

June 2023

## Covid 19 Inquiry - Scotland

The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to provide the Inquiry with the following information.

**Our Vision:** Children will be listened to, protected and supported to realise a positive future where they are safe, valued and respected.

**Our Mission:** We protect and support Scotland's children by making high quality decisions, upholding their rights and working collaboratively as compassionate, inclusive corporate parents to enable the most positive and personalised experience of their Children's Hearing.

**Our Values:** Our values are the shared motivations, beliefs and behaviours that underpin all that we do.

<b>Supportive</b>	We work with kindness to support children and families, our Partners and each other.
<b>Child Centred</b>	Children are at the heart of everything we do.
<b>Respectful</b>	Everyone is respected and treated fairly, inclusively and lawfully.
<b>Accountable</b>	We are responsible for our decisions, our ethics and our learning.

SCRA are pleased to be able to provide information to the Inquiry; we hope it is useful and we would be happy to provide additional information or to provide further explanation if that is required.

**a. A brief overview of the history, legal status and aims of the organisation or body.**

The Scottish Children's Reporter Administration (SCRA) is a national body focused on children and young people most at risk. SCRA was formed under the Local Government (Scotland) Act 1994 and became fully operational on 1st April 1996.

Children's Reporters work within Scotland's Children's Hearing approach to child protection and children in conflict with the law. The Children's Hearing is the distinct statutory way in which Scotland responds to

concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child). Such concerns are assessed by professionals and are then considered by Children's Reporters and if required by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family. This compulsory involvement takes the form of a Compulsory Supervision Order.

In the Children's Hearing:

- the rights of children and families are respected.
- the needs of children or young people are addressed in an integrated approach which considers all the circumstances of the child and the child's welfare.
- 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.

The Children's Hearings System is the operational setting in which SCRA and our partner agencies work.

The aim is to protect vulnerable children aged 0-18 by delivering tailored solutions which meet the needs and rights of the individuals involved. In turn this helps build stronger families and safer communities. You can find out more about our work on our website - [www.scra.gov.uk](http://www.scra.gov.uk)

**b. A brief description of the organisation or body.**

The role and purpose of SCRA is:

- To receive referrals for children/young people who may be at risk.
- To make sure that other public agencies carry out enquiries and assessments into children's circumstances so we can make informed decisions about children referred to us.
- To make the decision on whether to refer a child to a Children's Hearing, if they need compulsory measures of supervision.
- To draft the grounds for any referral to the Hearing.
- To arrange for Hearings to take place when we decide that compulsory measures of supervision are necessary and where there is sufficient evidence to prove the grounds.
- To provide accommodation for Children's Hearings.
- To provide information, support and help to people coming to Children's Hearings within the context of our statutory role .

- To maintain the independence of the Hearing and to support fair process.
- To conduct Children's Hearings court proceedings by leading evidence in proof proceedings and appearing in appeals against the decisions of Children's Hearings.
- To support children, young people and families to participate in Hearings
- To disseminate information and data to influence and inform the wider Children's Services community
- To work collaboratively with partners to support and facilitate research and policy developments for the benefit of children.

**c. An overview of the key individuals within the organisation or body who were responsible for decision making and/or implementation of decisions in relation to the COVID-19 pandemic in Scotland.**

<b>Name</b>	<b>Job Title</b>
Neil Hunter (EMT)	Principal Reporter/Chief Executive
Alistair Hogg (EMT)	Head of Practice and Policy
Ed Morrison (EMT)	Head of Finance & Resources
Susan Deery (EMT)	Head of Human Resources
Helen Etchells (EMT)	Senior Operating Manager (North West area)
Paul Mulvanny (EMT)	Senior Operating Manager (East & Central Scotland area)
Lawrie McDonald (EMT)	Digital Programme Director
Lisa Bennett (EMT)	Head of Strategy and Organisational Development
Gill Short	Practice Manager
Ian Allen	Head of Property
Maryanne McIntyre	Press & Communications Manager

**d. A brief overview of the work of the organisation or body between 1 January 2020 and 31 December 2022 as it relates to the response to the COVID-19 pandemic by the Scottish Government.**

As a contingency measure SCRA's Executive Management Team made decisions which had an operational impact at local level early in the pandemic, as a direct result of the National Lockdown 23rd March and subsequent stay at home messaging. This included decisions from those Senior Managers with oversight for operations and for practice and policy. These decisions included instruction on the operation of our frontline service delivery but also included action in relation to technology and infrastructure which, over time, allowed decision making to local teams. SCRA's pre-pandemic balance between national and local

management did change for a period of time and may, indeed, have altered the ways in which SCRA works going forward. Further specific assessment of this would be needed to determine if this is the case. Specified areas of SCRA's business also had discreet responsibilities for work under the restrictions imposed during the pandemic period, and these are detailed below.

