

the communicator

Children's Panel Chairmen's Group Newsletter

A New Chair for the Children's Panel Chairs' Group (CPCG)

Following Gerard McEneaney's decision that he cannot continue with his work for the Chairs' Group with increasing pressures on his time at work, a new Chair was voted in by Group members to continue his good work.

I am sure Panel Chairs and Panel Members will wish to thank Gerard for his enormous input of time and effort into this role and wish Ian Hart all the very best to take things forward in the challenging time ahead with all of the work and changes envisaged.

Both Chairs have been asked to pass on a word to panel members in this edition ...

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CHAIRMEN'S GROUP

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...From the Old ... (Not literally ... sorry Gerard !) ...

By Gerard McEneaney

Chair of Fife Children's Panel & former Chair of CPCG

My final editorial gives the opportunity to look again at needs and wants. Separating those has been a constant feature of my time as a panel member and as Chair of the Chairs Group. Whilst I wanted to stay as Chair of the group to finish what began, it was impossible to give both this role and my employer 100%. So I had to make the decision to step down and allow someone who could give the role 100% to take over.

I suspect that in the coming months/years many of you will also be faced with separating needs and wants. In my opinion the needs of the system should always take precedence over individual's wants. Many will have heard me say on numerous occasions that panel members are not the most important people in the system and we should all be prepared to make the difficult decision to step down if we cannot give the role 100% regardless of length of service or position.

There is no doubt the system is facing the most difficult period in its history. The economic situation already having a detrimental effect on finances of all 32 local authorities and this will worsen over 2-5 years. The Children's Hearings system will be affected too. Indeed, I know many areas are being affected and already the number of hearing decisions not implemented has been raising concern. I predict this will increase as finances come under even more pressure and how we deal with this will be the biggest challenge.

For the system itself, it is clear to me that we also face the question of needs and wants. Whilst some may want things to stay the same, there does need to be changes and we need to concentrate and work together to get the right changes. We are close to achieving this after a lot of hard work by the Chairs group and I am confident that more will be achieved under Ian's stewardship.

To end on a positive note, I am confident that the Children's Hearings system will not only survive but thrive and improve. There are too many good people in the system to allow it not to do so. There are (unfortunately) too many children and families who need the sensible decision-making of panel members who will continue to separate their own wants in favour of the needs of Scotland's most vulnerable children and families.

...To the New ... (Welcome to Ian)

By Ian Hart

Joint Chair of East Dunbartonshire Children's Panel & Chair of CPCG

"I joined the Children's Panel in Glasgow in 1975 and whilst I may be one of the longest serving panel members, I am certainly not the oldest!" In my own experience I have always sought to obtain freshness within every situation and if someone had said to me back in 1975 that I would be involved in the Children's Panel for 35 years I would never have believed it. There is a simple explanation and it is as big a challenge, if not bigger, today than it was then and that experience in my view has enhanced my character, communication and understanding with others whom I meet in my day-to-day work experience.

There is no doubt for us to carry out this voluntary work you have to have a love for children and a deep concern for their future. That has never left me and I would love to think I can be of some small help in the years to come.

As most of you know, this is a very busy time within the Hearings system with a draft Bill now becoming a Bill and it is with grateful thanks I recognise that Gerard in particular, and a number of the group have had intense and hugely effective contributions to get to this stage.

I am conscious that the group is made up of different personalities, backgrounds and represents Local Authorities with different cultures, and varying problems within their own community, however, as a group we must not take our eye off the reason we have been appointed and that is to keep the child at the centre and the focus of our attention and to pastor and look after the local panel members under our wing."

My ambition is that all of us will work together for this cause and endeavour to work closely with all the agencies with which we come in contact, with a single-minded purpose to help vulnerable children in Scotland."

East Ayrshire Children's Panel – Recognising Service of Panel Members

Provost Stephanie Young presented Certificates to express the council's appreciation to these panel members for their work on behalf of children and families within East Ayrshire. Janet Marshall, Chair of East Ayrshire Children's Panel, was there to congratulate them.

Receiving a Certificate for 5 years' service were: Renee Bell, Allison Larmour, Louise Wright, Christine Smillie and Gordon Steven. Louise Ross couldn't attend the event but was also recognised for her 5 years' service. While Linda Gardner was also recognised for her impressive 30 years' service to the Panel.



