the Hearing system automatically assumes the mother in particular is guilty as charged in the reports. The 40 minutes is not enough time for the child and family to debate and dismiss the claims made against them. Appeals to the Sheriff are defended by the Hearing System through the use of the submitted reports that, I believe, often contain untruths. The mother and child are deemed

guilty until they prove themselves innocent, which is impossible when “professional” reports contain untruths.

I believe that complaints to Councils are regularly dismissed without full investigation. SPSO can take over two years to investigate and report back. They can highlight wrong doing but can't force the reinvestigation of complaints. Scottish Social Services Council take over 2 years to investigate. By their own admission no action is taken in 99.7% of complaints made by members of the public against social workers. In the meantime, the child is still in care separated from the family.

The only option for families is civil proceedings. It is normal to pay a deposit of between £30,000.00 and £80,000.00 before a case is looked at by a legal team. Civil action can last for years and the family are fighting against the highly skilled and financed legal teams of public bodies including Local Authorities.

This legislation is required to ensure that all reports from the very beginning are based on truth, not opinions, supposition and assumptions often by individuals lacking in proper training and qualifications. The same legislation can apply to any family member who makes false accusations (often a problem in acrimonious separations of the family).

If people make reports that do not contain misleading information and lies, they will have nothing to fear from the suggested legislation.

The [Independent Care Review report](#) was accepted by the whole of the Scottish Parliament who agreed to put in place the follow up body, Keep the Promise. The basic findings of the Independent Care Review are that the current system is not fit for purpose and needs a complete overhaul. They estimate that it will take 10 years.

This Petition can be implemented now and bring honesty to Child Protection in Scotland.