



**getting it right  
for every child**

**Proposals for Action**

**Scottish Children's Reporter Administration**

**Response to the consultation document**



## Introduction

1. The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to formally respond to this important document. SCRA's response reflects contributions from our Board, staff and partners, gathered during our consultation process. SCRA has a critical role within the Hearing's System in Scotland and is confident that it has a vital contribution to make to this Review and to making its vision a reality for the vulnerable children of Scotland.
2. Phase 1 to the Review confirmed the support for the underlying principles of the Hearing System in Scotland: the integrated approach in relation to both care and protection and offending issues; ensuring a focus on the welfare of the child; and, the involvement of community volunteers. We know that a System with these fundamental principles is best placed to address the needs of today's vulnerable children in a manner that allows an individual response sensitive to the needs of child, families and communities. A System with the best prospect for effecting positive change to troubled and troublesome children. Improvements needed to this System and identified during Phase 1 will ultimately ensure more consistent outcomes for these children.
3. The outcomes of Phase 1 of the Review confirmed the essential link between the improvements required to the Hearing System and the improvements required to services for vulnerable children. The Hearing System co-exists with the wider networks of services that work with vulnerable children. When prevention and support work effectively, many children's needs can be identified and addressed at an early stage without the issue of compulsion arising. Where intervention requires compulsion, the Hearing System can provide an efficient and inclusive process for reviewing and progressing this. Effective and timely delivery of interventions mandated through the Hearing System (whether by the Reporter or the Hearing) can address need and risk and thereby reduce future reliance on services or future need for compulsion.
4. An integrated system for children must be clear about the part that compulsion can play in supporting the move towards positive outcomes for children. Compulsion should not simply be regarded as a last resort. The need for compulsion requires to be considered at all stages Compulsion may need to be imposed when intervention is required immediately or where preventative intervention is required.
5. SCRA welcomes this next Phase to the Review. It upholds the principles of the Hearing System but also sets out the actions required to address the concerns that have been identified. It will enable the Hearing System to be at its most effective for the children who require its support. SCRA supports more effective earlier intervention; the need for a unified approach that responds to children, families and communities in a meaningful way; improved access to action and



services for children; and, a central focus on outcomes for children.

6. The proposals set out in the document reflect action already taking place in a number of areas in Scotland and SCRA welcomes the approach in the document that aims to build on good practice.
7. Children's services have a vital role to play in responding to the needs of children. Improvements to ensure effective and efficient joint working must place Community and Children's Services Planning structures at the centre of the work required.
8. SCRA recognises the enormous challenge for all agencies to move to the vision identified in the Proposals. The achievement of these ultimate goals will take time and will involve a significant shift in the mainstream services for children. Some improvements have already been identified and are currently happening. Further improvements can begin now. Development must occur within the structures and processes that are already established for Community and Children's Services Planning within local authority structures.
9. Comprehensive change planning is critical and must be phased and properly resourced. The Scottish Executive will lead on the development of implementation plans and SCRA welcomes the opportunity to be included in these arrangements alongside our partners.
10. SCRA is strongly placed to have a role that supports the significant changes required. SCRA can support strategic transition planning; inform policy direction; support the drafting and parliamentary scrutiny of legislation and contribute to local co-ordination.
11. SCRA's ultimate role must be in delivering expert analysis of the need for, and impact of, compulsory measures of intervention; informing developments of the system for children and ultimately improving the effectiveness of the system in delivering positive outcomes for children.
12. As development progresses it will be important to avoid any imbalance between welfare and due process. In particular, the necessity of addressing the underlying needs of the child must not be lost. Consequently, the developments proposed in the Review must ensure that these underlying needs are identified and responded to and the corrosive impact of alcohol or drug abuse, poor parenting and social exclusion on children's prospects is vigorously addressed.
13. There is a need to ensure that the focus on performance improvements that has emerged over the last few years is maintained and developed; ensuring the accountability of services and continuing to drive progress in both efficiency and



effectiveness.

14. SCRA supports the Children's Hearing Forum, a multi-agency body with an improvement agenda, that has been considering many of the critical issues identified in the Review Proposals. SCRA would refer to the contents of the report produced by the Forum in relation to this work that lays out the issues involved and proposes developments to address these. The Forum's report is attached as Appendix A to this document.
15. SCRA is happy to expand on any aspect of its response and looks forward to continuing to contribute to the work required to ensure that the vision set out in the Proposals document translates to a workable improved System for children.

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## Improving Children's Services

**1. We propose that agencies should publish information for children and families about the services and support available and how it can be accessed.**

### SCRA supports this recommendation:

- 1.1 In taking forward these proposals it is vital that agencies use the structures and processes already integral to Community and Children's Services Planning within local authorities.
- 1.2 The manner of developing the information and access to it must be co-ordinated to ensure a nationally consistent message that is locally mapped. Rather than service specific, this work needs to be carried out in partnership to demonstrate how children and families' needs can be met.
- 1.3 A fundamental part of the Hearing System is the participation of the child and family. The nature of the role of the Reporter and the structure of the Children's Hearings are both designed to ensure real engagement by children and families with the problem solving required. The involvement of children and their families must occur at as early a stage as possible for this to be most effective.
- 1.4 The provision of information that improves understanding and empowers parents, carers and children is important. This can also improve general community awareness that in turn increases the ability of the community to support children and families who require support.
- 1.5 The research currently commissioned by the Scottish Executive on Advocacy, the studies available on participation<sup>1</sup>, and the long standing experience of bodies connected to the Hearing's System in their efforts to improve understanding of the System (e.g. the work attached to panel member

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<sup>1</sup> "Taking Part Toolkit: Promoting The Real Participation of Children and Young People"

[www.barnardos.org.uk/resources/researchpublications/participation.html](http://www.barnardos.org.uk/resources/researchpublications/participation.html)

"Who Cares? Scotland Children's Hearings Consultation Glasgow" by Who Cares? Scotland 2004

"The Participation of Children and Young People in Welfare, Justice and Family Legal Proceedings: A Comparative Review" Scottish Children's Reporter Administration

"Review of Children's Hearing Management Best Practice and Time Management Standards" Scottish Children's Reporter Administration (see Appendix b to this document)



recruitment) can all inform the shape and content of developments in this area. The experience of agencies such as Health and Education, including adult learning, should also be drawn on.

- 1.6 Information on current local services must be kept updated and a mechanism put in place to review the impact of the availability of information in relation to the stated objectives.
- 1.7 The general issue of meaningful inclusion of families must be addressed properly to ensure that it occurs in reality and its impact measured and developed further.
- 1.8 Training must be available to ensure that those working and communicating with children and families are fully aware of the process.

**2. We propose that agencies be under duties and responsibilities to be alert to the needs of children, to listen to them and record children's views, to identify children in need and to act to improve a child's situation.**

***Children's Services should minimise the burden of meetings, referrals, processes, report writing, assessments and plans on children, young people and their families. They should also ensure a coherent and effective response to the needs of each child and young person. They will need to establish a local co-ordination and monitoring mechanism. If a child asking for help (or anyone asking for help on their behalf) thinks that an agency has not delivered the agreed help, they should be able to use this mechanism to seek a review of the action of the agency's handling.***

#### **SCRA supports this recommendation:**

- 2.1 The duty and responsibility to be alert to the needs of children is a welcome clarification of current expectations. This will require clear guidance and training for the whole range of children's services staff and will place a particular role with universal services, such as NHS and Education, which will require to be set out explicitly. Particular attention will be required in relation to surveillance of pre-5 children, particularly pre-3's.
- 2.2 The key role of universal children's services as the safety net for children needs to be made explicit.
- 2.3 Duties of agencies are already contained in statute and any re-iteration or expansion on these duties must be consolidated.



- 2.4 The implications of failure to comply with duties must be stated clearly. Whilst a statement of individual agency responsibilities can be made, the combined responsibilities of agencies involved in multi-agency work will require similar statement and clarity.
- 2.5 The role of the lead professional will need to be clear about his or her duties in relation to multi-agency duties.
- 2.6 The reduction of roles, process and bureaucracy will ensure a quick and effective response to the needs of children.
- 2.7 There is a need to look at how better to listen to children locally and nationally and involve them more in the development of services.
- 2.8 It would be helpful to specify how children's views will be used, especially in relation to the decision-making process.