## **Human Resources**

The HR Team took responsibility for keeping up to date with the Scottish Government COVID regulations and how they impacted on staff at work and at home:

- Providing the necessary guidance in the form of a weekly updated FAQ which covered all aspects of COVID related information from communications - hand hygiene, safe distancing, limiting numbers of staff in the offices, regular cleaning of offices and the products used to do that, testing and isolation regulations, absence, working from home, home schooling etc.
- Providing advice and guidance to managers on all of the above and how they applied to varying scenarios as they arose.
- Working in close partnership with UNISON on all matters.
- Liaising between Head of HR and the Health and Safety Adviser, and Public Health Scotland on SCRA's risk assessments when offices started to reopen and the approach we took to keep staff and visitors safe in our premises.
- Coordinating communications with key partners and ensuring our website was kept up to date.
- Provision of letters to staff who as essential workers were allowed to travel to offices when travel was not permitted.
- Liaising with Scottish Government on key worker status – our Sponsor Team worked very hard at trying to provide clarity for us.
- Developing Wellness Plans for staff to ensure that the impact of COVID was considered as part of their wellbeing at work and ensuring that our policies were flexible enough to support the needs of the organisation at that time.

SCRA's Head of HR and Head of Finance held COVID lessons learned sessions in April-June 2022, with all staff focusing on:

**Communications** – the constantly changing nature of the COVID regulations and operational service requirements meant little or no time for staff to digest communications before the next change was upon them - they became communication blind.

***Key learning - The ability to use MS Teams quicker than it was provided to SCRA would have made a great impact.***

**Home Working** – this was forced on staff overnight and some staff struggled with this. However, staff were grateful for the opportunity to balance working from home with their home life e.g. home schooling/caring responsibilities. They felt more productive but were in danger of not switching off just to keep up with the ever-changing operational activity.

***Key learning - Staff recognised the trust placed in them from managers and responded positively to this. Some staff felt that as key workers we should have been able to be back working in offices at a much quicker pace.***

**Change** – Staff were exhausted with the level of change required to keep the organisation operating at an optimum level during this period. Due to the fluidity of the COVID period there was no sense of planning and constantly being reactive caused some anxiety.

***Key learning - We experienced some challenge around the need to centralise the decision making around change.***

**Technology** – whilst there were some delays in providing staff with laptops due to availability, there were workarounds put in place very quickly. The ability to implement virtual hearings technology overnight was a game changer in continuing to deliver children's hearings and whilst the initial technology had limitations, we have further developed this service into one that is part of our core service.

***Key learning - The decision to implement a major casework system during the pandemic was a struggle and had a significant impact on the training strategy and ultimately staff. There are some ongoing***

*repercussions from this decision, but with the benefit of hindsight we have delivered a successful multi-million-pound project.*

In respect of the ongoing repercussions, the confidence staff have in their own skills in the use of CSAS has been impacted– this is being addressed as part of the Digital Skills Strategy in 23/24. Due to the covid restrictions staff were asked to transition to the new system by learning remotely. Some staff found this particularly challenging and localities responded by holding local training sessions to support staff and the OD Analysts provided additional support to localities.

However during performance reviews undertaken by the SOMs in the first quarter of 22, it was widely acknowledged that the position with CSAS was much better than it was 12 months previous and there is increased confidence across teams although some individuals still need, and are receiving, intensive support

**Operations** – the level of court demands on Reporters has increased significantly as a result of the pandemic and this continues. Whilst virtual hearings are welcomed staff were pleased to be able to deliver face to face hearings when the regulations eased.

*Key learning - At the start of the pandemic, it felt that there was an uneven distribution of workload due to lack of technology, staff home schooling, absence etc. which has not resolved but had the potential to become divisive.*

**Workforce Support** – staff found the weekly FAQs helpful and were a go to summary of the most up to date COVID rules and regulations. Staff recognised the significant commitment to health and wellbeing at local and national levels which was welcomed but there was no getting away from the fact that staff were exhausted.

*Key learning - Staff welcomed high levels of trust from managers to work flexibly and adopt new ways of working. At the same time staff were pleased to get back into offices which felt safe with the guidance and protocols in place.*

## **Practice – tasks and responsibilities**

Key aspects of the Practice Manager's and Practice and Policy Team's role included:

- Contributing to, and commenting on, the decisions being made by senior managers in relation to casework practice, to help support the ongoing fairness of all proceedings.
- Engaging with the Scottish Government in relation to the drafting of emergency legislation and related guidance to assist with children's hearing decision making during COVID restrictions.
- Developing formal Practice Direction, taking account of emergency legislative provisions and operational-type decisions made at senior level, to address all aspects of covid-related changes to casework practice, for sign-off by the Head of Practice and Policy.
- Developing other materials to support reporters in their casework practice. This included for example explaining the emergency legislation, and explaining the impact of Scottish Government and other guidance on relevant issues such as contact between children and their parents.
- Supporting reporters with virtual advocacy skills, and related materials, for court.
- Equipping reporters to respond to appeals to the sheriff against decisions made by Children's Hearings, where covid-related issues were raised in the appeal.
- Responding to appeals or other proceedings in the higher courts where covid-related issues were raised in the appeal.
- Engaging with CHS on the details of Hearings-related practice issues.
- Engaging with our Government sponsor Team to develop and deliver accurate and timeous data and analysis as required.

