

I think that.....

I agree....

My view is....

*I would
like to see*

getting it right

for every child

Proposals for Action

I don't agree....

Analysis of Consultation Responses



**one
scotland**
SCOTTISH EXECUTIVE



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getting it right

for every child

Proposals for Action

Analysis of Consultation Responses

Robert Stevenson, Anne-Marie Barry and Pamela Johnstone
Hexagon Research and Consulting

Scottish Executive Social Research, Edinburgh 2006

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My view is... I don't agree

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I agree....

I think that



Executive Summary

Introduction and Background

1. The consultation document *Getting it Right for Every Child – Proposals for Action*, which was published on 21 June 2005, identified three main areas for improvement:
 - Improving and unifying the services for children
 - Strengthening the Children's Hearings system
 - Modernising the Children's Hearings system.
2. The consultation document asked for respondents' views about 23 specific proposals relating to these broad themes. In addition to the 23 specific proposals respondents were asked for their views on four more open ended questions on particular issues. These specific questions concerned the Integrated Assessment, Records and Planning Framework, the role of Safeguarders and arrangements for supporting Panel members.

The Consultation

3. 605 completed responses were received. 68% of these responses came from individuals and 32% were from organisations. In addition, a total of 41 children and young people participated in a series of events organised by Children in Scotland.
4. Three-quarters of respondents said that they had some direct involvement in the Children's Hearings system as a volunteer, and from the analysis of the written responses it would appear that most of these volunteers were current or former Children's Panel Members. A further 17% of respondents said they had direct experience of the Hearings system as a professional. While not all of these individuals gave details of their profession it is clear from the analysis that the main professionals who responded came from the social work, education and health sectors.
5. A quarter of organisational responses came from the local government sector. The next largest category of responses came from national and local voluntary organisations (19%), followed by Children's Panel Advisory Committees (CPACs) (15%) and Panels themselves (10%).

Methodology

6. The analysis of the consultation responses involved a combination of qualitative and quantitative methods.
7. The quantitative analysis aimed to describe the proportion of respondents that were supportive, or otherwise of the suggestions made in the consultation document. A coding framework was devised based on analysis of the first 100 responses. This was further developed and refined following ongoing analysis of responses. Initially this coding was limited to an agree/disagree categorisation. However, once all responses had been received it was possible to develop a more detailed coding framework for a limited number of questions.

8. The qualitative analysis aimed to capture in more detail the concerns and issues raised by respondents, and the reasoning behind their views. A large number of responses were received, and comments on individual questions varied from one word answers, to long detailed comments.
9. The vast majority of these responses were positive and expressed support in principle for all but one of the proposals contained in the consultation paper. Where respondents have expressed doubts about some of the proposals it is generally from a perspective of ensuring that what is proposed is implemented effectively and helps achieve the desired objectives.

Improving Children's Services

10. The consultation paper contained a number of proposals designed to help deliver high quality children's services that meet the Scottish Executive's broad vision for children. To achieve this the Scottish Executive propose to establish a framework through legislation, best practice, revised guidance and regulation and to continue working with children's services to make sure that the right structures, systems and staff are in place.
11. A substantial majority of respondents expressed support for all of the proposals designed to improve children's services. Many respondents emphasised the need to build upon existing good practice and structures and systems for developing an integrated approach towards meeting the needs of children and young people rather than introducing new structures and procedures.
12. Many respondents were keen to have greater detail about specific proposals including how they would work in practice and more clarity about the use of key terminology, e.g. 'children in need'. There was also a strong body of opinion seeking more clarity about the role of the 'lead professional' and how this role would complement the roles of other professionals involved in the Hearings system.
13. A substantial number of respondents emphasised the need for the provision of information about children's services to be tailored to the needs of all children and young people and to take account of diversity in relation to issues such as age, gender, ethnic background and sexuality.
14. It is clear from many responses that cultural and attitudinal changes will be essential to achieve the objectives described in the consultation paper and that change would not result simply from structural or legislative changes alone.
15. There was a strong consensus amongst the children and young people who participated in the consultation that if young people need to portray their problems and views to adults, they would greatly prefer to talk to one adult who would take a written record and share it with the other people who need to know, rather than having to talk to a number of adults on a number of different occasions.



The Integrated Assessment, Records and Planning Framework

16. The consultation paper proposed that the Scottish Executive, in consultation with appropriate agencies will develop a single integrated assessment, planning and recording tool for use within a framework of co-ordinated meetings, reviews and planning. It also suggests that in time these arrangements will replace meetings about child protection, looked after children, joint assessment, youth offending and other inter-agency arrangements.
17. A large majority of respondents expressed their support for the concept of the Integrated Assessment, Planning and Recording Framework across a wide range of respondents to the consultation. However, a number of respondents offered suggestions about how the framework could be developed and strengthened.
18. There are some concerns that the proposed framework could be too simplistic for dealing with particularly complex or sensitive cases. Alternative suggestions of a more modular approach or maintaining separate assessments for certain categories of cases are made by a number of respondents from a range of different organisations.
19. There are also some concerns that attempting to use terminology that is “child friendly” means that the assessment triangle model is over simplified and open to a range of different interpretations. The need for clear guidance to ensure that the model is used effectively is also raised by a substantial number of respondents.

Improving How Children’s Hearings Work

20. The consultation paper made a number of proposals aimed at ensuring that the most effective means of intervention is used in all circumstances and that a referral to a Children’s Hearing is reserved for those children who have significant needs and for whom compulsion is likely to be necessary. In particular, it contained proposals relating to:
 - Grounds for referral to the Children’s Hearing system
 - Action Plans and implementation
 - The frequency and timing of Children’s Hearings
 - Adaptations to the procedures of the Hearings system.

The vast majority of respondents expressed their support for the principles underpinning all of these proposals with the exception of the proposal relating to the inclusion of victims in Hearings.

Grounds for Referral

21. There is strong support for a more focused and targeted approach to referrals to Children’s Hearings. Some concerns were expressed that the proposals could result in too much emphasis being placed on offending at the expense of looking at the wider welfare of children and young people. In addition, many respondents asked for greater clarification about the definition and interpretation of key terms such as ‘significant need’ and a ‘pattern of behaviour’.

22. A significant number of respondents are concerned that setting the threshold for referral to a Children's Hearing too high could result in some children or young people not receiving the support they require. Similarly, a number of respondents voice concerns that waiting for a 'pattern of behaviour' to be identified could mean that any intervention could come too late or make it more difficult to change behaviour.
23. Some respondents observed that care needs to be taken to ensure that any proposals to streamline the referral process do not undermine the rights of the child and do not impact on the need to maintain the principles of natural justice.

Action Plans and Implementation

24. The vast majority of respondents agree with the proposal that multi-agency Action Plans should be prepared in particularly complex or sensitive cases. However, some statutory organisations, particularly local authorities are concerned about the accountability for agreeing and implementing Action Plans and the potential resource implications of having such plans "imposed" upon them.
25. While a majority of respondents support the proposals relating to the use of Interim Supervision Orders, some express caution and are keen to ensure that such orders are not made without sufficient background information being made available to Panel Members.
26. A number of respondents have called for greater clarity about the use of the 'persistence test' and expressed fears that overuse could result in an increased number of Hearings that would place considerable strain on the resources of both Panel Members and professionals that are expected to attend Hearings.

Frequency and Timing of Hearings

27. A large majority of respondents support the proposals relating to the frequency and timing of meetings. A number of respondents raised concerns that convening Hearings too frequently could undermine attempts to provide support to children or young people as many interventions may take some time to prove their effectiveness in terms of changing behaviours.
28. While there is considerable support for the principle of not having Hearings during school hours, a large number of respondents have raised practical concerns particularly in relation to the availability of professionals to attend 'out-of-hours' Hearings.

Adaptations to Proceedings

29. A majority of respondents agree that the Hearings system should be flexible and that Hearings should be able to adapt their procedures to meet the needs of individual cases. There is strong opposition to the suggestion that community representatives or victims should have a role to play in the formal Hearings proceedings.
30. A large majority of respondents agree that it would be desirable to have more continuity of Panel Members between Hearings dealing with the same child or young person. It is also clear that there will be significant logistical barriers that will need to be overcome to achieve this objective.



31. Children and young people who participated in the consultation thought that someone should only go to a Hearing if there was a very serious problem either with their behaviour or with their family. However, it was thought that the definition of a serious problem would be dependent on each individual child or young person and their specific circumstances. The majority of children and young people who had direct experience of the Children's Hearings system felt that the referral system worked well in its current form.
32. A large majority of participants felt, that whilst it may be beneficial for children and young people to explain their actions to the victims of their behaviour, it should not be part of a Hearing. Children and young people felt that if this proposal was adopted, it would act to further distress the child or young person and make the experience of attending a Hearing even more "daunting".

Providing Better Support to Children's Hearings

33. The consultation paper made a number of proposals concerning providing better support to Children's Hearings. In particular it made proposals relating to:
 - The provision of legal representation
 - Withholding information provided by the child
 - Removing the required link to local authority boundaries
 - Modernising arrangements for Panel Members

Legal Representation

34. A large majority of respondents support the proposal for the appointment of a legal representative in appropriate cases. There are some concerns that if this provision is overused then it could undermine the informality of the Hearings system.
35. A large number of respondents suggest that guidance should be issued making it clear in what circumstances legal representation would be appropriate in order to ensure that a consistent approach is adopted that is based on demonstrable need rather than becoming the norm.

The Role of Safeguarders

36. There are mixed views about the role of Safeguarders and some issues which respondents say need to be addressed if their role is to continue. However, a substantial number of respondents say that any decision about their future role should await the outcome of the current research project.
37. A substantial number of respondents suggest that there is a danger that the roles of advocates, Safeguarders and legal representatives could become confused and that there is a need for more clarity about their respective roles.
38. The general opinion of the children and young people who participated in the consultation was that, the role of the safeguarder was not beneficial to their experience of the system. They felt that a better alternative would be an advocate whose role is to provide children with advice and support.

Withholding Information

39. While the vast majority of respondents recognised the need for withholding information about children in certain circumstances, many respondents suggested that detailed guidance on the criteria for withholding information was required to ensure that this power was not abused.

Link to Local Authority Boundaries and Support for Panel Members

40. While a large number of respondents say that they support greater flexibility in the arrangements for allowing Panel Members to sit in Hearings in different geographical areas there is strong opposition, particularly from local authorities, CPACs and Panel Members to removing the formal link with local government boundaries.
41. There are also mixed views on the desirability of establishing regional or national arrangements for the recruitment, training and support of Panel Members. However, there was a high level of support for the establishment of a framework of national standards.

Increasing Public Confidence in the Children's Hearings System

42. The consultation paper made two specific proposals designed to increase public confidence in the Hearing's system.
43. A large majority of respondents support the principle of making more information available to local communities to dispel the 'myth' that the system represents a 'soft option'. There are, however some concerns that any information that is provided should emphasis positive outcomes and not just 'problem' behaviour. Many respondents also raised concerns about ensuring that there are appropriate safeguards to ensure that information is provided in such a way as to preserve the privacy and confidentiality of individuals.
44. The main areas children and young people wanted information on were: what the Children's Hearings system is; why you go to the panel; what happens at the panel; who will be at the panel; and what happens after the Hearing. One young person also suggested that there should be readily available information on what help there is for children and young people going through the Children's Hearings system.

Conclusions

45. This was a wide ranging consultation that invited responses to a substantial number of detailed proposals regarding the future operation of the Children's Hearings system and the wider provision of services and support to children and young people. Many of the proposals included in the consultation paper would involve substantial changes in the way services for children are delivered and in how the Children's Hearing system operates. The implementation of these proposals would have a significant impact on the way a large number of organisations and individuals work.



46. The vast majority of responses were positive and expressed support in principle for all of the proposals contained in the consultation paper. Where respondents have expressed doubts about some of the proposals it is generally from a perspective of ensuring that what is proposed is the most effective way of meeting the stated objectives. The vast majority of comments received are concerned with the detailed arrangements for implementing proposals; are seeking further clarification about specific aspects of a proposal or raise practical issues that will need to be addressed in order to achieve the desired outcomes.
47. The understanding of the respondents of the issues involved and the commitment to make the system work for the benefit of children and young people was impressive. There is a wealth of detail in the responses that have been received and a range of positive and constructive suggestions about how the proposals can be made to work in practice.
48. There were a number of areas where the views expressed by the children and young people who participated in the events facilitated by Children in Scotland represented a distinctive 'voice' that did not necessarily reflect the views of the majority of other respondents.
49. A large number of respondents make the point that many of the proposals concerning adopting a more integrated approach to the planning and provision of children's services reflect current trends that are already happening in practice. There is a concern to ensure that any proposals arising from this consultation build upon existing good practice and are integrated with other developments rather than introducing new structures and systems.
50. One recurring theme that is evident from many of the responses is the fact that the changes that are proposed in the consultation paper will require cultural changes that will not be achieved by simply introducing new legislation, changing structures or introducing new systems and procedures.
51. There are some concerns expressed in the responses that the cumulative impact of the proposals outlined in the consultation paper could represent a fundamental change in the role of the Children's Hearings system. There is a fear that this cumulative impact may result in the system being more concerned with dealing with the behaviour of a smaller number of 'persistent offenders' whose behaviour gives particular cause for concern rather than concerning itself with the wider welfare and wellbeing of a larger group of children and young people.

Chapter One: Introduction and Background

Introduction

- 1.1 This report presents the analysis of responses to the second phase of a major consultation exercise conducted by the Scottish Executive into the reform of children's services including reform of the Children's Hearings system in Scotland.
- 1.2 The Partnership Agreement adopted by the coalition partners in the Scottish Executive in May 2003 contained a commitment to review the Children's Hearings system. The stated aim was to develop and improve the system while maintaining its fundamental principles. In April 2004 the Scottish Executive published a consultation pack entitled *Getting it Right for Every Child – Review of the Children's Hearings System* as part of the first stage of this review. This was designed to seek views on the principles and objectives of the Hearings system as well as a number of key issues facing the system.
- 1.3 The responses to this first phase of consultation were supportive of the general principles of the Children's Hearings System but also revealed some concerns about the way the system was operating in practice. Particular concerns raised were that:
 - **Children did not get the help they need when they need it and were being drawn into the Children's Hearings system unnecessarily**
 - **The system was not very good at dealing with more persistent or serious offenders**
 - **The system was under strain as Panel Members were often poorly supported and were frustrated when their decisions were not always acted upon.**

A full analysis of the responses to the first phase of this consultation was published by the Scottish Executive in October 2004¹.

- 1.4 In considering the responses to this consultation, Ministers have concluded that the review needs to look wider than the Children's Hearings system to address the need for a much more unified approach to children's services across all sectors. The proposals outlined in *Getting it Right for Every Child – Proposals for Action* recognise that improvements must be made to the wider network of support services for children as well as specific measures to improve the Children's Hearings System, to ensure that children get the help they need when they need it. This is in line with the Scottish Executive's commitment to ensuring that the child is at the heart of children's services and that decisions about children must be based upon the help they need.

¹ Report on the Responses to the Phase One Consultation on the Review of the Children's Hearings System
<http://www.scotland.gov.uk/library5/education/greccr.pdf>



1.5 The consultation document *Getting it Right for Every Child – Proposals for Action* identifies three main areas for improvement:

- Improving and unifying the services for children
- Strengthening the Children's Hearings system
- Modernising the Children's Hearings system.

The consultation document asked for respondents' views about 23 specific proposals relating to these broad themes. For each proposal respondents were asked:

- If they supported the proposed action
- If they thought the proposed action would meet the stated objective
- If they thought further or different measures are required.

In addition to the 23 specific proposals respondents were asked for their views on three more open ended questions on particular issues. These specific questions concerned:

- The Integrated Assessment, Records and Planning Framework
- The role of Safeguarders
- Arrangements for Supporting Panel Members.

The Consultation Process

1.6 The consultation pack was published on 21 June 2005 and was distributed to a wide range of organisations and networks including community groups, voluntary organisations, business organisations, local authorities and all current serving Children's Panel Members. The consultation pack was also published on the Scottish Executive's web site and a web based version of the questionnaire was made available to interested parties who wished to respond online.

1.7 Children in Scotland was asked by the Scottish Executive to organise and facilitate a series of events with children and young people to explore their views in relation to the consultation paper. The events focussed on children and young people's views on joint working and information sharing, gaining children's views, criteria for referrals, operational details and access to information about the Children's Hearings system. Due to the relatively short time frame for the consultation process, the work involved children and young people from established groups. Groups were approached on the basis of 'purposive' sampling i.e. they had certain characteristics that were likely to give different perspectives. Groups were held in a range of geographical locations across Scotland and included children and young people:

- Who had been through the Children's Hearings system
- Who were aware of the system but had not had direct personal contact
- Who were unaware of the Children's Hearings system.

Participants were aged between 9 and 25 years. The findings from these events have been submitted to the Scottish Executive in a full report prepared by Children in Scotland. This report is attached as Appendix C to this report. However, the key findings have also been incorporated into the analysis contained in the main report to ensure that the views of children and young people are fully reflected in the context of the overall responses to the consultation process.

The Respondents

- 1.8 The closing date for receipt of written or online responses was the 30th of September 2005. By this date 605 completed responses had been received. 406 of these responses came from individuals, representing 68% of the total responses received. 32% of responses came from a wide range of organisations. All of these 605 responses have been analysed in preparing this report. In addition, a total of forty-one children and young people participated in the events.
- 1.9 The list of organisations that responded to the consultation is attached at Appendix A. Organisations that responded can be classified into broad categories as shown in Table 1 below.

Table 1 – Organisational Respondents by Category

Respondent Category	No.	Percentage of Total (%)
Local Government	45	24
Children's Panels	20	10
CPAC's	28	15
National and Local Voluntary Organisations	37	19
Professional and Other National Organisations	20	10
NHS Bodies	13	7
Other	25	13
Total	191	100

- 1.10 Three-quarters of individual respondents who submitted a written response said that they had some direct involvement in the Children's Hearings system as a volunteer, and from the analysis of the written responses it would appear that most of these volunteers were current or former Children's Panel Members. A further 17% of respondents said they had direct experience of the Hearings system as a professional. While not all of these individuals gave details of their profession it is clear from the analysis that the main professionals who responded came from the social work, education and health sectors.
- 1.11 Only 22 individual respondents said they had direct experience of the system as either a parent or a child. This represents 5% of all respondents.



My view is....

I don't agree

Analysis of Responses

1.12 The analysis of the consultation responses involved a combination of qualitative and quantitative methods.

Quantitative Analysis

- 1.13 The quantitative analysis aims to show the proportion of respondents that were supportive, or otherwise of the suggestions made in the consultation document. A coding framework was devised based on analysis of the first 100 responses. This was further developed and refined following ongoing analysis of responses. An SPSS database was developed and responses analysed using this software. The majority of questions were open questions and some degree of judgement was required in organising material and coding for the quantitative analysis.
- 1.14 In order to ensure consistency of approach, the research team was kept to a minimum size and worked closely together. Initially this coding was limited to an agree/disagree. However, once all responses had been received it was possible to develop a more detailed coding framework for a limited number of proposals.
- 1.15 Responses were also coded according to whether they had been received by individuals or organisations, by those involved with the Children's Hearings system in the capacity of volunteers, professionals or those not involved, and by whether or not the respondent had any experience as a parent or a child in front of a Hearing. All respondents were given equal weighting in the quantitative analysis. Where the responses of certain organisations were particularly relevant, they have been addressed in the qualitative discussion of each section.
- 1.16 Given the open ended nature of most of the questions in the consultation paper and the free text nature of many of the responses it was not always possible to code responses for quantitative analysis, e.g. where it was not clear whether a respondent was definitely supportive of a particular proposal. In addition, some respondents did not provide responses to all of the proposals and specific questions contained in the consultation document. The percentages shown in the qualitative analysis shown in the tables in Appendices 2 and 3 and quoted throughout the main sections of the report refer to the 'valid percentage', i.e. the percentage of respondents who responded to a particular question or proposal.
- 1.17 It is important to emphasise that whilst the quantitative information gives a basic overview of the majority of issues raised in response to each question, and an indication of the levels of support for some of the suggestions the consultation makes, it cannot reflect the detailed issues that respondents raise or reflect the reasons they give for their views. The numerical classification of a response only offers a crude approximation of the views offered by a respondent. These views are explored in more depth through the qualitative analysis presented in this report.

Qualitative Analysis

1.18 The nature of the consultation was such that the majority of questions were open questions to which respondents were invited to comment. The qualitative analysis aims to capture in more detail the concerns and issues raised by respondents, and the reasoning behind their views. A large number of responses were received, and comments on individual questions varied from one word answers, to long detailed discussions. The qualitative analysis used a Framework approach to identify key themes raised by a considerable number of respondents or by particular categories of respondents. Quotes from the submissions received from specific respondents are used to illustrate and support these themes and are generally indicative of the views expressed by a considerable number of respondents.

Structure of Report

1.19 The remainder of this report comprises the analysis of the responses received. The structure of the report follows broadly the structure of the consultation paper issued by the Scottish Executive.

Chapter 2 examines responses to the proposals designed to improve children's services.

Chapter 3 considers the responses to the issues raised in the consultation paper relating to the Integrated Assessment, Records and Planning Framework.

Chapter 4 analyses the responses to the proposals intended to make the Children's Hearings system work more effectively.

Chapter 5 considers the responses to the proposals in the consultation paper relating to providing better support to Children's Panels.

Chapter 6 examines issues raised during the consultation in respect of improving public confidence in the Children's Hearings system.