**3. We propose a new duty on agencies to co-operate with each other in meeting the needs of children and to establish local co-ordination and monitoring.**

**SCRA supports this recommendation:**

- 3.1 The arrangements for co-ordination will require to be agreed by all relevant partners and set out in the Children's Services Plans.
- 3.2 The recommendation will assist with the further integration of Children's Services and the development of 'teams around the child'.
- 3.3 The repercussions of not complying with a duty must be clear. The duty must relate to individual children as well as children collectively.
- 3.4 The local co-ordination may be a role or roles or a process. There are current models that should be reviewed to inform the right approach. Local responses must be allowed but within a defined framework for the mechanism. Guidance or Regulation may be required to provide national consistency in how co-ordination is organized. This must be developed by practitioners to be fully effective.
- 3.5 Co-ordinating and monitoring mechanisms for children's services are essential to support truly integrated working focused on the child and outcome required.
- 3.6 SCRA's ability to provide information and data and to facilitate partners to review and progress delivery against outcome means that SCRA is often placed at this



time in this co-ordinating role, e.g. SCRA's role in the case progression models developed in the youth justice area. SCRA is keen to focus and support this role, co-ordinating the change required to allow agencies to ensure that effective arrangements are in place during the transitional phase of change. SCRA would welcome the opportunity to inform developments so that the duties imposed on agencies to co-operate can detail out to be fully deliverable.

- 3.7 The role of the co-ordinating mechanism (and its relationship to the Reporter) when services or action is required but not compulsion needs to be clear.
- 3.8 When services do not think that that help is required or decline to provide the help or the help is less than the child /family considers is needed, the role of the co-ordinating mechanism must be clear.
- 3.9 The local co-coordinating mechanism whether person or process must be able to address any failure to deliver in a meaningful way. The experience of co-ordinators e.g. child protection co-ordinators working in a multi-agency forum, must be considered to inform development of the role. The parameters of responsibility must be clear so that individual or statutory accountability for delivery is not confused.
- 3.10 The mechanism and its effectiveness must be monitored and developed. National consistency must be achieved albeit with local delivery and the ability to share practice and experience must be included.
- 3.11 Effective meetings are required at all levels of need and intervention. The time involved in report writing must be reduced, especially if information is shared in other ways but recording should remain a crucial element.

**4. We propose to develop, with agencies, a single integrated assessment, planning and recording tool for use within a framework of co-ordinate meetings, reviews and planning. These arrangements will in time replace meetings about child protection, looked after children, joint assessment, youth offending and other inter-agency arrangements.**

**SCRA supports this recommendation:**

- 4.1 This is a critical proposal that will support and expedite Reporter decision-making.
- 4.2 SCRA has been working for some time to ensure the co-ordination of the assessments required for the decision making of the Reporter and the Children's Hearings to be included in the single assessment. Reference is made to the work



of SCRA and ADSW in this regard. This work needs to be incorporated in the developments required.

- 4.3 The need for and the purpose of compulsion as part of the outcome required for the child must be a part of the assessment. This part of the assessment must be informed and based on an improved common understanding of the role that compulsion can play. SCRA has a critical contribution to make in the development of this work.
- 4.4 There will need to be clarity as to overall accountability.
- 4.5 The overall purpose, effectiveness, attendance and decision making power of meetings needs to be improved upon.
- 4.6 Child protection procedures need to be fully consolidated in this integrated work.

**5. We propose that where a child's needs are complex, serious, require multi-agency input or are likely to require compulsory measures an action plan must be agreed by all agencies involved and kept under review. The action plan will be the principal source of information for the Reporter if the child is subsequently referred.**

**SCRA supports this recommendation:**

- 5.1 The comments made at recommendation 4 above are relevant.
- 5.2 The interface between the Reporter and the monitoring and review of the plan (see recommendation 10) where compulsion is not required but action required, needs careful consideration to ensure that delivery against the plan is clear.
- 5.3 The Reporter's ability to initiate the drawing up of any plan where referral occurs at an early stage where the need for compulsion is required urgently, needs to be made clear. The repercussions of failure to produce a plan must be clear.
- 5.4 By making clear how a plan can be initiated or even considered as being required, this risk can be mitigated.
- 5.5 The proposals in the document need to be strengthened regarding the safeguards to ensure service delivery for those with significant needs when referral for compulsion is inappropriate.



- 5.6 At the same time as Hearings are being provided with extended powers to oversee and ensure service delivery for those subject to compulsory intervention, without the requisite safeguards, an imbalance could be created between children who require compulsion and those with significant needs who do not require compulsion.
- 5.8 The overall responsibility for the Action Plan must be clear and in particular the responsibility of the lead professional and individual agencies for delivery against the Plan. This links to the need to be clear about the relationship of the Reporter to the Plan where action on the Plan is required without compulsion.
- 5.9 There are fundamental difficulties if the Action Plan is the only source of information to the Reporter. The Reporter requires access to the assessment information behind the plan and the Reporter needs access to evidence to allow the Reporter to make his/her decision and fulfil the role. It is essential that the needs of the Reporter and Children's Hearings are accommodated within the integrated assessment approach. The Reporter is the assessor of evidence, accountable to the judicial process where the establishment of the issues that justify the intervention is required.
- 5.10 There should be more reference to children and young people who are involved in offending and antisocial behaviour, perhaps in addition to other welfare issues. At present, the way children "in need" are portrayed in the documents and the triangle headings do not adequately reflect these children, except perhaps where "learning to be responsible" is referenced
- 5.11 The plan must be able to respond to the range of significant need affecting a child, especially where offending is a concern. There needs to be a clear link to the use of risk assessment tools, i.e. Asset/YLS for offending assessment.
- 5.12 The importance of assessment of risk as well as need must be incorporated in any integrated assessment with the risks associated with different circumstances or issues, for example offending or domestic abuse, clearly identified and included.

**6. We propose that where there is a need for co-ordinate action, a lead professional from amongst the agencies must be appointed.**

**SCRA supports this recommendation although the detail of this lead professional role requires considerable clarification:**



- 6.1 The interface between the lead professional and the co-ordination mechanism mentioned at recommendation 3 needs to be clear. There is a danger that the distinct purposes of these functions is lost if they are combined in the role of one person. Further clarity of the functions should prevent any confusion.
- 6.2 There is a need to be clear about the parameters of the role of this professional, his or her relationship with other professionals and the child and family. The impact of the role on the individual professionals own role must be understood. There is also a need to be aware of the full resource implications for this role to be fully effective.

**The Integrated Assessment, Records and Planning Framework – Specific Questions**

***The IAF proposes measures to benefit all children and young people – not just those with additional support needs those in need or those requiring care and protection. In doing so we have tried to emphasise the involvement of children.***

***? Is there sufficient emphasis and guidance about the child’s involvement and are there sections, which need strengthening to make sure that the child or young person is at the heart of the process?***

1. The overall aims of the IAF are welcome, emphasising not just partnership working with families and various agencies and professionals but also collaborative working. This should assist the process of protecting and supporting children if the speed and quality of information sharing (on which assessments, decisions and plans are based) is improved.
2. There is a danger that the focus of the framework on a ‘deficit’ model may hinder involvement from the child and family.
3. The cross-over with adult services needs to be more obvious, especially to those working with adults who also have responsibilities for children as parents/carers.
4. The practical issues and obstacles to implementation, resourcing and training needs all must be acknowledged.
5. It is important that any disagreement with assessment is identified, understood and recorded, especially the disagreement of the child or family.



**? The assessment triangle has been developed to provide a common approach to working with children and their families using similarly defined language and to recognise positive as well as negative factors in a child's life. In doing so it has tried to capture the child's world and issues such as key transition points for children, and the diversity of children (including mobility, disability, faith, language, culture and ethnicity).**

**How well does it do so and are there any gaps?**

1. Some issues are being missed and overlooked as a result of the change to the headings and language from the Department of Health (D of H) model. The language used seems to reflect a younger child's perspective e.g. 0 – 11 years.
2. The D of H model refers to "Family and Environmental" factors (replaced in IAF by "*my wider world*") and in particular, "Family History and Functioning" and then separately, "Network of support/ Wider family". Information from the D of H guidance indicates that the "Family History" heading is "immense" and includes genetic and psycho-social factors and functioning is influenced by who is living in the household and how they relate to the child; significant changes in family / household composition; history of childhood experiences of parents/carers; nature of family functioning, including sibling relationships and its impact on the child; parental strengths and difficulties etc including the hugely significant areas of parental mental and physical health, domestic violence, drug and alcohol misuse by a parent. "Wider Family" then includes - who are (the people) considered to be part of the wider family, what is their role an importance to the child and family and in what way? The IAF only has "*support from family, friends and other people*"
5. The headings in the proposed guidance also include: -"*Understanding my family's background and beliefs*" which is mentioned under the heading "*What I need from the people who look after me*". The heading "*Understanding my family's background and beliefs*" should be more closely aligned to the child's identity ("*confidence in who I am*") rather than the areas which should be covered in "family history and functioning". The D of H model includes a sense of racial and cultural identity under this heading. The child might not need or be able to understand the issues of the family history/ background and beliefs, but these could still have a significant influence on the child.
9. It is crucial that the IAF ensures that referral for compulsion occurs with the right children at the right time, and with the right information. The Reporter is tasked with delivering expert analysis of the need for and impact of compulsion which he/she can only do and ensure that compulsory measures are considered promptly for those that require it, if the assessment process identifies any issues



about incapacity or unwillingness to engage from the earliest stages. The current IAF model does not go far enough in this regard.