## **Health & Safety tasks and responsibilities**

Key aspects of the H&S manager's role included:

- Provision of advice to Localities on hand hygiene and to ensure they could obtain supplies of hand sanitizer – initially from local suppliers then later in conjunction with The Procurement Officer for SCRA as part of the SG framework for PPE. H&S also liaised with the Property department on the Zoono long-lasting antibacterial spray administration process and completed the COSHH assessment for the product.
- Development and maintenance of the organisation's risk assessments on COVID (both for office staff and for those attending hearings in person) during the pandemic so they complied with Public

Health Scotland guidance on the topic. Provided information to staff on Covid via a frequently answered questions (FAQ) bulletin which was updated regularly and created guidance on ventilation for offices during this time. Advice was provided on toys and sensory items (which had been used for those with sensory deficit disorders such as autism) in the hearing rooms.

- Creation of a working from home risk assessment for staff to complete, which identified what equipment was required and subsequently ordered for home working.
- Roll out of the Flu vaccination scheme each year during the pandemic with staff redeeming vouchers at their local Boots Chemist.

### **Property Team tasks and responsibilities**

SCRA's Property team are responsible for the maintenance and management of our geographically dispersed estate. This comprises of 33 properties across the mainland and Islands of Scotland. A lot of the focus during the first 6 to 12 months of the Covid-19 pandemic was on making sure our buildings were safe for re-use and working with operational colleagues to allow SCRA's services to resume in our buildings. This work included considerations of space as a direct result of social distancing requirements and resulted in building works in a number of our properties.

The arrangements in place during the pandemic had a number of impacts and presented challenges for how children's hearings could be delivered:

- Maintenance activities were affected by resourcing issues impacting our suppliers through travel restrictions, delays during manufacturing and delivery of replacement parts/equipment as well as reduced numbers of available building engineers to undertake maintenance tasks
- Cleaning arrangements/time were enhanced with a greater focus on touch points and the introduction of disinfectant spraying or misting. Increased levels of PPE use and protocols for regular local desk cleaning needed to be put in place along with the safe disposal of the waste this generated
- Where buildings had not been used for several months, water testing and disinfection works were carried out prior to reoccupation. Thereafter arrangements were put in place for regular building safety inspections and flushing of water systems to prevent stagnation. Consideration of the arrangements for providing sufficient ventilation was required along with the impact this requirement had during the colder months when comfort levels became difficult to maintain.

As buildings started to be reoccupied:



- COVID risk assessments were prepared and assistance was provided by Property business partners to calculate occupation capacity by providing building layouts for socially distanced workstations and hearing rooms. Where less than 2m distancing was necessary, such as in reception areas, the sourcing and installation of suitable screens to allow this was put in place.
- Social distancing requirements were required and also meant that many of our existing hearing rooms could not safely accommodate enough people to allow hearings to go ahead. Virtual and hybrid hearings were achieved by using the available space in our buildings differently or by enabling digital participation from a remote location.
- Capacity was created for face-to-face hearings, works were carried out to enlarge existing rooms or convert alternative rooms in our buildings in Irvine, Dumbarton, Kilmarnock, and Paisley. In other locations, with staff working from home, existing open plan office areas or vacant space was repurposed to provide larger spaces for socially distanced children's hearings.
- The cost of undertaking alteration works was factored into budgets during 20/21 and 21/22. The physical changes made to adapt to the new situation presented by Covid have been permanent rather than temporary changes – so there has been an ongoing benefit from creating larger hearing rooms in the locations involved. Where temporary changes were put in place e.g. using open plan office areas this was largely as a very low cost measure to allow face to face hearings to take place until such time as physical changes were completed to an existing hearing room.
- Going forward the enlargement of hearing rooms has been a useful spend and has been positively received. Hearing rooms now require the space to operate more flexibly to accommodate greater amounts of IT equipment to support virtual, hybrid and face to face hearings.

e. A brief overview of the key issues and impacts experienced by the organisation or body as a result of the COVID-19 pandemic in Scotland and the response by the Scottish Government. Please limit your response to a maximum of 5 pages at this stage.