An “OOOPS” note from Senga Kemp, West Lothian Panel Chair

My sincere apologies for omissions in the last article on West Lothian CPAC. In my enthusiasm to write the article I made a grave error in missing out a whole section of our history! In particular, I neglected to mention the period between Lewis Thomson leaving and Bill Macdonald being appointed as Chair. In the interim we had the excellent help of George Clark who had provided his support as Acting CPAC Chair until his official appointment to the post. George had spent earlier periods as a long-serving panel member too and as our Panel

Chair. When George left his post as CPAC Chair it was then ably filled by Anne Johnstone as Acting Chair until Bill joined us in February of this year. Anne has been a stalwart of our CPAC for many years and her support throughout that time and in continuing her work on our CPAC is greatly appreciated. I would ask that you take into account my advancing years and clearly short term memory failings, and forgive me this error for which I have given myself a sound talking-to!

FOCUS ON DELIVERY OF INTEGRATED CHILDREN'S SERVICES IN DUMFRIES & GALLOWAY

By Ian McEwan, Area Principal Psychologist (Central), Lead officer – ICS cluster demonstration sites

Introduction to the Lower Annandale Demonstration Site

In Dumfries and Galloway, there is a multi-agency planning process for the development and delivery of Integrated Children's Services, and this is underpinned by the Integrated Children's Services Plan (ICSP) which is issued by Dumfries and Galloway Council, NHS Dumfries and Galloway, Dumfries and Galloway Constabulary, and the Reporter's Administration in Dumfries. This planning process is the main tool for all multi-agency service planning and delivery relating to children and young people, and it sets out the vision of Dumfries and Galloway's Children's Services Chief Officers for children and young people in the region. There are five strategic priorities in Dumfries and Galloway, these are: *Keeping Children Safe; Early Intervention; Engaging Children, Young People and Families; Integrated Assessment and Workforce Planning & Development.*

In 2008, and in an attempt to move from planning to delivery, it was decided that an area should be chosen as a 'demonstration site' for the delivery of Integrated Children's Services and the area covered by Annan Schools Cluster was chosen for this. The

delivery of Integrated Children's Services should be all about ensuring that children and their families get the right help, at the right time from the right people. They should experience the different agencies working together as if they were a single service with the child and the family at the centre of the planning. This will necessitate changes in culture and present working practices with service providers working toward agreed outcomes and these changes will require management support. After all, we know that change is a difficult process.

The project was launched formally by the Chief Officers (Children's Services) in Gretna in April of this year and on the back of extensive and continuing consultation with all stakeholders, an Action Plan has been evolving. It is hoped that all actions and improvements in the delivery of services to children and young people will be "owned" by the staff on the ground delivering these vital services. In this way, it is hoped that better outcomes can be delivered to children and their families.

And why Annan? It was recognition of the existing good practice on the ground and the willingness, and history of, good inter-agency working, and therefore, there was much to build on.

The Adopter's Story

By Barbara Hudson, Director of BAAF Scotland

When Susan and Richard were approved as prospective adoptive parents they admit now they had no idea of what lay ahead. They had attended preparation groups and discussed deeply personal matters relating to their lives and their childlessness and learnt about some of the problems they might encounter. Talking about it now they say that they had not really been prepared for the 2½ years it took for the court process that finally allowed them to adopt their daughter Jessie. Jessie was placed at the age of a year, subject to a supervision requirement because her parents, who both had learning difficulties, were not able to care for her properly. Jessie was still seeing her parents weekly, although most of the professionals involved with the family thought it would be impossible for her parents ever to resume her care.

Looking back on that time Richard speaks about the pain of seeing the little girl of whom they were growing so fond, setting off without them, to spend time with parents who could at times act in a volatile and unpredictable way. Jessie's parents were opposed to the adoption and the Sheriff Court process was very complex. The parents had separated and were represented separately. Court dates were set and then cancelled as further information was requested and more discussion took place. In the meantime social work reviews and hearing reviews took place generating anxiety and dread on the part of Susan and Richard. They would

encounter Jessie's birth parents still struggling and angry with the plan that Jessie could not live with them. Susan and Richard worried that Jessie might have to leave them.

Susan talks about living with uncertainty and the practical difficulties of not being able to make any plans. Even to go on a holiday out of Scotland because of the difficulty in obtaining legal permission to do this. Finally the day came when the Sheriff Court was able to make the adoption order. Jessie became legally what she had already become emotionally, Susan and Richard's daughter.