10. The model is unclear about where, how and if there is to be a central pool for the gathering of low level concerns, allowing for the possibility that an overall picture of significant concerns emerges. At the moment the Reporter often fills this gap.
11. Individual agencies or individuals must retain their right to refer to the Reporter where it does or they do not agree with the multi-agency view that compulsion is not an issue. However, the basis for a referral in these circumstances needs to be explicit and evidence based.
12. The process needs to be more accessible to members of the public and family members concerned about the child and to the child.

### ***Making Children's Hearings work***

**7. We propose that a referral to the Children's Hearings system should meet two tests – significant needs and a need for compulsion.**

#### **SCRA supports this recommendation:**

- 7.1 There is a need to ensure that the role and purpose of compulsion is understood in its simplest form.
- 7.2 A move away from the focus on the grounds for referral is helpful, but not a complete move away from stated grounds. The test for entry to the system must identify the threshold in the sense of what may justify the intervention that compulsion allows.
- 7.3 As long as the need for compulsion remains firmly in the domain of Children's Hearings' decision and does not pass to the court for the determination of this need, through becoming part of the grounds for referral, then the change to wording is welcome.
- 7.4 The use of the plural in relation to needs may not be appropriate if a particular need of itself is significant.
- 7.5 The use of the term 'significant' must be understood by all.
- 7.6 The focus on needs must not detract from the importance of identifying and responding to risk.



- 7.7 The criteria for referral must not restrict referral but ensure that the criteria are both appropriately focussed and clearly understood.

**8. We propose that the indicators of significant need will include a pattern of behaviour which gives rise to concern.**

**SCRA supports this recommendation:**

- 8.1.1 It is helpful to have this type of concern expressed as a separate indicator along with other indicators.
- 8.1.2 Clarity is required to ensure an understanding as to whose behaviour is causing concern – child or parent.

**9. We propose that all agencies involved in an action plan agreed at a Hearing are required to implement it. Any plan endorsed by a Hearing as a condition of supervision can only be amended by a Hearing (including the use of secure care).**

**SCRA supports this recommendation:**

- 9.1 The independence of the Children’s Hearing in its decision making role is critical and must not be undermined.
- 9.2 The implementation of the plan supported by a clearer statement within the plan of the need for compulsion must be underpinned by a mechanism for implementation with repercussions if implementation does not occur.
- 9.3 The changes proposed to improve children’s services means that the measures currently only applicable to the local authority must be extended to other children’s services so that implementation occurs. Agencies delivering services must be accountable for delivery. The Hearing’s involvement when compulsion is required means that the Hearing must be able to ensure the delivery of services or action without becoming responsible for the delivery.
- 9.4 Where compulsion is required, the Hearing must have ‘control’ over the direction of the outcomes for the child. Where compulsion is not required responsibility for delivery of services or action towards outcome must lie with those responsible.



Clarity about multi-agency responsibility and accountability (as mentioned above) is crucial.

- 9.5 It will be important that the role of the Hearing is understood by both the panel members and the agencies working with children. Reference is made to some of the discussions and concerns voiced during the Adoption Policy Review<sup>2</sup> where a lack of clarity about roles was identified as an issue that can create poor joint working.
- 9.6 Joint training will be critical to ensure that the Hearings and all agencies and families understand the roles and responsibilities; working together for outcomes for the child.
- 9.7 The detail of any plan must lend itself to formal endorsement and implementation – the tension between detail and flexibility must be further considered.
- 9.8 The Hearing must be able to make decisions regarding secure care subject to the usual availability of legal representation and opportunities to review. SCRA would support a change to the current position and can see no adverse legal repercussions for such a change.<sup>3</sup>

**10. We propose that if the referral to the Reporter does not meet the test criteria, the Reporter will refer the case to agencies to act on the Action Plan and will be empowered to seek reports on progress and reviews as necessary.**

**SCRA supports this recommendation subject to clarification regarding the role of the Reporter in monitoring and reviewing progress:**

- 10.1 The existence of a lead professional, a local co-ordination mechanism and an action plan recommending compulsion should ensure that services or action are identified and compulsion is assessed as being required before referral to the Reporter. In these circumstances where compulsion is not required or cannot be provided, the Reporter has a role in engaging with the lead professional or co-ordinating mechanism to ensure that the provision of services required can be addressed without compulsion.

<sup>2</sup> "Adoption: better choices for our children" Scottish Executive  
[Adoption: better choices for our children](#)

<sup>3</sup> "Evaluation of Secure Care First Interim Report" Scottish Executive  
[www.scotland.gov.uk/Publications/2005/04/EvalSCIntR1](http://www.scotland.gov.uk/Publications/2005/04/EvalSCIntR1)  
"Evaluation of Secure Care Second Interim Report" Scottish Executive  
[www.scotland.gov.uk/Publications/2005/04/EvalSCIntR2](http://www.scotland.gov.uk/Publications/2005/04/EvalSCIntR2)



- 10.2 There will be cases where without the element of compulsion, services cannot be delivered or action taken. Where the issue is a disagreement about the need for compulsion, the Reporter has a role to engage with the local agencies to ensure that services can be provided. The extent of that role needs to be clarified.
- 10.3 The Reporter may identify services or action beyond the plan or different to the plan. The Reporter's power and ability to access review of the plan or for the Reporter to access the services or action despite the Plan, needs to be clear.
- 10.4 The implications of a monitoring and reviewing role also require clarification. The Reporter cannot be accountable for the delivery against the plan.
- 10.5 If the Reporter is to direct services or action with monitoring and evaluation to ensure implementation then this will require explicit statement and the full implications, including resources, for this role will need to be clarified.
- 10.6 If it is intended that the Reporter has a role to take action where implementation has not occurred the operation of that role will require careful consideration. Unproductive monitoring that requires service delivers to report disproportionately could result in resources that could be used for frontline service delivery being used to account to the Reporter. If the Reporter retains a monitoring role without clear enforcement process or powers, then the monitoring role will have questionable effect on outcome.

**11. Where action is considered necessary in advance of a Hearing reaching a final decision, we propose that a Hearing should make an interim supervision requirement.**

**SCRA supports this recommendation:**

- 11.1 This proposal will afford protection to vulnerable children.
- 11.2 It is unclear whether interim supervision requirements will replace warrants or whether warrants will be maintained.
- 11.3 Interim measures can already be put in place by a Hearing and may be the most restrictive measure available (i.e. warrant with secure authorisation). If a hearing issues such a secure warrant and the child has legal representation, this will satisfy the requirements of Article 5 of the ECHR<sup>4</sup>.

<sup>4</sup> Martin v N, 2004 SLT 249



- 11.4 A key feature of the current interim measures is the frequent review of the situation by a Hearing / sheriff. Interim orders are a common feature of other civil proceedings (e.g. interim interdict, interim ASBO, interim order re contact and residence), and are made at a time when the essential facts are still disputed.
- 11.5 In practice, it is likely that an interim requirement would be of most use in a situation where a warrant is not required e.g. a measure to require involvement with a children's service while child remains at home, or a restriction on contact with another person while the child remains at home. If that is so, then it would amount to less intervention than is currently authorised by a warrant.
- 11.6 In Article 8 terms, an interim requirement in any particular case would be justifiable if it is a proportionate response to the child's circumstances. Particularly relevant factors would be that, firstly, the decision is subject to review – the more intervention that is authorised the more there is a need for frequent review (c.f. every 3 weeks if a warrant). If the interim requirement is not of such short duration that frequent reviews will result, the child and family must have a right to request a review of the interim measure. The second relevant factor would be that the child and family had been sufficiently involved in the decision-making process. If they attend, that will satisfy the procedural element. Difficulties may arise if one or more was not present and the decision cannot be reviewed for some time.

**12. The frequency of Review Hearings can be determined according to the child's need and the 'persistence' of the child's behaviour or needs.**

**SCRA supports this recommendation subject to the following comment:**

- 12.1 There is a need to define persistence. It will be important to review the current definitions of 'persistence' and the experience of their use. It will be particularly important to be sensitive to both emerging patterns of concerning behaviour which may not themselves lead to changes, and to continue where a number of incidents have occurred of a trivial nature.
- 12.2 There is also a crucial need to consider the understanding (based on evidence) as to how best to engage with the children that these proposals are aimed at. There is a need to look to lessons from the fast track pilots, in particular the Bradshaw Report<sup>5</sup>, which showed the important correlation between the engagement of the child and positive outcomes. SCRA is keen to contribute to

<sup>5</sup> "On the Right Track – A Study of Children and Young People in the Fast-Track Area" Scottish Children's Reporter Administration



the work required to tackle the important issue of engagement with these troubled and troublesome children. Effective intervention needs to be at the forefront of responses considered to address the problems of engagement with these children. The dissemination of good practice is also critical to ensure that the best response is accessed.

