

SOCIAL WORK INSPECTION AGENCY PUBLISHES REPORT INTO ORKNEY/CAMBRIDGESHIRE CHILD CARE DISPUTE

Scotland's Social Work Inspection Agency (SWIA) has today published the findings of its investigation into a dispute between Orkney Islands Council and Cambridgeshire County Council, relating to the provision of support to a child and his carers.

The report, commissioned from SWIA by the Cabinet Secretary for Education and Lifelong Learning, outlines that child 'I' has complex care needs given the impact of a serious heart condition and his experiences in the early stages of his childhood.

The report states that these needs are being met through his stable, secure placement with his carers. It goes on to conclude that the dispute between the two councils over who should provide services to child 'I' and his carers should never have been allowed to reach the High Court.

Other key findings include:

- The councils' failure to agree on many aspects of the case resulted in delays to some important decisions which affected support for the child and his carers and the dispute developed into one centred on legal responsibilities, rather than the child's best interests.
- The dispute is not indicative of a systemic, widespread problem. The existence of different jurisdictions should not prevent a resolution and many similar disputes are settled on the basis of commonsense and co-operation by the councils involved.
- Comprehensive, reciprocal arrangements, applicable between different UK countries, which clarify the responsibility for providing care as well as the responsibility for paying for care, may be desirable.

Chief Inspector of Social Work, Alexis Jay said:

"While acknowledging the complexities of this case, this review has concluded that the dispute should never have got to the High Court and that events came to be dominated by legal process and interpretation, rather than the best interests of the child.

"Failure to agree about many aspects of the case has resulted in delays to some important decisions being made. This has directly impacted on the support to the child and his carers at various stages.

"This is important not just for the child but also for ensuring ongoing discussion and contact between the two councils in relation to the child, his birth parents and his wider family."

Cabinet Secretary for Education and Lifelong Learning, Michael Russell, said:

"I want to thank the Social Work Inspection Agency for carrying out this review so speedily. Above all, I am pleased that the report highlights that the child's care needs are being met. Both Councils have now reached agreement on the payment for the care being provided and I welcome this.

“There remain aspects of this case which are clearly regrettable and both councils will wish to consider the conclusions carefully. We cannot allow geographical barriers to stand in the way of ensuring the best possible care and support for children who need it.

“A number of cross- border cases are dealt with and resolved each year without recourse to the courts and this report highlights that the dispute is not indicative of a systemic, widespread problem and the existence of different jurisdictions should not - and does not - prevent resolution of disputes of this nature. However, I have written to the Secretary of State for Children, Schools and Families asking our officials to work together to consider whether more comprehensive, reciprocal arrangements across the UK may be desirable for our children and their families”

Ends

BACKGROUND

The report concerns the circumstances surrounding a child ('I'), previously looked after by Orkney Islands Council, who has lived for most of his life in Cambridgeshire with his carers (Mr and Mrs 'O'). In December 2009, a High Court judgement relating to 'I's long term placement with the 'O's was published at the direction of the Judge, Mr Justice Hedley. It drew attention to a dispute between Orkney Islands Council and Cambridgeshire County Council over who should provide services to 'I' and his carers. The Judge could not make a decision on the carers' application for a Special Guardianship Order because neither council had been prepared to carry out the assessment of Mr and Mrs 'O' and the needs of 'I'. He asked that these matters be considered by relevant Ministers in London and Edinburgh.

The report is published today on the SWIA website www.swia.gov.uk .

Journalists seeking e-mail copies of the report should contact Linda McIntyre at Consolidated PR on 0141 285 0229 / 0771 890 4734 or email swia@consolidatedpr.com