Chapter 7 considers the key findings arising from the consultation and offers some conclusions based upon these findings.



Chapter Two: Improving Children's Services

- 2.1 This chapter reviews the findings of the consultation exercise in relation to proposed changes both in legislation and within all agencies delivering children's services. The proposals aim to deliver high quality children's services that meet the Scottish Executive's broad vision for children. To achieve this the Scottish Executive propose to establish a framework through legislation, best practice, revised guidance and regulation and to continue working with children's services to make sure that the right structures, systems and staff are in place.
- 2.2 The consultation paper contained six key proposals intended to improve children's services. These proposals were as follows:
- **Proposal 1** Publishing information for children and families about the services and support available to them and how it can be accessed.
 - **Proposal 2** Duty to be alert to the needs of children, to listen to them and to act to improve a child's situation.
 - **Proposal 3** Duty on agencies to co-operate with each other in meeting the needs of children.
 - **Proposal 4** Development of a single integrated assessment, planning and recording tool.
 - **Proposal 5** Preparation of Action Plans where a child's needs are complex or serious and need compulsory measures or multi-agency input.
 - **Proposal 6** The appointment of a lead professional where there is a need for co-ordinated action between agencies.

The vast majority of respondents support in principle all of these proposals. The following sections summarise the main issues raised by respondents relating to each of the proposals.

Proposal One: Families and children should know what services they can get

- 2.3 The consultation paper proposed that agencies should publish information for children and families about the services and support available and how it can be accessed. The objective is to ensure that all families and children are informed about the services that are available to them and how they can access these services.
- 2.4 There was overwhelming agreement with this proposal with over 97% of respondents who responded to this proposal saying that they agreed with what is proposed. Nearly 60% of respondents suggested further measures and these suggestions were predominantly concerned with ensuring that this proposal is implemented effectively.

The main suggestions made in this respect included:

- **Providing information from single source**
- **Ensuring ease of access to information**
- **Ensuring that information is available in different formats/languages/Braille, etc.**
- **Ensuring that information is kept up to date**
- **Developing an integrated communication strategy for all children's services.**

2.5 Local authorities were particularly supportive of this proposal in their submissions and many noted that effective partnership working is important to achieve the goal of integrated provision of information to children and families. COSLA stated in its submission that:

“Agencies must work in partnership to ensure that information is consistent and presented in a way that means, as far as possible, service users can access all information they need in one place. This needs to be properly resourced and backed up by a commitment from all agencies to provide adequate information.”

2.6 Many local authorities suggested the need for a single source of all local information to ensure easy access for families to all relevant information on services. A substantial number of respondents suggested that the provision of information should be co-ordinated using existing structures and processes such as Community Planning Partnerships and children services planning structures. For example, South Lanarkshire Council expressed its support for the proposal and stated that the issue was already being addressed through the integrated children's services planning process but that 'more remains to be done'. The council also acknowledged that some people lack confidence in accessing services and that providing better information is only part of the solution.

2.7 Glasgow City Council notes in its submission that the establishment of Community Health and Social Care Partnerships should support a more integrated approach to the provision of information about children's services and improved access and accountability for the delivery of these services. North Lanarkshire Council states that aspects of a co-ordinated approach to the delivery of information to young people already exists e.g. through mechanisms such as Young Scot. The council also states that:

“Individuals cannot ask for services they don't know exist, or be satisfied they have received what is expected or complain when this is not delivered. However, it will be important not to overwhelm families and some area co-ordination will be required.”



2.8 Voluntary organisations are also very supportive of this proposal. Many voluntary organisations noted the need to involve children in developing information and communication strategies to ensure information is accessible even to 'hard to reach' young people. Youthlink Scotland welcomes the proposal that information should be made available to children and families about the services and support that is available to them.

Youthlink takes the view that:

"... the information provided should be as accessible as possible and use language and images which young people and their families can understand and relate to."

It argues that this is particularly important given that many young people referred to the Children's Hearings system are vulnerable and face a wide range of problems.

2.9 Save the Children Scotland also supports the proposal and notes in its submission that:

"Particular attention needs to be given to the format of the information to ensure that it is age appropriate. In addition, the issue of accessibility and dissemination of information is of great importance in order to ensure that those children and families most in need of services are made aware of what is available."

Proposal Two: Duty to be alert to the needs of children

2.10 The consultation paper proposed that agencies should have a duty and responsibility to be alert to the needs of children, to listen to and record children's views, to identify children in need and to act to improve a child's situation. In particular, it was suggested that:

- 'Handovers' between professionals should be the minimum necessary to ensure access to the right services.
- Families have contact only with those professionals who are able to contribute to improving their situation.
- Families do not have to face a range of professionals at meetings who they may not know.

2.11 Over 90% of respondents agreed with this proposal with individual respondents and organisations being equally likely to be in agreement. However, many respondents said there was a need for further clarification over various aspects of the proposal and that the practical and resource implications of putting it into practice needed to be considered carefully.

2.12 There was a strong consensus amongst the children and young people who participated in the events organised by Children in Scotland that if young people need to portray their problems and views to adults, they would greatly prefer to talk to one adult who would take a written record and share it with the other people that need to know, rather than having to talk to a number of adults on a number of different occasions.

2.13 Young people identified a number of professionals who they felt could be the most appropriate person to speak to. However, there was an emphasis on selecting someone that the individual child or young person could trust and depend upon. Indeed, it was suggested that the young person themselves should be able to select the professional they feel most comfortable talking to.

2.14 Many respondents, while agreeing with the principle underlying the proposal suggested that further clarification of how it would work in practice was required. Issues where it was suggested that there was a need for more clarification included:

- **The use of terminology and definitions, such as ‘be alert’, ‘children in need’.**
- **Which agencies are to be included in the duty**
- **Individual agency responsibilities and the combined responsibilities of agencies involved in multi-agency work.**
- **Implications of failure to comply with duties**
- **How children’s views will be used, especially in relation to the decision-making process.**

The Association of Directors of Social Work (ASDW) is typical of many respondents in welcoming improvement to the existing arrangements but calling for more clarity about the detail of what is proposed, particularly in relation to “local co-ordinating and monitoring mechanisms”. It argues that:

“The overall objective of reducing bureaucracy needs to be adhered to and additional processes need to be guarded against.”

2.15 Children in Scotland is typical of many responses from voluntary organisations in calling for greater clarity in relation to which agencies would be covered by the proposed duty. It argues that any new legislation will need to clearly define the agencies that will be subject to the statutory requirements outlined under this proposal. It also calls for more clarity and consistency in relation to the use of the term ‘children in need’ and argues that there would be considerable merit in evaluating the effectiveness of current use of the ‘children in need’ category before additional duties are placed on agencies regarding this category of children.

2.16 Many respondents, particularly national voluntary organisations state in their responses that recording children’s views effectively requires particular skills. It is suggested that the duty will be challenging for many professionals and that there may be a need for extensive training. This view was echoed by the Commissioner for Children and Young People who stated in her submission that:

“To be alert to the needs of the child sensitively and meaningfully requires training and has considerable resource implications.”



2.17 South Lanarkshire Council argues in its submission that there will be resource implications in implementing the proposal and that:

“Duties and responsibilities will need to be accompanied by training and indeed cultural shifts for a range of organisations.”

Stirling Council also maintains that additional staff training and development would be required as well as additional resources to enable, e.g. youth leaders to undertake these duties and responsibilities as they would be regarded as front line providers of services for young people.

2.18 A number of respondents also suggested that there will be a need for clear guidance on how to seek and record children’s views, in order to benefit rather than hinder the process and to ensure consistency across different agencies.

Proposal Three: Duty to co-operate in meeting the needs of children

2.19 The consultation paper proposed placing a new duty on agencies to co-operate with each other in meeting the needs of children and to establish local co-ordination and monitoring arrangements.

2.20 This proposal is designed to minimise the burden of meetings, referrals, processes, report writing, assessments and plans relating to children, young people and their families, and ensure a coherent and effective response to the needs of each child and young person. The consultation paper suggested that if a child asking for help (or anyone asking for help on their behalf) thinks that an agency has not delivered the agreed help, they should be able to use this mechanism to seek a review of the agency’s handling.

2.21 Over 90% of respondents that responded to this proposal said they agreed with the principle of the proposal. However, many sought further clarification or offered comments about how the principle could be translated into practice.

2.22 Again, the main concern of many respondents is how this proposal will work in practice. In particular clarification is sought about:

- **Will duties and responsibilities be statutory?**
- **Repercussions of non-compliance?**
- **Will the duties apply to voluntary organisations?**

2.23 The children and young people that participated in the focus groups organised by Children and Scotland agreed that organisations need to share information with each other but only within certain conditions. The condition that was considered most important was that children and young people should be told who will be able to have access to any information they provide. Indeed, a number of the children and young people who participated in the events felt strongly that information should only be shared between professionals and organisations with their prior permission.

2.24 COSLA notes that a duty on agencies to co-operate already exists in legislation in the form of the Children (Scotland) Act 1995. However, it acknowledges that this provision is under used and it may be useful to ‘refresh’ the duty. They also point out that:

“Many of the barriers to effective joint working are cultural and attitudinal or relate to funding issues and these will not be addressed through legislation alone.”

2.25 Many local authorities and other agencies note they are already working towards co-ordination and more integrated working, which is seen as good practice. Organisations are keen to minimise bureaucracy and hope this proposal can contribute to this. A number of rural councils raise the need for a mechanism for effective joint working across geographical boundaries.

2.26 ASDW supports the need to minimise bureaucracy and notes that there is ‘much to be done to reduce or prevent duplication of some areas of work’. However, it is concerned that:

“... additional responsibilities to date placed on local authorities have added layers to existing responsibilities in terms of co-ordinating and monitoring. A fundamental review and overhaul of this leading to a reduction in bureaucracy would be most welcome.”

2.27 Voluntary organisations in particular comment that measures and support is required to promote joint working between voluntary and statutory agencies. Children in Scotland recognises the importance of inter-agency working to improve outcomes for children and young people and welcomes the commitment to ensuring that joint working is effective. It also argues that it will be essential to ensure that the voluntary sector is fully engaged in integrated working. However, it notes some concerns about how this will be achieved in practice and states that:

“... it is unclear how this will be achievable while ensuring that the voluntary sector retains its unique independence. The diversity of the voluntary sector in terms of size, ethos and types of service adds to the difficulty of prescribing how the voluntary sector should be involved.”



Proposal Four: Single integrated assessment framework

- 2.28 The consultation paper proposed that the Scottish Executive, in consultation with appropriate agencies, will develop a single integrated assessment, planning and recording tool for use within a framework of co-ordinated meetings, reviews and planning. It also suggests that in time these arrangements will replace meetings about child protection, looked after children, joint assessment, youth offending and other inter-agency arrangements.
- 2.29 Over 85% of respondents agreed with this proposal. Individual respondents were slightly more likely to agree with the proposal than organisations but organisations were more likely to offer comments about how the proposed integrated assessment framework could be made to work in practice.
- 2.30 Many local authorities state in their responses that they are keen to streamline bureaucracy and reduce meetings, as long as it does not compromise the effectiveness of system. They call for flexibility to determine arrangements in order to avoid increasing bureaucracy.
- 2.31 Some respondents express concerns about being 'over simplistic' and argue that complex cases might lose focus if the assessment tool is too broad in scope. In response to these concerns some respondents suggest that a modular approach may be appropriate. For example South Lanarkshire Council states in its submission that:
- "Although the move to integration is welcomed ... there are concerns about a 'one-size-fits-all' approach and whether a more modular approach is required."
- Stirling Council expresses a similar view in its response and suggest the notion of a 'toolbox' with different tools used when required. This would mean that:
- "An integrated assessment could comprise different sections/modules which could be used depending on the level of assessment required at different stages."
- Other respondents suggest that the ability to undertake separate specialist assessments should be retained in particularly complex or sensitive cases.
- 2.32 A number of respondents suggest that there are lessons to be learnt from other joint assessments, e.g. the single shared assessment for Care in the Community services. Careful not to add bureaucracy and more assessment tools.
- 2.33 National organisations and voluntary organisations hold similar concerns. They seek clarity around accountability, duties and responsibilities. There is general support for an integrated framework, but some agencies are keen to avoid a one way flow of information from voluntary to statutory agencies. Voluntary agencies wish to be seen as equals in the framework with assessment procedures involving all service providers including those in the voluntary sector.

2.34 The other main comment from national organisations and voluntary organisations is the need to fully integrate child protection procedures into this work, and the need for clarity on how this will operate. For example, Youthlink suggests in its submission that there is a need for clarity about how the framework will link to child protection cases.

2.35 ASDW expresses concerns that:

“The important elements about meetings need to be preserved ... and a minimum number of key people should attend to encourage participation of the child/young person and their family.”

Proposal Five: Preparation of action plans

2.36 The consultation paper proposed that where a child’s needs are complex, serious, require multi-agency input or are likely to require compulsory measures, an action plan must be agreed by all agencies involved and kept under review. The action plan will be the principal source of information for Reporters if the child is subsequently referred to them. Where a parent, child or young person cannot agree the action plan or they prevent a plan from being implemented, it is proposed that agencies should refer the matter to the Reporter. A Children’s Hearing would then determine if compulsion is required. Where an action plan is agreed, agencies will be required to make it happen under the above duties.

2.37 The local co-ordination and monitoring arrangements should make sure that if problems arise in implementing the action plan, that individual agencies must agree ways of overcoming these problems. Referral to the Reporter for consideration by a Children’s Hearing should arise only where the needs of the child are significant and are likely to require compulsory measures of supervision.

2.38 Over 85% of respondents agree with this proposal in principle although, again, individual respondents are more likely to be in agreement than organisations.

2.39 COSLA argues that there is a need to clarify the relationship between the proposed action plans and other plans concerning children.

“Clarification is needed on the relationship of this plan to a plethora of other plans already in existence relating to children, particularly Co-ordinated Support Plans, which have only just been introduced under the Additional Support Learning Act. Support the idea that there should be one plan agreed by all agencies which addresses needs of child and their family, and encompasses all relevant professionals. But would not support the idea of any additional plans being required on top of those that currently exist.”

2.40 Many councils state in their submissions that action plans must link with other plans where appropriate, rather than unnecessarily creating an additional plan. The importance of interfacing with adult services is also raised a number of times. For example the Scottish Borders Council states in its submission that:

“We require to develop clear pathways between children’s service and adult services and from Children Hearings to criminal justice systems.”

2.41 Some councils also seek clarification on the definition of “complex/serious”, and when an action plan would be required. There are also calls for clarity around what should be included in the action plan.

2.42 Many councils ask who will be the owner of the plan, who will be responsible in ensuring the plan is kept up to date and what the repercussions of failure to produce/agree the plan would be. In particular councils call for clarity regarding the respective responsibilities of the lead professional and individual agencies for delivery against the plan. For example, East Dunbartonshire Council states:

“Overall responsibility for the action plan must be clear, and in particular, the responsibility of lead professional and individual agencies for delivery against the plan.”

2.43 National organisations and voluntary agencies also call for clarity around responsibilities. For example, in its response Youthlink comments that:

“... at the beginning of each case there is a need to firmly establish which agencies are expected to play a role in the action planning process.”

2.44 Children in Scotland also supports the proposal but seeks further clarity about:

“... how the plans will link with other children’s plans, for example, co-ordinated support plans for looked-after children.”

2.45 CPACs are generally in agreement with the proposed action plan. However South Lanarkshire CPAC disagrees and states that:

“... Hearings should decide action plans they should not be decided before. They are not about rubber stamping.”

Proposal Six: Appointment of a lead professional

2.46 The consultation paper proposed that where there is a need for co-ordinated action, a lead professional from amongst the agencies must be appointed. It argued that a child or young person should know who to speak to about any aspect of their action plan. The role of the lead professional would be to co-ordinate the work of agencies, monitor progress and act as an advocate for the child where necessary.

2.47 85% of respondents agreed with the proposal to appoint a lead professional, although again individual respondents were more likely to clearly support this proposal than organisations, who were more likely to offer comments or suggest additional proposals for achieving the objectives outlined in the consultation paper.

2.48 A frequent comment from all types of respondents is the need for guidance on the process and criteria of appointing the lead professional and their necessary competencies. Another common view is that the lead professional should be appointed based on the needs of an individual child. Many respondents suggest this should be carried out by consensus at the first meeting of all relevant agencies. It is noted that the role should not automatically fall to social work. ASDW expresses concerns that:

“Concern that it may be an expectation that lead professional would always be a social worker even when there may be another professional with more contact, knowledge or expertise in relation to some children in need.”

2.49 Councils also call for clear guidance on the lead professional’s role and responsibility. There is a strong view that the lead professional should not be responsible for other agencies fulfilling their duties. The need for accountability is a major issue for many local authorities. Highland Council for example states in its submission that:

“This requires both enormous changes in culture and commitment to inter-agency line management. If the agenda is no longer the Children’s Hearings system but now Integrated Children’s Services then it is important not to fudge the management and leadership requirements.”

2.50 Resource implications are raised by many local authorities. In particular, many suggest the need for resources to support training and to deal with communication issues more effectively.



2.51 Participants in the focus groups organised by Children in Scotland felt strongly that their perception of feeling undervalued and not respected would be overcome if they were able to work with one adult that they knew and trusted. As one young person who participated in one of the focus groups put it:

“If you know them or can build a relationship with someone, like your key worker, then you can talk to them and tell them your views and they can support you later ... when talking to other adults.”

2.52 Voluntary agencies and national organisations also note there is a need to be aware of the full resource implications for the role of the lead professional to be fully effective, especially if the lead professional is to carry out an advocacy role. Many voluntary organisations note that support and training will be required if the lead professional is appointed from the voluntary sector. There is also a strong view amongst voluntary organisations that where this happens it is vital that they are treated as equal partners through the process and be given the proper authority and support to carry out the role.

2.53 National organisations and voluntary agencies both call for clarity of the role. The consultation papers states that the lead professional will ‘act as an advocate for the child where necessary’. Respondents are unclear what is meant by advocacy in this context. Many raise concern of the potential conflicts of interest if the lead professional is expected to work as advocate. They suggest that the advocacy role of the lead professional needs to be considered in light of further recommendations on advocacy generally.

Summary of Key Findings

- A substantial majority of all respondents expressed support for all of the proposals contained in the section of the consultation paper that dealt with issues relating to improving children's services.
- Many respondents emphasised the need to build upon existing good practice and existing structures and systems for developing an integrated approach towards meeting the needs of children and young people rather than introducing new structures and procedures.
- Many respondents called for greater detail about specific proposals including how they would work in practice and more clarity about the use of key terminology, e.g. 'children in need'.
- A substantial number of respondents emphasised the need for the provision of information about children's services to be tailored to the needs of all children and young people and to take account of diversity in relation to issues such as age, gender, ethnic background and sexuality.
- Many responses made it clear that cultural and attitudinal changes would be essential to achieve the objectives described in the consultation paper and that change would not simply result from structural or legislative changes alone.
- A significant number of respondents suggested that there are substantial technical, legislative and cultural barriers that need to be overcome to achieve the level of co-ordination and information sharing that is envisaged in the consultation paper.
- A significant number of respondents suggested that there were major issues about managing accountabilities across organisational boundaries that would need to be clarified if the proposals contained in the consultation paper are to be implemented effectively.



Chapter Three: The Integrated Assessment, Records and Planning Framework

- 3.1 This chapter reviews the findings of the consultation exercise in relation to the integrated assessment, records and planning framework.
- 3.2 The consultation paper states that the Integrated Assessment Planning and Recording Framework (IAF) would:
- Require every worker and every agency to be accountable and acknowledge their responsibilities for the development and wellbeing of children and young people.
 - Apply to everyone working with children and young people, whether they are part of a universal service such as education, primary health care or the police, or whether they are in a more specialist, targeted service such as social work, school care accommodation, secure accommodation services, acute/tertiary health services or child psychological services.
 - Be used by all those working in both the voluntary and statutory agencies.
 - Require agencies to share information in order to promote the best interests and welfare of all children.
 - Support the integration of a range of information and assessment from different professionals and agencies into a coherent view of a child's experiences, strengths and needs.
 - Improve the consistency and quality of assessments for all children.
- 3.3 The consultation paper proposed the concept of the assessment triangle as being a key element of the IAF. The assessment triangle identifies generic areas important in the development of all children, which should be taken into account when assessing children and young people. The assessment triangle builds on work done by the Department of Health, Department for Education and Skills and the Home Office and sets it within a Scottish context. It takes account of the important principles set out in the Children (Scotland) Act 1995 with particular focus on the requirement to listen to and take account of the views of children and young people, and to working in partnership with parents.
- 3.4 The assessment triangle exists to guide thinking about the child's development in its widest context and to remind all professionals of their responsibilities for the child's total wellbeing. The consultation paper makes it clear that the level of detail involved in any assessment should be proportionate to the concerns or needs identified. It also states that the assessment may be progressed through a variety of routes and that a full interdisciplinary assessment should only be needed when the agency that first identifies a concern is unable to resolve it without the help of others.