- 12.3 Plans need time for services to impact and for the underlying causes as well as the child's behaviour to be addressed. There is a need to ensure that Hearings only become involved to contribute to the change needed. If Hearings are to be used for different purposes i.e. to simply reprimand children, or, are involved too often, this will be counter-productive to the change that is required and can be effected. There is a risk that bringing a child back to a Hearing at too early a stage could set back work in progress and could simply ensure that the child moves too rapidly and ineffectively through the range of disposals.

**13. Children whose behaviour or attendance at school is a cause for concern should not be taken out of school to attend Children's Hearings. There should be greater flexibility in the timing of hearings to meet the needs of children and families.**

**SCRA supports the principle behind the first sentence of this recommendation and supports the recommendation as it relates to the second sentence.**

- 13.1 SCRA supports the principle that disruption to a child's education should be kept to a minimum and where possible the timing of a Hearing should be made with an assessment of the most appropriate time, place and attendance taking into account the views and needs of the child.
- 13.2 The Review of Hearings Management, which has produced Standards in relation to this matter and these are attached as Appendix B to this document. The Hearings Management Review researched the views of children and families on attendance and as a result the flexibility built into the Hearings Management Standards will accommodate children's individual needs. SCRA can share the detail of that research where requested.



**14. Where a Children’s Hearing or other meeting is concerned that help and intervention is not leading to a positive change in a child’s behaviour, a Hearing should be able to adapt its procedures as appropriate. In particular it should make sure that the child is fully aware of the concern of the Hearing and the potential consequences of further such behaviour. This might include formally requiring the young person to explain why help or intervention has not resulted in improvements. If appropriate, community representatives or victims might be invited to sit in on the Hearing to reinforce that the behaviour has an impact on others, and to understand better what efforts are being made to address the child’s behavior.**

**SCRA only supports this recommendation in so far as it seeks to empower the Hearing further in its efforts to tackle the change needed for some children.**

- 14.1 Ensuring that the child is aware of concerns and the consequences of his/her actions or behaviour is extremely important to the positive change needed. The engagement of children at all stages of agency or professional involvement is extremely important and working with children to the ‘what works’ agenda increases the ability of all to secure the change required. The Hearing has an important role to play in reviewing the responses required.
- 14.2 Work is ongoing on a multi-agency basis to affirm the responsibilities of the Hearing System to children involved in offending<sup>6</sup> and the focus on training for panel members on the engagement with children and their participation at Hearings is significant. This work requires further development at national and local levels.
- 14.3 In terms of current case law<sup>7</sup>, the courts ruled that a Hearing on offence grounds did not constitute a criminal charge. It was of crucial importance to this decision that the measures taken by a Hearing in relation to a child referred on offence grounds are designed to promote the welfare of a child with the possible disposals being the same in relation to all grounds.
- 14.4 The implications for involving victims in the Hearing itself are that the Hearing operates as or is perceived to operate as a service deliverer to the child. The Hearing would no longer simply be the tribunal at which decisions were made, but would become part of the measures themselves. This has profound

<sup>6</sup> Working towards the National Standards for Scotland’s Youth Justice Services – The Core Principles of the Fast Track Pilots (Appendix C)

<sup>7</sup> S v Miller, 2001 SC 977, 2001 SLT 531



implications for the Hearing's role and for the recruitment, training and support of panel members. For such Hearings to be effective in terms of impact on the child a major restructuring of the Hearings would be required.

- 14.5 There are other ways that conveying victims' views to the child can be achieved, e.g. an expanded use of restorative justice or the conveying of the victim's views to the child's children's service's worker (as in the Voyce project in Dundee). Restorative services offer a service that could easily be reviewed to accommodate the requisite response for the child but could happen at the bequest of the Hearing and out with the Hearing.
- 14.6 The involvement of victims or community representatives would not be a restorative justice process in any way – it would run contrary to many of the principles in the recently published national documents approved by Ministers.<sup>8</sup>
- 14.7 The impact on victim and community needs to be assessed, properly accessed and available to the child in a manner that ensures the change required. SCRA are happy to develop thinking around the need to ensure that impact is properly used to effect change and to look at other possible options to engage those children who are difficult to engage and where intervention does not seem to lead to positive change for that young person, their family and community.
- 14.8 The way a Hearing addresses individual needs should remain within a single procedural framework.

**15. Children's Hearings must be satisfied that the action plans presented to them are realistic and likely to be effective and that all the available measures to control behaviour (for example, electronic monitoring, Parenting Orders and Antisocial Behaviour Orders) have been considered where appropriate.**

#### **SCRA supports this recommendation:**

- 15.1 This recommendation aligns with recommendation 9 and is seen by SCRA as a statement underlining the role of the Hearing in their overview of the Plan for the child. This reflects current good practice.

<sup>8</sup> "Restorative Justice Services in the Children's Hearing System" Scottish Executive

[www.scotland.gov.uk/Publications/2005/07/11160004/00062](http://www.scotland.gov.uk/Publications/2005/07/11160004/00062)

"Insight 18: An Assessment of the Support and Information for Victims of Youth Crime (SIVYC) Pilot Scheme" Scottish Executive

[www.scotland.gov.uk/Publications/2005/04/07110104/01058](http://www.scotland.gov.uk/Publications/2005/04/07110104/01058)



**16.Children’s Hearings should provide information to communities about the nature of decisions made and their outcomes.**

**SCRA supports this recommendation:**

- 16.1 In taking forward these proposals, agencies must use the structures and processes already integral to Community and children’s Services Planning within local authorities.
- 16.2 SCRA has a current important role in the provision of the information required. This role will be developed to accommodate this recommendation and to ensure that the information provided is accessible, reliable and informative.
- 16.3 The experience of SCRA in the pilot scheme for the provision of information to victims in the Forth Valley area <sup>9</sup> provides a useful insight into the needs of victims in terms of this information.
- 16.4 Links to Children’s Services and Community Planning are critical to ensure that the Hearings System is seen within this context.
- 16.5 Information must be provided in a manner that does not identify individual children.
- 16.5 Links to work required as a result of recommendation 23.
- 16.6 Information needs to be meaningful and in the context of trends and national statistics.

**17.Procedures are to be introduced to streamline the establishment of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds but the parents accept them.**

**SCRA supports this recommendation:**

<sup>9</sup> “An Assessment of the Support and Information for Victims of Youth Crime” Scottish Executive [www.scotland.gov.uk/Publications/2005/04/11105447/54484](http://www.scotland.gov.uk/Publications/2005/04/11105447/54484)



- 17.1 Delay is not good for children or for tackling their difficulties. There is a need to ensure that the procedures where a child is too young to understand allow for an appropriate check by an independent person (i.e. a sheriff) that identifies any scrutiny required and allows a quick access to the courts without delay. Cases not requiring this scrutiny must be able to be promptly returned to the Hearing for an outcome.
- 17.2 Without the opportunity for an independent check where a child is too young to understand, the interests of the child cannot be protected. The sheriff who would usually deal with the applications locally is the best-placed individual to provide this informed, independent and prompt scrutiny.
- 17.3 SCRA welcomes the opportunity to stream line procedures so that the grounds can still be sent to a sheriff for independent consideration within short timescales, with return to a Hearing within defined short timescales. Where the matter requires proof to be heard, the timescales presently stated (28 days for a proof court date after application lodged) should be adhered to.

**18. Greater continuity of Panel Members from one Children’s Hearing to another is to be achieved.**

**SCRA supports this recommendation in principle where useful and appropriate, but can identify major implications for implementation.**

- 18.1 SCRA would strongly recommend that this proposal is more appropriate for implementation at the end of implementation of the wider changes. The requirement for training is significant. The impact on the quality and timing of Hearing decisions justifies the avoidance of early implementation.
- 18.2 SCRA is aware that familiarity with the same panel members is identified by children as important. SCRA is committed to ensuring that children and families have the best opportunities to fully engage with the Children’s Hearing and participate in the process and work towards positive outcomes for the child. Proper review and consideration of the best way to ensure that participation occurs is essential and the research currently ongoing into Advocacy will inform this work.
- 18.3 Continuity of itself has significant implications for the role of the panel member and for the child in terms of introducing another significant adult in their lives. There are implications for the training of panel members.



18.4 The implications for implementing this change are significant. The administration of the system would be significant and could build in significant delay. There would require to be a mechanism to assess the number of cases that a panel member effectively 'held'. Processes would be required to allow for the change or removal of a person and the criteria, justification and appeal process would need to be clearly stated.

18.5 At present panel members do not specialize and are recruited and trained on the basis that they sit on a Hearing and after they have performed their role as a panel member they return their papers and have no continuing involvement with the case. The panel as an entity (i.e. the panel area) has a collective responsibility towards the children rather than an individual responsibility.

