




SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

SCRA Research Summary Findings of Interviews



The views and experiences of children and families involved in the Children's Hearings System in Scotland



This is the second of two summary findings reports of the Scottish Children’s Reporter Administration’s (SCRA) research examining children and families’ experiences of the Children’s Hearings System in Scotland. This summary presents the key findings of the second phase of the research – in-depth qualitative interviews with children, young people, parents and carers. The interviews gathered further information on the views and experiences about SCRA’s service and attending Children’s Hearings to support the findings from the national survey of children and families.

Why conduct the research?

A central ethos of the Children’s Hearings System is the participation and involvement of children and families in decisions affecting children’s welfare. SCRA wished to find out how children and families experienced the run up to a Hearing to see if there were things SCRA could do better to support them and make the experience of attending a Hearing a more positive one.

What the research involved

This research involves children, young people and parents/carers who have attended Children’s Hearings. There were two parts to the research, a national standardised survey conducted in November 2008 followed by in-depth interviews in April and May 2009 covering the following topics:

- Information provision for Hearings
- Consulting others for help and advice
- Experience of Hearings
- Thoughts and feelings on attending Hearings
- Practical issues about attending Hearings
- Hearing continuity
- Discovering the Children’s Hearings System.


Parents and carers were spoken to in urban, rural and island communities across Scotland. Interviews mostly took place in the participants own home (one took place in an SCRA office and the other in a Young Person’s Centre). Interviews were face to face and generally lasted between 30 and 45 minutes. The information was analysed thematically.

Who took part in the interviews

A total of 28 in-depth interviews were carried out involving 37 people. Thirteen of these were with children and young people, 10 were with parents, six were with kinship carers (all grandparents or great-grandparents) and eight were with foster carers (see Table 1).

Table 1 Interview participants by participant group and gender

| Participant Group | Male | Female | Total |
|-----------------------|-----------|-----------|-----------|
| Children/young people | 5 | 8 | 13 |
| Parent | 3 | 7 | 10 |
| Foster carer | 2 | 6 | 8 |
| Kinship carer | 3 | 3 | 6 |
| Total | 13 | 24 | 37 |



The children and young people interviewed were aged from 10 to 17 years, with most being 14 or 15 years old. Children and young people were both looked after and accommodated (LAAC) and living at home with their parent(s).

Key findings

Finding out about Hearings

“I found out, like, what happens then and, like, who you’re speaking to and, like, it’s not like court or nuthin’, it’s just, like, normal...” (female, 16, living at home)

Social work were found to be the main source of information on upcoming Hearings but participants also recalled receiving a letter from SCRA notifying them of their Hearing.

- **Social work are pro-active in their communications** about Hearings to children and families
- **Social work are considered the best placed professionals** to speak to children and their families about Hearings
- Most participants value the **trusting relationship they had/have with social workers**
- Speaking to **social workers helps boost the confidence of children and young people and parents.**

Hearing papers

The overall feeling was that the volume of Hearing papers could be reduced.

- **Background information on the family should only be provided in the first set of Hearing papers and should be provided once for all children in the family**
- Adults were concerned about the **privacy and confidentiality of parents** in terms of the information in Hearing papers
- Foster carers and kinship carers were worried about the **possible harm and distress that could be caused to children and young people when reading about their parent(s)**
- **Parents felt that certain information about their pasts should be kept private from their children.**

“...there’s things in it that wanes shouldn’t even be reading, private things that some children don’t even know about ...some parents don’t want their children knowing certain parts of their lives...That, to me, is an invasion of privacy ...” (mother)

Children and young people’s understanding of their rights in a Hearing

Children and young people had different levels of understanding of their rights at Hearings.

- **All the children and young people understood they had a right to understand and a right to talk**
- **Nine were aware they could bring a representative with them to a Hearing**, however there was confusion around *who* this person could be (e.g. some did not think it could simply be a friend), even amongst adult participants
- **Nine were aware they could appeal the decision of a Hearing**
- **Seven were aware that they could disagree with the grounds of referral**

- **Seven were aware that they could speak to Panel Members alone but only six of these knew that what they had told the Panel Members had to be explained to others.**

What information do people need to know before the Hearing?