Emphasis and guidance about the child's involvement

- 3.5 The Integrated Assessment Framework proposes measures to benefit all children and young people – not just those with additional support needs, those in need or those requiring care and protection. In doing so the Framework tries to emphasise the involvement of children.
- 3.6 The consultation papers asked:
- “... is there sufficient emphasis and guidance about the child's involvement and are there sections which need strengthening to make sure that the child or young person is at the heart of the process?”
- 3.7 While a majority of respondents said they felt there is currently sufficient emphasis and guidance about children's involvement, over 40% said that this was not currently the case. A substantial proportion of respondents (almost 40%) offer suggestions about how the IAF could be strengthened to ensure that children are at the heart of the process.
- 3.8 Almost 70% of respondents commented on the assessment triangle. While a small majority of respondents did not identify any gaps in the assessment triangle a substantial number of respondents (49%) made suggestions about how the assessment triangle could be strengthened.
- 3.9 The main theme around how the assessment framework needs strengthened is the need to emphasise the importance of seeking the views of children and engaging with their family in identifying their needs. Many respondents are on the whole satisfied that there is sufficient emphasis within the IAF on ensuring the child's involvement. For example the Scottish Human Rights Centre states that:
- “... this will require extensive training for the professionals involved in the process on how best to involve and work with the child/young person.”
- 3.10 East Lothian Council seeks “clearer guidance on how to secure the child's involvement”, and suggest that “a ‘toolbox’ of age appropriate work material which can be used to engage with the child and ascertain their views would be of considerable assistance to practitioners”. West Lothian Council seeks further clarification about:
- “... how to integrate views of siblings and parents/carer if the assessment is so individual child focussed.”
- 3.11 The Scottish Association of Children's Panels also raise the concern that the IAF includes:
- “... no mention of the need for agencies to listen to the child or to explain to the child what is happening and why.”



They go on to point out that:

“... this is something that is at the heart of all training for Panel Members. It is a significant gap in the duties and responsibilities as set down here.”

- 3.12 Flowing from this concern is the need for training across all agencies to promote increased child and parental involvement. West Lothian Council note that:

“... to fully consult with very young children, children with learning and other disabilities and children affected by serious child abuse, is a skill which requires training in communication and a knowledge of the issues such children face.”

- 3.13 The need to involve specialists is echoed by the Looked After and Accommodated Mental Health Team at Yorkhill Hospital, who believe that:

“Panel Members and social services could benefit from further support from services where there are professionals who have the experience to give views on a child’s communication, whether elicited through verbal or non-verbal means such as their play or other aspects of behaviour.”

- 3.14 Training is also raised in relation to practical matters more generally. For example East Dunbartonshire Children’s Services Core Group note that:

“... the practical issues and obstacles to implementation, resourcing and training needs must all be acknowledged.”

Stirling Council states that:

“Multi-agency guidance and training of staff on the use of the assessment triangle will be necessary if all staff are to be able to contribute to the process effectively.”

Views on the assessment triangle

- 3.15 The assessment triangle has been developed to provide a common approach to working with children and their families using similarly defined language and to recognise positive as well as negative factors in a child’s life. In doing so it has tried to capture the child’s world, and issues such as key transition points for children, and the diversity of children (including mobility, disability, faith, language, culture and ethnicity). The consultation papers asked “how well does the assessment triangle provide a common approach to working with children and their families?”

3.16 Responses are mixed as to how well the assessment triangle will provide a common approach to working with children and their families. Some are extremely positive in their praise. For example COSLA states in its submission that:

“The assessment triangle is a good easy-reference representation, but for principles to work in practice agencies need to work together locally to develop more detailed practical interpretation.”

3.17 This view is supported by the NCH Scotland which states that the assessment triangle is:

“... a clear concept and one which should be understandable to different agencies. It covers all relevant areas of a child’s life.”

Children’s Panels views are generally supportive, with Aberdeen City Children’s Panel Advisory Committee stating that the assessment triangle is “a powerful tool”. However, some Panels have some concerns. For example, Angus Children’s Panel argues that:

“... such wide-ranging assessment for professional will do little to streamline the current system.”

3.18 A common concern is that, although the assessment triangle looks good in theory, the ‘one-size-fits-all’ model may not be individually suited to each child who comes through the system. Glasgow Royal Hospital for Sick Children, DCFP Ward and Liaison Teams reflect this concern by commenting that:

“... in reality some children will never achieve the ideals implied within the assessment triangle. For some it is important that there should be a more focused approach to assessment taking account of special or complex needs.”

3.19 Another main concern is that the language used in the assessment triangle means terms are vague and lack clear definitions. For example, Edinburgh Children’s and Families Department suggest that there is too much left to judgement and that the framework will not support common standards of practice. Argyll and Bute Council would:

“... welcome revisiting some of the language (which is) vague, e.g. ‘being there for me’, ‘belonging’ or potentially difficult, e.g. ‘work opportunities for my family’.”

3.20 Edinburgh Children’ and Families Department have used the English version of the assessment triangle as a basis for reports for some time and it prefers the phraseology of the Department of Health materials. It argues that:

“... they are clearer and better linked to research. For example, we think ‘emotional warmth’ is technically clearer than ‘being there for me’ and ‘child at the centre’ is better terminology than ‘my world’.”



- 3.21 Workers in East Ayrshire Council who have already used the assessment triangle have also:
- “... expressed a preference for the model originally devised within the Department of Health Framework.”
- 3.22 Another concern noted by SCRA and Falkirk Council, amongst others, is that the interface with adult services needs to be more obvious both where services are working with adults who have responsibilities towards children as parents or carers, and in relation to the transition to adult services.
- 3.23 The last main concern expressed by respondents is in relation to putting the child at centre of the assessment process. Overall, this is welcomed but some respondents suggest that there is a need for some caution as this potentially focuses attention on the child and family as source of problem. There is a suggestion that it would be useful to move the assessment from a problem based model to a needs led approach which could highlight gaps and overlaps in services. SCRA in particular notes that the framework:
- “... needs further refining to ensure current focus on ‘deficit model’ does not hinder child and family involvement.”
- 3.24 The consultation paper asked whether there are any gaps in the assessment triangle, and three main potential gaps in the assessment triangle are highlighted by respondents – respecting and listening to the child; social capital; and diversity.
- 3.25 Some respondents, especially voluntary organisations feel that respect for the child is an important element that is missing from the assessment triangle. The National Deaf Children’s Society (NDCS) Scotland suggests that the word ‘respect’ could be included in the axis – “*What I need from people who look after me*”, while Glasgow Area 1 Sub CPAC notes that “*Hear Me*” is missing from the rights of the child axis.
- 3.26 Other respondents feel that the assessment triangle lacks any comment on intellectual opportunities and potential for society involvement in supporting children. East Renfrewshire Council, Education Department suggest that there is a:
- “... gap in assessing the social capital available to the child. Evidence suggests the more social capital, the more adjusted and harmonious the child will be.”
- 3.27 Edinburgh, Lothian and Borders Child Protection Office are concerned that:
- “... the part regarding children’s diversity does not explicitly deal with gender and sexual orientation. ... It is well recognised that boys and girls develop differently. It is equally recognised that needs of gay and lesbian youth differ considerably from their heterosexual peers in terms of individual identity formation, institutional homophobia and familial/social adversity.”

Key Findings

- There is general support for the concept of the Integrated Assessment, Planning and Recording Tool across a wide range of respondents to the consultation. However, a substantial number of respondents have offered suggestions about how the framework could be strengthened.
- There are some concerns that the proposed framework could be too simplistic for dealing with particularly complex or sensitive cases. Alternative suggestions of a more modular approach or maintaining separate assessments for certain categories of cases are made by a number of respondents from a range of different organisations.
- A number of respondents suggested that there are lessons that can be learned from the experience of implementing integrated assessments in other policy areas, e.g. the shared assessment process recently introduced as part of the Joint Futures agenda.
- Many respondents said that the interface with adult services needs to be made more explicit, particularly where agencies are also working with adults with caring responsibilities for children or young people who also have identified needs.
- There are some concerns that the attempt to use terminology that is “child friendly” means that the assessment triangle model is over simplified and open to a range of different interpretations. The need for clear guidance to ensure that the model is used effectively is also raised by a substantial number of respondents.



Chapter Four: Making Children's Hearings work

4.1 This chapter reviews the findings of the consultation exercise in relation to ensuring that the most effective means of intervention is used in all circumstances and that a referral to a Children's Hearing is reserved for those children who have significant needs and for whom compulsion is likely to be necessary. In particular it looks at:

- Grounds for referral to the Children's Hearing system.
- Action Plans and implementation.
- The frequency and timing of Children's Hearings.
- Adaptations to the procedures of the Hearings system.

Grounds for referral to the Children's Hearings system

4.2 The consultation paper proposed a number of changes in relation to referrals to Children's Hearings. The specific proposals were:

- Proposal 7 Referral to the Children's Hearings system should meet two tests – significant need and compulsion.
- Proposal 8 Indicators of significant need to include a pattern of behaviour which gives rise to concern.
- Proposal 17 Procedures to streamline the establishments of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds.

Proposal Seven: Referral to the Children's Hearings system should meet significant need and compulsion tests

4.3 The consultation paper stated that agencies should reserve referral to Children's Hearings for those children with significant need and for whom compulsion is likely to be necessary. This was supported by research evidence that suggests that formal measures put in place to tackle low-level risk offending or low-level concerns about children's welfare can sometimes be counter productive.

4.4 Almost two-thirds of respondents (66%) supported the proposal, compared to 12.8% who did not. A further 21% of respondents neither agreed nor disagreed. Of those respondents who answered the second part of the question, 67% agreed that the proposal would meet the stated objectives.

4.5 Almost 40% of respondents offered suggestions as to further or different measures that might be required. The main suggestions and comments made by respondents are described in detail below.

- 4.6 The participants in the focus groups for children and young people organised by Children in Scotland agreed that children and young people should only go to a Hearing if there was a very serious problem either with their behaviour or with their family. However, there was a strong consensus that the definition of a serious problem would be dependent on each individual child or young person and their specific circumstances.
- 4.7 The most frequently cited reasons for agreeing with the proposal were that it would ensure that those children most in need would be prioritised and that the Hearing system should be a last resort. Local Authorities and Social Work Departments were clearest in their support for the proposal, commenting that this proposal reinforced the principle of minimum intervention as well as ensuring that scarce resources would be used effectively.
- 4.8 Angus Council was typical in their response, suggesting that this proposal would offer the possibility of more focused and targeted use of the Children's Hearings System. Other organisations argued that the emphasis on significant need and the need for compulsion would emphasise a proportional intervention and getting children and young people into services and not processes.
- 4.9 CPACs, Panels and individual Panel Members were most likely to suggest that the proposal describes the system as it currently operates, some stating that this is "close to current practice" or "this is how the system should operate".
- 4.10 Those respondents who disagreed with the proposal did so for three main reasons. In the first instance there was a concern that Hearings might in the future only deal with compulsion and would therefore be concerned only with discipline and coercion rather than the welfare and protection of children and young people. One CPAC commented that:
- "... the Hearing would become a forum of last resort, possibly resulting in a one-sided perspective of the Hearings system."
- 4.11 The second most frequently cited reason was that by stipulating that referral should have to meet the two tests of significant need and compulsion, the threshold for access to the system was being set too high. As a consequence, particular concerns were raised by voluntary organisations working with children, CPACs and Panels that children failing to meet the criteria would fall outside the system and fail to access services.
- 4.12 The third main reason given for disagreeing with the proposal is that it potentially pre-empts a Hearing's decision. CPACs, Panels, Panel Members and organisations working directly with children argued that only Hearings should decide on whether compulsion is necessary. One CPAC commented that: "this is the job and responsibility of the Children's Hearing" while, Save the Children, for example, argued that compulsion should only be decided by the Panel and Children 1st stated that "compulsion is a disposal and not grounds for a referral".



4.13 Concerns were expressed by all respondent groups that the indicators of need should be clear and give robust guidance on definitions and situations that would trigger a referral to the Children's Hearing. For example, South Lanarkshire Council argue that there is a need to clarify what is meant by 'significant need' and argues that:

"While risks and need overlap they are different concepts and changing the wording is not going to resolve this."

4.14 Panel Members and CPACs in particular were concerned that without clear guidance there would be too much variation across the country. One Panel stated that "significant is not quantifiable" while another suggested that:

"... greater definition is required around what can be deemed 'significant' and at what stage does this indicate the need for compulsion to be considered."

4.15 A minority of respondents made suggestions about further or different measures required. These included:

- Ensuring that the needs of children with lower level needs were addressed by other agencies. For example, diverting children to a restorative justice scheme.
- Making greater use of family group meetings and mediation to divert people away from the Hearings system.
- Ensuring that where agencies are not able to agree whether or not the child meets the criteria that they are referred back to the Panel.

Proposal Eight: Pattern of behaviour as an indicator of significant need

4.16 Under current legislation a specific incident or risk to the child may trigger a referral to the Reporter. However, where a pattern of behaviour causes concern and the individual incident on its own does not merit referral, the underlying need may not be addressed. The consultation paper proposed rewriting the grounds for referral to the Reporter so that significant need will be defined by reference to a list of incidents as indicators of need. This would allow action to be taken over behaviour which may not be significant in itself, but as part of a pattern of behaviour gives rise to concern. This pattern of behaviour may indicate a need for compulsory measures of supervision.

4.17 A significant majority of respondents (79%) supported this proposal. A similar proportion of respondents thought that the proposed action would meet the stated objectives. A small minority of respondents (17%) suggested further or different measures are required to meet the stated objectives.

4.18 Support for the proposal was widespread across individual Panel Members, CPACs, Local Authorities and organisations working directly with children. Respondents welcome the move away from incidents to behaviour as an effective way of meeting the needs of the child before a serious incident or offence takes place. The Scottish Association of Children's Panels, for example, suggests that the proposed changes offer the opportunity for early intervention. Local Authorities in particular welcome the emphasis on patterns of behaviour when assessing a child's needs.

4.19 Those respondents who disagreed with the proposal did so because they were concerned that waiting for a pattern of behaviour to emerge may hinder early and more appropriate intervention. For example one Panel Member commented that:

“a ... single incident may be an indication of need ... so, in effect, may be grounds for referral.”

4.20 A substantial number of respondents suggest that there is a need for further clarification of the key terms contained in the proposal and the mechanisms for collecting information on patterns of behaviour. Respondents, such as NCH, ACPOS and Children 1st, suggest that there is a need for clearer definitions of what constitutes a 'pattern of behaviour' and guidance on who would monitor patterns of behaviour.

4.21 Local Authorities and professionals involved in the Children's Hearings system identified the need for agencies not only to keep robust records but also to share this information. According to the Association of Directors of Social Work (ADSW) the key challenge associated with accepting this proposal will be:

“... improved information sharing between and across services and agencies would identify at the earliest opportunity the existence of significant need or issues that over time constitute a concerning pattern of behaviour.”

4.22 Other respondents suggested that agencies will have to develop good links and recording system and particular reference was made to a 'Vulnerability Procedures' tool currently used by Glasgow City Council to help identify levels of vulnerability.

Proposal Seventeen: Procedures to streamline the establishment of grounds for referral

4.23 The consultation paper states that procedures will be introduced to streamline the establishment of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds, but the parents accept them.

4.24 The vast majority of respondents (86%) were in favour of the proposal, in comparison with only 5% who disagreed and 9% who neither agreed nor disagreed.



- 4.25 A similar high proportion of respondents (86%) thought that the proposed action would meet the stated objectives, however, a quarter of respondents made suggestions about further or different measures that might be required.
- 4.26 There was widespread agreement across all groups of respondents that anything that expedites procedures for children is to be welcomed and that the current system subjects children and families to unnecessary delays. One CPAC commented:
- “Parents of young children too often come to the Hearing all ready to get together with the Panel and put things right. Then the Hearing says: ‘Sorry, it’s got to go to the Sheriff for proof’. That is a let down. Justice delayed is justice denied.”
- 4.27 However, there was a similar widespread concern that these changes should not compromise the rights of the child.
- 4.28 Local Authorities and national and voluntary organisations working with, or representing, children all stressed the importance of the use of advocates and Safeguarders to protect the interests of the child. Children 1st, for example, stated that there must not be:
- “... any less accountability in law, and it must be the case that all grounds and the evidence to support them are able to be tested properly in court.”
- 4.29 Those people and organisations with direct involvement with the Hearing system want to maintain the option of referring to the Sheriff. SCRA were happy with the proposal to streamline the system but still want the grounds to be referred to the Sheriff for independent consideration but within tighter timescales than exist currently.

Action plans and implementation

- 4.30 The consultation paper made a number of recommendations in relation to the implementation of actions and Action Plans. Specifically, these were:
- **Proposal 9:** Responsibility to implement any Action Plan agreed at a Hearing.
 - **Proposal 10:** Power of the Reporter to refer cases to agencies to act on the Action Plan and to seek reports on progress and reviews as necessary.
 - **Proposal 11:** Ability of a Hearing to make an interim supervision requirement.
 - **Proposal 15:** Children’s Hearings need to be satisfied that Action Plans are realistic and likely to be effective and that all available measures to control behaviour have been considered.

Proposal Nine: Responsibility to implement any action plan agreed at a Hearing

- 4.31 The consultation document states that any supervision requirement will be based on the action plan agreed for the child and that the action plan will set out the needs, the action required to address these needs, who is going to make sure action is taken and the key milestones.
- 4.32 It also stated that action plan should set out contingency measures and that the Children's Hearing will have the power to amend the action plan and set the review date, based on expected milestones. Any agency identified in a supervision requirement as being responsible for action will be accountable for making sure that action is taken.
- 4.33 Over 80% of all respondents agreed with this proposal with only 7% in clear disagreement. A third of respondents made suggestions for further or additional action required.
- 4.34 The vast majority of respondents expressed support for the proposal in terms of its potential role in addressing a perceived weakness in the Hearing system, namely that agencies not doing what has been specified by the Panel. The strongest support for this proposal came from individual Panel Members who felt that they were at present 'toothless' in the face of local authority inaction. There was also support for this proposal from Panels, summed up by one Panel which stated that:
- “... recommendations made by Hearings should be implemented and all conditions only amended by a Hearing ...”
- 4.35 Other respondents who supported the proposal did so because they thought that since agencies had assisted in the development of action plans it was right that they should adhere to them. However, a significant number of respondents in support of the proposal voiced concerns about its implications. Their concerns can be summarised as follows:
- That there should be some flexibility in terms of local authorities and social work departments having emergency powers to amend supervision orders if required.
 - That Panel Members may make decisions that have serious resource implications for local authorities that they are unable to meet.

There was a strong sense from individual respondents, Local Authorities, social work departments and other agencies that the success or failure of action plans depends fundamentally on the availability of resources rather than on any unwillingness of the part of agencies to implement the decisions of the Hearing. As one typical response stated “actions happen where resources are available”. There was also some acknowledgement on the part of Panels and CPACs that actions are largely determined by the resources available. A typical response from one CPAC argued that:

“Where Social Work Department are not implementing supervision requirements, this is not a thing that they are doing wilfully. Rather this reflects that some Social Work Departments are simply struggling to cope with the associated resource implications.”

- 4.36 A number of individual respondents and organisations sought clarification on the formal mechanisms for monitoring compliance by agencies and the process for feeding back on actions taken.
- 4.37 Local Authorities were most likely to disagree with the proposal. Concerns were expressed about Panel Members making decisions without any regard to budgets or how spend in one area might impact on services available to others. COSLA expressed concern over the implications of the proposal, namely that external agencies would become accountable to the Hearing for their actions. According to COSLA this might mean that:
- “... the role of the Chief Social Work Office is being undermined ... as well as the council’s accountability for the services they deliver and how they deploy their resources ...”
- 4.38 Where alternative or additional measures were suggested, they tended to centre on providing additional support and training to Panel Members to help inform the decisions taken. Suggestions included ensuring that the Panel seeks the advice of relevant professionals on all available options before making their final decision.

Proposal Ten: Power of the Reporter to refer cases to agencies to act on the action plan and to seek reports on progress and reviews

- 4.39 The consultation paper proposed that the Children’s Reporter should decide if a Children’s Hearing is held or not. If a child’s needs are not seen to be significant or compulsion is not required the proposal specifies that it will be for agencies other than the Reporter or the Hearing to take forward an action plan.
- 4.40 The majority of respondents (71%) agreed with the proposal compared to 13% who were in clear disagreement. A similar proportion of respondents said they felt the proposal would meet the stated objectives but almost 30% of respondents suggested further or different measures that they felt were required.
- 4.41 Supporters of the proposal suggest that it will be a way of ensuring that all children, not just those with significant needs or requiring compulsion, will be able to access the services they require. Individual Panel Members, Panels and CPACs were strongest in their support of the proposal, arguing that it will strengthen the existing system and ensure that children are not overlooked. For example, one Panel commented that it is “... vital that the child does not get lost in the system or enter it too late.” while one CPAC welcomed the proposal as it “will give the Reporter some key leverage with regard to other agencies”.
- 4.42 Support was also evident amongst national and voluntary organisations, especially those working with or for children. Children 1st for example, suggested that this would be a way to “compel services to act” and Quarriers echoed the thoughts of the Panels, seeing this as a means of accessing services and support.

4.43 Panel Members also indicated that this would be a way to ensure that only the most serious cases come to Hearings and that by raising the threshold this proposal would “add weight” to the role of Hearings.

4.44 Opposition to the proposal was strongest amongst Local Authorities and council services. Their opposition to the proposal was founded on two main grounds:

- That Reporters would effectively be managing local government services if they were empowered to seek reports on progress and reviews. COSLA described this situation as “unacceptable to local government”.
- That there is no necessity for the Reporter to take this role on. The ADSW argued that if the situation does not require compulsion, the Reporter has no locus. This view was repeated in the responses from a number of local authorities and individual social work and children and families departments. For example, both the City of Edinburgh Council’s Children and Families Department and Angus Council suggested that without the need for compulsion the Reporter has no jurisdiction.