### Supporting the Children's Hearings better

**19. We propose to place a new duty on the SCRA to ensure the provision of legal representation for children, where this is necessary, under current criteria to protect their rights.**

#### SCRA supports this recommendation:

19.1 Where legal representation is appropriate such provision needs to be accessed quickly for the full benefit of the child. The Reporter is best placed to ensure an appropriate and timely involvement of legal representation. Any decision of the Reporter to appoint/not appoint must be notified to the child/family to provide an opportunity for review or challenge to the decision. There is a need to be clear that the current checks and balances built into the current process for Hearings are replicated to ensure similar protection. There would be no incompatibility between this role as performed by the Reporter and other functions currently held by the Reporter.

**20. We propose to legislate to enable Children's Hearings and Reporters to withhold information provided by the child when its release may place the child's welfare at risk.**

**SCRA supports this recommendation on the basis that it accords the Hearings with a position similar to that accorded to the courts:**



- 20.1 It is intrinsic to the Hearings System that information that is the basis for any decision is shared between the people concerned so that differences of opinion can be aired and resolved and the justification for intervention is obvious.
- 20.2 Whilst it is to be hoped that most critical information is available and accessed in a manner that is appropriate to the child's needs, there may be occasions where the child provides information to a Hearing and where the sharing of that information would place welfare at risk. The withholding of information should be set against clear criteria and only allowed to last for as long as the criteria can be met.
- 20.3 It is possible that a legal, human rights based challenge to any non-disclosure of information (by Hearing or court) is likely.

**? We invite views on whether the role of the Safeguarder should be maintained and/or available to any service, which requires an independent assessment of the child's best interests.**

1. SCRA recommends that up to date research is undertaken to review the impact of the Safeguarder against the role's intended purpose before any consideration of the removal of the role or its expansion beyond present remit. This should build on the research available.<sup>10</sup>
2. The clarity required for the role of lead professional and the co-coordinating mechanism for joint working, together with the improvements intended to public knowledge and confidence in the Hearing's System will all have an impact on the role of Safeguarder and will inform whether the role needs to be retained. The research on Advocacy commissioned by the Scottish Executive will also inform the answer to this question.
3. The role has existed for some years, has a very important function that is valued especially by panel members. Yet there is still questions regarding its role and operation that are not yet fully resolved and need to be so that their worth for children is properly captured and understood.

<sup>10</sup> Hill, M., Lockyer, A., Morton, P., Batchelor, S., and Scott, J., (2000) *"The Role of Safeguarders in Scotland"*, Scottish Executive [Scotland's Children: Children \(Scotland\) Act 1995 Research Findings No.1](#)



**4. We propose amending the Children (Scotland) Act 1995 to remove the requirements that Children’s Panels and Children’s Panel Advisory Committees be linked to local authority boundaries.**

**SCRA supports this recommendation:**

21.1 This proposal will remove an unhelpful impediment to the availability of panel members that often impacts most on small areas.

21.2 However, it is critical that the local links between children’s panels and communities are maintained for the integrated response to children and the local delivery to be as effective as possible.

**5. We propose improvements in and modernisation of the arrangements for the recruitment, training, support and monitoring of panel members through the establishment of either a single national body or a local authority regional structure. We invite views on whether a regional or national approach is preferable.**

**SCRA supports this recommendation and would prefer a national structure:**

22.1 A national structure properly encompassing the above functions as they relate to panel members and related interests in the Hearing system is the most effective way to support delivery by the Hearing System. A local presence must be maintained and the removal of functions to a national resource that frees up the time of local representatives to ensure the right service locally provided is SCRA’s preferred option.

**Improving public confidence**

**6. We propose agencies keep the public and communities informed about what is being done with their concerns and help them understand that the focus is on effective action and not processing children through the Children’s Hearings.**

**SCRA supports this recommendation:**



- 23.1 In taking forward these proposals, agencies must use the structures and processes already integral to Community and children's Services Planning within local authorities.
- 23.2 SCRA has acknowledged the need for this important work to occur for many years and is committed to being part of the developments required.
- 23.3 Work on this proposal must co-ordinate with the proposals at 16.



## APPENDIX A



### 'Getting it Right for Every Child' Proposals for Action

Children's Hearings Forum

Response to the Consultation Document

Children's Hearings Forum has prepared this report based on the findings of the four sub groups which were established to address the key themes which emerged from the consultation document. The sub groups comprised representatives from the membership of the forum and domain specialists who were invited to join the teams to contribute their knowledge, experience and understanding of the issues.

***The Chair, Anne McNeill, wishes to thank all participants of the subgroups and Forum Members for their commitment and contribution to this response.***

*30 September 2005*

## **Introduction**

### ***Forum Remit and Aims***

- Take a proactive lead in influencing strategic decisions impacting on the Children's Hearings System
- Agree and ensure implementation of strategies to improve the effectiveness of the Hearings System
- Enhance the accountability of each agency within the Children's Hearings System
- Improve inter-agency understanding and respect
- Resolve potential policy conflicts
- Improve inter-agency communication on "what works"
- Improve communication and engagement with stakeholders

### ***Forum Membership***

Currently, there is representation from: Children's Panel Chairman's Group; Voluntary Sector; Scottish Executive; Scottish Safeguarders' Association; Association of Directors of Social Work; Crown Office, National Health Service; Association of Directors of Education in Scotland; Children's Panel Advisory Group; Association of Chief Police Officers in Scotland; Children's Panel Training Units; Commissioner for Children and Young People; Scottish Association of Children's Panels; and Scottish Children's Reporter Administration.

### ***Background to the Forum's Themed Sub-Groups***

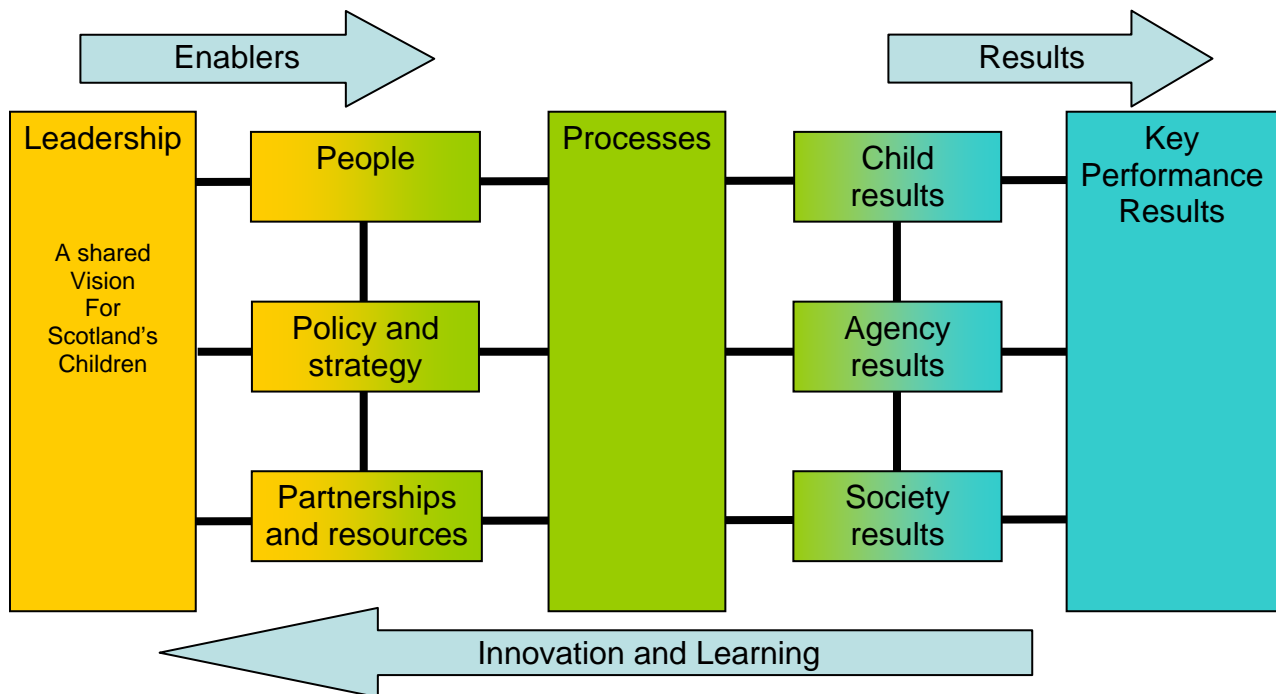
At the Children's Hearings Forum held on 3 December 2004, a number of areas of work were suggested by Forum members for further discussion and development. These areas were: Roles and Responsibilities, Assessment, Criteria and Thresholds and Communication and Awareness. It was agreed that action on each of these areas would be taken forward by establishing Forum sub groups incorporating existing Forum members and other specialists. Clear, focused, smaller teams were necessary to allow progress on the areas of work identified. The sub group teams are best placed to bring a diversity of perspectives, synergy and stimulation.