Looking back on those 2½ years Richard and Susan are clear that Jessie's parent's rights had to be considered but wish that the process might have been more timely. They proved to be resilient but the delays and uncertainties were hard to bear. Could it have been different? The court process can take up to 3 years but if children remain with temporary foster carers until everything is "certain" then how much harder will be the move to a new family. Children need to build attachments and so for the sake of the child adopters, like Susan and Richard, are prepared to live with the uncertainty and risk.

NB The names have been changed to preserve the anonymity of this family, but we are grateful to them for sharing their experience.

The author

Barbara Hudson is the Director of BAAF Scotland. BAAF provides advice, information, publications as well as training and consultancy to a range of professionals and carers involved in fostering and adoption. Barbara regularly contributes to induction and in-service training of panel members in North East Scotland. She has also contributed to the 2009 Inter Islands

Seminar and the 2008 National School for panel members.

The Communicator asked Barbara, who Chairs a number of adoption and permanence panels, to write about the legal changes for permanence planning now that the *Adoption and Children (Scotland) Act* has been implemented and to explain what happens in a permanence panel.

New Legislation

Recently a new piece of legislation *The Adoption and Children (Scotland) Act 2007* was implemented. Some of the main provisions of the act will have an impact on the work of children's hearings. Previously, panel members were asked to give advice on plans made by the local authority to achieve 'permanence' for children away from their birth families. The route to this could be through an Adoption or a Freeing for Adoption application made to a Sheriff, or an application for a Parental Responsibilities Order. Now the 'Freeing for Adoption' and 'Parental Responsibilities Order' processes have ceased to exist being replaced by a new order called the "Permanence Order". This order will be applied for in the Sheriff Court and the effect will be similar but not identical to a Parental Responsibilities Order. As part of the application for a Permanence Order the local authority may also ask for "authority" to place the child for adoption. If granted, a "Permanence Order with authority to adopt" is similar in its effect to a Freeing Order.

The changes in legislation are the result of a major review of the way in which long term plans are made for children who cannot safely live at home. This review found that adoption can provide a positive outcome for many children probably more than are currently placed. Another finding of the review was that children and young people thrive when they have a sense of stability and belonging. Changes of placement, reviews, failed rehabilitation plans, having to ask permission from social work departments or unpredictable parents before undertaking school trips or holidays reinforces feelings of instability and provisionality. The Permanence Order is designed to offer children and young people predictability and ensure that key decisions about the children are taken by the people who know them best and have their best interests at heart. Decision making will be delegated where appropriate to foster carers so that a quick response is available to the "can I go skiing to Aviemore with the school?" question. Children and young people who are made the subject of Permanence Orders will have any Supervision Requirement removed thereby

reducing the anxiety about “what might happen at the next review hearing”, or further hearings being requested by parents, struggling to come to terms with the fact that they can no longer meet the child’s needs.

Why “Permanency Planning”

The change in legislation means that the legal framework for permanency planning for children changes but the principles and values does not. Planning for children is informed by theories about child development and attachment which highlight the catastrophic effect on children’s development of early neglect and abuse and the importance of attuned, sensitive and consistent parenting if they are to be enabled to recover. Children’s needs for such care are immediate and are compromised by continued exposure to damaging experiences. Sadly it is often children’s parents who have been responsible for the harm, either through drugs or alcohol misuse in pregnancy or failing to provide good physical and emotional care because of addiction. Balancing the child’s needs against those of the parents is a heavy responsibility for all concerned and those dilemmas will rightly remain. It is rare indeed for a decision to permanently separate a child from his/her birth family to be straightforward. Detailed information is vital to the process but ultimately difficult decisions have to be made.

How are plans made

The local authority is required to regularly consider how a looked after child is progressing, to consider the views of the child and the views of the parent(s) and to

collate information from carers and the school about the child’s welfare and development. If a plan to reunite a child with their birth family is not working out, decisions have to be made about his or her future. Any such decisions are then referred to an adoption and permanence panel for consideration. These panels are a legally constituted group and consist of an independent chairperson, legal and health advisers, as well as people such as educational psychologists, teachers and carers. Panel members have to demonstrate relevant skills and receive induction and training. When a panel is asked to look at a child’s “permanence plan” it will receive detailed reports on the child, their family, their health and development and an account of what work has been done to help rehabilitation. Information will be required on members of the extended family and whether they are in a position to help. The child’s social worker will attend the panel and have to answer detailed questions about what actions have been taken and why the plan is seen as being the best for the child. These discussions may take up to several hours involving as they do a very detailed consideration of the plan. At the conclusion of the discussion the panel will either recommend support of the plan or disagree with it. The panel’s recommendation is passed to the Agency Decision Maker for a final decision before the matter then moves to the Children’s hearing if the child is subject to supervision.