4.45 Concerns about the implications of this proposal went beyond local authorities and were shared by some voluntary and national organisations as well as CPACs and Panels. Uppermost in respondent’s minds was the need for clarification of the proposed monitoring and review process and the powers of the Reporter. In its response, SCRA stated that:

“... if the Reporter retains a monitoring role without a clear enforcement process or powers, the monitoring role will have questionable effect on outcomes.”

4.46 One CPAC stated that clear guidance was required from SCRA about:

“... what circumstances those powers should be exercised so that there is consistency and no dubiety over a definition of ‘necessary’.”

4.47 Other respondents, such as West Lothian Council, were reluctant to comment, saying that they would need further clarification of the Reporters power to refer cases for action and receive progress reports. A number of Local Authorities expressed concern over who would monitor the actions of the Reporter and who would have ultimate power to make things happen.

4.48 More fundamental concerns were expressed by a minority of Panel Members, Panels and CPACs that the proposal could erode the function of Children’s Hearings. One Panel Member argued that “the only way to say if an action plan has been met is within the Hearings setting”. A number of Panels also suggested in their responses that if the proposal was implemented the Reporter could effectively become a “one-person Hearing” and in effect be perceived as acting as “judge and jury”.

Proposal Eleven: Ability of a Hearing to make an interim supervision requirement

- 4.49 The consultation paper proposed that pending the implementation of the proposed integrated action plans, the Children's Hearings should have the power to make an interim supervision requirement to ensure that action is taken. This could occur at any point from the Hearings first meeting with the child until a final decision is taken in respect of the referral of that child.
- 4.50 A majority of respondents (78%) were in favour of this proposal, with only 12.5% against and 9.5% neither in agreement or disagreement. A similarly high proportion of respondents said they felt that the proposal would meet the stated objectives, however, about a quarter of respondents made suggestions for further or different measures which they felt were required.
- 4.51 There was strong support for this proposal because it was seen as a means of taking care of the child, pending further information and the production of a full action plan. CPACs, individual Panel Members and Panels were overwhelmingly in favour of the proposal. As one respondent commented it would "... prevent a child drifting without support until a final decision is made ...". One CPAC describing it as "an excellent idea and long overdue". One Panel welcomed the proposal and argued that this proposal would offer protection for vulnerable children.
- 4.52 Support for the proposal also came from local authorities, national and voluntary organisations. Aberdeen City Council's Children and Families Department and Renfrew Council were in favour of the proposal because it has the potential to protect vulnerable children and COSLA commented that "if it speeds up the process then it is to be commended".
- 4.53 However, more cautious support was offered from others. Barnardo's, for example, suggest that interim supervision requirements should be the exception rather than the rule and that an action plan should be in place prior to a Hearing that this should form the basis on any decision for the need (or not) for compulsion.
- 4.54 Opposition to the proposal was based on two points of principle. First, in such situations it is unlikely that there would sufficient information or adequate reports to make an interim supervision order. A significant minority of Panels and CPACs were concerned that decision might be made before all the facts were available and that it would be better to get the grounds for referral through the courts faster than make, what might turn out to be, a poor decision. One CPAC suggested that this proposal:
- "... could lead to prejudging a child's circumstances prior to adequate information being made available to the Panel ...".
- 4.55 The Scottish Association of Children's Panels argued strongly that:
- "... if there is not enough evidence to make a substantive decision, how can we impose compulsory measures even temporarily?"

4.56 The second main reason for opposition to the proposal came from voluntary organisations working for or with children and local authorities departments with direct responsibility for children. Many of these respondents were concerned that this proposal was contrary to due legal process and could result in failure to provide the right to a fair Hearing. For example, Aberdeen Council Children and Families Department argued that a child has:

“... a right to have evidence of offending established in court prior to any decision being made ...”.

Stirling Social Work Department stated that this proposal:

“... suggests a notion of guilt event before grounds can be established ...”.

The SCRA and the Scottish Legal Aid Board represent the views of many other national organisations by expressing the opinion that any decision made must be subject to review and legal challenge.

4.57 A number of respondents asked for further clarification about the criteria for making interim supervision requirements. Glasgow City Council and Fife Council, for example, wanted to be reassured that supervision requirements would be time limited and reviewed at regular intervals. A number of respondents were not convinced that the new measures were required and felt that the current system was adequate. The SCRA, for example, was unsure whether this system would replace the current system of warrants.

Proposal Fifteen: Children’s Hearings need to be satisfied that action plans are realistic, likely to be effective and that all available measures to control behaviour have been considered

4.58 The consultation paper proposed to strengthen the Hearing system by ensuring that Hearings are satisfied that the action plans presented to them are realistic and likely to be effective and also by ensuring that the full range of available measures to control behaviour have been considered.

4.59 A considerable majority of respondents (82%), were in agreement with this proposal, with only 9% opposed and 9% neither agreeing nor disagreeing. Almost one in five respondents offered alternative or further measures that they felt would help achieve the objectives outlined in the consultation paper.

4.60 A wide cross-section of respondents were in favour of this proposal, including local authorities, CPACs, Panels and individual Panel Members. The main reason for support of the proposal was a strong belief that it would be in the best interests of the child and build upon the current system, which to a certain extent already fulfils this function.

4.61 Respondents supporting the proposal recognised the need for additional support and training for Panel Members to inform them about the full range of measures to control behaviour as well as to ensure that that they have the necessary skills to fully scrutinise action plans.



- 4.62 Local authorities and voluntary organisations working with or for children were the most likely to oppose the proposal or have considerable reservations. Their main concern is that the proposal places too much emphasis on children with offending behaviour and on punitive measures of intervention. NCH and Barnardo's both suggested that the proposal represents an attempt to balance controlling and punishing with care and that the use of control should "be the exception rather than the rule".
- 4.63 COSLA suggested that this proposal would alter the ethos of the Hearing system which should be about early intervention and measures to change behaviour. These views were echoed by a range of local authorities, including Clackmannanshire Council which suggested that the proposal "imports aspects of the adult criminal justice approach into childcare" and by Angus Council which argued that Hearings would be required to "consider a controlling agenda".
- 4.64 A minority of CPACs agreed with local authorities and voluntary organisations that too much emphasis was being placed on measures of control when most cases appearing before the Hearings were concerned with care and protection. A number of respondents such as the Scottish Child Law Centre argued that the issue is "not just about available measures of control but rather support".

4.65 One CPAC commented that:

"... we strongly disapprove of the implication that action plans are about controlling behaviour rather than addressing the needs of the child ...".

A number of respondents such as the Scottish Child Law Centre argued that the issue is "not just about available measures of control but rather support".

The frequency and timing of Children's Hearings

4.66 The consultation paper made two specific proposals to consider the frequency and timing of Hearings, these were:

- **Proposal 12:** The frequency of Review Hearings can be determined according to the child's needs and the 'persistence' of the child's behaviour or needs.
- **Proposal 13:** Children whose behaviour or attendance at school is a cause for concern, should not be taken out of school to attend Children's Hearings.

There should be greater flexibility in the timing of Children's Hearings to meet the needs of children and families.

Proposal Twelve: The frequency of Hearings

- 4.67 A majority of respondents (80%) supported the proposal, with only 8% disagreeing. A quarter of all respondents suggested further or different measures that they felt would help achieve the objectives outlined in the consultation paper.
- 4.68 Supporters indicated that the proposal reflects current good practice and that frequency of Review Hearings should indeed be determined by need. Panels and individual Panel Members suggested that the persistence test should help strengthen the review system and to ensure that more cases come back for review and not just those where there has been a serious incident.
- 4.69 A number of reservations were expressed about how the system would work in practice and these can be summarised as follows:
- **Who defines persistence? Both the SCRA and Barnardo's suggested that the criteria requires further clarification.**
 - **There is already the opportunity for the Reporter, the child, the parents and social work to call for a review, so is this proposal actually necessary?**
 - **The proposal would put additional pressure on the existing Hearing system and, clog up the system with persistent offenders.**
- 4.70 Opposition to the proposal was based on the perception that increasing the number of reviews will not alter behaviour and that the Hearing system will become a series of potentially punitive reviews. According to West Dunbartonshire Council there is a danger of the system:
- “... being used as a threat against young people, rather than a good planning tool ...”.
- 4.71 SCRA makes the point that sufficient time needs to be left in between reviews for service interventions and support to have an impact and for the underlying causes of poor behaviour to be addressed.
- 4.72 All of the children and young people that participated in the events facilitated by Children in Scotland said that they felt that Hearings should happen more frequently if children and young people keep getting into trouble or need more help. The general reason given for this was that it would help make decisions that would improve the situation.
- 4.73 Overall there was a sense amongst many respondents that what is important is effective engagement with children and their carers rather than the frequency at which reviews take place.



Proposal Thirteen: Timing of Hearings

- 4.74 An overwhelming majority of respondents were in favour of this proposal (82%) as opposed to 9% who were against and a further 9% who were neither in clear agreement or disagreement.
- 4.75 The children and young people who participated in the Children in Scotland consultation events had mixed feelings about the timing of Hearings. Some felt that they should be held during school hours as it would give them an opportunity to miss lessons. However, others wanted Hearings to have Hearings held outwith school hours as it would increase their privacy and they would not have to tell their friends where they have been.
- 4.76 There were two main reasons why respondents supported this proposal. In the first instance, a wide cross-section of respondents suggested that the proposal emphasised the importance of attendance at school. Such views were strongly expressed by organisations working with or for children, such as Save the Children and Children in Scotland. Youthlink argued that “missing school gives out the wrong message”. The views of many Panel Members were expressed by one who commented that:
- “... removing a child from school could have the effect of reinforcing their attitude of the unimportance of school ...”.
- 4.77 A number of local authorities, including Renfrewshire and East Ayrshire Councils thought the principle should be extended to all children and not just those with poor attendance records.
- 4.78 There were mixed responses from Panels and CPACs, some of whom took the view that it is reasonable for parents and children to be asked to attend a formal meeting at a time that is convenient to the Panel, while others argued a child or young person “loses nothing by missing half a day”.
- 4.79 The minority of respondents who disagreed with the proposal did so because they believed that the children targeted by this proposal were less likely to be in school and, therefore, taking them out of school was simply not an issue.
- 4.80 Supporters of the proposal along with those who had some reservations recognised the need to be flexible with regard to the timing of Hearings. The City of Edinburgh Council, for example, suggested that if there was cause for concern and significant need then “an hour or two out of the school week is not inappropriate”.
- 4.81 Panel Members, Panels and representatives of professional organisations were the most likely to raise some issues of a practical nature regarding the implementation of the proposal. The Professional Association of Teachers supported the proposal but stated that there would be a problem in releasing staff to attend a Hearing during the day.
- 4.82 Panel Members were particularly concerned with the difficulties of getting teachers and social workers to attend out-of-hours services. They also suggested that evening and weekend Hearings would present difficulties for Panel Members themselves.

4.83 A number of suggestions were made about how to address these problems outlined above. These included:

- Operating a 'duty officer' system amongst teaching staff and social work staff to ensure attendance at Hearings.
- Compensating professional for attending out-of-hours meetings.
- Reviewing the contracts and terms and conditions of all agencies servicing the Hearing to ensure attendance.

Adapting procedures

4.84 The consultation document made two recommendations for adapting procedures:

- Proposal 14: Ability of Children's Hearing to adapt its procedures.
- Proposal 18: Greater continuity of Panel Members from one Children's Hearing to another.

Proposal Fourteen: Ability of Children's Hearing to adapt its procedures

4.85 A majority of respondents disagree with the proposal (51%) with just 40% in agreement.

4.86 Supporters of the proposal welcome anything that empowers the Hearing to bring about change for the child. A number of individual Panel Members commented that that it is good to have a range of options when dealing with a child.

4.87 Opposition to the proposal is strongest amongst those working for children or with direct involvement in the Hearing system. Respondents did not oppose the notion of children accepting responsibility for their actions or even having to explain their behaviour. Panel Members, Panels and CPACs all suggest that this is what happens at present. The opposition to this proposal stems principally from the suggestion that community representatives and victims might be invited to sit in on the Hearing.

4.88 Opposition amongst Panels and CPACs is based on two main concerns. In the first instance, there is confusion about who would represent 'the community', with many respondents arguing that the community is already represented by Panel Members. Secondly, Panels and CPACs believe that introducing victims and others into the process would fundamentally change the Hearings system. According to one CPAC there would be a "shift in the focus of the system from the child to the victim", while another commented that "the child may end up being a victim themselves".



4.89 Many respondents argue that the Hearing is not the appropriate forum for work with the community or victims. Those organisations specialising in restorative justice and victim support (SACRO and Victim Support Scotland) argue that such work needs to be carried out as part of an independent service and subject to appropriate safeguards and supports. Local authorities, voluntary and national organisations were all strongly of the view that a Hearing is not an appropriate forum for this type of work. East Lothian Council, for example, states that therapeutic and restorative justice work “can and should take place outside the Hearing”. South Lanarkshire Council expressed similar concerns in its submission and argue that the proposal is:

“... potentially confusing restorative justice and intervention with the decision making part of a Hearing. This will not address victim issues and apart from anything else, young people who offend are often, or have been, victims themselves.”

4.90 Other respondents suggest that the presence of community representatives and victims is not in the best interests of the child as it could lead to confrontation and a potential breach of confidentiality. The Scottish Association of Children’s Panels echoes the thoughts of others when it says that the number of people “should be kept to a minimum”.

4.91 Local authorities and those agencies working with or for children expressed concern that this proposal seems to apply principally to children who have offended rather than those in need of care and protection. Glasgow City Council for example argue that the proposed changes could be viewed as “punitive rather than helpful”.

4.92 Opponents of the proposal describe it as “poor and confusing” and this appears to be reflected in the fact that the opposition to the proposal focuses almost exclusively on the suggestions relating to the presence of community representatives and victims.

4.93 Respondents gave consideration to a range of alternatives to the participation of community representatives and victims at a Hearing. These included Panels referring children to a restorative justice scheme and having written reports from victims or community representatives available to Panel Members.

4.94 A large majority of the children and young people who participated in the focus groups facilitated by Children in Scotland felt that whilst it may be beneficial for children and young people to explain their actions to the victims of their behaviour, it should not be part of the formal Hearing process. The participants felt that if this proposal were adopted it would act to further distress the child or young person and make the experience of attending a Hearing even more “daunting”. As one young person stated:

“It’s private, it’s about you and not someone else ... it’s meant to be about you moving on and making decisions about the future.”

Proposal Eighteen: Greater continuity of Panel Members from one Children's Hearing to another

- 4.95 The consultation paper suggests that it would be beneficial if there was some continuity of Panel Members from one Children's Hearing to another.
- 4.96 A majority of respondents (71%) were in favour of this proposal, compared to 21% who were opposed. A further 8% neither agreed or disagreed with the proposal.
- 4.97 Support for this proposal suggests that respondents perceive that there would be clear benefits in achieving some continuity of Panel Members from one Hearing to another. Individual Panel Members suggest that children will benefit from "seeing a familiar face" and that Panel Members will benefit from a "deeper understanding of the family or child's situation".
- 4.98 There is broad support for the proposal from local authorities and organisations working with and for children. Children in Scotland, for instance, believe that this measure will improve "consistency and insight into the needs of the child", while Barnardo's state that it could lead to "better informed decisions".
- 4.99 Supporters and those with reservations about the proposal also acknowledge that the proposal will be difficult to achieve in practice, given that Panel Members are volunteers. A number of respondents are also keen to protect the interests of the child and that there should be the opportunity for children and their families to object to continuing presence of Panel Members if they feel it is adversely affecting their case.
- 4.100 Concerns about the proposal principally came from CPACs, Panels and Panel Members who believe that it will be difficult to achieve in practice, with Panel commenting that it would "... be impossible to administer ...". Concerns were also expressed about Members becoming too involved in cases and Panels warned that care should be taken to avoid ownership of particular cases. CPACs and Panels were also clear that there are certain advantages to having new members of the Panel. One CPAC commented that achieving continuity should not be
- "... at the expense of ensuring that some 'new minds' are available that might possibly resolve issues that defeated a previous Hearing ..."

4.101 The children and young people who participated in the consultation events organised by Children in Scotland said that they could feel intimidated by Panel Members. They felt that the proposal to have greater continuity of Panel Members from one Children's Hearing to another would help make young people feel more confident and comfortable when taking part in a Hearing. One participant with experience of being through the Hearing system said:

"If you were comfortable with the people on the Panel it would help you to give your views."

4.102 The children and young people said they felt that the situation could be improved by having:

- A friend with them at the Hearing.
- An opportunity to meet Panel Members before a Hearing.
- The same Panel Members at each Hearing.

Key Findings

- There is strong support for a more focussed and targeted approach to referrals to Children's Hearings. There are, however, some concerns that the proposals would result in too much emphasis being placed on the offending at the expense of looking at the wider welfare of children and young people.
- Many respondents have asked for greater clarification about the definition and interpretation of key terms such as "significant need" and a "pattern of behaviour".
- A significant number of respondents have suggested that setting the threshold for referral to a Children's Hearing too high could result in some children or young people not receiving the support they require. Similarly a number of respondents voice concerns that waiting for a pattern of behaviour to be identified could mean that any intervention could come too late or make it more difficult to change behaviour.
- Some respondents note that establishing a pattern of behaviour rather than a single incident will require greater sharing of information between organisations and agencies and that significant barriers will need to be overcome to make this happen in practice.
- There are some concerns that care needs to be taken to ensure that any proposals to streamline the referral process do not undermine the rights of the child and do not impact on the need to maintain the principles of natural justice.
- Statutory organisations are concerned about the accountability for agreeing and implementing Action Plans and the potential resource implications of having such plans "imposed" upon them.
- A substantial number of respondents express some caution over the use of Interim Supervision Orders and are keen to ensure that such orders are not made without sufficient background information being made available to Panel Members.
- A large number of respondents have called for greater clarity about the use of the persistence test and expressed fears that overuse could result in an increased number of Hearings that would place considerable strain on the resources of both Panel Members and professionals that are expected to attend Hearings.
- A number of respondents have also raised concerns that convening Hearings too frequently could undermine attempts to provide support to children or young people as many interventions may take some time to prove their effectiveness in terms of changing behaviours.
- While there is considerable support for the principle of not having Hearings during school hours a large number of respondents have raised practical concerns particularly in relation to the availability of professionals to attend 'out-of-hours' Hearings.
- There is strong opposition to the suggestion that community representatives or victims should have a role to play in the formal Hearings proceedings.
- There is strong support for the principle of attempting to have more continuity of Panel Members between Hearings dealing with the same child or young person. However, it is also clear that there will be significant logistical barriers that will need to be overcome to achieve this objective.



Chapter five: Supporting Children's Hearings better

5.1 This chapter reviews the findings of the consultation exercise in relation to providing better support to Children's Hearings. The consultation paper made a number of proposals concerning providing better support to Hearings:

- **Proposal 19: Ensuring the provision of legal representation**
- **Proposal 20: Withholding information provided by the child**
- **Proposal 21: Removing the required link to local authority boundaries**
- **Proposal 22: Modernisation of the arrangements for Panel Members**

This chapter also looks at the views of respondents in relation to the future role of the Safeguarders.

Proposal Nineteen: Legal representatives

- 5.2 The consultation paper suggested that current arrangements for protection of children's rights at a Hearing are not working as well as they should. It proposed that a legal representative should be appointed where the case may raise complex issues that the child is unlikely to understand or if deprivation of a child's liberty is possible.
- 5.3 The consultation paper also suggested that the procedures for appointment of legal representatives are cumbersome and do not enable a legal representative to be appointed, where they are necessary, well in advance of a Hearing. This may reduce the ability of legal representatives to discuss issues with the child in advance of the Hearing. The consultation paper noted that the Scottish Executive will consult on how best to ensure that legal representatives are skilled in working with children, whether through a code of conduct, accreditation scheme or training.
- 5.4 The consultation paper proposed to place a new duty on the SCRA to ensure the provision of legal representation for children, where this is necessary, under current criteria to protect their rights. This proposal would place the Reporter under a duty to identify those cases where a Legal Representative may be appropriate and to initiate the appointment. The business meeting or the Children's Hearing (or both) would still have the power to make an appointment if necessary, but the Reporter, acting under this duty and drawing on legal advice from within Scottish Children's Reporters Administrator (SCRA) as required, should ensure a timely appointment is made.
- 5.5 Over 85% of respondents were in agreement with this proposal as opposed to only 5% who clearly stated that they were against the proposal. Over a quarter of respondents made comments on further or different measures that they felt were required in relation to this proposal.

- 5.6 Councils generally support the use of Legal Representatives, where appropriate. There is particular support for accreditation, a national code of conduct and better training for Legal Representatives.
- 5.7 COSLA argues that it is crucial not to assume that legal representation is required in every case and that it is:
- “... Important not to allow increased involvement of legal profession to change the nature of Children’s Hearings or to undermine the roles of others.”
- 5.8 Many Local Authorities also argue that there is also a need for the development of better advocacy services, and highlight the important distinction between this role and legal representation. There is a general feeling that the requirement of legal representation should be considered carefully in case overuse makes Hearings more adversarial. South Lanarkshire Council sum up this view by stating that:
- “The Hearings system is specifically designed to avoid the formalities of having to go through court processes and this could undermine the fundamental values and benefits of the current system.”
- 5.9 Clarity is sought on payment arrangements by many different organisations. COSLA and Scottish Legal Aid in particular raise this issue. COSLA assumes SCRA will be taking on this role, and seeks clarity. Scottish Legal Aid notes “it is unclear who or what body will fund such legal representation”.
- 5.10 SCRA are also keen for legal representation to be put in place timeously. They argue that:
- “Where legal representation is appropriate such provision needs to be accessed quickly for the full benefit of the child.”
- 5.11 This view is supported by Edinburgh City Council which states in its submission that it is:
- “... Important that children and young people requiring legal representation have access to this before their Hearing so there is adequate time for legal advice and preparation.”
- 5.12 Some national organisations and many voluntary agencies feel there needs to be more clarity around the roles of different people in representing the child. The Scottish Commissioner for Children and Young People states in her response that the:
- “Current framework is complex, with various actors claiming a role in representing the child ... The roles can be distinguished, but what nuances there are may not be clear to many of the people involved.”