Overview of the key issues and impacts experienced by SCRA, as a result of the pandemic	Response by the Scottish Government
<p>How to hold hearings during restrictions</p> <p>How to deal with court proceedings during restrictions</p> <p>Managing procedural deadlines for hearing and court proceedings</p>	<p>New legislative provisions</p>
<p>Obtaining adequate information to enable decision-making on referrals</p> <p>Understanding status of hearing's decisions in relation to contact</p> <p>Dealing with appeals and other court proceedings relating to hearing decisions and implementation of decisions</p>	
<p>Change to enable online hearings concessions and platform for Virtual Hearings</p>	
<p>Increased workforce required to address backlog – Successful business case developed, which supported a significant recruitment exercise to engage additional Reporters and Assistant Reporters to</p>	<p>Additional funding provided by Scottish Government. Our Sponsor Team were helpful in ensuring quicker access to Disclosure Scotland to advance start dates for new staff.</p>

support continuing operations – issue of staff training	
Homeworking – change to online working at home impacted staff wellbeing – additional communications, guidance and supports were regularly available to staff	
Key Worker Status – whilst the First Minister clearly viewed the SCRA as essential workers, the access to supports for staff did not follow	Sponsor Team tried to get clarity, but this appeared to be challenging.
Additional Laptops/IT Equipment required.	
PPE required for staff accessing offices and during the phased return to offices	Specific SG Framework and Stationery Contract
Additional cleaning of premises required, which impacted access and use of premises	Public Health Scotland advice
Safety of empty premises (security)	Public Health Scotland advice
Property adaptations to comply with health advice and safe distancing	Additional capital funding

The Coronavirus Act Reporting completed by SCRA throughout the pandemic illustrates the factual picture of what occurred in the Children's Hearing system. It does not illustrate some of the personal impact that was demonstrated in each and every Children's Hearing that occurred during the pandemic. To help illustrate some of that impact we have created composite 'stories' from three different periods in the pandemic, loosely aligned with the Coronavirus Reporting periods 1, 3 and 7.

### **Virtual Hearings – Lockdown - Cody (9) and June (7)**

At the beginning of January 2020 Cody and June had a section 67 grounds hearing – where statements of fact in relation to a lack of parental care were not accepted by their Mum, Ally or their Dad, Jason. The statements of fact narrated the instability, insecurity and volatility of Ally and Jason's relationship; Jason's use of alcohol, heroin and other illicit substances and recent injuries Ally sustained whilst intoxicated which required hospital admission. Cody and June were too young to understand the ground for referral or statements of fact. They attended their first Children's Hearing but the panel excused their attendance at subsequent Hearings linked to the grounds for referral.

The Children's Hearing directed the Reporter to make a proof application to their local Sheriff Court and made an Interim Compulsory Supervision Order requiring Cody and June to reside with their maternal Grandparents.

After negotiation during February 2020 the grounds for referral had been amended and accepted by Ally and Jason on 13<sup>th</sup> March and a further Children's Hearing had been arranged to take place on April 3<sup>rd</sup>. All the relevant paperwork for the Hearing had been sent out in advance of the Hearing, which was scheduled to take place in the local Hearing Centre.

National Lockdown on 23<sup>rd</sup> March 2020 and the subsequent restrictions on movement meant that Cody and June's Children's Hearing could only happen with the use of technology. Their social worker had provided an update and recommendation that a Compulsory Supervision Order should be made for both children, detailing that:

- The implementation authority will provide appropriate support and supervision to the children

- The children should live with their maternal grandparents
- The children should have contact with their father, Jason, once a week for one hour, to be supervised by the local authority social work department
- The children should have contact with their mother, Ally, twice a week, to be supervised by the maternal grandparents

However, the social worker did not have the technology to join the re-arranged Virtual Children's Hearing on 3<sup>rd</sup> April. The social worker had spent considerable time on the phone to the maternal grandparents and Ally, who had moved to her parent's home on 22<sup>nd</sup> March. The social worker had been unable to get hold of Jason, who lived at a separate address. Both Ally and Jason were represented by Solicitors. Ally's Solicitor provided the Children's Reporter with an email summary of her position. Jason's Solicitor had been unable to speak with him.

On 3<sup>rd</sup> April the Children's Reporter and 3 Volunteer Panel Members joined the Virtual Children's Hearing which convened using the V-Scene Platform. One Panel Member connected from a rural location using a mobile telephone and the connection was intermittent.

Following national Practice Direction the Reporter read the email from Ally's Solicitor. He then explained that in the absence of every other person who should be involved in the discussion of the Children's Hearing then the Hearing may want to consider making an interim 'holding' decision.

The Panel Members all agreed – and made a further Interim Compulsory Supervision Order, in the same terms as the existing order. They were unable to add in any direction regarding contact without discussing that in detail with the family and social worker.