Adoption and permanence panel members bring specialist knowledge in this work and as the Chairperson of a number of

adoption and permanence panels I am proud of the way in which members approach their work and the painstaking consideration that goes with our discussions of each and every child. At times one can feel huge sadness at the circumstances of the parent but the child's needs to be properly cared for have to take priority. The decision making never gets easier but the knowledge of what happens to children who do not experience a safe and secure family life informs our work. As part of the discussions at panels, consideration is given to contact between the child and the original family. There is much that is known now about the need for children to have continuity with their past yet, increasingly, the impact of physical

contact with someone who has neglected or harmed the child is being recognised as potentially damaging and threatening for the child. Another difficult decision with a balance to be struck between children's needs and parents' rights.

Implementing the new legislation brings with it the opportunity for all of us who are involved in planning for children to share our experiences, understand each others role and crucially look at the actual impact on children of the work that we do. We have a responsibility for the future life of many children. We owe it to them to use our knowledge and skills to ensure that their futures are not compromised by drift, delay and ill-informed decisions.

West Lothian bids a fond farewell to David

By Senga Kemp, Chair of West Lothian Children's Panel

Sarah Young, Depute Chair of West Lothian Children's Panel, hands over a "Thank You" Gift to David Szkudlarek, from Provost, Tom Kerr of West Lothian Council. David had wished to continue on to longer service, but his health will not allow him to do this in addition to concentrating on his family and career.

David's contribution to the Children's Hearings system over the last sixteen years, eight of which were in West Lothian and eight in Edinburgh, has been valued by those with whom he has worked. We wish him and his family well for the future.



A Positive Choice

Harriet Dempster: We need a culture change in residential care

By Harriet L Dempster, Director of Social Work, Highland Council and President, Association of Directors of Social Work (ADSW)

The second of December 2009 was a very special day for residential child care in Scotland as it marked the launch of the National Residential Child Care Initiative (NRCCI) report *Higher Aspirations, Brighter Futures*. Commissioned by Minister for Children and Early Years Adam Ingram, its aim is to make residential child care the first and positive choice for the children who need it.

I am old enough to remember the energy which heralded the Skinner Report a child care generation ago. Things have changed and moved on since then but there is still much further to go. Consequently, I was not surprised to find that some messages are not new. Many chime with *Another Kind of Home* but they are no less important for that.

I am pleased the reports are rooted in the philosophy of *Getting it right for every child*. It helps to ensure an outcomes-based focus and one which takes in the range of needs children have to be safe, healthy, active, nurtured, achieving, respected, responsible and included. I welcome the emphasis on partnership working as this throws the critical and necessary contributions of health and education colleagues into sharp relief.

It has been hugely beneficial that Garry Coutts, Chair of NHS Highland, has been involved in the project. His commitment to achieving the very best for looked after

children and his continued engagement with the project as chair of the national commissioning group is an important signal to his colleagues.

If residential care is to deliver the best possible outcomes for children, then strategic commissioning has a key role at both local and national levels. For too long residential child care has been seen as a last resort for children, often coming too late for some following a succession of foster placement breakdowns. Perhaps we have held too rigidly to the mantra that children under 12 should be in family placement?

The consideration of residential care as the first placement of choice for some younger children is perhaps one of the report's most courageous recommendations. Some of our number will be wary of pursuing this direction for fear it detracts from the value of foster care, foster carers and the importance of pursuing permanence through adoption and other routes. It would be unfortunate if this scepticism wins the day. What Scotland's looked after children need are choices and this report is about widening the choices available.

Notwithstanding, a culture change in residential care is needed to improve its status. The staff are at the heart of the service and they deserve much greater recognition reward and training.

The recommendation that staff should achieve SCQF Level 9 qualifications is fully supported by ADSW. The task of caring for some of our most vulnerable young people is a very complex one and staff in the sector deserve to be properly equipped.

Some concerns have been expressed about the cost implications but these have to be seen in the context of spending to save – saving on the cost of specialist out of authority placements and saving on the personal costs to the young people of a series of placement breakdowns.

Scottish Institute for Residential Child Care (SIRCC) and specifically Romy Langeland, Jennifer Davidson and Kelly Bayes are to be congratulated for producing an excellent suite

of reports which have received the backing of the Minister and the Confederation of Scottish Local Authorities (COSLA).