5.13 Voluntary agencies in particular are keen for the duty to be broadened to ensure that advocacy support is available to children who need it. Save the Children argues in its submission that it would be:

“Helpful if one agency has overall duty to ensure the child has appropriate level of advocacy support when they require it.”

5.14 There is some concern around the damaging affect of overusing Legal Representatives, but also a recognition that if the nature of Hearings becomes more formal then the role of Legal Representatives will increase. For example the Association of Directors of Social Work argue that:

“With an increasingly punitive tone behind the Hearing system, children’s right to legal representation seems ever more important.”

The Commissioner for Children and Young People expresses a similar view and argues that:

“Any shift in the character of the system away from a welfare focus and towards a more punitive one has implications for the character of the representation required.”

Views of the safeguarder role

5.15 The consultation paper suggests that the Legal Representative proposal may remove the necessity of a Safeguarder being appointed. The consultation paper invited views on whether the role of the Safeguarder should be maintained and be made available to any service which requires an independent assessment of the child’s best interests.

5.16 Many respondents note that they welcome the current review and state that any decision on the role of the Safeguarders should be:

“... postponed until after the outcome of research on approaches to advocacy and the voice of the child”. **Barnardo’s**

However, where respondents have given their views, there is widespread support for retaining the role of the Safeguarder. Safeguarders are perceived to be especially useful when agencies fail to agree on an action plan or where there is a conflict between services and the family. For example the SCRA Branch of Unison Scotland states:

“The Safeguarders role is a valuable one, particularly in cases where there are disputes between the family and the social work department.”

5.17 Where respondents have also commented on whether the role of Safeguarder ought to be available to other services many feel this would not be appropriate. Many respondents in support of retaining the role of Safeguarder highlight the importance of their independent status and this is a frequently given reason for not expanding the availability of Safeguarders to other services. This view is summed up well by Angus Children's Panel:

"We are in full support of the status quo. The independence of this role is valued by both members of the children's panel and local authority staff. Panel Members feel the Safeguarder is independent of social work staff and not influenced by resource issues regarding the cost of a service. Social work staff feel that the Safeguarder can provide independent support for their recommendations, often acting as an intermediary with estranged parents or children."

Edinburgh Council Social Work Services agree with this and believe that:

"[Safeguarders] should only be appointed by Hearings. Appointment by another agency would compromise their independence. Panels are in best position to decide if further information is required or if there is any conflict of interest."

5.18 Although the appointment of the Safeguarder by the Panel is seen as a way to preserve the independence of the role, Queen Margaret University College Children's Hearing Training Unit note that the Safeguarder's report could be usefully shared with other involved services.

"We don't understand why it would be relevant to other services, although we see no reason why a report should not be provided to other services."

Edinburgh City Council also suggests the need for "agreed procedures for access to, and sharing of, Safeguarder reports".

5.19 Some respondents, including Capability Scotland, and the National Autistic Society, are in favour of expanding the role of Safeguarder to be available to services. The East and Midlothian Safeguarders would like to see an "enhanced role" for Safeguarders involving them with statutory and voluntary agencies. It suggests that:

"... multi-agency meetings should consider appointment of Safeguarders in same way as the Panel does."



5.20 Very few respondents are in favour of removing the role of Safeguarders altogether. Where responses lean towards this view, it tends to relate to the lack of clarity surrounding the role of Safeguarder. For example, Edinburgh, Lothian & Borders, Child Protection Office note that:

“If integrated assessments are properly child-centred, and supported by robust evidential base, the role of Safeguarders in assessment is less clear and maybe not required at all. It is not helpful that Safeguarders are used to provide further information to compensate for poor quality/focus or inadequacy of evidence provided by local authorities or other agencies.”

5.21 The children and young people who participated in the focus groups organised by Children in Scotland were also confused by the Safeguarder role. Many of the participants saw it as “just another adult you have to speak to”. They were more likely to say that they wanted someone who could act as an advocate for the child and speak up for them at Hearings and in other meetings with adults than to support the role of Safeguarder as they currently perceive it.

5.22 A small number of the children and young people involved in this consultation had previously had a safeguarder appointed to them. The general opinion of these children and young people was that, the role of the safeguarder was not beneficial to their experience of the system.

5.23 If the Safeguarder role is maintained there are three significant recurring issues raised by respondents. The primary concern is around clarity of roles, the second issue is training and standards and the last relates to payment arrangements.

Clarity of Roles

5.24 Scottish Safeguarders Association (SSA) highlights the need for clarifying the distinction between different roles so that correct appointments are made. They note that:

“[The] Scottish Executive seems to believe that advocates and legal representatives can discharge the same function as Safeguarders. This is clearly wrong.”

North Lanarkshire Council concurs by pointing out that the consultation paper:

“... does not address difference between the role of child advocate and Safeguarder, which are entirely different.”

Lothian & Borders Child Protection Officers also suggest that:

“The role of the Safeguarder is to safeguard the interest of the child. This is quite different to that of a legal representative or someone expressing the views of the child.”

5.25 The important concern surrounding clarity of roles is succinctly summed up by Barnardo's who note that:

"This is a complicated area, with legal representatives, Safeguarders, children's rights officers and advocates all having a potential role. While each of these may have a distinctive role the areas of overlap can be significant and could be confusing for the child."

5.26 Others, such as North Lanarkshire Council, go on to raise concern about children being interviewed by numerous individuals and suggest "it would be beneficial if this coordinated and reduced where possible".

The Department of Child and Family Psychiatry at Glasgow Royal Hospital for Sick Children also state that:

"Great care needs to be given to considering the role of the Safeguarder as against the roles of a variety of advocates and of legal representatives."

It calls for:

"... clarity around specific reasons for appointing a Safeguarder alongside the other options for advocacy and legal representation ... care should be taken to avoid unnecessarily complicating complex cases by involvement of professionals with overlapping roles and tasks."

5.27 Finally, in relation to clarity of the Safeguarder role, the need for Panel Member training is mentioned to ensure Safeguarders are appropriately skilled. Edinburgh Accommodated Children Review Team explain that:

"Sometimes Panel Members can use a Safeguarder, not because they don't have enough information, but because they are finding it hard to make a decision. Careful thought and training needs to be given to Panel Members when to use Safeguarders."

Safeguarder training and national standards

5.28 The second issue raised by a number of responses is the need for better Safeguarder training including the introduction of a code of practice and/or national standards. Edinburgh City Council raises concern about the variable quality of Safeguarder practice, and the delays introduced by time taken for Safeguarders to complete their reports. It calls for set criteria or standards and training. North Lanarkshire Council notes that:

“Agreed standards and competence of interviewers would be helpful.”

While the Edinburgh Accommodated Children Review Team state that:

“... clear standards, timescales and guidelines should be adhered to by Safeguarders.”

5.29 Many Children’s Panels and CPACs have similar views. The Scottish Association of Children’s Panels note that Safeguarders “need to be properly trained in [their] role”. While Area 4 Glasgow Sub-CPAC highlights the:

“Need for Safeguarder to be suitable qualified, trained and accredited.”

They also state the need to:

“... consider how best to monitor and supervise Safeguarder practice.”

5.30 Many others voice their concern in this matter. For example Lothian & Borders Child Protection Officers call for a “more clearly defined remit and improved training” and Aboyne Primary School also states that the:

“Safeguarder role can be inconsistent and misleading perhaps due to lack of qualified people at present to take up the role.”

Payment Arrangements

5.31 The third key issue concerning the role of the safeguarder relates to funding. In particular Legal Aid Scotland notes that Safeguard payment arrangements need to be addressed.

“There are current difficulties surrounding payment of Safeguarders and curators in children’s cases. It is assumed that this consultation may result in amendments to the Children (Scotland) Act 1995 and associated rules.”

5.32 Some councils, such as North Lanarkshire Council, also raise concerns that:

“... extension of the role to other services would require further resourcing to local government. Currently local authorities fund Safeguarders with resources dependent on number and complexity of cases. This in itself is unsatisfactory from budgetary control perspective.”

Proposal Twenty: Withholding information provided by the child

5.33 The rights of parents and others involved in a Children’s Hearing to full information about a child can potentially lead to the disclosure of information that may place children at risk. The consultation paper proposed to legislate to enable Children’s Hearings and Reporters to withhold information provided by the child when its release may place the child’s welfare at risk.

5.34 Almost 90% of respondents expressed support for this proposal in their response. A similarly high proportion of respondents stated that they felt the proposal would meet the objectives stated in the consultation paper.

5.35 There is strong support for this proposal. Responses highlight that the best interests of the child should be paramount and that the child should have the right to confidentiality to speak about their abusers or a difficult situation. Many respondents acknowledge that this already happens to a degree and a formal mechanism is welcomed. In particular, there needs to be clear criteria for withholding information, and guidance on how sensitive information should be managed at each stage of the process. For example, Glasgow City Council states in its submission that there is an:

“Acknowledged need to set clear guidance in ensuring child’s safety is not contradicted by working of the proposal.”

5.36 SCRA argues in its submission that:

“Withholding of information should be set against clear criteria and only allowed to last for as long as the criteria can be met.”

5.37 Qualified support tends to be concerned with the need to think through the further implications, including the rights of the parents/adults and how this sits with the European Convention of Human Rights. For example Children in Scotland states:

“We support [this proposal] but are concerned about potential conflict between child’s and parental rights in relation to privacy under Article 8 of the European Convention of Human Rights.”

5.38 A few respondents express concerns that the withholding of information might not always be the best solution. Professional Advisors on the Child Protection Reform Programme note that the criteria for determining when and why to share information and purposes of sharing the information must be mutually understood and complied with. They comment that:

“Children must feel safe and protected in a process. Passing legislation to allow information to be withheld does not solve the dilemma and could actually exacerbate the situation.”

Other respondents suggest that the Special Measures for the Vulnerable Witnesses (Scotland) Act 2004 may offer some additional learning as much work has been done in this area.

Proposal Twenty One: Remove required link to local authority boundaries

5.39 The consultation paper proposed amending the Children (Scotland) Act 1995 to remove the requirements that Children’s Panels and Children’s Panel Advisory Committees be linked to local authority boundaries. The proposal states Panel Members should continue to work in their own locality as much as possible, but that removing the barriers to Panel Members sitting on Children’s Hearings outside their immediate local authority would introduce flexibility into the structure of the Children’s Hearings system.

5.40 A majority (58%) of respondents expressed their agreement with this proposal, however, there was a significant minority (32%) of respondents that said they were opposed to the proposal and a similar proportion expressed qualifications about their support for the proposal. Support for this proposal was strongest amongst individual respondents (62% in favour) however only a minority of organisations that responded said they were in favour of the proposal (49%). The strongest opposition to the proposal came from Children Panels and CPACs although a number of their responses did recognise the need for greater flexibility.

5.41 National organisations and voluntary organisations realise this proposal is responding to a practical necessity, but feel this should not diminish the overall link between panels and their local community. So although there is general support, many state that the local nature of decision making should not be lost and that the strength of Panel Members is in their local knowledge. There are also some suggestions that this proposal could be perceived as moving away from the Kilbrandon approach to community representation.

5.42 National organisations are more likely to support changes to the administrative arrangements for Panels. The Scottish Association of Children’s Panels states that the current arrangements are a source of frustration to many Panel Members who live and work in different areas or who live close to local authority boundaries. SCRA argues that the proposal would:

“... remove an unhelpful impediment to availability of Panel Members that impacts most often in small areas. However, it is critical that the link between Children’s Panels and local communities is maintained for the integrated response to children and the local delivery to be as effective as possible.”

5.43 Councils who responded are divided on this proposal, but a majority are not in favour of removing the link to local authority boundaries. Local knowledge and the community link are seen as vital to the Hearings system. COSLA states:

“It is a fundamental principle of the Hearings system that Panels are grounded in local communities and we would oppose any move which diminished that principle. This does not preclude more effective working amongst CPACs or local authorities.”

5.44 Some councils are in favour of greater flexibility. Edinburgh City Council states that:

“We would support greater flexibility for Panel Members in relation to the area they serve, but primarily recognise importance of Panel Members having links with their community and coterminous boundaries should be the aim.”

Inverclyde Council echoes this view in its submission and states that:

“There are pragmatic reasons for developing greater flexibility, due to the difficulties some areas have in recruiting Panel Members. We support this, but not to the detriment of local community ownership and identification with the system.”

5.45 Although the community link is mentioned by many councils, Panels and CPACs there is also an appreciation that some flexibility may be useful. The response from ASDW suggests that there may be a dichotomy between these two issues.

“There needs to be a degree of flexibility in using Panel Members across LA boundaries, both in terms of economies of scale and to ensure that Panel Members can cover each authority when there may be peaks and troughs [in availability]. The ethos behind the Hearings system was that local people who knew the area were making decisions on the basis of local knowledge, understanding and accountability; local joint initiatives for training and discussion help to promote a shared understanding of the issues and to build trust and credibility on both sides.”



Importance of Flexibility

5.46 On the issue of flexibility some councils, such as Angus and Clackmannanshire, feel that the existing flexibility within their current system works effectively. Angus Council notes that:

“The system works very well in Angus, and we would not wish to suffer through the abolition of boundaries. The mechanism already exists for a Panel Member to serve just over a local border. Areas that work effectively together should not be unfairly penalised.”

While Clackmannanshire Council states:

“The existing system works well in Forth Valley, and there would be no real benefit to change in this area. Panel Members also wish to preserve the status quo as there is a very positive Forth Valley network which is valued by those involved.”

5.47 Some Councils agree there is a problem around the availability of Panel Members, but feel this could be addressed by other arrangements such as relaxing the current rules. Falkirk Council notes that:

“... perhaps more work could be done in relation to recruitment and retention around conditions (e.g. expenses training and support) being available to the same level nationally.”

Shetland Council suggests:

“... good practice guidance for local authorities to implement could be put into in place without breaking the local authority link.”

Many concur with Midlothian Council and CPAC who feel the problem of Panel Member availability:

“... could be achieved by simply relaxing existing rules on concurrent Panel Membership.”

5.48 Many respondents agree that it would be desirable to introduce greater flexibility and this would help in a number of circumstances including:

- When Hearings have to be held outwith authority (e.g. in secure units) (Aberdeenshire Council)
- Where this is necessary to allow a fair and just Hearing to take place (Midlothian Council)
- If a young person moved to a neighbouring authority there could be continuity of Panel Members across the Local Authority boundaries (Stirling Council, Social Work Department)
- Where a particular Panel has difficulty with finding, e.g. male members for its rota (East Renfrewshire CPAC)
- To enable gender representation and emergency Hearings (North Ayrshire Children's Panel)
- Have an understanding with joining authorities that their Panel Members can be called on in emergencies (North Lanarkshire Children's Panel)
- Helpful in smaller localities where Panel Members may know children or families personally (SACRO)

5.49 CPACs and Panels also note they would like to see the Panel Member transfer process improved. Scottish Borders CPAC comments that:

“... removal of some of the bureaucracy surrounding the scheme would simplify the process.”

Importance of Local Knowledge

5.50 Despite recognition that flexibility is a practical necessity in some circumstances, many respondents in favour of more flexibility also call for the need to retain some local link. For example Fife Council's Children's Services agrees in principle with the proposal but notes that:

“... it will be important not to lose the local community element.”

Argyll and Bute Council, who are also in favour of the proposal, suggests that:

“... safeguards should be established to ensure that the Hearings reflect the particular nature of the communities that they serve.”



5.51 Children Panels and CPACs express the importance of Panel Members' local knowledge. North Lanarkshire Children's Panel voices a typical response:

"Panel Members gain local knowledge of difficulties, concerns, resources, etc. in the communities they serve, work and live in. This knowledge is invaluable and would not be there if Panel Members sit on Hearings in areas they do not know ... It is imperative that Panel Members know the area they sit on ... [It] gives them credibility when making a decision."

Even the few Panels and CPACs who support the proposal, such as North Ayrshire Children's Panel, feel that:

"... the strength of the system is in providing support to local communities that Panel Members have knowledge of."

Working Relationship between Panels and Local Authorities

5.52 In addition to losing the local knowledge of Panel Members some Councils are concerned that the proposal would have a detrimental impact on the working relationship with their Children's Panel. The following three Councils express this view well.

Angus Council feels that:

"... local contact and knowledge of Panel Members [is] essential to effective planning and delivery of services. The Chairperson of the Children's Panel is an important and effective bridge between the Panel and the council, helping to ensure local needs are identified and that service development is supported and valued by members of Children's Panel."

Similarly Glasgow City Council emphasises that:

"... the council needs good communication to meet and evaluate all services and systems [so] close links with Panel Members would be critical for good running and development of [the] Hearing system."

Aberdeenshire Council is keen to note that:

"... linking the Children's Panel and the Local Authority has enabled good working relationships to be built up", helping them to "streamline process and discuss the way we work together which is to the ultimate benefit of children and young people."

Ultimately the Council is:

“... concerned that this element might be lost if we do not continue to link Panels to Local Authorities.”

West Lothian and East Dunbartonshire CPACs echo these views by praising the current local recruitment system and suggest that:

“Breaking the local link with CPAC would endanger the personal bonds that are vital to ensure that recruitment and reappointment are carried out with a thorough understanding of local needs.”

Negative Impact on Panel Members

5.53 Finally, there are concerns that removing the link with Local Authorities may have a negative impact on Panel Members’ recruitment and retention. Falkirk Council points out that:

“Panel Members tend to be local people with a commitment to their local area. They feedback into their communities and have a sense of contributing to their local area. Removing the requirement to link them to local authority boundaries might result in difficulty in retaining Panel Members and therefore a resulting decrease in availability.”

This view is reinforced by Midlothian Council and CPAC which comments that:

“It is also essential not to lose sight of the fact that many Panel Members volunteer their services in order to service their own community. They may not therefore wish to [attend] Hearings in another local authority or community. It is important that this aspect of Panel Member commitment is not overlooked.”

5.54 In rural areas there is the further concern that asking Panel Members to sit on Children’s Hearings outside their immediate Local Authority area will be asking too much of volunteers in terms of travel. Highland CPAC comments that:

“... travel distances to areas such as Perth and Kinross, Moray and Argyll and Bute, etc. are such that the time demands on volunteers would make this unattractive.”

Angus Council agrees with this and concludes that:

“... there may well be a detrimental effect to recruitment in rural communities such as Angus if a change to boundaries goes ahead.”

Proposal Twenty two: Modernisation of the arrangements for Panel Members

- 5.55 The consultation paper proposed improvements in, and modernisation of, the arrangements for the recruitment, training, support and monitoring of Panel Members through the establishment of either a single national body or a local authority regional structure.
- 5.56 The consultation paper invited views on two options for improving support. The first option was that local authorities should retain their administrative responsibilities for the Children's Hearings system and work in regional groupings. The second option suggested that support arrangements should be managed by a national body with local administration. Under either option, the supporting body would work to national standards for recruitment, monitoring and training. The regional or national body would support the activities on recruitment, training and monitoring which is currently the responsibility of CPACs.
- 5.57 There were mixed views amongst respondents about this proposal. Just over 40% of all respondents state that they would be in favour of the establishment of a national body to manage the support arrangements for Children's Panels. A further 27% of respondents favoured the establishment of a regional structure. However, a substantial minority of respondents favoured the retention of the status quo with individual local authorities maintaining their role in providing support to Children's Panels in their areas.
- 5.58 COSLA is supportive of improving and modernising the recruitment, training and monitoring of Panel Members, but does not believe that it is necessary to move to a regional or national arrangement to achieve this. Concerns are raised by individual councils about the practicalities of how a regional or national arrangement would work in practice.
- 5.59 Councils are, however, keen to see the introduction of national standards. They also support training to ensure a more consistent approach by Panel Members. They see a need to ensure Panel Members across Scotland achieve adequate levels of training and support. For example Angus Council states in its submission that:
- “CPACs have already taken steps towards national standardisation, with training for Angus Panel Members undertaken across Tayside. This works well and would be preferred over a national approach.”

National Consistency

5.60 There is also a strong view amongst respondents that the functions currently performed by CPACs are crucial, and that more national consistency can be achieved through better sharing of good practice and not necessarily through the creation of a new body.

North Ayrshire CPAC supports this view and states that there is a:

“Need to improve consistency in relation to expenses, allowances, training and support. [We] agree with the need to work to national standards for recruitment, monitoring and training [but] councils should retain their administrative responsibilities for the Children’s Hearing system whilst working in regional groupings.”

5.61 Many national organisations are keen to see national standards while keeping sight of the balance between national consistency and local focus. For example SCRA is aware of some inequality of treatment of Panel Members. They state that proper support is vital and that a single national body would ensure consistency and transparency.

5.62 In many cases national consistency is the main reason for respondents supporting a national body. Fife Children’s Services and East Dunbartonshire Council believe this option is required to ensure consistency. Similarly, Dundee Children’s Panel voiced:

“... support for a national approach organised on a regional basis to ensure consistent standards”.