“...just basically what it’s about and that it’s not like court and you are not, like, totally under pressure and they’re not gonna shout at you...” (female, 16 years, living at home)

- **All participants felt it important to understand the process of a Children’s Hearing**
- **All participants felt it is important to understand the words that would be used during the Hearing**
- **Children and young people want to know who else would be at their Hearing**
- **Children and young people want to know the type of things that would be talked about**
- **Children and young people, parents and kinship carers need to understand the possible consequences of the Hearing**
- **Children and young people would like to know that Panel Members are non-judgemental**
- **Parents, foster carers and kinship should be aware of all the information that might be discussed (including the Hearing papers) to give them enough time to prepare**
- **Parents and kinship carers said they needed to understand their legal obligations and the potential outcomes of the Hearing as well as their legal rights**
- **Parents would like to know more about Panel Members, particularly about recruitment and training.**


Consulting others

Where children/young people approached someone for help prior to the Hearing, it was usually for advice about the process of a Children’s Hearing.

- **Social workers were the most common people who children and young people asked for help although some also spoke to their teachers**
- **Children and young people need to trust the person and have an existing relationship with them to speak openly with them and they also value the opinions of those with experience of the System**
- **Parent(s) and/or carer(s) and other family members are a common source of help for children and young people and are good at alleviating their worries about the Hearing**
- **Parents preferred to speak to informal sources of support, such as friends and family, over formal sources, such as social workers**
- **Particularly helpful for parents was speaking to a friend who had previously been to a Hearing**
- **Foster carers tended to speak to social workers first as they were already involved with the child(ren)**
- **Kinship carers relied heavily on their spouses for advice, as did foster carers.**

The ‘Having Your Say’ form

- **All children and young people had completed the ‘Having Your Say’ form at least once (except one young girl who could not remember)**
- **All parents, foster carers and kinship carers had witnessed a child in their care use the form at least once**

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- **Some children and young people continue to use the form, although others do not use it anymore, instead preferring to speak directly to Panel Members during the Hearing.**

“...’cause that’s just writing...it’s not even words. It’s just writing...it’s better if you just tell them yourself...” (male, 13 years, living at home)

- **The helpfulness of the form for children and young people was down to personal preference**
- **Children and young people valued the option of having the form to complete**
- **More options for completion of the form would be helpful for children and young people, such as being able to complete it on the internet and return it via e-mail**
- **The formality of the ‘Having Your Say’ form was appreciated by adults**
- **Participants in general felt that the form could be made more child-friendly for younger children, through the use of colour, images and games**
- **Children and young people found it relatively easy and straightforward to complete and adults felt the same**
- **Adults felt that there should be more space for children and young people to write on the forms and less prescriptive multiple-choice answers**
- **All participants stressed that the questions and topics covered in the form were appropriate and valid**
- **Adults felt that help from someone independent (e.g. teachers, support workers) is beneficial for children and young people when completing the form.**

Experience of Children’s Hearings

- **Children and young people expressed their comfort at being able to talk to Panel Members and give their views during their Hearing**
- **All participants advised that speaking at their first Hearing was more difficult as it was new and unfamiliar but that this was overcome with experience**
- **Parents felt that they were able to give their views to Panel Members without being judged**
- **Foster carers reported their concerns on speaking during the Hearing when the relationship between themselves and the parent(s) was tense**
- **Kinship carers appear to find it difficult to speak openly, honestly and frankly about the child(ren)’s situation when the parent(s) are a member of their family.**

Views of Panel Members

Overall participants opinions on the Children’s Panel were overwhelmingly positive.