### **A new normal – 3 options for Hearings - Becca (13)**

Becca's first Children's Hearing was a Hybrid or Blended Children's Hearing on 14<sup>th</sup> August 2020. Becca is the subject of a Permanence Order granted in 2014 and the local authority has parental rights and responsibilities for her. Becca had spent some time in Foster Care but had moved to a residential children's home in the summer of 2019. Throughout July and early August 2020 Becca was spending more and more time in the community and had been returning home intoxicated. Becca was thought to be abusing alcohol

and narcotics. A Children and Families social worker had become involved, but had only met her once. On 12<sup>th</sup> August the Chief Social Work Officer determined that Becca required secure care as a result of being found by Police Officers intoxicated and in a state of disarray in a car, which was stopped for speeding in a residential area.

A Children's Hearing had to be arranged to consider Becca's situation. Social Work and her key worker from the residential home were required to attend, along with Becca's solicitor and an advocacy worker.

Becca's solicitor and advocacy worker tried to visit her at the secure centre but she was very unwell on 13<sup>th</sup> August and they only spoke with her over the phone. They determined she understood what was happening and were able to take basic instruction.

Becca's social worker spoke with the Children's Reporter, the secure centre and the residential home. Becca was risk assessed - she was very unsettled, seemed to be physically unwell and was very fragile. Becca's residential key worker spent time with her speaking through the available options for her hearing - in person, virtual or a blend of both. It was decided that on this occasion she would benefit from the opportunity to stay within the secure centre and attend a Children's Hearing using virtual technology.

Becca's key workers from residential and secure care supported her to attend the Children's Hearing using one of their laptops. All three of them were in an office within the secure centre, but the laptop camera only captured the secure care key worker who set the laptop up and sat in front of it.

Becca's solicitor and advocacy worker attended the Children's Hearing centre in person, along with her social worker. Two panel members were in the Hearing Centre, one panel member joined the Hearing using technology as a result of the ongoing social distancing requirements in the Hearing Centre.

Becca accepted section 67 grounds for referral detailing the need for special measures of support, although her responses could not always be heard and her secure key worker had to repeat much of what she said. Becca was unable to see anyone in the Children's Hearing and was only able to speak with those supporting her within the same room at the Secure Centre.

An Interim Compulsory Supervision Order was made for her, authorising the use of secure accommodation. A Movement Restriction Condition was considered but the residential children's home could not be certain that it would keep her safe.

After the Children's Hearing professionals were clear that the next Hearing needed to be in person, to allow Becca to fully engage with the discussions.

### **Focus on people - Carter (5)**

Carter is the youngest in his family and has two older brothers and three sisters. He lives with his mum, Carol and her partner. His Dad, Steve, takes him to football at the weekends. Carter's oldest sister, Ellie, is 21 and lives independently. She often has Carter to stay at her house as she has a daughter who is a similar age.

Carter has had a Compulsory Supervision Order since 2019, after section 67 grounds for referral were established detailing that Carter had been the victim of an assault after his father, Steve, had shaken him and slapped him, and of wilful ill treatment after Steve had shouted and screamed at him repeatedly.

In May 2021 Carter's Compulsory Supervision Order was due to be reviewed. It had been due for review at the end of 2020 but Carol and Steve were happy to have the order in force extended for 6 months using the Coronavirus Act (2020) legislation.

Carter's social worker was keen for a Children's Hearing to take place in person, as Carter had not had a Hearing for 18 months. Ellie was unable to attend the Hearing Centre for personal reasons – but still wanted to be involved in the discussions. The headteacher of Carter's nursery school also wanted to attend, as she had been involved in progressing a speech and language therapy referral for Carter.

The Children's Reporter arranged for Carter's Hearing to take place in the Hearing Centre and for Ellie and the Headteacher to be supported by the SCRA Virtual Hearing support team. The Virtual team were able to support Ellie by giving her some pre-purchased data for her mobile phone, to enable her attendance. They were also able to call her in advance, check her connection and explain that they were available to answer any questions on the day of the Hearing.

During the Children's Hearing Ellie had a visitor to her home and forgot to turn off her microphone and camera – the Children's Reporter was able to mute the Hearing appropriately so that it remained a private discussion and the Virtual team supported Ellie to re-join the Hearing when she was able to. Carter's

Headteacher attended for part of the Hearing and was then able to leave and re-join a class, as she was short staffed.

**f. A list of any articles or reports that the organisation or body has published or contributed to, and/or a list of any written or oral evidence it has previously given to anybody (for example to Scottish Parliamentary Select Committees) regarding the impact on the organisation or body as a result of the COVID-19 pandemic in Scotland and the response by the Scottish Government.**

The SCRA contributed to the following data reports, which are available on the Children's Hearings Improvement Partnership website.