Local Focus

5.63 Although CPACs and Panels are keen to see national standards and consistency, many are concerned about losing the local dimension of the Children’s Hearings system. As a result many CPACs in particular are against any regional or national arrangements. This is reflected by North Lanarkshire CPAC’s comment that:

“... there is no merit in changing to a regional or national system which will inevitably diminish the local culture of the Children’s Panel and be a significant departure from the system envisaged within the Kilbrandon Report ...”

5.64 There are concerns about retaining the local nature of the Hearings system. ADSW for example believe that:

“... a Regional Consortium could combine necessary improvements, whilst not compromising strength of local people with local knowledge and a commitment to their local community.”



This common view is also expressed well by Perth and Kinross Children's Panel:

"We felt very strongly that Panels should remain linked to their local authorities: to be 'of the community – for the community'. Links between families, communities and local services should be strengthened not weakened."

5.65 However, some Councils, such as Inverclyde, feel that a regional approach could deliver improvement whilst keeping sight of the local dimension. It suggests that:

"... a consortium of local groups so that training, etc. could be provided on an expanded 'local level' supplemented by events at a local authority level ... Consortium type structures could combine the necessary improvements require, whilst not compromising the strength of local people with local knowledge and a commitment to their local community."

Recruitment

5.66 Views from the CPACs often emphasis the need to maintain the local recruitment model. Highland CPAC states that:

"... the very great advantage of the current system is that it is local and appears local to the communities it serves. Centralisation of it would remove this advantage particularly for recruitment."

West Lothian CPAC comments that:

"... given the principles behind Panel Member recruitment in terms of representation from the local community we believe that a Regional approach is infinitely preferable to a National one."

5.67 Although there is strong support for a national training programme amongst CPACs and Panel Members, are keen for recruitment to remain local or regional at the very least. Fife CPAC suggests that:

"... a key factor in the motivation of people applying to be considered for Panel Membership has been a willingness to serve their local community and any move towards a national administrative structure could lead to difficulties in recruitment."

5.68 Similarly most individual respondents support a national approach and are open to an arrangement that will ensure consistently high quality of support and promote good practice. However, many believe there is a need for a local or regional recruitment model. This quote from a volunteer involved in the Hearings system is indicative of many responses from this group of respondents:

“There should be a national body looking at best practice. Recruitment needs to be done locally to understand the needs of the local area.”

Existing Good Practice

5.69 There is an understanding that the proposal was based on the dissatisfaction with the level of consistency and support provided to Panel Members and the arrangements for the payment of their expenses and allowances. Although Councils recognise that the quality of support varies across Scotland quite a few Councils are not persuaded by the proposal of a regional/national approach and are keen to see more evidence to support the proposal. For example Midlothian Council feel that the fact that one or two areas may have encountered this difficulty is not a justification for the proposal and Argyll & Bute Council is “uncertain” whether the case for change has been fully made.

5.70 A number of Councils highlight the good work being carried out in their area, and feel this can be built upon. Angus Council states:

“Neither a regional or national approach is viewed as preferred and in the best interest of either children or Panel Members. The system in Angus with volunteers from the Angus community which are interested in supporting Angus children ... works well. This local dimension is greatly valued and any alternative model is not supported.”

Similarly Clackmannanshire Council states that:

“... the current Forth Valley systems work and can see no benefit to a national structure being imposed. We support the idea of consistency and national policy but would prefer to see this driven by the Scottish Executive within existing structures.”

5.71 Some Panels also note that they receive extremely good support from their local authority and are strongly in favour of the status quo. For example, North Lanarkshire Panel Members express:

“... a high level of satisfaction ... regarding the support afforded to them by our local authority administration and certainly do not wish this to be altered. The Scottish Executive should take the lead from the authorities that are performing well and draw up guidelines of good practice that all should adhere to.”



Need for Improved Training and Support

5.72 There is a strong consensus that training and support needs to be improved in some areas. The Scottish Association of Children's Panels feel training should be organised nationally and best practice guidance developed and adopted on a national basis. They acknowledge that current support for Panel Members is patchy, with some feeling very isolated. This is echoed by ADSW that argues that:

"... there is a real need to improve the quality of some of the training offered to Panel Members. Panel Members should not be presented with additional barriers to recruitment of local people from a wide range of backgrounds. The necessary training and support to fulfil their duties needs to be easily accessible."

5.73 In terms of modernising the Hearings system many respondents view consistent, high quality training and support for Panel Members as the key priority and are keen to see a national training and support programme developed. A group of Edinburgh Social Workers suggest that:

"... training of Panel Members is clearly an issue of concern. Current feedback is that there is an over emphasis on legal training with Panel Members not informed about decision-making process."

A number of respondents make suggestions in relation to training programme and support. Voluntary organisations are especially supportive of proposals designed to raise the consistency and standard of training and support for Panel Members. Capability Scotland, for example, calls for the need for disability equality training and better support for disabled Panel Members. Scottish Women's Aid would like to see improvements in training in domestic abuse issues. Further suggestions include:

- a greater emphasis on practice, realism and knowledge of what really happens in practice (Edinburgh Council)
- involvement of children, young people and families in key aspects of the training (Scottish Borders Council)
- modern methods including distance and online learning (Edinburgh Children's Panel)
- training relevant to the local perspective and ensuring all relevant local agencies are included (Scottish Borders Council)

5.74 Many national organisations are keen to see national standards while keeping sight of the balance between national consistency and local focus. For example SCRA is aware of some inequality of treatment of Panel Members. They state that proper support is vital and that a single national body would ensure consistency and transparency.

- 5.75 The Scottish Association of Children's Panels feel training should be organised nationally and best practice guidance developed and adopted on a national basis. They acknowledge that current support for Panel Members is patchy, with some feeling very isolated.
- 5.76 Voluntary organisations are open to explore the possibility of a national body for Panel Members in Scotland so as to direct research and evaluation on the Children's Hearings system independently of the Scottish Executive, to give greater independence to Panel Members, and to play a role in local and national publicity/promotion.
- 5.77 The Scottish Association of Panel Members highlight that they are currently the only national forum for Panel Members, but that they suffer from lack of support from Panel Chairs, which has resulted in difficulties of national co-ordination and communication across the current CPAC structure.

Summary of Key Findings

- While a large majority of respondents support the proposal for the appointment of a legal representative in appropriate cases there are concerns that if this provision is overused then it could undermine the informality of the Hearings system.
- A large number of respondents suggest that clear guidance should be issued setting out in what circumstances legal representation would be appropriate in order to ensure that a consistent approach is adopted and that it is based on demonstrable need rather than becoming the norm.
- A substantial number of respondents suggest that there is a danger that the roles of advocates, Safeguarders and legal representatives could become confused and that there is a need for more clarity about their respective roles.
- There are mixed views about the role of Safeguarders and some issues which respondents say need to be addressed if their role is to continue. However, a substantial number of respondents say that any decision about their future role should await the outcome of the current research project.
- While the vast majority of respondents recognised the need for withholding information in certain circumstances, many respondents suggested that detailed guidance on the criteria for withholding information was required to ensure that this power was not abused.
- There is support for greater flexibility in the arrangements for allowing Panel Members to sit in Hearings in different geographical areas but strong opposition, particularly from local authorities, to removing the formal link with local government boundaries.
- There are mixed views on the desirability of establishing regional or national arrangements for the recruitment, training and support of Panel Members.



Chapter Six: Improving public confidence in the Children's Hearings system

6.1 This chapter examines those proposals directly concerned with improving public confidence in the Hearing system. These are:

- **Proposal 16:** Providing information to communities about the nature of decisions made by Children's Hearings and their outcomes.
- **Proposal 23:** Agencies to keep the public and communities informed about what is being done with their concerns and help them understand the role of the Children's Hearing system.

Proposal Sixteen: Providing information about Children's Hearings decisions and outcomes

6.2 A majority of respondents (62%) were in favour of this proposal, however, a substantial minority of respondents (25%) said they were opposed to the proposal. Of those who answered the second part of the question, 60% agreed that the proposal met the stated objective in comparison to 26% who thought that it did not. 43% of respondents offered suggestions for further or additional action in respect of this proposal.

6.3 Those respondents who supported the proposal emphasised the importance of sharing information with the community in order to improve public awareness and understanding. There was particularly strong support amongst those with direct experience of the Hearings system, namely Panel Members, Panels, CPACs and local authorities. Panel Members were also keen to dispel the myth that the Hearings system was a soft option.

6.4 According to Renfrewshire Council, the sharing of information would:

"... contribute to a better understanding of how children and the community are being protected. ..."

For North Lanarkshire the sharing of information would be a helpful way of increasing public awareness.

6.5 Opponents of the proposal and those respondents with reservations were concerned about a number of issues, the most significant of which was that of a potential breach of confidentiality. Glasgow City Council argue that:

"... privacy and confidentiality of Hearings require to be preserved to focus on the welfare and needs of children and families. ..."

Smaller and rural local authorities expressed particular concern that information would have to be sufficiently anonymous to protect the identities of children and their families.

6.6 The principal issue to emerge is not whether information should or should not be shared with the community but what information should be shared and how should it be shared.

6.7 SCRA comments that:

“... information should be meaningful and always reproduced in the relevant and appropriate context. ...”

While one CPAC comments that:

“... positive outcomes should be publicised in a general way but not politicised. ...”

Other respondents are concerned that information should not be published in the form of league tables because ‘success’ in this context is difficult to measure.

6.8 Respondents are willing for information to be shared with the community if it fulfils the following criteria:

- Is anonymous
- Examines outcomes and not just numbers processed through the system
- There is one report for professionals and one for the general public
- That SCRA should provide the data and not individual Panels

Proposal Twenty three: Keeping the public and communities informed and helping them understand the role of the Children’s Hearing system

6.11 There is strong support for this proposal, with 83% of respondents in favour and only 8% opposing.

6.12 Support for the proposal came from a wide cross section of respondents and there was a consensus that what the Hearing system does needs to be more effectively communicated to the general public. According to the ADSW:

“... it is important that the public have greater knowledge and understanding of the Children’s Hearing system to promote confidence in the system and how it works.”

6.13 The main concerns about the proposal can be best summarised by the response provided by Glasgow City Council, who maintain that there is a:

“... need to be clear as to the kind of information provided, to whom should the information be presented and who should prepare the information.”

- 6.14 A large majority of the children and young people who participated in the Children in Scotland events felt there was not enough information on the Children's Hearings system and agreed with the proposal to disseminate information about Hearings in each local area. The information that children and young people wanted was split into two distinct categories, these were:
- General information about what the Children's Hearings system is and what happens, for all children and young people.
 - Specific information about the proceedings, for children and young people who are going through the system.
- 6.15 Suggestions and recommendations for additional measures made by respondents largely focus on the following issues:
- That information should be marketed so that the community understands the aims, work, successes and failures of the Children's Hearings system.
 - Responsibility for publicising the work of the Hearings should be the responsibility of the Scottish Executive and the SCRA.
 - Information should focus on the full range of cases so that people are aware that the system does not just focus on 'problem' children.

Key Findings

- There is strong support for the principle of providing more information about the Children's Hearings system in particular to dispel the 'myth' that the system represents a 'soft option'.
- While the vast majority of respondents support the principle about making more information available to local communities there are concerns that any information that is provided should emphasis positive outcomes and not just 'problem' behaviour.
- There are concerns to ensure that information is provided in such a way as to preserve the privacy and confidentiality of individuals.
- A substantial number of respondents state in their submissions that they feel there is a need for a national strategy and publicity campaign designed to raise the profile of the Hearings system and increase awareness of the role in plays in addressing the needs of children and young people.

Chapter Seven: Conclusions

- 7.1 A larger than average number of responses for a Scottish Executive consultation exercise were received and the vast majority of these responses were positive and expressed support in principle for all of the proposals contained in the consultation paper. Where respondents have expressed doubts about some of the proposals it is generally from a perspective of ensuring that what is proposed is the most effective way of meeting the stated objectives. The vast majority of comments received are concerned with the detailed arrangements for implementing proposals; are seeking further clarification about specific aspects of a proposal or raise practical issues that will need to be addressed in order to achieve the desired outcomes.
- 7.2 This was a wide-ranging consultation that invited responses to a substantial number of detailed proposals regarding the future operation of the Children's Hearings system and the wider provision of services and support to children and young people. Many of the proposals included in the consultation paper would involve substantial changes in the way services for children are delivered and in how the Children's Hearings system operates. The implementation of these proposals would have a significant impact on the way a large number of organisations and individuals work.
- 7.3 The fact that the consultation covered such a wide range of issues is reflected in the scale and breadth of responses that were received. The consultation attracted a large number of responses and many of these responses were very detailed reflecting the concern of respondents that any changes that are introduced as a result of the consultation have a positive impact and improve the way that services are delivered to children and young people. The commitment of a range of organisations and individuals to ensuring that the objectives underlying the consultation are achieved in practice was clearly apparent from the detail and quality of many of the responses that were received.
- 7.4 One recurring theme that is evident from many of the responses is the fact that the changes that are proposed in the consultation paper will not be achieved by simply introducing new legislation, changing structures or introducing new systems and procedures. Many of the changes will require significant changes in organisational culture and individual attitudes. This is particularly the case for those proposals that will require greater integration between agencies and more joint working across organisational boundaries.
- 7.5 A large number of respondents make the point that many of the proposals concerning adopting a more integrated approach to the planning and provision of children's services reflect current trends. There is a concern to ensure that any proposals arising from this consultation build upon existing good practice and are integrated with other developments. They should not introduce new structures and systems that could potentially undermine the desire to achieve greater integration in the way that services for children and young people are planned and delivered.



- 7.6 There is also some concern expressed in many of the responses that the cumulative impact of the proposals outlined in the consultation paper could represent a fundamental change in the role of the Children's Hearings system. There is a fear that this cumulative impact may result in the system being more concerned with dealing with the behaviour of a smaller number of 'persistent offenders' whose behaviour gives particular cause for concern rather than concerning itself with the wider welfare and wellbeing of a larger group of children and young people.
- 7.7 There are also some strong concerns that the overall impact of the changes that are proposed could be to make the Hearings system more formal and more adversarial in nature than is currently the case.
- 7.8 There were a number of areas where the views expressed by the children and young people who participated in the events facilitated by Children in Scotland represented a distinctive 'voice' that did not necessarily reflect the views of the majority of other respondents. The areas where there were the clearest differences in views included attitudes to sharing information without an individual child or young persons permission, the ability of young people to choose their own 'lead professional' and attitudes to Safeguarders who were perceived as being 'just another adult'.
- 7.9 The understanding of the respondents of the issues involved and the commitment to make the system work for the benefit of children and young people was impressive. There is a wealth of detail in the responses that have been received and a range of positive and constructive suggestions about how the proposals can be made to work in practice. This presents the opportunity for this experience and knowledge base to be capitalised upon. The Scottish Executive may want to continue to involve all key stakeholders in future consultations and to engage them fully in developing and implementing the proposals contained in the consultation document.

Appendix A List of respondents (organisations)

Aberdeen City Council
Aberdeen City Children's Panel
Aberdeen City Children's Panel Advisory Committee
Aberdeen Primary Pupil Support Service
Aberdeenshire Children's Panel
Aberdeenshire Children's Panel
Aberdeenshire Council¹
Aberlour Childcare Trust
Aboyne Primary School
Aberdeen City Council
Association of Chief Police Officers in Scotland (ACPOS)
Advocacy North East Ltd
Angus Council Joint Strategic Support Unit
Angus CPAC
Apex Scotland
Area 4 Glasgow Sub-CPAC
Argyll & Bute Council
Association of Directors of Social Work
Barnardo's Scotland
British Association for Adoption and Fostering (BAAF), Scotland
Capability Scotland
Care Co-ordination Network UK
Child & Adolescent Psychiatry Inverness
Children First
Children in Scotland
Children's Hearing Forum Stirling
Children's Hearings Training Unit, Edinburgh
Children's Panel Fife
Children's Panel Advisory Committee – Fife
Children's Panel Advisory Group
Children's Panel Chairmen's Group
Children's Panel Glasgow Area 7
Children's Panel Office, Angus
Children's Services Social Work – Stirling Council

¹ Multi-Agency Response from the Children's Executive, which includes Housing & Social Work, Education and Recreation, NHS Grampian, Aberdeenshire Children's Hearing Panel, Scottish Children's Reporter Administration and the Voluntary sector.



My view is....

I don't agree

Children's Services Stirling Council
City of Edinburgh Council
City of Edinburgh Children's Panel
Clackmannan Children's Panel
Clackmannanshire Council
Community Care Providers Scotland
Convention of Scottish Local Authorities (COSLA)
Couple Counselling Scotland
CPAC Glasgow
CPAG East
CrossReach
Cults Academy, Aberdeen
Denburn Health Centre, Aberdeen
Don and Logie Pert Community Council
Down's Syndrome Scotland
Dumfries & Galloway Children and Families Social Work Team
Dumfries & Galloway Council
Dundee Children's Panel
Dyce Academy Aberdeen
East & Midlothian Safeguarders
East Ayrshire Educational & Social Services
East Ayrshire CPAC
East Dunbartonshire Children's Panel
East Dunbartonshire CPAC
East Dunbartonshire Children's Services Core Group
East Lothian Children's Panel
East Lothian Council
East Renfrewshire Children's Panel
East Renfrewshire CPAC
East Renfrewshire Council
East Renfrewshire Council, Education Department
Edinburgh Council Social Work
Edinburgh Department of Children & Families
Edinburgh Leith & District Battalion
ENABLE Children's Committee
Falkirk Children's Panel
Falkirk Council
Falkirk CPAC
Family Mediation Scotland
Fife Council Education Service

I think that

Fife Council Social Work Service
Falkirk Child Protection Committee
Glasgow Anti Racial Alliance
Glasgow Area 1 Sub CPAC
Glasgow Children's Panel
Glasgow City Council
Glasgow Primary Care Trust – Adolescent Mental Health Directorate
Good Shepherd Centre, Bishopton
Highland Children's Forum
Highland CPAC
Highland Joint Committee – Children & Young People
Inverclyde Council
Looked After and Accommodated Mental Health Team
Lothian & Borders Child Protection Officers
Management Team, Culter School Aberdeen
Midlothian Children's Panel
Midlothian Council
Midlothian CPAC
Midlothian CPAC
North Lanarkshire Children's Panel
North Lanarkshire Children's Panel Members
North Lanarkshire Council
National Deaf Children's Society (NDCS) Scotland
National Services Scotland
NCH Scotland
NHS Argyll & Clyde
NHS Ayrshire & Arran
NHS Glasgow
NHS Lanarkshire
NHS Lanarkshire Primary Care Operating Division
NHS Lothian
NHS Lothian University Hospitals Division-Community & Therapy Services
NHS Lothian University Hospitals Division – Women and Children's Services
NHS Lothian University Hospitals Division-Women and Children's Services
North Ayrshire Child Protection Committee
North Ayrshire Children's Panel
North Ayrshire Council
North Ayrshire Council
North Ayrshire Social Services
North Lanarkshire Children's Panel Advisory Committee



My view is....

I don't agree

North Lanarkshire CPAC Chairs and Clerks
North Lanarkshire Child Protection Committee
Notre Dame Centre Glasgow
Orkney Islands Council
Perth & Kinross Children's Hearing Panel
Perth & Kinross CPAC
Polmont Young Offenders Institution
Primary Pupil Support Services Stirling
Professional Advisors on the Child Protection Reform Programme
Professional Association of Teachers
Quarriers
Renfrewshire Council
Renfrewshire Child Protection Committee
Renfrewshire Children's Panel Advisory Committee
Re-Solv
Royal College of General Practitioners (Scotland) public liaison group,
Patient Partnership in Practice
Royal College of Paediatrics & Child Health
Royal Hospital for Sick Children Glasgow
SACRO
Save the Children Scotland Programme
Scotland's Commissioners for Children & Young People
Scottish Association of Children's Panels
Scottish Borders Children's Change Group
Scottish Borders Council
Scottish Borders CPAC
Scottish Child Law Centre
Scottish Child Psychotherapy Trust
Scottish Children's Reporter Administration
Scottish Children's Reporter Administration Branch of Unison Scotland
Scottish Committee of the Council on Tribunals
Scottish Division Educational Psychologists
Scottish Human Rights Centre
Scottish Marriage Care
Scottish Out of School Care Network
Scottish Prisoners Families Outside
Scottish Prison Service
Scottish Secondary Teachers Association
Scottish Social Services Council
Scottish Society for Autism

I think that

Scottish Women's Aid
Sense Scotland
Shetland and Safeguarders Group
Shetland Children's Panel Advisory Committee
Shetland Islands Council
Social Work Department Dundee
Social Work Dept HQ – East Dunbartonshire Council
Society for Local Authority Chief Executives and Senior Managers
South Ayrshire Children's Panel
South Ayrshire CPAC
South Lanarkshire Council – Corporate Resources
South Lanarkshire CPAC
Springboig St John's School, Glasgow
St Mary's School, Bishopbriggs
St Philip's School Plains, Glasgow
Stirling High School
The Chartered Society of Physiotherapy
The National Autistic Society
The Royal College of Nursing
The Scottish Legal Aid Board
The Scottish Safeguarders Association
The Web Project
Victim Support Scotland
West Dunbartonshire CPAC
West Dunbartonshire Children's Panel
West Dunbartonshire Council
West Dunbartonshire Council Social Work Department
West Lothian Children's Panel
West Lothian Children's Panel Advisory Committee
West Lothian Council
Who Cares? Scotland
YMCA Scotland
YouthLink Scotland



My view is....

