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The Children's Hearings (Scotland) Act, 2011

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The Children's Panel — life changing.



The Children's Hearings (Scotland) Act 2011

Key provisions

- National Convener
- Children's Hearings Scotland
- One national Children's Panel
- Area Support Teams
- Feedback Loop
- Enforcement Power
- Advice to Hearings
- Grounds for referral
- Safeguarders

Modernisation – role of panel members

- Fundamental role does not change
- 3 lay members drawn from the local community
- High quality, accredited training
- Decisions in the best interests of child
- Consistent practice observation and meaningful feedback for panel members
- Improved and modernised processes

Area Support Teams

- Schedule 1, paras 12-14
- National Convener must establish and maintain ASTs – 12(1)
- National Convener must obtain consent of constituent LAs – 12(3)
- Appointments – 12(4)
- Sub-committees – 12(6)
- Transfer of CPAC members – 13
- Functions: what an AST can and cannot do – 14
- Duty to consult LAs on functions -14(4) and directions -14(8)

Area Support Teams

- 17 structures proposed – July 2011
- 22 structures agreed and 11 partnership agreements signed off – December 2012
- Scottish Government Discussion paper to reform the AST establishment process introduced December 2012
- 2 proposals:
- To give the National Convener the power to establish or reconfigure ASTs without having to obtain the consent of local authorities
- To place local authorities under a duty to assist the National Convener by providing adequate support to the Area Support Teams

Area Support Teams - Roles

- Area Convener
- Depute Area Convener
- Panel representatives
- Panel practice advisors
- Learning and development coordinators
- Local authority representative
- Each AST will have clerking and admin support

Area Support Teams - Functions

- Local recruitment of panel members
- Interview and selection of potential panel members
- Recommendation of panel members for appointment and re-appointment
- Rota management
- Day-to-day support for panel members
- Practice observation in Hearings and feedback to panel members
- Organising local learning and practice development for panel members
- Handling complaints
- Managing of expense claims

National Standards

- Proposed national standards issued for consultation: 31 Jan – 10 April 2012
- 18 consultation events – 497 attendees plus facilitators and CHS Board and staff
- 157 written responses
- Consultation report and responses published on line 1st June 2012
- Finalised standards –published
- Printed copies will be issued to all panel members as part of the welcome pack to the Children's Panel
- The standards provide the framework – practice procedure manuals for panel members and ASTs in place by Spring 2013

National standards

- **Standard 1**
Children and young people are at the centre of everything we do
- **Standard 2**
Panel members are well equipped and supported to undertake their role
- **Standard 3**
Panel member practice is consistent across Scotland
- **Standard 4**
Every children's hearing is managed fairly and effectively
- **Standard 5**
Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person
- **Standard 6**
Area Support Team members are well equipped and supported to undertake their role
- **Standard 7**
Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful
- **Standard 8**
Functions, roles and responsibilities are clearly defined and understood within the system

The National Children's Panel

- Will come into being on 24 June 2013
- Fundamental role of panel members will not change
- Changes to systems and procedures which support panel members
- Invitation to join the Children's Panel from the National Convener and the Minister for Children and Young People
- 97% positive response rate received
- Full 'conversion' training on 2011 Act and implications for panel members – January to March 2013

Training

- Standard 5: every children's hearing makes decisions based on sound reasons in the best interests of the child or young person
- “We will make sure that the national curriculum, training and practice development programmes assist them to do so. We will make sure that panel members are able to communicate their decisions and reasons effectively to children, young people and families at the hearing and in writing. We will establish and develop mechanisms for sharing information about outcomes and appeals in relation to panel member decision making. We will work with all relevant groups and agencies to learn from this information”

Training - Expectations

- Panel members:
- Prepare for hearings in advance
- Familiar with legal framework and procedures and apply that knowledge
- Understand impact of children's experiences on their wellbeing and development
- National Convener:
- Commission the design and delivery of a national curriculum aligned with a competence framework
- Development of a PDA / accreditation by SQA

Feedback Loop

- Section 180 and 181: development of a system for reporting about implementation of compulsory supervision orders
- To understand types of supervision that have proved effective
- To inform future decision making
- To achieve better outcomes for children
- Panel members have deeper understanding of the implications of their decisions

Feedback Loop – local authorities

- National Convener may require local authorities to provide information about:
- The number of compulsory supervision orders
- Changes in circumstances that led to making of the orders
- Effect of the orders on the overall wellbeing of children

Feedback Loop - report

- National Convener must submit a report to Scottish Ministers about implementation, nationally and at local authority level
- Delivery in 2 phases:
- Phase 1: implementation of compulsory supervision orders – 2014/15
- Phase 2: wellbeing of children subject to compulsory measures
- Work ongoing with ADSW to agree definition of “implementation” and establish wellbeing indicators

Vision, mission and values

CHS vision

Our vision is of a Children's Hearings System where everyone works together, making sure that all children and young people are heard, respected, valued, cared for and protected.

CHS mission

Our mission is to improve outcomes and experiences for children and young people in Scotland who may be at risk. We will do this by supporting the children's panel, working with partners and using our influence to drive improvements across the Children's Hearings System.

Vision, mission and values

CHS values

-  **Child centred** – making sure everything we do is in the best interests of children and young people.
-  **Respectful** – treating children, young people, their families, panel and AST members, partners and each other with care and consideration.
-  **Fair** – making sure that everyone is treated with dignity and according to their individual needs; that our information and services are accessible and that we provide a consistent level of service to all.
-  **Creative** – considering innovative and imaginative ways of approaching the issues we face at work.
-  **Challenging** – not being complacent, but questioning ourselves and others to help us improve.
-  **Open** – listening, responding to and learning from feedback; acting honestly; ensuring processes are transparent; sharing performance data and being accountable for our actions and decisions.