Delivering on the vision contained within *Higher Aspirations, Brighter Futures* must now be our collective focus. Joining forces will be important and the Association of Directors of Social Work (ADSW) looks forward to working with the British Association of Social Workers (BASW) and others to achieve progress.

If you would like to know more about the initiative, please contact Kelly Bayes, NRCCI Project Manager tel 07891 562101 - email: kbayes@hotmail.co.uk. Further information also available at: www.sircc.org.uk/nrcci/news/higheraspirationslaunch

Christine's Services to Children's Hearings System in Scotland are Honoured...

Christine MacKechnie was proud to be awarded an 'MBE' in the Queen's Birthday Honours List in June 2009, photographed here at her Investiture in December at the Palace.

Christine served in the Glasgow Chair Office for 10 years as Depute and then Chair, followed by undertaking Projects for the Scottish Government Hearings Branch for a year. Thereafter she and her husband John, moved home to the Isle of Lewis in May 2008 and continued her service as a Panel Member in the Western Isles.



Children's Panel National School 6-8 November 2009

Theme: Wasted Lives: When Unmet Needs Lead to Unacceptable Deeds

This year's national school was organised by Joan Rose and her team. The agenda was very well put together, with excellent speakers and choices of workshops.

The aims of the school were to:

- Review policies relating to young people whose behaviour puts them and others at serious risk of harm,
- Consider the impact of basic needs being unmet from an early age on a child's future development, and
- Reflect on the role of the children's hearings in preventing further harm.

The keynote speaker - **Professor Bill Whyte**. Professor of Social Work Studies in Criminal and Youth Justice at the University of Edinburgh and Director of the Criminal Justice Social Work Development Centre for Scotland. With his vast experience in the field of young people who offend, he spoke very passionately about the predictors of likelihood to offend, and the impact of poverty and disadvantage on offending behaviour. His clear sense of commitment and passion for the welfare of young people certainly got the school off to a lively start.

On Saturday, **Helen Wosu** (who has a long background in Child and Family Social Work) now involved in Social Worker training. Many may remember Helen from her contributions to New Panel Member training. Her theme was "Making



connections – the impact of early environment on brain development". She had copious research on the subject, and with examples from her own work experience of the impact on children who have not been able to develop in a safe, secure and nurturing environment really brought the message home. The brain does not physically develop in the right way – Helen described how children can grow up with a lack of empathy, leading to a tendency of stress and violence. This effect can even begin during pregnancy – food for thought indeed.

Helen was followed by **Detective Sergeant Linda Borland**, of Strathclyde Police. Currently working in the Scottish Violence Reduction Unit. A film – made in the East End of Glasgow, Polmont YOI and the A&E department of Glasgow Royal – illustrated graphically the real situation for these young people. The film was accompanied by a song written and played by some of

the young offenders from Polmont, and everyone was visibly moved by what they saw and heard. We then heard “David’s story”. A young man in dire family circumstances, who at the age of around 16, stabbed two other young men in a gang warfare scene in Argyle Street in Glasgow. CCTV footage showed the incident. David went to Polmont, and is now living with his family in the East End where most of his neighbours are known to the police. He lives with his girlfriend, deals drugs and they have a young baby. The police have “intelligence” on him, but no one will speak up formally, so there is nothing they can do to help David or his young family.

On Sunday, **Bill Whyte** described research being done on vulnerable young women who are serious offenders. Bill suggested some questions we should be asking social workers about the work that is being done with young people including:

- Intensity – how much and to what depth,
- Duration – how long will the work last, and
- Sequencing – in what order are the various issues being tackled, because a young person can’t be expected to deal with everything at once.

Sue Holden, a social worker since 1974, in residential services and the community for both local authorities and voluntary organisations, working with vulnerable and high risk young people. Now advising Government within the Youth Justice Team, she told us “Heather’s” story, the very moving story of a young girl (now 17) who has had 20 foster care placements,

seven different main carers, and has lived in four different areas of Scotland. Heather also has learning difficulties. Heather made various allegations over many years of abuse by her mother and her partner and, even when these were taken seriously, the outcomes didn’t meet Heather’s needs. Heather became increasingly difficult in her behaviour – remember the “brain damage” Helen Wosu refers to – and over the years has had numerous charges and has assaulted a number of workers. Even now, she is still displaying problematic behaviour.