I don't agree

Appendix B Topline Quantitative Data

Improving children's services

Proposal 1: Agencies should publish information for children and families about the services and support available and how it can be accessed.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	399	72.0
	Qualified yes	140	25.3
	Clear No	1	0.2
	Qualified No	2	0.4
	Un-coded	12	2.2
	Total	554	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	429	77.4
	Qualified yes	102	18.4
	Clear No	5	0.9
	Qualified No	5	0.9
	Un-coded	13	2.3
	Total	554	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	9	4.6
	Yes with suggestions	119	60.4
	Clear No	69	35.0
	No with comment	0	0
	Total	197	100.0

Proposal 2: Agencies should be under duties and responsibilities to be alert to the needs of children, to listen to them and record children's views, to identify children in need and to act to improve a child's situation.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	371	66.3
	Qualified yes	137	24.5
	Clear No	3	0.5
	Qualified No	7	1.3
	Un-coded	42	7.5
	Total	560	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	384	68.7
	Qualified yes	115	20.6
	Clear No	6	1.1
	Qualified No	8	1.4
	Un-coded	46	8.2
	Total	559	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	8	5.4
	Yes with suggestions	41	27.5
	Clear No	99	66.4
	No with comment	1	0.7
	Total	149	100.0



My view is....

I don't agree

Proposal 3: A new duty on agencies to co-operate with each other in meeting the needs of children and to establish local co-ordination and monitoring.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	355	62.9
	Qualified yes	159	28.2
	Clear No	6	1.1
	Qualified No	10	1.8
	Un-coded	34	6.0
	Total	564	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	361	64.8
	Qualified yes	143	25.7
	Clear No	11	2.0
	Qualified No	7	1.3
	Un-coded	35	6.3
	Total	557	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	9	5.7
	Yes with suggestions	51	32.3
	Clear No	98	62.0
	No with comment	0	0
	Total	158	100.0

Improving children's services

Proposal 4: Develop a single integrated assessment, planning and recording tool.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	273	49.9
	Qualified yes	193	35.3
	Clear No	9	1.6
	Qualified No	28	5.1
	Un-coded	44	8.0
	Total	547	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	312	57.5
	Qualified yes	138	25.4
	Clear No	19	3.5
	Qualified No	29	5.3
	Un-coded	45	8.3
	Total	543	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	6	4.7
	Yes with suggestions	29	22.7
	Clear No	92	71.9
	No with comment	1	0.8
	Total	128	100.0



My view is....

I don't agree

Proposal 5: Where a child's needs are complex an action plan must be agreed by all agencies involved and kept under review.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	280	51.3
	Qualified yes	189	34.6
	Clear No	6	1.1
	Qualified No	14	2.6
	Un-coded	57	10.4
	Total	546	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	350	65.1
	Qualified yes	109	20.3
	Clear No	10	1.9
	Qualified No	14	2.6
	Un-coded	55	10.2
	Total	538	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	4	3.1
	Yes with suggestions	40	30.5
	Clear No	87	66.4
	No with comment	0	0
	Total	131	100.0

I think that

1 2 3 4 5 ...

Proposal 6: Where there is a need for co-ordinated action, a lead professional from amongst the agencies must be appointed.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	279	50.9
	Qualified yes	187	34.1
	Clear No	7	1.3
	Qualified No	16	2.9
	Un-coded	59	10.8
	Total	548	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	350	64.6
	Qualified yes	103	19.0
	Clear No	13	2.4
	Qualified No	13	2.4
	Un-coded	63	11.6
	Total	542	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	1	0.7
	Yes with suggestions	51	34.7
	Clear No	95	64.6
	No with comment	0	0
	Total	147	100.0



My view is....

I don't agree

The Integrated Assessment, Records and Planning Framework – Specific Questions

Specific Question 1: Is there sufficient emphasis and guidance about the child's involvement and are there sections which need strengthening to make sure that the child is at the heart of the process?		Count	Percentage of Valid Cases (%)
Part 1 Is there sufficient emphasis and guidance about the child's involvement?	Yes without comment	59	16.4
	Yes with comment	150	41.8
	No without comment	64	17.8
	No with comment	86	24.0
	Total	359	100.0
Part 2 Are there sections which need strengthening to make sure that the child is at the heart of the process?	Yes without comment	68	24.8
	Yes with comment	38	13.9
	No without comment	143	52.2
	No with comment	25	9.1
	Total	274	100.0

Specific Question 2: How well does it do so and are there any gaps?		Count	Percentage of Valid Cases (%)
Part 1 How well does it do so?	Number of responses (requires detailed coding)	379	100.0
Part 2 Are there any gaps?	Yes without comment	85	37.4
	Yes with comment	27	11.9
	No without comment	97	42.7
	No with comment	18	7.9
	Total	227	100.0

Making Children's Hearings Work

Proposal 7: A referral to the Children's Hearings system should meet two tests – significant needs and a need for compulsion.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	214	39.6
	Qualified yes	147	27.2
	Clear No	17	3.1
	Qualified No	52	9.6
	Un-coded	111	20.5
	Total	541	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	276	52.2
	Qualified yes	81	15.3
	Clear No	38	7.2
	Qualified No	31	5.9
	Un-coded	103	19.5
	Total	529	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	8	5.7
	Yes with suggestions	49	34.8
	Clear No	84	59.6
	No with comment	0	0
	Total	141	100.0



Proposal 8: The indicators of significant need will include a pattern of behaviour which gives rise to concern.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	304	56.0
	Qualified yes	128	23.6
	Clear No	6	1.1
	Qualified No	27	5.0
	Un-coded	78	14.4
	Total	543	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	367	68.5
	Qualified yes	61	11.4
	Clear No	21	3.9
	Qualified No	13	2.4
	Un-coded	74	13.8
	Total	536	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	3	2.3
	Yes with suggestions	19	14.4
	Clear No	110	83.3
	No with comment	0	0
	Total	132	100.0

Proposal 9: All agencies involved in an action plan agreed at a Hearing are required to implement it. Any plan endorsed by a Hearing as a condition of supervision can only be amended by a Hearing.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	282	50.7
	Qualified yes	177	31.8
	Clear No	3	0.5
	Qualified No	37	6.7
	Un-coded	57	10.3
	Total	556	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	343	62.4
	Qualified yes	106	19.3
	Clear No	12	2.2
	Qualified No	39	7.1
	Un-coded	50	9.1
	Total	550	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	3	1.9
	Yes with suggestions	52	33.5
	Clear No	100	64.5
	No with comment	0	0
	Total	155	100.0



My view is....

I don't agree

Proposal 10: If the referral to the Reporter does not meet the test criteria, the Reporter will refer the case to agencies to act on the Action Plan and will be empowered to seek reports on progress and reviews as necessary.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	268	50.7
	Qualified yes	108	20.4
	Clear No	21	4.0
	Qualified No	46	8.7
	Un-coded	86	16.3
	Total	529	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	297	56.8
	Qualified yes	66	12.6
	Clear No	39	7.5
	Qualified No	33	6.3
	Un-coded	88	16.8
	Total	523	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	9	6.4
	Yes with suggestions	31	22.1
	Clear No	100	71.4
	No with comment		
	Total	140	100.0

I think that

I agree...

Proposal 11: Where action is considered necessary in advance of a Hearing reaching a final decision, a Hearing should make an interim supervision requirement.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	289	53.0
	Qualified yes	135	24.8
	Clear No	28	5.1
	Qualified No	41	7.5
	Un-coded	52	9.5
	Total	545	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	350	64.6
	Qualified yes	68	12.5
	Clear No	47	8.7
	Qualified No	23	4.2
	Un-coded	54	10.0
	Total	542	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	6	4.3
	Yes with suggestions	29	21.0
	Clear No	103	74.6
	No with comment	0	0
	Total	138	100.0



My view is....

I don't agree

Proposal 12: The frequency of Review Hearings can be determined according to the child's need and the 'persistence' of the child's behaviour or needs.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	311	56.6
	Qualified yes	129	23.5
	Clear No	13	2.4
	Qualified No	30	5.5
	Un-coded	66	12.0
	Total	549	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	362	66.9
	Qualified yes	70	12.9
	Clear No	27	5.0
	Qualified No	16	3.0
	Un-coded	66	12.2
	Total	541	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	6	4.3
	Yes with suggestions	29	20.9
	Clear No	104	74.8
	No with comment	0	0
	Total	139	100.0

Proposal 13: Children, whose behaviour at school is a cause for concern, should not be taken out of school to attend Children's Hearings. There should be greater flexibility to meet the needs of children and families.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	236	42.2
	Qualified yes	183	32.7
	Clear No	28	5.0
	Qualified No	79	14.1
	Un-coded	33	5.9
	Total	559	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	249	44.9
	Qualified yes	148	26.7
	Clear No	55	9.9
	Qualified No	74	13.4
	Un-coded	28	5.1
	Total	554	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	3	1.8
	Yes with suggestions	73	43.7
	Clear No	90	53.9
	No with comment	1	0.6
	Total	167	100.0



My view is....

I don't agree

Proposal 14: Where a Children's Hearing or other meeting is concerned that help and intervention is not leading to a positive change in a child's behaviour, a Hearing should be able to adapt its procedures as appropriate. In particular it should make sure that the child is fully aware of the concern of the hearing and the potential consequences of further such behaviour.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	97	17.5
	Qualified yes	126	22.7
	Clear No	84	15.2
	Qualified No	196	35.4
	Un-coded	51	9.2
	Total	554	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	147	26.9
	Qualified yes	69	12.6
	Clear No	178	32.6
	Qualified No	103	18.9
	Un-coded	49	9.0
	Total	546	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	9	5.8
	Yes with suggestions	69	44.2
	Clear No	77	49.4
	No with comment	1	0.6
	Total	156	100.0

Proposal 15: Children’s Hearings must be satisfied that the action plans presented to them are realistic and likely to be effective and that all the available measures to control behaviour have been considered where appropriate.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	312	58.2
	Qualified yes	128	23.9
	Clear No	11	2.1
	Qualified No	37	6.9
	Un-coded	48	9.0
	Total	536	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	349	65.7
	Qualified yes	86	16.2
	Clear No	26	4.9
	Qualified No	24	4.5
	Un-coded	46	8.7
	Total	531	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	4	3.0
	Yes with suggestions	24	18.0
	Clear No	105	78.9
	No with comment	0	0
	Total	133	100.0



My view is....

I don't agree

Proposal 16: Children's Hearings should provide information to communities about the nature of decisions made and their outcomes.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	123	22.3
	Qualified yes	218	39.6
	Clear No	59	10.7
	Qualified No	79	14.3
	Un-coded	72	13.1
	Total	551	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	222	40.8
	Qualified yes	106	19.5
	Clear No	101	18.6
	Qualified No	39	7.2
	Un-coded	76	14.0
	Total	544	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	2	1.4
	Yes with suggestions	60	42.0
	Clear No	81	56.6
	No with comment	0	0
	Total	143	100.0

Proposal 17: Procedures are to be introduced to streamline the establishment of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds but the parents accept them.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	340	63.3
	Qualified yes	121	22.5
	Clear No	8	1.5
	Qualified No	19	3.5
	Un-coded	49	9.1
	Total	537	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	404	75.5
	Qualified yes	51	9.5
	Clear No	11	2.1
	Qualified No	16	3.0
	Un-coded	53	9.9
	Total	535	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	1	0.7
	Yes with suggestions	33	23.1
	Clear No	109	76.2
	No with comment	0	0
	Total	143	100.0



My view is....

I don't agree

Proposal 18: Greater continuity of Panel Members from one Children's Hearing to another is to be achieved.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	215	38.6
	Qualified yes	178	32.0
	Clear No	28	5.0
	Qualified No	87	15.6
	Un-coded	49	8.8
	Total	557	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	250	45.2
	Qualified yes	129	23.3
	Clear No	73	13.2
	Qualified No	59	10.7
	Un-coded	42	7.6
	Total	553	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	2	1.4
	Yes with suggestions	41	29.5
	Clear No	96	69.1
	No with comment	0	0
	Total	139	100.0

Supporting the Children's Hearings better

Proposal 19: Place a new duty on the SCRA to ensure the provision of legal representation for children, where this is necessary, under current criteria to protect their rights.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	325	61.8
	Qualified yes	129	24.5
	Clear No	7	1.3
	Qualified No	22	4.2
	Un-coded	43	8.2
	Total	526	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	386	73.9
	Qualified yes	67	12.8
	Clear No	11	2.1
	Qualified No	16	3.1
	Un-coded	42	8.0
	Total	522	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	1	0.7
	Yes with suggestions	36	26.5
	Clear No	99	72.8
	No with comment	0	0
	Total	136	100.0



My view is....

I don't agree

Proposal 20: To legislate to enable Children's Hearing and Reporters to withhold information provided by the child when its release may place the child's welfare at risk.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	364	66.3
	Qualified yes	127	23.1
	Clear No	6	1.1
	Qualified No	20	3.6
	Un-coded	32	5.8
	Total	549	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	427	78.3
	Qualified yes	58	10.6
	Clear No	15	2.8
	Qualified No	13	2.4
	Un-coded	32	5.9
	Total	545	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	3	2.4
	Yes with suggestions	12	9.8
	Clear No	108	87.8
	No with comment	0	0
	Total	123	100.0

Safeguarder Question: Should the role of the Safeguarder be maintained and/or available to any service which requires an independent assessment of the child's best interests?		Count	Percentage of Valid Cases (%)
Seeking views on the role of the Safeguarder	Number of responses (detailed coding required)	495	100.0

Proposal 21: Amend the Children (Scotland) Act 1995 to remove the requirement that Children's Panels and Children's Panel Advisory Committees be linked to local authority boundaries.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	165	31.9
	Qualified yes	134	25.9
	Clear No	59	11.4
	Qualified No	109	21.0
	Un-coded	51	9.8
	Total	518	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	225	44.4
	Qualified yes	73	14.4
	Clear No	105	20.7
	Qualified No	62	12.2
	Un-coded	42	8.3
	Total	507	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	2	1.7
	Yes with suggestions	28	23.3
	Clear No	87	72.5
	No with comment	3	2.5
	Total	120	100.0



My view is....

I don't agree

Proposal 22: Improve and modernise the arrangements for recruiting, training, supporting and monitoring Panel Members through the establishment of either a single national body or a local authority regional structure.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	209	45.6
	Qualified yes	84	18.3
	Clear No	52	11.4
	Qualified No	56	12.2
	Un-coded	57	12.4
	Total	458	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	254	56.2
	Qualified yes	36	8.0
	Clear No	77	17.0
	Qualified No	31	6.9
	Un-coded	54	11.9
	Total	452	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	1	0.7
	Yes with suggestions	61	41.8
	Clear No	84	57.5
	No with comment	0	0
	Total	146	100.0

Proposal 22, specific question: Is a regional or national approach preferable?		Count	Percentage of Valid Cases (%)
Views on whether a regional or national approach is preferable.	National	170	40.3
	Regional	116	27.5
	Other approach	136	32.2
	Total	422	100.0

Improving public confidence

Proposal 23: Agencies should keep the public and communities informed about what is being done with their concerns and help them understand that the focus is on effective action and not processing children through the Children’s Hearings.		Count	Percentage of Valid Cases (%)
Part 1 Do you support proposed action?	Clear yes	279	52.0
	Qualified yes	167	31.1
	Clear No	15	2.8
	Qualified No	26	4.8
	Un-coded	50	9.3
	Total	537	100.0
Part 2 Do you think proposed action will meet the stated objective?	Clear yes	369	69.2
	Qualified yes	73	13.7
	Clear No	22	4.1
	Qualified No	19	3.6
	Un-coded	50	9.4
	Total	533	100.0
Part 3 Do you think further or different measures are required?	Yes without suggestions	6	4.2
	Yes with suggestions	36	25.2
	Clear No	100	69.9
	No with comment	1	0.7
	Total	143	100.0

* Answers are un-coded where it is unclear whether or not response is in support of the proposal. Totals do not equal overall total number of responses because each quantitative analysis table only counts responses that have commented on that particular proposal.



My view is....

I don't agree

Secondary Coding Findings

Proposal 13: Children, whose behaviour at school is a cause for concern, should not be taken out of school to attend Children's Hearings. There should be greater flexibility to meet the needs of children and families.		Count	Percentage of Valid Cases (%)
Impact on child of Hearings during the day	No impact on child	71	51.8
	Yes impact on child	66	48.2
	Total	137	100.0
Alternative Suggestions	Hearings at school	32	55.2
	Hearings near school	3	5.2
	Other suggestion	23	39.7
	Total	58	100.0
Impact on panel attendance of 'after hour' Hearings	Difficult for panel members to attend	236	100.0

Proposal 14: Where a Children's Hearing or other meeting is concerned that help and intervention is not leading to a positive change in a child's behaviour, a Hearing should be able to adapt its procedures as appropriate. In particular it should make sure that the child is fully aware of the concern of the Hearing and the potential consequences of further such behaviour.		Count	Percentage of Valid Cases (%)
Child fully aware of Hearing concerns	Disagree	15	9.5
	Agree	143	90.5
	Total	158	100.0
Formally require child to explain themselves	Disagree	57	37.0
	Agree	97	63.0
	Total	154	100.0
Invite community reps to Hearings	Disagree	226	91.1
	Agree	22	8.9
	Total	248	100.0
Invite victims to Hearings	Disagree	284	86.6
	Agree	44	13.4
	Total	328	100.0

Proposal 16: Children’s Hearings should provide information to communities about the nature of decisions made and their outcomes.		Count	Percentage of Valid Cases (%)
Suggestions about what information should be provided to communities	General information	142	83.5
	Anonymised information	24	14.1
	Named information	4	2.4
	Total	170	100.0

Proposal 18: Greater continuity of Panel Members from one Children’s Hearing to another is to be achieved.		Count	Percentage of Valid Cases (557)
Concern 1: Panel Members may become over involved		109	19.6
Concern 2: Practical/logistical problems		141	25.3

Proposal 21: Amend the Children (Scotland) Act 1995 to remove the requirement that Children’s Panels and Children’s Panel Advisory Committees be linked to local authority boundaries.		Count	Percentage of Valid Cases (168)
Where respondent does not support proposal –			
Reason 1: Impact on Panel Members		57	33.9
Reason 2: Admin Issues		41	24.4
Reason 3: Link to community vital		141	83.9

Specific Question 2: How well does it do so and are there any gaps?		Count	Percentage of Valid Cases (%)
Part 1: How well does the assessment triangle provide a common approach to working with families and children?	Very well	58	22.2
	Well	68	26.1
	Adequately	82	31.4
	Poorly	53	20.3
	Total	261	100.0



My view is....

I don't agree

Specific Question 3: Views on the role of the Safeguarder		Count	Percentage of Valid Cases (%)
Should the role of the Safeguarder be maintained and/or available to any service which requires an independent assessment of the child's best interests?	Retain role	214	47.0
	Retain role without any change	100	22.0
	Retain and revise role	105	23.1
	Remove role of Safeguarder	36	7.9
	Total	455	100.0

Proposal 22. specific question: Is a regional or national approach preferable?		Count	Percentage of Valid Cases (%)
Where respondent suggested an 'other' approach	Mixed	62	37.6
	Status quo	86	52.1
	Other	17	10.3
	Total	165	100.0

Appendix C Consultation with Children and Young People

Children in Scotland

Children in Scotland is Scotland's national agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies, services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents over 400 members, including all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and the European Union. The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Executive, local authorities and practitioners. It also services a number of groups such as: the Cross Party Parliamentary Group on Children and Young People; the National Children's Voluntary Forum; the National Early Years Forum and the Additional Support Needs Network. Children in Scotland also hosts Enquire, the advice service for additional support for learning.

The report

This report details the group events carried out with children and young people. The work was carried out independently on behalf of the Scottish Executive. The views expressed are those of the children and young people who took part. They do not represent Children in Scotland's views in relation to the consultation paper *Getting it Right for Every Child – Proposals for Action*.

Key points

1. Children and young people fully support the Executive's vision of a work force working together to help children and young people who are having problems.
2. One structure does not fit all, children and young people have diverse strengths and weaknesses. There needs to be a number of options in all services.
3. For children and young people to be able to say what they think, structures need to change. Children and young people want to have one adult that they know and trust as their contact point.
4. Children and young people are not comfortable talking to groups of unknown adults.
5. Children and young people welcome the suggestion of having panel continuity.
6. The proposals on information sharing were supported on the condition that children and young people are involved in decisions over who information is shared with.
7. Children and young people did not value the role of the safeguarder. Young people believed this position should be replaced with an adult who would advocate their views.
8. Children and young people welcomed suggestions to provide information on how the Children's Hearings system works via talks, presentations, video and e-mail, not via leaflets.
9. The idea of involving victims in the Children's Hearings system was not supported.

Introduction

Children in Scotland was asked by the Scottish Executive to organise and facilitate a series of events with children and young people to explore their views in relation to the consultation paper, *Getting it Right for Every Child – Proposals for Action*. The events focused on aspects of the proposals identified by the Scottish Executive in their document *Getting it Right for Every Child – What do you think? Children and Young People’s Consultation*. These included views on: joint working and information sharing; gaining children’s views; criteria for referrals; operational details; and access to information about the Children’s Hearings system.

Methodology

Due to the relatively short time frame for the consultation process, the work involved children and young people from established groups. Groups were approached on the basis of ‘purposive’ sampling i.e. they had certain characteristics that were likely to give different perspectives. Groups were held in a range of geographical locations across Scotland and included children and young people:

- Who had been through the Children’s Hearings system
- Who were aware of the system but had not had direct personal contact
- Who were unaware of the Children’s Hearings system

A total of 41 children and young people participated in the events, 26 male and 15 female. Participants were aged between 9 and 25 years. Five separate events took place (On two occasions, two groups joined together to form one event).