- Coronavirus (Scotland) Act 2020: Reporting requirements section 4 and schedule 3
- Reporting Requirements Children's Provisions Data Report 1 – 7 April to 20 May
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 2
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 3
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 4
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 5
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 6
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 7
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 8
- Coronavirus (Scotland) Act 2020: Supplementary Data of use of provisions in Schedule 3 of the Act – Report 9

SCRA provided evidence in response to the [COVID Recovery Consultation](#) in 2021.



SCRA also provided some comment in relation to the remit of this inquiry, also in 2021 (**attached**).

**g. Whether the organisation or body was adequately considered when decisions about the response to the COVID-19 pandemic were made by the Scottish Government.**

SCRA was closely linked to its own Scottish Government sponsoring team and in Spring 2020 became part of a Scottish Government cross portfolio COVID Children and Families Leadership Team which sought to provide advice to decision makers. In this regard SCRA felt well positioned to give and receive advice.

SCRA felt largely unable to influence more strategic public health measures and the intended and unintended consequences of these, the clearest example being in relation to the relative status of identified key workers in the public sector workforce in the period March 2020 – June 2020 and on the eventual resumption of school term arrangements. As a result, SCRA felt unable to offer clear advice to its own workforce on their access to schooling for their children, linked to their priority. Critical operational staff were therefore left to try negotiate their own arrangements with their local school, based on individual Local Authority approach. Whilst we recognise the unprecedented nature of the arrangements at the time, there could and should have been in hindsight more clarity and certainty.

SCRA felt well positioned to influence the provisions of the Coronavirus (Scotland) Act 2020 to ensure that these adequately protected children during this period. Our views were actively sought by Scottish Government. We felt less able to influence the period of ending the Acts provisions which seemed to us to be driven by concerns other than operational state of readiness for withdrawal. Similarly, Scottish Government were supportive and responsible in relation to the short-term pressures faced by SCRA at the height of the pandemic and in the subsequent recovery period.

Our overall assessment of SG responsiveness to our needs and concerns over this period was positive and engaging.

**h. Whether the organisation or body engaged with the Scottish Government when the Scottish Government was making decisions about its response to the COVID-19 pandemic. Please provide a list of any such correspondence or meetings with the Scottish Government, including the dates, to whom the correspondence was addressed or with whom the meetings were held, and any response received from the Scottish Government.**

Please see our response under section e and g. The SCRA's main forum for liaising with the Scottish Government was the Scottish Government cross portfolio COVID Children and Families Leadership Team. In addition, there were more informal discussions with the Scottish Government sponsor Team. We had many calls and impromptu meetings to discuss developments and challenges.

The Children's Hearings Covid Recovery Group met every Tuesday from 24<sup>th</sup> March 2020 for almost 2 years. The group members are SCRA, CHS, SW Scotland, COSLA, CELCIS and the Scottish Government. This group provided a forum for the Scottish Government to advise of developments and to discuss how these would affect all partners. It was a safe space where we could raise concerns or make requests of the Scottish Government. The group still meets, but less frequently.

At the meeting of the Strategic CHIP Group on 19 May 22, it was agreed that the Children's Hearings Covid Recovery Group (CHCRG), consisting of a small group of CHIP partners which have met regularly since the beginning of the pandemic, would evolve, adapt and refocus its role beyond immediate Covid recovery and resilience issues to become a multi-agency Improvement Delivery Group (IDG), whilst retaining the capacity to respond to unexpected or crisis situations. This group was to become a 'doing' group, working to themes set out by the Strategic CHIP Partnership, reflecting current commitments and priorities generated by OHOV, Better Hearings and the overarching focus on the Promise while also having oversight of operational delivery.

The group recognise that work also needs to be undertaken now to shape and promote legislative change that will provide a swift mechanism to trigger access to a limited range of powers similar to a number of those used under the Coronavirus (Scotland) Act 2020; but subject to the previously agreed principles as outlined in the guidance to that Act viz:

- The powers contained in the 2020 Act should be used only when circumstances arise in practice which makes their exercise necessary
- The exercise of emergency powers should be underpinned by a focus on children and young people's, and families' human rights when making decisions to implement powers affecting their legal rights
- Their use should be proportionate - limited to the extent necessary, in response to clearly identified circumstances
- Last for only as long as required
- Be subject to regular monitoring and reviewed at the earliest opportunity

- Facilitate effective participation, including legal representation and advocacy for children, young people and family members, wherever possible and appropriate
- Be discharged in consultation with partner agencies

**i. A brief summary of the views of the organisation or body as to lessons, if any, that can be learned from the Scottish Government's response to the COVID-19 pandemic.**

### **What was the Impact on children's care and protection during the pandemic?**

Soraghan et al (2023) have documented the level of disruption caused to children's social care during the first 16 months of the pandemic. This shows that the restrictions placed on home visiting by social workers, along with the closure of Children's Hearings and the adoption of virtual Hearings, had a significant impact on the number of children moving in and out of the care system. Key findings, include:

