

West Lothian Council Social Policy Service
West Lothian Civic Centre,
Howden Road South,
Livingston,
West Lothian
EH54 6FF

18/12/2018

Email: SocialPolicyIR@WestLothian.gov.uk

Dear Enquirer

E Mail: request-536821-a0cab235@whatdotheyknow.cc

Freedom of Information

Our reference: FOI Response 101006189798

I refer to your request for information received 4th December 2018:

Under FOISA, please supply me the following information held in your records:

"Please advise if an emergency IRD are qualified to form a mental health analysis on an individual that would form part of any legal proceeding without having physical sight or contact with an individual?

Please advise if any member of the public without a specialised qualification in mental health are qualified to form a mental health assessment on an individual, particularly if they had not had physical sight or contact with an individual for a significant period of time?

Please advise West Lothian Councils Social Work Emergency IRD policy and procedure on acting on unqualified members of the public reporting their personal diagnosis of an individual to Social Services?

i.e. What is the proper course of action or due diligence required to ensure the allegations or disclosures are accurate and that there is substantial risk?

Please provide your policy & correct procedure for when a qualified & substantial risk has determined?

Please provide your policy & correct procedure for when a unqualified & unsubstantial risk has determined?

Also when you have been informed by Police Scotland that there is no mental crisis?

What right of recourse or protection from such allegations does the person who is continually harassed by an unqualified individual, by reporting them to various agencies such as Police Scotland, Social Work, Medical Practitioners, to ensure that their children are removed them, and all contact with their children are removed?"

WEST LOTHIAN COUNCIL RESPONSE

Under FOISA, please supply me the following information held in your records:

Please advise if an emergency IRD are qualified to form a mental health analysis on an individual that would form part of any legal proceeding without having physical sight or contact with an individual?

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The purpose and process of an IRD is detailed with the Interagency Child Protection Procedures for Edinburgh and the Lothians.

An inter-agency referral discussion is the first stage in the process of joint information sharing, assessment and decision-making about risk to children. Professionals will consider other children who may be at risk, not only the child who is subject of the referral. This is not a single event, but takes the form of a process or series of discussions, where information is discussed and a co-ordinated response agreed by the core agencies and updated as enquiries progress.

Inter-agency referral discussions will take place before any agency proceeds with an investigation, except where emergency measures are taken, and before either a joint investigative interview or joint medical examination takes place. While it is desirable to have complete information on which to base joint decisions, there may be occasions where the core agencies need to make decisions on the information available to them at the time. The core agencies are health, police and social work services.

Agencies share information which they hold that is relevant to the presenting risk being considered – this may include information regarding an individual's mental health. Any information that informs a legal proceeding will be scrutinised by a Sheriff or representing legal teams.

Please advise if any member of the public without a specialised qualification in mental health are qualified to form a mental health assessment on an individual, particularly if they had not had physical sight or contact with an individual for a significant period of time?

Social Policy staff receive training to inform their practice regarding mental health, in some instance this takes the form of externally accredited Mental Health Officer training. This informs their ability to undertake mental health assessments. I am unable to comment on issues relating to the general public.

Please advise West Lothian Councils Social Work Emergency IRD policy and procedure on acting on unqualified members of the public reporting their personal diagnosis of an individual to Social Services?

i.e. What is the proper course of action or due diligence required to ensure the allegations or disclosures are accurate and that there is substantial risk?

The purpose and process of an IRD is detailed with the Interagency Child Protection Procedures for Edinburgh and the Lothians. Information sharing is a key activity of each agency in order to support the assessment of whether a child is at risk of or suffering harm. In order to make decisions, each agency will share with the other core agencies all relevant information. This will include information on the child, key adults who have involvement with the child or any other children who may be at risk. When this information has been shared, and where one or more of the core agencies assess that a child is at risk or may be at risk of harm, an inter-agency referral discussion will take place as the first stage of the child protection process.

An inter-agency referral discussion is the first stage in the process of joint information sharing, assessment and decision-making about risk to children. Professionals will consider other children who may be at risk, not only the child who is subject of the referral. This is not a single event, but takes the form of a process or series of discussions, where information is

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discussed and a co-ordinated response agreed by the core agencies and updated as enquiries progress.

Inter-agency referral discussions will take place before any agency proceeds with an investigation, except where emergency measures are taken, and before either a joint investigative interview or joint medical examination takes place. While it is desirable to have complete information on which to base joint decisions, there may be occasions where the core agencies need to make decisions on the information available to them at the time.

The core agencies are health, police and social work services. In addition to information sharing between core agencies, if deemed necessary, action will be taken to discuss any issues directly with the persons involved.

Please provide your policy & correct procedure for when a qualified & substantial risk has determined?

As above

Please provide your policy & correct procedure for when a unqualified & unsubstantial risk has determined?

There is no policy or procedure regarding this specific issue. Matters that are not considered to meet the threshold for Interagency Child Protection Procedures are progressed by the Duty and Child Protection Team. This team will undertake an initial assessment to determine the level of need and/or risk a child may be experiencing. This will inform any plan or level of intervention provided by Children & Families social work. This will include linking with the family, young person and other agencies involved e.g. Education, health, etc

Also when you have been informed by Police Scotland that there is no mental crisis?

As above

What right of recourse or protection from such allegations does the person who is continually harassed by an unqualified individual, by reporting them to various agencies such as Police Scotland, Social Work, Medical Practitioners, to ensure that their children are removed them, and all contact with their children are removed?

If you are being harassed by a member of the public this matter should be discussed with Police Scotland. If this relates to a member of West Lothian Council staff this can be address via or Complaints process.

You are free to use the information supplied in this response for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting. Any such use must be in context and must not be misleading. Any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet or commercial use, will require the permission of the intellectual property owner and copyright owner.

Further details as to how to apply to re-use information supplied by us can be found on our website at www.westlothian.gov.uk/freedom-of-information

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If you have any complaint about the Council's handling of your request for information, you may require the Council to review its actions and decisions in relation to this response. Please write, within 40 working days from the receipt of this information, to Carol Johnston, Chief Solicitor, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF (Telephone: 01506 281605, email: carol.johnston@westlothian.gov.uk). The request should be in writing, email or other permanent format and should state your name, address and specify the original request for information and the reason for your dissatisfaction.

You may, within a further six months, if you are dissatisfied with the outcome or with the Council's failure to review its actions and decisions in relation to this response, apply in writing to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS (01334 464610; email enquiries@itspublicknowledge.info) requesting his decision in this matter. The application must be in the format and contain the information referred to in the paragraph above. The application should also state the reason for dissatisfaction with the Internal Review.

Yours Sincerely

West Lothian Council

DATA LABEL: PRIVATE/CONFIDENTIAL

In accordance with our Corporate Policy you may be contacted shortly to obtain your views on how we handled your request.

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