• Event 1

Sixteen participants (3 female and 13 male) aged between 13 and 25 years. This group included 11 children and young people who had been through the Children’s Hearings system and five young people who were aware of the system but had not had any direct personal contact.

• Event 2

Five participants (4 male and 1 female) aged between 12 and 15 years. Whilst none of the children or young people in this group had been through it, they all had a basic knowledge of the Children’s Hearings system.

• Event 3

Nine participants (3 male and 6 female) aged between 13 and 17 years. This group included one young person who had been through the Children’s Hearings system and eight young people who had limited awareness of the system.

- **Event 4**

Five participants (3 male and 2 female) aged between 9 and 11 years. This group included two young people who had personal experience of the Children's Hearings system and three young people who were aware of the system but had not been through it themselves.

- **Event 5**

Six participants (4 male and 2 female) aged between 16 and 25 years. All participants had direct personal experience of the Children's Hearings system.

This consultation was carried out in line with Children in Scotland's research and consultation ethical guidelines (available on request). The children and young people who participated are not named in this report.

Several weeks before the events were held, accessible information explaining the purpose of the work and consent forms were sent to children and young people via their group leaders. To meet the diverse needs of the children and young people the methodology used was necessarily varied and flexible. In addition different tools were used throughout each event to create an atmosphere in which the children and young people felt comfortable and able to openly express their views. Activity-based methods were used alongside more traditional focus group approaches. Although the methods employed with each group varied slightly, each event focused on the questions identified by the Scottish Executive. The extent to which specific questions were covered differed slightly from group to group as some were more relevant to a particular group than others.

Because of the scale of work, this response is not a systematic survey of children and young peoples views. Instead the findings provide a snap shot of the views and experiences of those involved and a valuable perspective on the proposed changes.

This work was carried out independently on behalf of the Scottish Executive and the views expressed are those of the children and young people who took part. They do not represent Children in Scotland's views in relation to the consultation document *Getting it Right for Every Child – Proposals for Action*.

Section One: Listening to Children and Young People's Views

Participants thought about: how involved they have been in decisions that were made about them; whether adults should have to listen to their views and use them when making decisions; what might stop them being able to give their views; what might help them give their views; and the best way of making their views known.

Should the views of children and young people be listened to and used in deciding what help they get?

“It’s about us” Young Person – Event 5

All children and young people across all events felt strongly that adults should have to listen to the views and wishes of children and young people and use them when deciding what actions to take.

A number of children and young people in all groups acknowledged the clear distinction between, being enabled to express their views, and, having their opinions acted on. A number of children and young people suggested that all adults should have some accountability to the views and wishes of the child or young person involved.

This was particularly the case for referral to the Children’s Hearings system for proceedings relating to welfare. In such cases, it was thought that legislation should go further to ensure that children and young people have a real say in the help and support that they receive:

“Adults should have to listen to what children think and then, when making decisions, remember what the young person said. But that’s not really enough, the person who is receiving help should have a say in the help that they get” Young Person – Event 3

What needs to happen so that children and young people can say what they think?

• What might stop you being able to give your views?

At each of the five events, children and young people discussed the issues and factors that had, in the past, contributed to them not being able to give their views. The same issues were raised again and again in each group. There were two main reasons that children and young people gave for not being able to give their views to adults when going through the Children’s Hearings system. The first was that, more often than not, children and young people are expected to talk to groups of (mainly unknown) adults in a strange situation.



“Talking to strangers” **Young Person – Event 2**

“Because there are lots of them” **Young Person – Event 2**

“When you are somewhere that you feel uncomfortable” **Young Person – Event 5**

“If you don't trust the adult” **Young Person – Group 3**

The impact that this has on these children and young people is to make them:

- “Intimidated by”
- “Uncomfortable”
- “Fearful”
- “Outnumbered”
- “Embarrassed”

“When you have to sit there and tell things to people that you don't know and are not comfortable with, it's intimidating ... embarrassing”

Young Person – Group 1

“You're intimidated because you are facing a panel of 3 strangers who sit and stare at you and talk about you” **Young Person – Event 1**

“There are too many people in the room, it's not good” **Young Person – Group 4**

The result being that these children and young people feel unable to present their views, wishes and feelings:

“You dinnae want to speak to lots of people, that makes you feel nervous and uncomfortable” **Young Person – Event 5**

The second reason related to value and respect. On the whole, children and young people felt that the adults they encountered through the Children's Hearings system did not value or respect them or their views:

“Adults don't listen to your views, they make decisions without consulting the young person even though the young person is the most important person there” **Young Person – Event 1**

“They don't care what you say, they don't listen to you anyway, they just do what they want to do” **Young Person – Event 3**

I think that

“You don’t feel valued or respected” **Young Person – Event 2**

“Getting judged, you feel like they are looking at you like you are nothing, you feel that you are being judged” **Young Person – Event 5**

“You want to feel respected, like what you think is important, not made to feel like dirt” **Young Person – Event 5**

- **What would help you to give your views?**

Participants at each event then thought about what would need to happen to change the situation. Once again a small number of specific points came up over and over and were agreed across all five events.

The clear message was, that for children and young people to say what they think they need to feel confident, comfortable and valued. It was agreed that this would only really be the case if they knew they were able to talk to one adult that they know and trust:

“If you know them or can build a relationship with someone, like your key worker, then you can talk to them and tell them your views and they can support you later [when talking to other adults]” **Young Person – Event 1**

“If you trust them” **Young Person – Event 2**

“If it’s just one person and you on your own it would be scary telling lots of people” **Young Person – Event 4**

The majority of children and young people who had been through the Children’s Hearings system felt that the issues of feeling unvalued and not respected would automatically be avoided if they were able to work with one adult that they knew and trusted.

However, it was thought that a number of smaller changes would also work to improve the system to enable children and young people to give their views.

Around half the suggestions referred to the panel members. Children and young people felt intimidated by the panel and thought that the situation could be improved by:

- **Having a friend with you at the panel**
- **Having an opportunity to meet panel members before a Hearing**
- **Having the same panel members at each Hearing**
- **Having young people on the panel who have been through the system**
- **If the panel valued and respected the children and young people**



“If you were comfortable with the people in the panel it would help you to give your views” **Young Person – Event 1**

“Panel members need to listen to children’s issues and take their issues more seriously” **Young Person – Event 1**

A suggestion by several young people was to have an advocacy system in place:

“Have an advocate, someone you can tell everything to and talk with then [they] will tell all the people at a Hearing what you want to say”

Young Person – Event 1

A further main area of comment referred to the physical environment and the importance of feeling comfortable in the surroundings:

“Children’s Hearings should be held in a more friendly place where it is not so formal, it would make you feel more comfortable” **Young Person – Event 5**

“You should make a relaxed atmosphere, like by not having a long table with everyone looking at you but having a round table so you feel like you’re part of the meeting” **Young Person – Event 1**

A number of children and young people thought that you should be able to visit the location prior to a Hearing.

Finally, children and young people at several of the events felt that, every child or young person who attends a Hearing should first have to sit down with someone that they know to talk over all the issues and work together to write down their views.

• **What is the best way of giving your views?**

The preferred method for children and young people to present their views to adults varied from person to person both within and between groups, as such a number of ‘best ways’ were suggested and received equal support. These included:

- **Talk with one adult who knows and understands you**
- **Talk with someone you know and then write it down**
- **Talk with someone you know and then have them write it down for you**
- **Write it down and give it to someone you trust**
- **Video recordings**

I think that

Each young person had a reason for their preferred method:

“You should be able to tell a video camera because if you are on your own with no other people you would feel less intimidated and uncomfortable and you would be able to say all the stuff you wanted to” **Young Person – Event 5**

“It would be better if you could write it down so you don’t keep having to tell people the same things all the time” **Young Person – Event 3**

“Have a chat about things first like with your social worker because then you can get everything out and then write it down” **Young Person – Event 5**

“You want to speak to someone who can relate to your circumstances you know like an adult who has been in your position before not someone who has no idea” **Young Person – Event 3**

“Talk to someone you know or have met before, not a stranger because you need to trust them and feel comfortable otherwise you won’t be confident enough to say what you think” **Young Person – Event 2**

It was agreed that you could not rank the suggestions in order of preference as all children and young people are different with different strengths, weaknesses and preferences. It was agreed that all the above options should be available and the child or young person could then choose.



Section Two: Information Sharing

All children and young people involved strongly supported the following two proposals:

- **Everyone working with children has to work together**
- **Organisations have to help children and young people who are having problems**

Groups then discussed; the positive and negative points associated with talking to one person compared to a number of people; who they would want to talk to; how they would feel about different organisations sharing information about them; and what sort of organisations they would agree to having information about them.

- **One or many?**

There was a universal consensus across events that, should children and young people need to portray their problems and views to adults, they would greatly prefer to talk to one adult who would take a written record and share it with the other people that need to know, rather than talking to a number of different adults on a number of different occasions:

“I would rather tell one person that I trust and they can explain everything that I said to the other people that should know” **Young Person – Event 1**

“You should talk to one person because then you will get to know the person and you will be happier talking to them” **Young Person – Event 1**

A number of professionals were nominated as the most desirable person to talk to. Key worker, social worker, support worker, doctor, youth worker, sports coach, were all suggested. However, there was an emphasis on the point that this person would need to know the young person well and be someone that they could trust and depend on. As such, it was agreed that it would be impossible to choose one person for all children and young people. The proposal was put forward by a number of groups that children and young people should be able to select the professional they felt comfortable talking to:

“It would be good to talk to one person but it would have to be someone that would actually do something” **Young Person – Event 1**

“I would want to tell one person as long as I knew who they were telling afterwards”

- **How would you feel about people sharing information?**

Whilst all children and young people strongly favoured talking with one adult over talking with a number of adults (either together or at different times), there were a number of concerns over the concept of information sharing.

I think that

Overall participants agreed that adults would need to share information with other adults and felt that, as a concept, this would be “fine”, but only within certain limits and under certain conditions.

The majority of participants felt that information should be shared with other organisations only when:

- **It is really necessary**

“I wouldn’t like a lot of different people sharing information unless it was really necessary”

- **The person/organisation had met them**

“I wouldn’t like it until I had met the person”

- **They are told what was going to be said**

“I would want to know who is sharing the information and what is being said”

- **They know who will be told**

“You would have to be told who will be told”

The final point was considered the most important. For the vast majority of participants this was essential to their support for this proposal.

“It would be good if they could ask you first and explain things”

Young Person – Event 3

“It would be good if you were told who is getting information about you”

Young Person – Event 5

A number of children and young people felt strongly that information should only be shared with other professionals/organisations once their permission had been gained:

“I would feel like my private life had been invaded if they gave my information without my consent” **Young Person – Event 1**

“People should only be able to share information with your permission”

Young Person – Event 1

A further small number of participants were against this proposal:

“I wouldn’t be that happy in case they said something I didn’t want them to say” **Young Person – Event 1**



My view is... I don't agree

“No, a lot of people should not know about your personal stuff”

- **What sort of organisations would you agree to having information about you?**

There was considerable discussion over who participants would be happy for a professional to share information about them with. Whilst numerous professions and organisations were mentioned, a consensus was not reached, rather, it was agreed that it would depend on the individual child or young person. This was underpinned by the view that they would want to know the professional/organisation and to be asked before information was shared.

Section Three: Referrals and Safeguarders

- **Referrals to the Children's Hearings system**

Participants agreed that children and young people should only go to a Hearing if there was a very serious problem either with their behaviour or with their family. However, it was thought that the definition of a serious problem would be dependent on each individual child or young person and their specific circumstances.

The majority of children and young people who had direct experience of the Children's Hearings system felt that the referral system worked well in its current form:

"It's fine just the way it is now, you go for the right things, you don't need to change that" **Young Person – Event 3**

- **Safeguarders**

A small number of the children and young people involved in this consultation had previously had a safeguarder appointed to them (six children and young people). The general opinion of these children and young people was that, the role of the safeguarder was not beneficial to their experience of the system. All children and young people felt that it was "just another person that asked questions" and as such, "just another person they had to repeat the same information to":

"Too many questions" **Young Person – Event 5**

"It's just another person and it dinnae help and they just ask you the same things as everyone else" **Young Person – Event 5**

All children and young people wanted to have someone who knew and understood them, whose role it was to represent their views and preferences. A number of young people felt that a better alternative to the safeguarder would be

"an advocate whose role is to get your views and your advice on what is best for you" **Young Person – Event 1**



Section Four: Victim Involvement

Participants were asked to consider the proposal relating to victim involvement. They then debated whether this proposal would help children and young people stop their actions.

Just over half the participants were in support of the basic idea of this proposal, the remaining participants were against it. Overall whilst children and young people thought that it could be helpful to meet with the people that their behaviour had affected and explain their actions they did not think that it would be helpful in all cases:

“It might help but probably not” **Young Person – Event 2**

“It would put a face to what you had done” **Young Person – Event 3**

“It wouldn’t help” **Young Person – Event 5**

“It would not be helpful for all children and young people, it might even make things worse” **Young Person – Event 1**

It was also stated on several occasions that such a process could have negative implications for both parties:

“It could make it worse for young people” **Young Person – Event 5**

“It would be really bad for two young people to meet like that, it could make things worse” **Young Person – Event 5**

A large majority of participants felt, that whilst it may be beneficial for children and young people to explain their actions to the victims of their behaviour, it should not be part of a Hearing. Children and young people felt that were this proposal to be adopted, it would act to further distress the child or young person and make the experience of attending a Hearing even more “daunting”:

“It would make you more worried and more uncomfortable”
Young Person – Event 3

“It would make the young person feel uncomfortable at the Hearing when they are meant to feel comfortable” **Young Person – Event 1**

“It’s private, it’s about you, not someone else... it’s meant to be about you, about moving on, about making decisions” **Young Person – Event 1**

As such, it was agreed that should the Scottish Executive wish to adopt such a policy, it should be done out with a Hearing, as part of another system.

Section Five: Information about the Children's Hearings System

• Increased information?

Of the 41 children and young people involved in the consultation, six children and young people thought that there was currently enough information on the Children's Hearings system as things stand. One young person felt, very strongly, that information on the system and details of the system should only be provided to those who attend Hearings. This young person felt that the happenings of a Children's Hearing in a locality should not be discussed publicly, particularly in the case of welfare cases:

"You should only have information if you are going to a Hearing, not for every one, you shouldn't advertise it, other people don't need to know"

The remaining, large majority, of children and young people felt that there was not enough information on the System and agreed with the proposal to disseminate information about Hearings in each local area:

"I've never really heard anything about it, all I know is that it is bad"

Young Person – Event 2

"You dinnae know what it's about when you are asked to come"

Young Person – Event 5

"It would be good if you were told more about it and what happens and people know about it" Young Person – Event 4

• What information would you like to have access to?

On the whole it was felt that there should be more information and that information should be easier to access. The information that children and young people wanted was split in to two distinct categories, these were:

- General information about what the Children's Hearings system is and what happens, for all children and young people.
- Specific information about the proceedings, for children and young people who are going through the system.

The main five areas children and young people wanted information on were: what the Children's Hearings system is: why you go to the panel; what happens at the panel; who will be at the panel; and what happens after the Hearing. One young person also suggested that there should be readily available information on what help there is for children and young people going through the Children's Hearings system.

- **How would you like to get information about how Children's Hearings work?**

Participants had lots of ideas about how to inform children and young people, the following suggestions were made:

How to give us information about the Children's Hearing System

- Posters
- Talks
- Panel member talks
- Examples
- Case studies
- E-mails
- Credit card flyers
- Leaflets
- Videos

When prioritising these suggestions, a clear preference emerged. The preferred method of receiving general information about the Children's Hearings system was 'through talks'. Children and young people wanted adults who knew about the system – possibly panel members or young people who have been through the system, to talk to them about it. It was felt that this could best be done through talks at schools, youth groups and clubs:

“Panel members should travel to school classes to talk about it”

Young Person – Event 2

For specific information, for children and young people in contact with the system, children and young people said that they wanted people to talk to them about it on a one-to-one basis. One group agreed that using case studies and past example would really help:

“Case studies – because that's more interesting and positive than just some information which doesn't really mean much if you have never been to a Hearing” **Young Person – Event 1**

“Examples, you know like case studies so you know what's going to happen, who's going to be there, what will happen after, things like that”

Young Person – Event 1

Email, posters and videos were also popular options. It was thought that emails and posters should contain information about Children's services in general as well as the Children's Hearings system.

I think that

I agree....

Leaflets were by far the least popular option, however it was suggested that if information had to be in leaflets, that they should be “child friendly”, eye catching and different. A well-received suggestion was that they could be in the style and size of credit cards. Children and young people suggested that “child friendly” would mean: short; to the point; simple words; and not too much writing. The strong message was that long leaflets (over one A4 page) are not read.



Section Six: What would be better?

Each participant had the chance to vote on a number of suggestions. These included whether: Hearings should be held in school time or out-of-school time; Hearings should be held before school, after school or at the weekend; Hearings should be held more frequently if children need more help or keep getting into trouble; and whether at least one panel member should be the same for each Hearing a young person attends. The results are detailed below.¹

• When should Children’s Hearings be held?

As demonstrated by table 1, whilst more children and young people wanted Hearings to be held in school time, there were mixed feelings about the timings of Children’s Hearings. The main reason children and young people gave for Hearings to be held in school time was to miss lessons. The main reason children and young people wanted Hearings to be held out with school hours, related to privacy:

“Out of school time because then you wouldn’t have to tell your friends where you had been”

“In school time because you would get to miss your classes”

Table 1.

Should Children’s Hearings be held:	
In school time	Out-of-school time
25	15

The majority of children and young people said they would prefer to attend a Hearing either before or after school, rather than at the weekend (see table 2). However, opinions were mixed and based on individual preference.

Table 2.

If out of school time, should Children’s Hearings be held:		
At the weekend	Before school	After school
8	18	22

¹ Total numbers are variable as not every young person placed their vote for every question.

- **Should one or more of the panel members be the same at each Hearing?**

This issue was raised consistently throughout the consultation process. For children and young people, one of the major problems with the Children’s Hearings system in its current form, is the number of different, unknown adults they are required to meet and talk with. It is therefore unsurprising that the vast majority of participants warmly welcomed this proposal.

“[Yes] because then they would get to know you and you would get to know them” **Young Person – Event 3**

“They should be the same people on the panel each time so you don’t have to keep repeating your business and personal information”

Ideally children and young people would like to see changes made to the system so that all three panel members are the same each time they attend a Hearing. However, it was recognised that the logistics of this could be problematic. Nevertheless, children and young people thought that the system should aim to ensure that there is as much continuity as possible throughout a young person’s contact with the System.

“They should be the same, all three of them” **Young Person – Event 5**

Table 3.

Would you like one of the panel members to be the same every time you went to a Hearing?	
Yes	No
39	2

The two children and young people who thought that panel members should not be the same at each Hearing a young person attends, did so because they were concerned that children and young people would get more lenient treatment from panel members they had met previously.

- **Should Hearings happen more often if children and young people need more help or keep getting into trouble?**

All children and young people who voted agreed that Hearings should happen more often if children and young people keep getting into trouble or need more help. The general reason given was that it would help make decisions that would then improve the situation.

Table 4.

Should Children’s Hearings happen more often if children or young people need more help or keep getting into trouble?	
Yes	No
16	0



Conclusion

The five participation events held to consult with children and young people on the Scottish Executive's document *Getting it Right for Every Child: Proposals for Action* were warmly received by participants across with a wide range of ages, experiences and geographical locations. Children and young people welcomed the opportunity to 'have their say' and stressed the importance of their experiences on influencing the future shape of the Children's Hearings system. The groups that had direct experiences of the system were, on the whole, more passionate and insistent on a number of issues. Whilst views expressed by participants naturally varied between groups and individuals, a number of points were raised consistently across groups.

All participants fully supported the Executive's proposal that all adults working with children and young people should have to work together to help children and young people who are experiencing difficulties. Whilst the proposal lacked detail, children and young people raised the issue that one structure does not fit all, and as such, services must be flexible in how they work together to meet a child or young person's needs.

On the whole children and young people who had experience of the system did not feel able to express their views and wishes at the panel, nor did they feel that their views were valued by the panel. The main inhibiting factors for children and young people related to facing large number of unknown adults and feelings of worthlessness. Participants fully supported the proposal of having one adult as a contact point, but went further in arguing that this adult should be someone that they know and trust. As such, participants felt that this key contact would vary from person to person and welcomed the proposal of panel continuity.

Whilst the vast majority of participants recognised the benefits to children and young people that would be achieved through information sharing, there was a sense of their right to confidentiality and privacy. As such, proposals relating to information sharing received strong support, but only on the grounds that children and young people are involved in decisions over who information would be shared with.

Whilst only a small number of the participants had first hand experience of working with a safeguarder, these children and young people did not value the role. The overwhelming opinion was that it was simply another unknown person that they were made to talk to. A number of participants felt that the position should be replaced with an adult who would advocate their views.

Finally, the proposal relating to victim involvement received keen discussion across groups. However, whilst children and young people identified a number of potential benefits there was strong agreement that it should not become part of a Hearing. Children and young people felt that the system was already heavily in-balanced in terms of power relations between child or young person and adults. It was thought that adding this extra element would add further pressure and stress to an already "daunting" process without necessarily achieving an improved outcome for the child or young person.



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