“...they’re there for a genuine reason, they’re there because they want to be and I think the choice of Panel Members, there’s a lot of care taken into that...em...so I think you are fine with Panel Members...These people are handpicked, well, they volunteer rather and they’re very interested in you, you can see it in their faces...” (female, foster carer)

- **Panel Members were valued by participants for their contribution to looking after children and young people’s welfare and were fair in their decision-making**
- **The ‘human’ side of Panel Members was also greatly valued by kinship carers as they were able to talk to them ‘normally’**

- **Panel Members had provided all groups of participants with the opportunity to give their views which participants felt were taken into account**
- **For children and young people, Panel Members nodding and making reassuring noises, asking questions and looking at them showed them they were listening**
- Simple things, such as being interrupted when they are speaking, not being asked questions, Panel Members fidgeting or looking at their watch all **conveyed to children and young people that they were not being listened to.**

“They didn’t ask me any questions about myself...I just thought that was a bit, you know, weird. I’ve asked why they weren’t talking and they were just, like, ‘because we’re listening instead’...and that was such an excuse ...I thought they were just sitting there, like, somebody sitting on the back of a bus – bored” (female, 13 years, LAAC)

- **Panel Members did explain things well to those attending Hearings and participants felt that they could ask questions if they needed to**
- **The value of Panel Members was their being lay volunteers as opposed to being involved in the legal system.**

“I think that’s the beauty of them being three lay people, they don’t talk in legal jargon so...I can totally understand it all...” (female, foster carer)

Support in Hearings

- **Very few participants had brought someone with them for support during the Hearing**
- **Most felt that they did not need any support and those that did felt that they got this from their spouse or the professionals in attendance (particularly social workers)**
- There was a feeling that there are already **too many people at Children’s Hearings**
- **Participants felt that the numbers of people attending a Hearing should be kept to a minimum**
- **For adults a key concern was confidentiality and privacy** if children and parent(s) brought representatives to a Hearing
- **Participants felt that anyone brought along for support should not receive the Hearing papers, with the exception of legal representatives.**

Barriers to participation in Hearings


There was acknowledgement amongst participants that Hearings are nerve-wracking and that the purpose of the Children’s Hearings System makes this difficult to alleviate.

“It’s just scary, it’s like everyone is sitting around you an’ they are staring at you...” (female, 14 years, LAAC)

Other barriers are:

- **The high volume of people in Hearings, both for children and young people and adults**
- **The potential to upset someone else in the Hearing.**

“You don’t want to say it ‘cos she is, like, sitting right near you and they ask you if you’re fine an’ it’s like ‘yeah’, even if you’re not...” (female, 14 years, LAAC)

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- **Parents felt that children and young people have been taught not to speak to strangers and the situation in a Hearing is a contradiction**
 - **Fear** (for children and young people this was particularly if they are scared of someone in the Hearing or are scared of bringing up their past and for parents, the fear relates to the fear of upsetting their child(ren) by discussing personal issues).

“If the child is there and they don’t want to speak in front of them, sometimes there are, you know...the kids have been quite shielded from actually what has happened...” (female, foster carer)

- **Terminology and professional jargon**
- **The layout of the room during the Hearing.**

Thoughts and feelings on attending Hearings

Children and young people spoke of the shock of finding out they had to attend a Children’s Hearing for the first time.

“...my first one...I didnae ken what I was goin’ tae do...didnae ken whit tae dae when I was there...” (male, 15 years, LAAC)

However, they felt *‘fine’* about subsequent Hearings. Children and young people who are LAAC tended to be less fazed about attending Hearings than those living at home. Foster carers and kinship carers were also daunted at their first Hearing. For foster carers (particularly those who have several children in their care), Hearings are just another thing for them to organise. For those living in remote and rural areas, attending Hearings caused a big disruption.

- **Parents were also worried about feeling judged and felt that their rights are sacrificed in the process for children’s rights**
- **Children, young people and parents felt uneasy about the uncertain outcomes of the Hearing**
- **An informal atmosphere is important to children and young people**
- **Familiarity with at least some of the people in the room is important for children and young people** (social workers were considered helpful in this respect)
- **Children, young people and parents explained that observers in their Hearing could be off-putting** and it was felt that those involved in Hearings where it was proposed that an observer be present should be notified in writing *in advance* of the Hearing
- **Adults also felt that there should be room for parent(s)/carer(s) to excuse children and young people from attending** if they thought attendance would be detrimental to their well-being, however, **children and young people valued the ‘open’ nature of the Hearing.**

On the whole, participants felt that the Children’s Hearings System was a good system that had many benefits for children and families. One parent spoke about her daughter’s Supervision Requirement as being a positive development in ensuring that services *‘kept their end of the bargain’* rather than leaving it to the family to access services and support. However, one parent felt that implementing the decision of the Hearing being at local authority discretion was a limitation of the System. One parent referred to the System as *‘givin’ children a chance’*, particularly where they are referred on offence grounds.