David’s and Heather’s troubling stories – are, sadly, typical of some cases we can expect to see in hearings more and more as the reforms filter out the lower tariff cases for action elsewhere. On a positive note, however, the Scottish Government (of whatever political persuasion) has been very supportive of efforts to improve services for these young people.

On a lighter note – the **Ceilidh on Saturday** night was an opportunity to socialise and relax, which was very much enjoyed by everyone.

Overall, the national school is an experience to be highly recommended! Very informative and thought provoking.

The material from the school will be made available as usual through the Children’s Hearings website www.childrens-hearings.co.uk. In the meantime, the panel members who went to the school will leave materials they collected in the ante-room in the Hearing Centres. There was some really interesting information available, so please take the time to look at it when you’re there.

NATIONAL SCHOOL – LIST OF WORKSHOPS

On the Saturday afternoon of the National School, delegates were able to choose to attend two workshops from a list of ten. However, there was so little demand for the workshop about the role of school campus police officers that this was withdrawn. The workshops were all very well received and added to delegates' knowledge of troubled young people.

1. Wilful fire-raising	David Mallin, Area Manager, Community Safety, Lothian and Borders Fire and Rescue Service
2. Young People and Alcohol and Drugs	Campbell Bern, Alcohol and Drugs Co-ordinator, St Johns School, Springboig
3. Adolescent Mental Health	Sue Smith, Specialist Mental Health Practitioner, Youth Justice Team, Edinburgh CAMHS
4. Early and Effective Intervention	Janine McGowan, Acting Senior Social Worker within the City of Edinburgh Youth Offending Service; member of the National Development (Champion) Group: Working with Children and Young People with Significant Violent Behaviours
5. Young People and Change and Loss: impact on behaviour	Bobbie Miller, retired Youth Justice Family Support Manager
6. Specialist Foster Care for Troubled Young People	Joy McNeil, Operations Manager, Includem Specialist Foster Care Service
7. Links Between Cruelty to Animals and Other Forms of Violence	Libby Anderson, Policy Director, Advocates for Animals and Mike Flynn, Chief Superintendent, Scottish SPCA
8. Restorative Practices: Challenging Young People	Sue Holden, Trainer and consultant
9. Children and Young People with Problem Sexual Behaviour	Stuart Allardyce, Deputy Children's Services Manager, Barnardos Skylight/Lighthouse

(Compilation of workshops provided by Joan Rose, Children's Hearings Training Officer)

Messages to the Minister: a wish list

Compilation of Questions provided by Joan Rose – Children’s Hearings Training Officer

During the last group session at the Children’s Panel National School, panel members were invited to draw up a list of ideas they wished to put to the Minister for Children and Early Years for his consideration whilst making changes to the current legislation. The following is a compilation of their thoughts, grouped into broad headings:

Profile of the hearings system

- to see the profile of the hearings system raised
- public knowledge of hearings should be improved
- current system is good but government needs to challenge those saying otherwise
- better understanding of the system by employers
- Minister to increase his/her knowledge – i.e. witness hearings in many areas
- better recognition of panel members

Social worker related

- social workers who know the child’s case – not someone at late notice
- mentoring of social workers should be much better
- admin staff appointed by SWDs to release social workers to do the job they are trained to do
- hearing continuity – both professionals and panel members

- more social workers – still too many cases unallocated, too many late reports and too many unsupported families
- better support for social workers to avoid high turnover
- consistent access to well trained and well supported professionals

Reports and care plans

- concise care plans with clear timescales and objectives
- improved quality and availability of reports – late reports are totally unacceptable
- well written, concise and informative reports
- well written reports, concise. Relevant and on time with clear child’s plan

Hearing centres and scheduling

- retain local hearing rooms and panel members
- hearing centres that are appropriate and fit for purpose
- better scheduling of hearings – time to write reasons and debrief before next hearing
- allocation of timeslots dependant on complexity of case and/or number of children – one hour minimum hearing time for each child
- an integrated IT system and laptops for writing of reasons

- local panel members cover hearings for children accommodated far from home

Resources and funding

- a comprehensive list of specialist support options for children should be drawn up
- more resources and more specialist foster carers
- more appropriate contact centres for parents and children
- an online library of helpful information
- extra money in early services for very young children – a long-term investment
- we need child-led funding rather than departmental budgeting

Implementation of decisions

- hearing decisions must be implemented
- professionals must implement panel decisions
- adequate accounting of outcomes
- decisions should not be resource-led