- A 38% reduction in children entering care during the pandemic, with levels of entry into care not having returned to pre-pandemic levels by July 2021. Older children were less likely to be admitted to care (i.e. 12-17 year olds: 60% reduction vs. 0-1 year olds: 15% reduction).
- Reductions in children entering care varied by placement type, with the greatest reductions seen in the number of children looked after at home (71% reduction vs. 39% for residential care, 24% for foster care and 11% for kinship care).
- Reductions in the number of children entering care and being placed onto compulsory measures of supervision, including: a 78% reduction in home CSOs, a 55% reduction in CSOs away from home and a 27% reduction in the use of interim CSOs.
- A 25% reduction in the use of Section 25 measures, often referred to as 'voluntary' measures.
- A 22% reduction in the number of children leaving care during the pandemic, with notable variations based upon the pandemic phase. For instance, during the UK-wide lockdown period there was a 59% reduction in children leaving care vs. a 15-20% reduction during other phases of the pandemic.

- A 22% reduction in the number of referrals made to SCRA on care and protection grounds during 2020/21, with a smaller proportion of those referrals progressing to a Children's Hearing (22% vs. 27% in the previous year).
- An overall 8% reduction in the number of children and young people who are 'looked after' in Scotland during the pandemic.
- The number of children entering care being associated with the severity of restrictions imposed, with the ending of lockdowns and the reopening of schools both significantly increasing the number of children being admitted into care.

In addition, the most recently published Children's Social Work Statistics highlight that there was a 21% reduction in the number of children on the Child Protection Register between 31<sup>st</sup> July 2019 and 31<sup>st</sup> July 2022.

### **What are the implications of these statistics?**

We know that the restrictions placed upon the Children's Hearings System, and the capacity issues that these caused, underscored the reduced numbers of children entering and leaving care in Scotland (McTier and Sills, 2021; Soraghan et al, 2023). Although we appreciate the complexities of the Covid-19 pandemic, and the challenges that managing complexity presented in the decisions taken by the Scottish Government, the impact upon children's care and protection statistics emphasises the importance of ensuring that the capacity of the Children's Hearings System is not significantly reduced should another global public health emergency occur.

This is particularly important given that we anticipate that the inclusion of all 16-17 year olds within the Children's Hearings System as a result of the Children (Care and Justice) (Scotland) Bill, currently at Stage 1 with the Education, Children and Young People Committee, will increase the number of Hearings being held. Retaining and improving the digital technologies that were developed during the pandemic is one obvious way to support this, but (as outlined in our response to question D) ensuring that SCRA staff are identified as key workers from the outset of a national emergency, and identifying ways to minimise the closure of Hearings Centres, needs to be central to emergency preparedness planning.

Given the findings that rates of entry into care during the pandemic were associated with the reopening of schools and nurseries, greater consideration needs to be given to the crucial role that educational staff play in routine child protection monitoring. There are lessons to be learnt from the pandemic about the necessity of continued personal contact and surveillance of some children, about risk assessment and risk management, and about the unintended consequences that can emerge from any future widespread closure of schools. There also needs to be consideration given to how placements of children of key workers in nursery and schools worked. Although children of SCRA staff qualified for these, our staff experienced difficulties gaining placements; as many establishments required both parents to be key workers to qualify. This significantly reduced our operational capacity during periods of educational closures, but particularly during the first UK-wide lockdown when key worker status was still ambiguous.

While we appreciate that attempts were made to ensure that 'at risk' children remained in education we know that placements at hub schools were often underutilised and that persistent absence rates have increased since restrictions were removed (House of Commons Education Committee, 2022). We therefore welcome calls from the Children's Commissioner for England to explore the factors underscoring persistent school absence in more depth. We would welcome a similar exploration in Scotland if the same trend in educational attendance has emerged post-restrictions.

Beyond this, we do not yet know the full implications of the decisions taken during the pandemic. During the pandemic, around 1500 fewer children than anticipated were admitted to care. We would echo calls from Soraghan et al (2023) for more work to be undertaken to understand what the long-term impact of this will be for both child protection resources and children's welfare in the years to come.

This work should include reflections upon the thresholds for intervention, particularly if these 'missing children' do not appear in social work statistics at a later date. This would raise questions about whether or not alternative support pathways can be used to reduce the number of children and young people becoming looked after if it is safe to do so; a key recommendation of The Promise.

Some of this work has already been undertaken in relation to child protection concerns. For instance, we know that while SCRA's capacity to hold Hearings was diminished, the needs of children and families did not change. In fact there was an escalation of need during the pandemic; as evidenced by increased child protection referrals relating to child and parental mental health, parental alcohol and substance use, domestic abuse, neglect, emotional abuse, poverty and the effects of social isolation. Many of these concerns, while complex, did not meet the threshold for child protection registration, and were instead

managed via single- and multi-agency GIRFEC pathways (McTier and Sills, 2021). Lessons can be learned going forward from local area decision making and how this was implemented to safeguard children and families.