Hearing continuity

When talking about Reporter and Panel Member continuity, participants were concerned about the amount of people with access to their personal information and were worried about confidentiality and privacy.

Reporter continuity

Having the same the Reporter was less of an issue for children and young people than Panel Member continuity as “...you’re no looking at them...eh...you’re looking at the Panel...” (male, 15 years, LAAC). There was acknowledgement by adults that Reporters are all professionals, trained and working to the same ‘*hymn sheet*’ and ‘*up to speed on the process*’ so Reporter continuity between Hearings should not matter.

- **The overall preference for parents was for the same Reporter**
- **Most children and young people wanted the same Reporter but some said they did not mind**
- **Foster carers and kinship carers referred to what was best for the child(ren)**
- **Very few participants thought it should be different Reporters.**

Panel Member continuity


For children and young people (and for other participants) Panel Members had a more important role in the Hearing as they are the decision-makers. Children and young people spoke about the Reporter ‘*sitting to the side*’ but the Panel Members ‘*sitting three in a row in the front*’. Children and young people were very aware that it was the Panel Members they had to speak to during their Hearing and, as such, the ‘*familiar faces*’ argument was more important for Panel Members than it was for the Reporter.

- **Children and young people and parents tended to err towards the same Panel Members and Panel Member continuity**
- **Foster carers tended to consider that Panel Member continuity did not matter**
- **Kinship carers were torn between it not mattering whether they were the same and the belief that they should be the same Panel Members**
- **Foster carers and kinship carers tended to think about what was the best for the child(ren).**

Discovering the Children’s Hearings System

For children and young people, both LAAC and those living at home, a key issue in their ability to prepare for their Hearing appears to have been understanding the System and the process of a Hearing. Children and young people had both formal and informal sources in discovering the Hearings System - mainly through their peers and social workers.

- **LAAC children and young people seem to discover and learn about the Hearings System from formal sources**
- **The children and young people who had discovered the Hearings System from formal sources found that this helped them prepare for their Hearing**

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- **The children and young people who first discovered the Hearings System from their peers learned about it in the punitive sense.**

“...eh...they wid sort it oot [my behaviour]...court type of ‘hing for younger people...” (male, 16 years, lives at home)

The children and young people who had learnt about the System through formal sources felt that this had helped them before the Hearing, in knowing what was going to happen and how Hearings work. Those children and young people who gleaned their introductory information on the Hearings System from informal sources (in particular their peers) reported feeling less prepared and unsure about their Hearings.

- **Parents had formal and informal sources of discovering the Hearings System**
- **Parents also relied on informal sources , particularly friends who had experience and knowledge of the Hearings System**
- **Whilst some foster carers explained that they had learnt about the System and the process of a Children’s Hearing in training when they first became foster carers, some of them had been given no introduction to the Hearings System**
- **Kinship carers appear to have been less well informed about the Hearings System prior to their first experience of a Hearing**
- **Kinship carers knowledge of the Hearings System generally came from social work after they had agreed to look after the child(ren) and was relatively ad-hoc.**

Conclusions

Interview participants emphasised the need for less information in Hearing papers, their confidentiality and privacy to be respected and taken into account at all stages of the Hearings process, improving children and young people’s participation in the Hearing and engaging them in the process, better educating and informing those who (may) come to Hearings about the Children’s Hearings System and improving children and young people’s knowledge of their rights in a Hearing. Overall, the interviews with children, young people, parents and carers found that the Children’s Hearings System on the whole works well and is valued by those involved. The majority of interviewees had had positive experiences within the Children’s Hearings System, had found the process helpful and had been well supported in it.

Next steps

The information gathered during the national research of children and families involved in the Children’s Hearings System enables SCRA to explore and understand the experiences and views of our users and enables us to see this from the perspectives of children and families themselves. The full report of the whole research project was published by SCRA in September 2009. All research reports are available at www.scra.gov.uk or you can contact a member of the [Information & Research Team on 01786 459500](#).

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