



EQUALITY & HUMAN RIGHTS IMPACT ASSESSMENT (EHRIA)

EHRIA PUBLICATION

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This is a summary of the key decisions/actions taken in the recent EHRIA, and has been separated from the full EHRIA document for publication on SCRA's external website in compliance with statutory requirements.

The Scottish Children's Reporter Administration (SCRA) are pleased to publish the outcome of this Equalities and Human Rights Impact Assessment on:

ELECTRONIC TRANSMISSION OF PANEL PAPERS FOR VIRTUAL HEARINGS

The introduction of the electronic transmission of panel papers for Virtual Children's Hearings was introduced as a matter of exigency following the global pandemic caused by coronavirus & Covid 19, and UK and Scotland movement restrictions and social distancing measures introduced in order to control the pandemic within our population. This has meant that the 'normal' operation of Children's Hearings has become impossible and that, for Hearings to continue to make decisions for Scotland's most vulnerable children and families we have had to drastically re-frame our operating model – for both the operation of the Children's Hearing in the Virtual Children's Hearing and in the sharing of information prior to the Children's Hearing – to panel members (decision makers) and those with a right to the information – children and relevant people.

SCRA's work emanates from our statutory function to investigate referrals / refer children to the Children's Hearing / administer the Children's Hearing and manage court proceedings coming from the Children's Hearing. All of this work has been profoundly affected by the UK and Scottish Government measures introduced to combat the pandemic and all of our practical operating procedures / processes / practices have been affected by our workforce having to manage the workload and flow from home.

In addition, the decision makers in the Children's Hearing – Panel Members – are volunteers who are also now working from home, in an experimental way that had to be implemented and tested concurrently.

For children’s hearings to be able to make any kind of decision in the week commencing 23rd March there had to be an emergency response. This involved the Reporter and three panel members connecting – the preferred national approach was through VSCENE software – but because of the emergency, if different SCRA localities introduced a different emergency approach to facilitate contact between the Reporter and three panel members; this was risk assessed and connectivity occurred in different ways.

The focus of the emergency response was the maintenance of the status quo – so that children could continue to be protected by the legal orders issued in the Children’s Hearing System without there being any fundamental rights based abuses by meetings where the rules and regulations could not be followed.

Between 23rd March 2020 and 4th May 2020 the approach to the virtual children’s hearing was tested and developed. Administrative children’s hearings between the Reporter and three panel members continued – but so did testing of increased participation within the virtual children’s hearing – through the involvement of legal representatives for children and families; social workers and children and families themselves. Alongside this, work to instigate secure electronic delivery of panel papers for selected cases where participation was occurring – to panel members (for the week of 27th April in a test phase) and then to all with a right to receive paperwork (panel members and children and families) from the 4th May 2020.

Impact Will the impact and outcomes of the new or revised policy, practice or process:	
Contribute to eliminating discrimination, harassment and victimisation? E.g. <ul style="list-style-type: none"> • Raise awareness of our SCRA’s vision and values for equality and diversity • Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity 	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input type="checkbox"/>
	NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	NEGATIVE: It will make discrimination, harassment and victimisation worse <input checked="" type="checkbox"/>
Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others participation in public life 	POSITIVE: It will advance equality of opportunity <input type="checkbox"/>
	NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/>
	NEGATIVE: It will reduce equality of opportunity <input checked="" type="checkbox"/>
Foster good relations between those who share a protected	POSITIVE: It will foster good relations <input type="checkbox"/>

Impact Will the impact and outcomes of the new or revised policy, practice or process:	
characteristic and those who do not? E.g. • Tackle prejudice • Promote understanding	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input checked="" type="checkbox"/>
Ensure Human Rights Compliance?	It will uphold human rights articles. <input type="checkbox"/>
	It will breach human rights articles. <input checked="" type="checkbox"/>

It will uphold human rights articles. <input checked="" type="checkbox"/>
It will breach human rights articles. <input checked="" type="checkbox"/>

Recommended course of action	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input checked="" type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Using technology to transfer paperwork at the current time means that SCRA staff members are kept safe whilst continuing to process essential work.

However, the approach is likely to result in children and families being able to access the virtual children's hearing, but without having accessed papers – or vice versa. Neither situation is satisfactory and is likely to lead to delayed decision making.

There needs to be clear mitigations built in to minimise the negative effects of just sending papers electronically.

Mitigating actions required:

- 1) That an active decision needs to be made about whether a child will be able to access electronic panel papers.
- 2) If the decision is that a child WILL NOT be able to access electronic panel papers, then they should be sent out in hard copy.
- 3) That an active decision needs to be made about whether a relevant person will be able to access electronic panel papers.

4) If the decision is that a relevant person WILL NOT be able to access electronic panel papers, then they should be sent out in hard copy.

5) If a solicitor requests a set of panel papers to be sent in hard copy – or to be emailed to a secure CJSM email address then that should happen, in addition to the solicitor having access to papers through Objective Connect.

SCRA Equality Review Group.