### **What was the impact of virtual hearings on Rights and participation?**

As outlined above, the UK-wide national lockdown that occurred in March 2020 resulted in the rapid development of a virtual Children's Hearings system. The challenges of doing this, and the impact that this had on participation and Rights are documented in Porter et al (2020, 2021) and Nixon et al (*in press*); the latter of which is attached for reference.

Early research focussed on the introduction of virtual Hearings concluded that their use resulted in a number of Rights infringements occurring, including restricting the Rights of children and families to receive a fair hearing. This occurred mainly through: the initial exclusion of all individuals, barring Reporters and Panel Members, from Hearings; unequal access to appropriate digital technologies, technological difficulties and poor internet connectivity adversely affecting the participation of children and families; the inability of children and families to seek private legal advice during Hearings, or for children and young people to speak privately with Panel Members; the lack of emotional supports available for children and families, particularly when they were becoming distressed; and challenges around how virtual hearings were set up and facilitated (Porter et al., 2020, 2021; Nixon et al., *in press*). These findings reflect other experiences of rapidly developing and implementing virtual and remote Hearings in both adult- and youth-centred Courts and Tribunals across the UK and beyond (i.e. Clark, 2021; Byrom, 2020, National Juvenile Defender Centre, 2021; Ryan, Harker and Rothera, 2020a, 2020b). And emphasise the importance of a digital resilience framework being part of any disaster recovery processes moving forward.

Views about the use of virtual Hearings were largely mixed, with some individuals reporting that they increased the participation of children and young people, and others indicating that they should not be used at all (Porter et al., 2020). While there was some evidence gathered during the early phase of the pandemic that shows that children and young people wanted virtual Hearings retained in order to help protect themselves and loved ones from illness (Our Hearings, Our Voice, 2020); the voices of children and young people have been largely excluded from decisions about their continued usage. This was mainly because the social distancing restrictions in place, along with the strict use of bubbles to protect residential and secure care staffing levels, made it difficult to facilitate the gathering of views in a child-centred,

participatory way; i.e. through in-person discussion and participation groups rather than online surveys and focus groups.

The pandemic has shown us that during times of national emergencies we need to try harder to facilitate ways for children and young people to share their experiences, and ensure that their voices are included within the decision making process. While we appreciate the necessity for the restrictions that were in place, as well as the significant body of work that was being continually undertaken to monitor the impact of the pandemic on children and young people by the Scottish Government, it is the reality that much of our learning around how children and young people viewed decisions made during the pandemic has been gathered retrospectively.

Over the course of the last year, SCRA have been gathering data about the impact of virtual Hearings on children and young people. This work has included speaking to children and young people (aged 12-20) and their caregivers about what the impact of virtual Hearings has been upon children's participation and Rights. The data from this research are currently in the process of being analysed; however early indications are that the views of children and young people largely mirror those of earlier research conducted mainly with adult Hearings participants.

However, what this data also tells us is that for some children and young people the virtual space can add additional layers of complexity to participation in Hearings that are already traumatic and distressing. These complexities focus largely on the emotionality and management of the virtual space, along with the changed nature of human interaction within those spaces. In particular, the disconnect that can occur between Hearings participants when body language cues are removed and the natural rhythms of communication are altered by technological controls such as muting, hand raising and structured turn-taking.

For some children and young people the virtual space very much stifled their participation in decision making processes, appearing to be akin to the 'big words and big tables' that have previously been identified as barriers to participation in in-person Hearings (Creegan et al, 2006; Our Hearings, Our Voice, 2020). However, for other children and young people that disconnected space provided emotional safety and security; helping to alleviate embarrassment or distress, and making it easier to participate and share their views.

Choice about how to participate in Hearings is a consistent message being shared within the narratives of children and young people. The initial harsh restrictions of Covid-19 removed these choices in many ways, forcing children and families to participate virtually, but at the same time creating a natural experiment that has served to enforce the importance of adopting a person-centred approach when scheduling Hearings. **Nixon et al (in press) attached.**

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**j. Finally, please provide an indication of the number and types of relevant documents held by the organisation or body.**

- Monthly Executive Management Team meetings – action logs and minutes taken.
- Board Meetings – 5 annually – Action logs and minutes take.
- Three Additional Board Meetings to discuss COVID specifically, minutes taken at each.
- 98 Executive Management Team COVID meetings – Action log updated, and a note of discussion taken at each meeting.
- 24 COVID response/recovery meetings with CHS – note of each meeting taken.
- Equalities and Human Rights Impact Assessments – [Virtual Children's Hearing](#) and [Electronic Paper Transmission](#).
- Local and national Practice documentation and information, revised as and when required during the pandemic months.

**SCRA June 2023**