Panel members

- panel members volunteer to be part of a legal tribunal – not just ‘volunteers’
- paid time off work for panel duties should be mandatory
- save the national school
- some in-service training should be mandatory for panel members
- trauma counselling and personal insurance for panel members

Hearings

- children and families should be better prepared before hearings
- grounds should be established prior to the hearing
- ability to fast track assessments where a child is at a particularly high risk
- more children in attendance at their hearing
- best practice guidelines should include speaking to the child alone

Decisions available

- use restorative justice
- family group conferencing should be mainstreamed and any reports made available to subsequent hearings
- more emphasis on early intervention
- standard through care service with less restrictive qualifying rules
- retain young people in the system beyond 16-18 – statistics show that the next 3 years are most critical

The hearings system

- better joined-up working between all involved
- consistency of practice – national standards

Education

- provision of education in child development and parenting in secondary schools

Children's Hearings (Scotland) Bill

By Hazel Crawford

The Children's Hearings (Scotland) Bill will be introduced to Parliament over the coming weeks. The Scottish Government is committed to improving outcomes for children and young people by reinforcing and modernising the children's hearings system, and the Bill is one element that will underpin our proposed reform package.

Since the last Communicator issued in July 2009, which featured an article on the draft Bill, Ministers and officials have undertaken a significant programme of engagement, attending over 100 meetings, seminars, conferences, workshops, training and other events in order to hear the views of stakeholders on our draft proposals.

The Children's Hearings Reforms Team commenced the distribution of newsletters which have provided a means of keeping stakeholders up to date with our thinking as the Bill has progressed. In addition to this we set up a number of short life working groups whose members discussed the key proposals in the Bill and made recommendations to Ministers on how best to proceed on those issues.

All of this engagement work has helped to shape the Bill that will be taken to Parliament shortly. The Bill itself will be relatively large, containing around 180 sections, split into 23 parts, plus six schedules. However, it is designed to provide a framework so, regulations, rules, and guidance, for example, will all be developed to cover the detail that will complement this framework legislation, and,

of course, these will be subject to consultation in due course. To assist with this work, we have agreed to continue two working groups – one looking at implementation of the new arrangements and taking on board things raised by the other working groups, and the other focusing on training and training content for the new system.

Some of the key things that the Bill will include when it is introduced to Parliament will be:

- The creation of **one national panel** that panel members are appointed to - this will create flexibility as there will no longer be geographical boundaries. However, we fully intend that panel members will sit on Hearings in their local communities. The Bill will provide that ordinarily all three members should come from the relevant local authority but allows flexibility where that's not possible.
- The appointment of a **National Convener** of Children's Hearings Scotland who will have responsibility for setting the national framework and national standards for processes such as recruitment, selection, training and support of panel members, standardisation of expenses and the provision of independent advice to the hearing. The National Convener will act as an advocate for the national children's panel and will introduce accountability, where it is currently lacking.

- The establishment of **Children's Hearings Scotland** (CHS) to support the national Children's Panel and the National Convener in the delivery of his or her functions, such as those functions currently undertaken by local authorities in respect of the 32 local children's panels and 30 Children's Panels Advisory Committees. CHS will be responsible for facilitating the recruitment, training and quality assurance of the single, national children's panel, through the work of the National Convener.
- The establishment of **area support teams** by the National Convener, in consultation with local authorities. Local authorities will continue to have a role in supporting the hearings system locally, for example in the recruitment and selection of panel members through their work in these area support teams.
- The Bill will provide for the **reporter** to continue to have a right to attend hearings and to continue to have responsibility for organising hearings, issuing papers, arranging review hearings and handling appeals. The provision of independent advice to the Hearing will be a responsibility of the National Convener.
- The Bill will replace the "interim" **legal representation scheme** with a permanent scheme that would see legal representation for children and relevant persons available through the normal civil legal aid system as administered by the Scottish Legal Aid Board.
- The Bill will continue to provide for a **child to bring anyone** with them to the Hearing – and this person could well be an advocate.
- The Bill will provide for a Ministerial power to prescribe the procedure which the Head of Unit and Chief Social Work Officer will have to follow in applying their discretion to place a young person in **secure care**. The Bill will also provide a right of appeal against their decisions for children, young people and relevant persons.
- The Bill will include provision for a **feedback loop** to permit the collection of information on whether, or how, the decisions of hearings have been implemented by the local authority.
- The Bill will provide for responsibility for arranging the **safeguarder** role to remain with local authorities. Safeguarders will also be appointed for the duration of a proceeding (so until a disposal is made) rather than for a 'hearing' as was proposed in the draft Bill, and will have an independent right of appeal, amongst other things.
- The Bill will include an explicit reference to the reporter's power to refer children and young people for **voluntary measures** where compulsory measures are not thought to be required.
- **Grounds for referral** will be re-ordered so that welfare grounds appear before offence grounds. A number of other amendments will be made to grounds in light of comments received from stakeholders and the 'virtual' Bill working group.
- The Bill will revert to the language of **Child Protection Order** rather than Emergency Protection Order.