The outputs from the subgroups will inform the Forum's response to the consultation "Getting it Right for Every Child".

### ***Sub Group Methodology***

Based on the Consultation Documents, the Forum elected to cluster the questions into four key themes and to establish small sub groups to explore the issues and make recommendations for improvement and action. It was not expected that teams would complete the work required to implement solutions but to identify the actions required.

Groups were encouraged to take a continuous improvement approach to their discussions and problem solving, using the framework of the Business Excellence Model.



### ***The Principles***

Groups were asked to base discussions on the following principles:

- Focus on the child, action and outcomes
- Ensure structure fits purpose
- Cut down on unnecessary roles and process
- Agencies and professionals are accountable and must deliver

### ***The Teams and their Objectives***

#### **Roles and Responsibilities**

- **Lead:** Jackie Robeson, Head of Practice, SCRA
- **Key Aims and Objectives**
  - Clarify duties, roles and responsibilities through mapping a bottom up design of the system using case scenarios
  - Investigate and scope a partnership mechanism or role to ensure effective partnership working
  - Consider the best mechanism of ensuring the child and family's ability to participate and communicate

## **Assessment**

- **Lead:** Patricia Jackson, Consultant Paediatrician
- **Key Aims and Objectives**
  - Liaise with Scottish Executive on information sharing and assessment
  - Build upon the SE work to
    - Define purpose of assessment
    - Evaluate existing tools
    - Review access to assessment
    - Avoid multiple assessment
    - Ensure appropriate terminology
    - Promote cultural change
    - Develop a mechanism which fits into Integrated Children's Services Planning

## **Criteria and Thresholds**

- **Lead -** Bob Ovens, Deputy Chief Constable, Dumfries & Galloway
- **Key Aims & Objectives**
  - Define the criteria thresholds for entry into the Children's Hearing System not universal assessment
  - Role of the Hearing with regard to threshold monitoring and evaluation
  - Review risk assessment training
  - Evaluation of existing case conference models

## **Communication and Awareness**

- **Lead -** Diane Watt, Panel Chair, East Lothian
- **Key Aims & Objectives**
  - Adopt family friendly language
  - Use plain English in communication
  - Review and improve communication channels
  - Ensure consistency – a level playing field
  - Define the requirements of an awareness raising programme

# Findings and Recommendations

## ROLES AND RESPONSIBILITIES

1. While key roles are identified in the consultation documents, there is a need to clarify **key roles, in particular the role of the lead professional**.

Some key questions which must be addressed in defining key roles and responsibilities:

- Who needs to be involved?
- What role do they play?
- What responsibilities do they have?
- Who are they accountable to?
- How is the need for their involvement identified?
- How is their involvement understood and evaluated?
- Who oversees the Plan for the child or the route towards outcome for the child?
- How does co-ordination best occur?
- Who is responsible/accountable for the ultimate outcome for the child?
- How do we change perceptions from an agency focus to a child's eye view?
- Who fills gaps/is responsible for gaps being filled?
- Who is the point of contact for the child/family?
- What boundaries need to exist between roles?
- How extensive does multi-disciplinary understanding have to be?
- Who is responsible for ensuring links back to the community/accountability?
- Who represents or provides the links with the child and family – to inform, to clarify family roles & responsibilities, to ensure participation, to provide support?
- Who monitors and evaluates the child, the system/s, inter-agency effectiveness?
- What is needed to assist/support effective inter-agency working?
- How do we ensure that there is an exit to intervention?

### The role of the lead professional

- The management of the role should be by the person's usual management structure (this will involve training for that manager for this added role).
- The need for multi-agency monitoring and evaluating of the worth of the role.
- The identification of the agency or person who provides the role needs to be reviewed to ensure that the role is identified appropriate to the needs of the child, plan and outcome and not because of the competence or role of the person.

- How local funding is to be achieved.
- The role should remain case specific and not relate to wider community responsibilities.

### **Recommendations – Lead Professional**

- **That work is undertaken immediately to set out the broad core duties and responsibilities of the role of the lead professional. In particular the role in relation to overall accountability in relation to other disciplines or services and for outcome for the child needs to be defined.**
- **That the role of lead professional must include duties and responsibilities in relation to facilitating, monitoring, reviewing, engaging and sharing information.**
- **That the professionals who can be considered for the role should be defined in terms of statutory and voluntary professionals involved with children with the competencies for the role defined at a national level.**
- **That guidance is available as to the process to be undertaken when a lead professional is to be identified.**
- **That when a lead professional is engaged the common action/outcome for the child in terms of assessment and action/services must be defined.**
- **That to avoid duplication of role or a lack of clarity about responsibilities, the particular role of the lead professional in relation to other agency or professional roles (including the lead professional's own role) must be defined at the stage of identifying the lead professional.**
- **That the role of the lead professional in relation to the child and family must be defined and must include a responsibility to inform, engage with, ensure participation of the child and family (insofar as this has been assessed as appropriate).**
- **That a proper assessment of the time involved in the functioning of a professional as lead professional, through pilot work if appropriate, be undertaken to ensure the capacity of this role and its impact on the professional's own role is understood.**
- **That the ability of the lead professional to access and provide information is specified at a national level.**
- **That the communication process is clear to all agencies, child and family when the lead professional is identified.**
- **That the lead professional is managed on a day to day basis by the line manager for their 'day role'.**

- **That the lead professional is accountable for the effectiveness of their role to the multi-agency grouping that is responsible for children's services planning and oversees inter-agency working.**
- **That the role of lead professional be piloted to fully assess the implementation issues for further introduction across the country.**

### **Action required**

- A small group of practitioners should be identified from key agencies (children's services and an appropriate representative from the voluntary sector) to produce the separate but related documentation required in terms of recommendations 1, 2, 3, 4, 7 and 9.
- That funding is made available to resource the extraction of practitioners to produce the documentation required above.
- That guidance is produced to ensure that recommendations 5, 6, 7 (insofar as an assessment of the ability of the child and family to engage is required) 10, 11 and 12.
- That a pilot is established to assess the time impact as proposed at recommendation 8.
- That a pilot is established to assess the implementation issues as proposed at recommendation 13, developed and overseen by the involvement of key agency representatives.

**Recommendations: Develop a set of case studies and scenarios to explore and validate the roles and responsibilities at each stage.**

14. **That a set of scenarios should be developed covering the 9 following areas of concern;**
  - **neglect,**
  - **offending (by child),**
  - **drug/alcohol (by parents)**
  - **mental health (by parents)**
  - **educational difficulties**
  - **repeat presentations**
  - **antisocial behaviour**
  - **children as carers**
  - **domestic abuse**

15. That the scenarios should make clear the potential roles, responsibilities and considerations of agencies, professionals and child and carer throughout the scenarios progression towards outcome.
16. That the scenarios should follow and expand upon the case scenarios used in the Getting it Right proposals.

## **Action Required**

- A group of practitioners representing children's services should be set up to develop the scenarios.
- Technological support should be provided to those developing the scenarios to ensure that the scenarios are fully accessible to all.
- The group should be resourced by centrally provided funding and overseen by a multi-agency grouping that can validate the scenarios.

## **Recommendations – Multi agency working**

17. **Create a generic model, outcome based yet flexible enough to accommodate local need.**
18. **Define the role or mechanism to ensure that agencies work together effectively and must at the very least ensure that outcomes against action plans are monitored and that the engagement with families and its effectiveness is monitored and reviewed.**
19. **Make it a requirement that local areas audit their multi-agency working assisted by guidance that provides a benchmark for the standard and focus of good multi-agency working.**
20. **Develop the guidance mentioned at recommendation 18 focussing on the following questions:**
  - **Are staff competent to complete an initial assessment of the needs and risks?**
  - **What are the criteria for involving multi-agency working?**
  - **Who co-ordinates multi-agency assessment?**
  - **What measures are taken to engage meaningfully with children and families and empower their active participation?**
  - **How is multi-agency work structured, resourced and supported?**
  - **What review processes are in place to monitor performance of outcomes, service provision, lead professional effectiveness, agency response and service quality and achievement of agreed objectives?**
  - **What internal/external audit and inspection procedures exist?**

## **Action Required**

- Develop the generic model proposed at recommendation 17 by representatives from key agencies and voluntary sector.
- Provide resources to allow the above action to take place.

