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By Dr Sue Whitcombe

SCOTLAND: GETTING IT RIGHT FOR EVERY CHILD? A QUESTION OF COMPETENCE OR CUSTOM AND PRACTICE?

Dr Sue Whitcombe, counselling psychologist

Abstract

On 1 October 2020, the *Children (Scotland) Act* became law. As well as strengthening the voice of the child in Scottish family proceedings and improving protection for vulnerable witnesses, for the first time it legislates for the regulation of child welfare reporters. Today 90 per cent of welfare assessments in private family law proceedings are undertaken by solicitors. Are they competent to do so? Is this ensuring that the welfare of the child is paramount? Why was there no input from social work when the Bill was drafted? Where was the voice of social work in the consultation? What can you do to ensure that every child in the UK has the right to an assessment of their needs and welfare by a competent, qualified, skilled professional?

The Scottish Government prides itself on its focus on children and young people. With the Children and Young People (Scotland) Act 2014, it aimed 'to make Scotland the best place to grow up by putting children and young people at the heart of planning and delivery of services and ensuring their rights are respected across the public sector' (The Scottish Government, 2020). The *Getting it right for every child* policy (GIRFEC) aims to support families by ensuring that children and young people receive 'the right help, at the right time, from the right people' (The Scottish Government, 2020). It would be expected, then, that the Children (Scotland) Act, enacted in October 2020, would incorporate the same aspirational principles. In my opinion, a golden opportunity to ensure the welfare and safeguarding of children subject to private family law proceedings (Section 11 cases in Scotland) was missed – but there is the chance of a second bite of the cherry.

I work as a psychologist in England, Wales and Scotland. My work is with children, parents and families, mainly around family breakdown. I provide therapeutic interventions and support and act on instructions to conduct assessments in family law cases. In the course of my work, I have come across many Section 7 reports, and their Scottish counterpart, child welfare reports. As with all reports of this nature, there is variability in quality. From time to time, I have had cause to be critical of a Section 7 report – an apparent lack of knowledge, the process and methods used, or the recommendations made. In the majority of cases, however, I see reports where the skill, knowledge and understanding of the family court adviser (FCA) is evident. Where there is an awareness of complexity and nuance; where children are front and centre; where the safeguarding lens is patently evident. I see a self-awareness too, of limits to competence, requesting

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or telephone 01372 818504*