



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:

SCRA's use of a Shortened Social Work Report Template

The shortened report format was developed at speed as a means of ensuring that statutory requirements were met and rights were upheld close to the start of restrictions being imposed in March 2020 by the Government as a means to tackle the pandemic.

At that time some hearings had of necessity - to ensure orders did not lapse and children remained protected- taken place with little or no written information made available to anyone attending a hearing (panel members, children or relevant persons) either in advance of or at the hearing itself.

The written reports that local authorities submit for hearings vary greatly in the way they are structured; with some made up of several separate documents; others with one 'child's plan' document and many with separate additional chronologies. It is not unusual for such reports to contain 40 plus pages of close text and often chronologies of significant events in the child's life can be of similar length.

The provision of information in this way can be problematic. Children and families may struggle to read and understand pages of dense text. In many cases recommendations relating to the need for compulsory measures and precisely what form such measures should take are not easy to find for reporters or panel members-and we can assume- for children and families and their representatives either.

The shortened report template was initially devised as a means of protecting the rights of the child and relevant persons and to assist evidence based decision-making by panel members by making the information submitted by a local authority for a hearing more readily accessible when using the Objective Connect platform (the platform chosen to share documents alongside the use of the Vscene platform for holding virtual hearings.)

The shortened format was designed to be less cumbersome for children and families to access in advance of a hearing, to assist their preparation and protect their participation rights. It was also quicker for support staff to upload when placing papers on-line for hearings.

This report format deliberately places the recommendation and measures sought at the hearing, together with an explanation of why these are needed, prominently on the face of the report for ease of reference for children, relevant persons and decision-makers alike.

It also places the child's views on the first page which aligns with our Rights Respecting Approach.

The prominence of the above hopes to address the research finding that the child's views in relation to contact were often absent in reports submitted to a hearing and the key finding that there is a need for the reasoning behind social work recommendations to be improved.

[Contact Decisions in the Children's Hearing System](#) by Dr Robert Porter.

A plan to evaluate the use of this new format is underway. Evidence gathered will inform future iterations of the shortened report as will imminent legislative changes around the inclusion and participation of 'brothers and sisters' in hearings and changes to align with asks from The Promise.

The EHRIA of the shortened social work reports concludes that:

It will contribute to eliminating discrimination, harassment and victimisation. ☒
It will contribute to advancing equality of opportunity. ☒
It will contribute to fostering good relations. ☒
It will contribute to a fairer Scotland. ☒
It will uphold human rights articles. ☒
It will uphold UNCRC articles. ☒
<i>This change will uphold UNCRC articles because:</i> The rights respecting approach considers rights at the forefront of everything else. In doing so the UNCRC rights (in the same way as ECHR rights) will be front and centre of our thinking. Alongside the rest of the children's services workforce in Scotland we will be developing knowledge and we hope some expertise as we work towards the implementation of the UNCRC (Incorporation) (Scotland) Act 2021. We will develop a working knowledge of rights across our professional workforce and will be much more sighted on the range of rights that require to be considered in relation to our work. In relation to children's rights this is even more complicated – as children often require adults to ensure that their rights are protected and indeed met. Our statutory responsibility means a justified interference with rights and we should be clear and confident whenever we decide that this justified interference should happen. With children – this can be a direct interference with a UNCRC right (like the article 9 right not to be separated from your

parents unless it is in your best interest) or it can be more nuanced – and an interference based on the inability of a parent to provide the basic care required in order to keep a child safe.

This is a complex arena and a difficult balancing act which applies to all children in Scotland aged 0-18 – and so covers all aspects of the UNCRC.

Our rights respecting approach will mean that we are all able to articulate why we are interfering with rights and to justify that interference in concrete terms, with a robust evidence base and in the best interest of Scotland's children.

It will have a SHANARRI IMPACT as detailed:

The shortened report format provides a platform for the child's voice to be heard and their views conveyed to decision-makers in the hearings system. If completed to a high standard it will contribute to the child's understanding of the decision-making process and to be included in decisions that affect their lives.

The SHANARRI indicators are all practical realisations of aspects of the UNCRC in relation to a child in the context of their family and circumstances and allow us to actively demonstrate the 'wellbeing' of any child at any given point. The indicators are also formulated to follow a hierarchy of need – from a child being 'safe' to a child developing individual agency / personality and societal links in their own right.

As such our rights respecting approach should enable fundamental rights to be realised for children which will have a positive impact on their wellbeing and development – across the board.

Recommended course of action:

Select relevant outcome and check the relevant box:

Outcome 1: Proceed – no potential for unlawful discrimination/adverse impact on equality duty or interference with human rights has been identified.

Adopting this practice change should provide greater prominence for the child's views in relation to decision-making and uphold their rights.

SCRA's rights respecting approach, if adopted, will give us a solid foundation for developing our approach to social justice in the children's hearing.

SCRA Equality Review Group

May 2021