- Pilot the generic model in an area to gauge its effectiveness and implementation.
- Develop tools or guidance to allow self-assessment by local areas of multi-agency working with children in line with the proposals at recommendations 19 and 20

**Recommendations - Consider the best mechanism of ensuring the child and family ability to participate and communicate.**

21. **Develop a set of common core values relating to participation by children and families.**
22. **Ensure the role and responsibilities of children and families is assessed and clearly stated and reviewed in the Integrated Assessment of the child.**
23. **Include a framework for the assessment of the capacity of family members to participate with a view to ensuring its prominence in the assessment process.**
24. **Implement multi-agency training which ensures understanding of other agency roles and responsibilities, the participation of families is understood and effectively achieved.**
25. **Ensure that the review of child protection training includes consideration of this issue.**
26. **Encourage agencies to review any local barriers to effective participation including the ending of engagement at an appropriate and earliest stage, fear of confrontation, time for preparation, language used, environmental impact and consistency of worker.**
27. **Ensure that the current research into advocacy is carried forward to review current models of effective engagement.**
28. **Undertake a review of effective engagement with a view to developing guidance for professionals and family where appropriate on ensuring effective engagement.**
29. **Develop the communication lines for families to ensure they are accessible, empowering and link to services and supports available locally.**
30. **Develop a model to allow and ensure the review of the influence of family participation and the sharing of that with families.**
31. **Review the role and impact of safeguarders in this area.**
32. **Undertake a review of the local Child Protection Communication Strategies.**

- 33. When a person is identified as the contact for child and families (whether the lead professional or not), responsibilities should be allocated to ensure that this contact exists and is effective. The role of this person should be defined.**

### **Action Required**

- Convene a group consisting of multi-agency partners to take forward the work identified at recommendations 21, 23, 26 (in developing common tools to assess) and 30.
- Ensure that the above group is properly resourced to carry out this work.
- The work required in terms of recommendation 22 should be co-ordinated with the proposals from sub group 2.
- The Forum should communicate with the officials leading on the review of the child protection training to ensure that the recommendations at 24 are taken forward.
- The Scottish Executive should review the recommendations made at 27, 28 30 31 and 31 to identify current opportunities to have the research or reviews carried out.
- The work required in terms of recommendation 33 should be referred to the group suggested to take forward the developments relating to the lead professional mentioned above.

## **ASSESSMENT**

### **Recommendations**

#### Observations:

- There are many models which could be the basis of an appropriate assessment framework for the CHS but none of them fully meet the needs at present

### **Proposed Action**

- Refine the Reporter Decision Making Framework to provide an early assessment process.
- Create a 10 point checklist for Panel Members to help them interrogate reports.
- Further investigate the tools which have been considered appropriate (source: Prof. Norma Baldwin).
- Establish a group of practitioners to:
  - Create a suitable assessment framework for the Children's Hearings System which builds on and integrates the various models which currently exist; and
  - Pilot the framework alongside the Lead professional pilot.

## CRITERIA AND THRESHOLDS

Three basic principles should apply in defining criteria and thresholds:

- No child should ever reach a degree of harm before they get help;
- The decision for the child must be the right one; and
- Intervention should be proactive rather than reactive, with the aim of enabling the child to behave well.

### Recommendations:

- **Drive and support culture change across agencies.**
- **Increase and enhance training and encourage multi-agency training where appropriate.**
- **Define and build a set of core competencies and key skills across agencies.**
- **Provide good quality accessible information to aid decision making and professional judgement.**
- **Focus on outcomes.**
- **Within agency accountability, ensure that managers provide support for decisions.**
- **Disseminate and share information, research and evidence to raise awareness and knowledge.**
- **Empower and trust professionals through training and confidence building in their professional capability and judgement.**
- **Introduce regular audit and review mechanisms.**
- **Ensure the views of the child are sought and listened to.**

### Recommendations - Case Studies

- Develop case studies on a range of possible scenarios, as also identified by the 'Roles and Responsibilities' group.
- Link with the 'Roles and Responsibilities' team to develop and validate the case studies.

## COMMUNICATION AND AWARENESS

Communication is a fundamental component in how stakeholders judge the overall image of any system. Getting it right is one of the simplest and most effective ways of improving stakeholder satisfaction. Any system that wants to be seen as striving or high performing will need an external communications strategy and framework in place.

Effective communications following a robust Communications Framework utilising a 'communications mix' involving personal contact, media, web and print will enable stakeholders to make informed decisions and choices about the system which affect them. There are three key Stakeholder groups, each with specific communication needs. The following table illustrates a sample of the diverse stakeholder network. Currently each agency develops its own mix of media to communicate which leads to mixed messages, inconsistency and duplication.

<b>Group 1 (Service users)</b>	<b>Group 2 (Implementers)</b>	<b>Group 3 (Policy/national interest)</b>
Children	Front-line staff in agencies	Ministers
Young People	Management & local unit heads	MSPs
Parents	Chief Executives/political leaders	Working Groups & other networks involved with specific projects
Carers	Panel Members	Related policy areas across the Scottish Executive
Extended Families	Child Protection Committees	Inspectorates
Victims	Children's Services Planners	Unions
Agency Employees	Youth Justice Teams	Media
Panel Members	Antisocial Behaviour Strategy Groups	Children's Hearings Forum
Community	Community Planners	
	Domestic Abuse Strategy Groups	
	Drug & Alcohol Action Teams	
	Voluntary sector	
	Representative Bodies, e.g.: - CPCG            - CPAG - ACPOS          - ADSW	

Key principles in communicating with families, children, communities and partner agencies

- Adopt family friendly language;
- Use plain English in communication; and
- Ensure consistency of messages.

There are a number of requirements and objectives for communications relating to the Children's Hearings System which include:

- The type of information the system has a legal duty and obligation to communicate:
  - Children and families should have explained to them what is expected of them and the professionals involved;
  - Agencies should publish information for children and families about the services and support available and how it can be accessed;
  - Provide information to communities about the nature of decisions and their outcomes; and
  - Agencies should keep the public and communities informed about what is being done with their concerns and that the focus is on effective action and better outcomes and not just processing children through the system to meet statistical requirements.
- To develop better working arrangements and improve operations:
  - Awareness and understanding of different roles and responsibilities; and
  - Sharing of best practice.
- Promote the Children's Hearing System brand profile:
  - Its overall purpose — what is it there to do?
  - The values that underpin it — what drives it to do the things it does?
  - The key messages — what is it saying about what it can offer?
  - Its delivery — does it give people what it promises?
  - The behaviour of its staff — how it treats customers/clients and its own people?
  - The 'look and feel' about how it goes about its business — illustrate successes across the wide spectrum of cases through examples of achievements.
- Encourage participation:
  - Recruitment — sell the benefits of becoming new panel members and relevant professionals within the System;
  - Retention — reinforce the benefits to existing panel members and relevant professionals within the System;
  - Employers — develop greater employer understanding of the importance of the role of panel members and increase their willingness to be more flexible on working arrangements with their staff who are panel members;
  - Families and relevant people — build greater recognition of the benefit of full engagement in the process;
  - Children & Young People — build greater recognition of the benefit of full engagement in the process and ensure children participate throughout

- the process in the most effective and sensitive way possible to that individual's needs; and
- Professionals — build greater recognition of the benefit of full engagement within the process.

## **Recommendations**

### ***Establish a Project Team***

**This strategy supports other important strategies and for this reason some actions will fall into other work programmes. Hence, a cross-agency project team should be established in order to:**

- **Fully scope the communications framework;**
- **Lead the implementation of the actions agreed; and**
- **Monitor and control the overall process.**

### ***Ownership & Drive***

**The communications matrix and framework must be owned by the “whole system” and driven by agencies’ Board Members, Heads of Service, Corporate Directors and Managers and all staff.**

### ***Project Sponsorship***

**Key to this is high-level project sponsorship in order to provide the authority for the group to embark with assurance that the agreed Action Plan upon endorsement will be implemented.**

### ***Communications Framework***

**It is recommended that a “Communications Framework” should be utilised by the assigned project team to scope, plan, implement, monitor and control the implementation of the communications framework.**

## **Proposed Actions**

Actions and objectives are as follows:

### **General Communications**

- Develop framework and guidelines for producing all methods of communications.
- Develop a house style guide (potentially as part of an on-line communications toolkit) and ensure all writing conforms to this.
- All officers responsible for writing leaflets etc (including communications team) should receive ongoing plain English training and/or journalism training.
- Ensure all literature meets accessibility standards in line with RNIB guidelines and provide consistent alternative formats, e.g. audio versions.
- Develop an equality strategy to provide appropriate translations (All).

- Aim to gain the Plain English crystal mark for all publications and documentation.
- Establish a CHS communications consultation panel to check publications for clarity, etc.
- Ensure that follow up contact details are included on all publications, giving customers as many options including phone, text, web, and email address and opening hours etc.
- Investigate methods to promote and coordinate the content and information links available on agency websites.
- Develop a tailored consultation framework for use with each of the various target segments (i.e., service users, implementers and policy/national interest groups).

