



SCRA response to Children's Hearings Scotland

Background

The Children's Hearings System is Scotland's distinct system of child protection and youth justice. Among its fundamental principles are:

- whether concerns relate to their welfare or behaviour, the needs of children or young people in trouble should be met through a single holistic and integrated system
- a preventative approach, involving early identification and diagnosis of problems, is essential
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making

SCRA operates the Reporter service which sits at the heart of the system. SCRA employs Children's Reporters who are located throughout Scotland, working in close partnership with other professionals such as social work, education, the police, the health service and the courts system.

SCRA's vision is that vulnerable children and young people in Scotland are safe, protected and offered positive futures. We will seek to achieve this by adhering to the following key values:

- The voice of the child must be heard.
- Our hopes and dreams for the children of Scotland are what unite us.
- Children and young people's experiences and opinions guide us.
- We are approachable and open.
- We bring the best of the past with us into the future to meet new challenges.

Response

We welcome the overall concept of standards for panel members, AST staff and for CHS. We believe that these will assist in driving forward a more cohesive national approach which should lead to increased consistency and quality across the country. Crucially, we hope that this will also lead to better outcomes for children and young people in the Hearings System.

Though we recognise that this would not necessarily appear in the standards paper itself, we would welcome some additional information on how CHS intends to measure performance against the standards, as well as what mechanisms will be put in place to address situations where one or more of the standards is not met.

In addition to this general response, we have a number of more specific comments on various parts of the standards paper.

Having a consistent approach to monitoring panel members performance and providing meaningful feedback is welcomed as it will address the inconsistencies around current levels of CPAC observation. We are aware that this can vary considerably across the country at present. It will be important for this monitoring and feedback process to identify training needs for panel members both individually and collectively. We would suggest that there should be an agreed feedback mechanism on the conduct of hearings so that all present can provide feedback.

SCRA welcomes an approach to ensure a minimum number of times panel members sit over the course of a year, though we recognise that this might be difficult to achieve in some of the smaller areas.

Provision for a rota of panel members in all areas is also welcomed as we are aware that there are some areas which currently do not operate a set rota.

We would suggest that references to children and young people are framed so as to make clear that they refer to children and young people in need of compulsory measures of supervision.

Additional areas for consideration

SCRA believes that the significance of human rights within the system needs to be more visibly reflected in the standards and that “rights” should therefore stand alone as a separate standard in order to give it the necessary prominence.

Providing good quality, defensible and comprehensible reasons should be more explicitly stated within Standard 5. This is important not just in order to assist the Reporter in defending Hearings’ decisions in court, but also to give clarity to children and families and to improve confidence in the system.

Standard 8 could perhaps go slightly further and include more explicit reference to respecting the roles of all those involved in the system, as well as understanding them. This would also include understanding of appropriate demarcation of roles and the need to respect boundaries to ensure perceived and actual independence of functions.

We suggest that this Standard could also include reference to panel members’ and CHS staff responsibilities under the Data Protection Act, to reflect that they are often handling highly sensitive personal information in the course of performing their duties.

Conclusion

SCRA welcomes the standards consultation paper and is supportive of the general approach taken as well as of the vast majority of the Standards as drafted.

SCRA
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