



CARE AND JUSTICE

for Scotland's Children

Scottish Children's Reporter Administration Submission to Justice 2 Committee

The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to give evidence to the Justice 2 Committee as part of its consideration of the Anti-Social Behaviour Etc (Scotland) Bill. We are also giving evidence to the Communities Committee, the Local Government and Transport Committee and the Finance Committee on this Bill.

We will also engage with the Scottish Executive in its forthcoming review of the Children's Hearing System, taking account of the proposals in the ASB Bill and the wider issues affecting the Children's Hearing System. We believe a major objective of this review should be to strengthen the position and authority of the Hearings themselves – service difficulties are the key challenge facing the Hearings System and require a committed and sustained approach.

The key points in our response to the Scottish Executive's consultation "Putting Our Communities First: a strategy for tackling anti-social behaviour" were:

- The Children's Hearings System remains the best means of addressing the anti-social behaviour of children and young people because it is integrated, wide-ranging, flexible and community based.
- The Children's Hearings System, as a community based system, already has the remit and many of the powers to address anti-social behaviour by children and young people, and poor parenting.
- Virtually all new measures that the Scottish Executive is seeking to address anti-social behaviour by children and young people can be achieved through the Children's Hearings System - as long as service delivery is improved so that existing powers can be used more creatively and fully.

We believe that, in dealing with anti-social behaviour by young people and with poor parenting, the appropriate balance needs to be struck between support and change measures, and enforcement action and sanctions.

Our full response to the consultation will be available to the Committee, therefore we will not repeat our comments in detail. The following comments relate to those Parts of the Bill which are most relevant to our work and that of Children's Hearings and which fall within the Committee's remit.

Part 2: Anti-Social Behaviour Orders

We welcome the proposal for referral to a Children's Hearing to consider support needs when an ASBO is made against a child. This broadly reflects our consultation response.

In addition, the Sheriff should have the power to remit a child's case to a Hearing for disposal if that appears more appropriate than making an ASBO.

Part 9: Parenting Orders

We welcome the power for the Reporter to apply for a Parenting Order, either before or after referral to a Hearing. Estimates of numbers and cost implications of Parenting Orders may need some further work.

We would like to see

- ❑ widespread provision of parenting support on a voluntary basis
- ❑ the power to apply for an order fully integrated into the Children (Scotland) Act 1995
- ❑ the test for a Parenting Order focusing on the parent's failure rather than the child's actions and on whether the Order is necessary
- ❑ the Sheriff being given a power to remit to a Hearing for disposal.

Part 12: Children's Hearings

We welcome the following changes in policy from the consultation paper to the Bill, which again reflect our consultation response.

- ❑ section 103 - electronic monitoring is provided for as an optional condition for Hearings to use where they consider appropriate, without being tied specifically to the secure accommodation conditions (the Policy Memorandum still refers to secure accommodation being a "sanction" for breach of an RMA, but we understand this to be a mistake)
- ❑ section 104 - now spells out more clearly a process by which authorities account to the Hearing and to Ministers for any failure to give effect to a supervision requirement

As above, some further work would be useful in estimating the likely impact and costs of section 104. In addition we believe it would be helpful to

- ❑ clarify in law the duty of local authorities to service and account for diversionary decisions by the Reporter
- ❑ develop a clear statement of the overall outcomes the Hearings System is to deliver, along with the core objectives and standards required to underpin them
- ❑ make the implementation of supervision requirements a key performance indicator for local authorities
- ❑ review the framework for funding of services working to meet these standards.