- On **appeals**, the Bill will revert to the original wording, so giving the Sheriff the power to ‘appeal’ the decision of a hearing rather than to ‘review’ it.

Although Parliament will take control of the Bill and accompanying documents following introduction, don’t forget that you can still speak to Ministers and officials who will be very keen to continue to obtain your views throughout the process.

The Children’s Hearings Reforms Team (Communications and Stakeholder Engagement) can be contacted on 0131 244 5483, by e-mailing chbillteam@scotland.gsi.gov.uk or by visiting our website at www.scotland.gov.uk/childrens-hearings-bill.

Scottish Children’s Reporter Administration (SCRA)

Research planned on the recent changes to the role of the Reporter

At a recent meeting with SCRA Research Group, Alastair Hamilton (Chair of Shetland Children’s Panel) confirmed that:

In collaboration with the Children’s Panel Chairs’ Group and the Training Organisers, SCRA intends to undertake a research project to establish the effects of the recent changes to the role of the reporter. They will want to gather opinions from

panel members and reporters about the way the new procedures have worked, in practice, and about issues that may have arisen.

It’s likely that the research will involve a questionnaire distributed to a sample of panel members, probably around February or March 2010.

Engagement with Children and Young People

By Maryanne McIntyre

SCRA is working to improve engagement with children and young people within the Hearings System.

SCRA's Engagement with Children and Young People Project aims to make the organisation more accessible and more responsive to the needs of children and their families. The work includes developing a whole systems approach to consultation, engagement and participation of children and young people to initiate and sustain change and improvement in the service we provide.

Project Manager, Shirley MacDonald told the Communicator: "SCRA cannot achieve the aims of this project on its own. In fact, we are already working in partnership with a number of organisations to learn from their experiences and to share best practice, to ensure that we are able to develop and deliver a framework for engaging with children and young people that is both successful and sustainable."

Over the past few months, SCRA has been working closely with Who Cares? Scotland, Young Scot, Aberlour Child Care Trust and Glasgow City Council to assist with this project.

Who Cares? Scotland has a well established Peer Education Group made up of children and young people who they consult with on a regular basis to provide feedback on a variety of subjects. The group met recently and discussed SCRA's Having Your Say form - the form which should be completed by all children and young people prior to attending a Hearing.

Young People from Who Cares? Scotland have also recently been involved in presentations to SCRA's Board and senior management team,

which involved poetry readings followed by discussion and Q&As.

The focus of the work with Young Scot has been on improving the information and advice available to young people. Not only young people who may come into contact with the Children's Hearings System, but also information for young people in general. Young Scot have agreed to help by providing information through their website and telephone helpline and also through a new schools intranet project called 'Glow', which will be available to all school pupils and teachers throughout Scotland in the near future.

One of the longer-term aims of the project is to establish a Young Person's Reference Group. Aberlour Child Care Trust will be providing support to SCRA in establishing this group and will help to recruit members. This group will provide SCRA with a mechanism to involve children and young people in decisions about policy as well as research activity.

During the late summer/early autumn of 2010, SCRA plans to recruit four apprentices aged between 16 and 18 who will work in SCRA whilst completing a two-year Modern Apprenticeship in Youth Work. The apprenticeship will be offered in partnership with Glasgow City Council. These Modern Apprentices will be managed by a Participation and Engagement Officer who will be appointed from within the staff group during April. The group will manage and develop the work of the project.

For further information, please contact Shirley at shirley.macdonald@scra.gsi.gov.uk.

And finally... a reminder

This edition of the Communicator has been produced by Senga Kemp, Chair of West Lothian Children's Panel, Eleanor Manson and Isabelle Jacobsen, Workforce & Capacity Issues Division.

The Communicator is your publication and we would like to hear from you. Let us know what is happening in your area. Are you doing something that would be of wider interest to other panel members?

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