### **Communication with Children, Young People, Parents and Relevant People**

- Review and update the letters and documentation being sent to children and parents.
- Investigate developing 'suites' of leaflets, etc with a common design theme and template so service users can easily recognise Children's Hearings leaflets, etc and gain stronger brand association.
- Investigate opportunities to influence adult and children's TV drama plots.
- Investigate opportunities to place articles/story boards in Children's comics/magazines.
- Utilise the Young Executive pages on the Scottish Executive website.
- Develop a communications framework for use with the various youth groups.
- Ensure school education packs and support are widely promoted and usage monitored.
- Revamp the Scottish Executive's Children's Hearings website.

### **Communication with the Victims and Vulnerable Witnesses**

- Ensure victim support information is accurate.
- Ensure vulnerable witness packs are widely promoted within SCRA and usage monitored.

### **Communication with the Community**

- Investigate development of a quarterly report indicating trends, issues and actions.
- Develop a press and media strategy for the Children's Hearings System.
- Improve positive coverage in the national, local, government and professional press though developing proactive relations.
- Develop a press and media pack including an approved library of photographs.
- Develop media training and protocols.

### **Communication with Implementers (Partners) and Opinion Formers**

- Develop communications framework with partner agencies.
- Redevelop the Children's Hearings website/extranet to ensure agency involvement in pilots and initiatives regarding information strategies and protocols are documented and centrally stored to inform and share experiences.

- Investigate specific profile initiatives such as setting up a regular conference and/or networking events for partners to publicise more about what the System is doing (promote priorities and share experience).
- Centrally coordinated national training courses for agencies.
- Develop a multi-agency conference, events & publicity team.
- Develop and monitor communication of the shared assessment and information frameworks.

## APPENDIX B

### Scottish Children's Reporter Administration

### Review of Children's Hearing Management

### Time Management: Standard 1

#### **Objective**

- To achieve meaningful Children's Hearings completed within the allocated time.

#### **Standards**

- 1.1 On a quarterly basis, the Authority Reporter and Authority Chair must review and agree a structure for the timing of Hearing Sessions
- 1.2 The structure of Hearing Sessions in each Authority area must incorporate flexibility including the provision of daytime/twilight/evening hearings to reflect the needs of children and families.
- 1.3 Any Hearing Session must not be scheduled to last for more than 3½ hours.
- 1.4 Any Hearing must incorporate no more than 3 slots per session plus 1 business meeting and emergencies
- 1.5 Any Hearing Session of 2 hours or more must incorporate a 15 minute refreshment break to be taken at a suitable time.
- 1.6 Any Hearing slot will generally be of 45 minutes duration. A further 15 minutes will be allowed for writing reasons. The Reporter will exercise discretion in the individual cases liable to require more or less time.

# Scottish Children's Reporter Administration

## Review of Children's Hearing Management

### Best Practice: Standard 2

#### Objective

- To achieve National Consistency in the approach of Panel Members, Reporters and Local Authorities in critical areas of Children's Hearing practice.

#### Standards

- 2.1 The Reporter will make every effort to ensure that required reports are provided in advance of notification of a Hearing.
- 2.2 Following formal notification, the Reporter will not cancel a Hearing due to unavailability of reports.
- 2.3 After formal notification a Hearing may only be cancelled by the Reporter in the following circumstances:
  - Severe weather
  - Unavailability of panel member(s)
  - Sudden bereavement or illness
  - Exceptional circumstances.
- 2.4 The Local Authority must provide a Hearing with up-to-date information, supported by clear options and recommendation in relation to any individual child, at least 5 days in advance of the Hearing date.
- 2.5 Any Hearing which has not been provided with required information within the statutory timescale will proceed only when essential to do so and record clear supporting reasons.
- 2.6 The Local Authority will provide a lead professional to attend the Hearing who has sufficient knowledge of the child and the family to contribute effectively to the Hearing discussion.
- 2.7 Children and families attending Hearings will be provided with information and an opportunity to ask questions about the general format of the Hearing and options for decision by:
  - The Local Authority and Reporter in advance of the Hearing
  - The Chair at the start of the Hearing.
- 2.8 The local authority must request a review of any Supervision Requirement not given effect to within 22 days of imposition by the Hearing.

## **APPENDIX C**

### **WORKING TOWARDS THE NATIONAL STANDARDS FOR SCOTLAND'S YOUTH JUSTICE SERVICES – THE CORE PRINCIPLES OF THE FAST TRACK PILOTS**

Through operating the Fast Track pilots since February 2003, panel members, local authority staff and reporters have identified the following as the essential features of the approach of the Children's Hearings System to those children and young people who are offending persistently, or who are at risk of doing so.

1. A shared understanding of the collective responsibility of the Children's Hearings System towards children and young people who persistently offend<sup>1</sup>.
2. Strong inter-agency work, with the joint responsibility of all local authority departments, including education, health services and the Procurator Fiscal Service, at both a strategic and operational level.
3. Quality assessment using standard assessment tools (YLS or ASSET), and interventions targeting needs identified in those assessments.
4. Timely decision making in line with the National Standards.
5. Interventions with a child or young person graduated according to the level of risk and need – identification of a child or young person as a "persistent offender"<sup>2</sup> should be used as a basis for consideration of the need for intervention, not in itself a basis for action.
6. A prompt response to offending by those working with the child or young person, enabled by the local sharing of information with the appropriate person in the local authority by the police.
7. Services require to be retentive and persistent in their approach, with the worker/child relationship being of key importance. Research into the Fast Track pilots has shown that the engagement of the child or young person with the services is a crucial factor in their effectiveness<sup>3</sup>.

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#### **<sup>1</sup> A shared understanding of collective responsibility**

The partners in the Children's Hearings System should accept responsibility for continuing to address the needs and behaviour of a child or young person who offends until either:

- (a) His/her level of offending and risk of re-offending is reduced to such a level that neither compulsory measures of supervision nor voluntary intervention is required, where there are no other issues;
- (b) He/she is the subject of a disposal from the criminal justice system that addresses offending behaviour, where there are no other issues; or
- (c) He/she is over the age of 18 years (i.e. the maximum age for a young person to be the subject of a supervision requirement).

In addition, the following reasons should not be appropriate reasons for decisions (or recommendations) that a child or young person does not require, or no longer requires, compulsory measures of supervision:

- The child or young person is *not* cooperating with the intervention to address his/her offending
- The child or young person has entered (or is likely to enter) the criminal justice process, but is not the subject of a disposal that addresses his/her offending behaviour
- The child or young person's age (unless approaching 18 years)
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<sup>2</sup> "Persistent offender" is defined as a child or young person who has been referred to the Reporter on offence grounds on 5 or more occasions in a 6 month period.

<sup>3</sup> Bradshaw, Paul (2005) "On The Right Track - A Study of Children and Young People in the Fast Track Pilot", SCRA

8. To ensure a balance between case processing and the delivery of services. Reporters and panel members should consider carefully when to request an updated assessment or an early review hearing respectively. All partners should work together to ensure an appropriate review process geared to the needs of the child or young person.
9. Key partners to achieve an effective interface within each local authority area between the Children's Hearings System and the criminal justice system, with a view to ensuring the most appropriate intervention for the child or young person.
10. The sharing of information to allow for the optimal planning of services to meet local needs of children and young people, their families and communities. This should include the sharing of youth crime trend information relating to areas, individuals, groups and risk factors.
11. Local availability of a range of services that address the needs and behaviour of children and young people offending persistently or at risk of doing so.
12. An opportunity to share and develop best practice within and between local authority areas.

*This paper was prepared by a group comprising Panel Chairs, Authority Reporters and representatives from the local authorities in the Fast Track pilot areas, the Chairman of the Children's Panel Chairman's Group, and the Head of Practice and a Practice Reporter from SCRA<sup>4</sup>.*

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<sup>4</sup> The membership of the group is as follows:

Panel Members: George Anderson (Chairman of the Children' Panel Chairman's Group; Fiona McKenzie (Dundee Children's Panel); Diane Watt (East Lothian Children's Panel); Aileen Hemming (Scottish Borders Children's Panel); Roy Drennan (South Ayrshire Children's Panel); David Stalker (North Ayrshire Children's Panel).

Local Authority representatives: Derek Aitken (Youth Justice Coordinator, Dundee); Mike Rodger (Youth Justice Manager, East Lothian); Steve Harte (Senior Social Worker, Youth Justice Team, Scottish Borders); Terry McGarry (Principal Officer, Children and Families, North Ayrshire); Nancy McNeill (Youth Justice Coordinator, South Ayrshire); Bill Eadie (Senior Manager, Operations, Social Work Services, East Ayrshire Council).

Authority Reporters: Rachel Burn (Dundee); Celia McCracken (East Lothian); Pauline Walker (Scottish Borders); Iain Mitchell (North Ayrshire); Karen Wallace (East and South Ayrshire).

Jackie Robeson (Head of Practice, SCRA); Neill Mitchell (Practice Reporter, SCRA).