

**BOARD MEETING****AGENDA****3rd meeting, 2018/19****27<sup>th</sup> November 2018**

The Board will meet at 13.00, CHS, Ladywell House, Edinburgh.

<b>Item</b>	<b>Topic</b>	<b>Lead Person</b>	<b>Paper Number</b>	<b>Purpose</b>
1	Declarations of interests	Chair	Verbal	To consider any declarations of interests with regard to agenda items
2	Minutes of previous meeting	Chair	CHS-1819-31	To approve the minutes of the meeting of 19 June 2018
3	Matters arising	Chair	Verbal	Seek assurance that actions from the previous meeting have been progressed
4	Action log	Chair	CHS-1819-32	To monitor progress against actions due and agree action where required
5	Chair update	Chair	Verbal	To note
6	National Convener/ CEO update – review and reform update	BMcA	CHS-1819-33	To note/approve
7	Finance Update	EM	CHS-1819-34	To approve
8	Panel Member Expenses	LH	CHS-1819-35	To note

9	Board Strategy day Follow up & 2019/20 /Business Planning	EJ/LH	Verbal	To note
10.	Audit and Risk Management Committee (ARMC) – update of last meeting	Chair ARMC	Verbal	To note
11	Property Update	LH	Verbal	To note
12	Panel Member Continuity	EJ	CHS-1819-36	To note
13	LA Partnership Agreements – SOLACE update	EJ	CHS-1819-37	To approve
14	Digital Update	EJ/HR	Verbal	To note
15	Feedback Loop	SC/BMcA	CHS-1819-38	To approve
16	CHS Learning Academy Programme 208/19	EJ	CHS-1819-39	To approve
17	Governance Plan 2019	LH	CHS-1819-40	To note
18	Board Standing Orders	NMc	CHS-1819-41	To approve

**Next Board meeting – 29<sup>th</sup> January 2018, Edinburgh**

## Agenda item 2 – CHS-1819-31

### Minutes of the meeting of the Board of CHS of 18<sup>th</sup> Spetember 2018

<b>Accountable Director:</b>	Lynne Harrison, business Manager
<b>Report author:</b>	Nicola MacLaren
<b>Recommendation:</b>	To approve the minutes of the 18.09.2018 meeting
<b>Resources implications:</b>	N/A
<b>Equalities duties:</b>	Equalities Impact Assessment Required <b>No</b> Equalities Impact Assessment Completed <b>No</b>

#### Background

1. At its meeting on 18<sup>th</sup> September 2018 the Board of CHS held a meeting.

#### Recommendation

2. To approve the minutes of the 18<sup>th</sup> September 2018 meeting.

### Minutes of the Board meeting of 18<sup>th</sup> Septeber 2018

The meeting started at 13:01.

#### Present:

Garry Coutts (Chair)  
John Anderson  
Henry Robson

#### Also present:

Boyd McAdam, National Convener/Chief Executive (NC/CEO), CHS  
Elliot Jackson, Depute Chief Executive (DCE), CHS  
Ed Morrison, Head of Finance, SCRA/CHS  
Lynne Harrison, Business Manager, CHS  
Nicola MacLaren, Governance Lead, CHS  
Donald Henderson, Deputy Director for Care, Protection and Justice, SG

#### Apologies:

Marian Martin,  
Beth-Anne Logan  
Susan Deery, Head of Human Resources, SCRA/ CHS  
Christine Mullen, Operational Manager, CHS

The Chair welcomed everyone to the meeting.

Items	Actions / owner	Time-scales
1	<b>Declaration of interests</b>	
None.		N/A
2	<b>Minutes of previous meeting</b>	
<ul style="list-style-type: none"> <li>The Board noted that there were some amendments required to the minute; change in the Ministers title to Children and Young people and that a wording amend be made.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to approve the minutes of the 19<sup>th</sup> June Meeting with these amendments.</b></p>		
3	<b>Matters arising</b>	
None.		
4	<b>Action log</b>	
<ul style="list-style-type: none"> <li>EJ highlighted that the digital strategy redaction functionality is currently being investigated and is with LMc to report the findings of the proposed solution. Details will be circulated on completion of the analysis. And will be discussed at a future meeting.</li> <li>There is a request from the Chair to look at the possibility of eBoard papers – a business case has been submitted to SMT for review and will be brought to the next board meeting in November.</li> <li>The Chair confirmed that there are now 2 live vacancies for Board members. It was highlighted that there is a drive to encourage applicants from all backgrounds in order to ensure an adequate gender representation.</li> <li>BMc reported that City of Glasgow council have provided a report in conjunction with Solace on the support agreements within local authorities, which is under review at present. The Chair questioned the level of service being attained – it was suggested that this may require escalation due to these agreements being a critical aspect of the system to ensure that the minimum level of standards set out by CHS are being achieved. It was also highlighted</li> </ul>		

	<p>that an agreement needs to establish a national set of standards and not individual to each of the 32 areas.</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p><b>2. Decision—</b></p> <ul style="list-style-type: none"> <li>• <b>EJ will update the Board at the next meeting on the progress of the redaction functionality.</b></li> <li>• <b>The Board has asked for a full report relating to partnership agreements ahead of the next meeting to review what options are available to progress forward.</b></li> </ul>	<p>EJ</p> <p>BMc</p>	<p>Nov Board</p> <p>Nov Board</p>
<p><b>5</b></p>	<p><b>Chair update</b></p>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• Most recent focus has been on securing the training programme – previously discussed in the Private meeting.</li> <li>• National recruitment campaign has also been a high priority but will be covered on the agenda.</li> </ul> <p><b>2. Decision—</b></p> <p><b>No matters were raised to the chair.</b></p>		
<p><b>6</b></p>	<p><b>Chief Executive update</b></p>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <p>The National Convener/ CEO (NC/CEO) introduced the paper. Key elements were:</p> <ul style="list-style-type: none"> <li>• It was highlighted that there had been a number of challenges relating to the recruitment campaign and the action that was taken to keep the campaign relevant to the community.</li> <li>• There has been an increase in the numbers of complaints, concerns, SARs and FOISAs over the last few months and this has raised an issue within CHS relating to resource and capacity. This is being addressed via a number of routes with various communications to the community. HR raised previously noted concerns by ARMC and that a report will be taken to them relating to complaints in the Nov committee.</li> <li>• Digital oversight committee is underway and progressing as anticipated. Some challenges for consideration in the future regarding what the platform will provide. With discussions ongoing regularly.</li> <li>• Feedback loop – a new way of expediting and presenting data is being pursued and will be presented in a paper to the board for approval.</li> </ul>		

	<p><b>2. Decisions—</b></p> <p><b>The Board agreed—</b></p> <ul style="list-style-type: none"> <li>• <b>BMc would relook at the format and frequency of the NC report ahead of the next board meeting. As well as how we use this to inform the wider community.</b></li> </ul>	BMc	Nov
7	<b>Finance report 2018/19</b>		
	<p><b>Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• The resource grant in aid allocation for CHS was £3.8m plus an additional £117k underspend from 17/18.</li> <li>• This is an increase in £53k compared to when the budget was set back in March.</li> <li>• It was noted that there has been a decrease in panel members claiming expenses. The Chair queried the reasons behind this and EM advised that there is an investigation into why this is the case and that this would be brought to the board at a later date. Therefore taking this into account there has been a cautious reduction of £10k underspend.</li> <li>• EM assured the board that there is no need to forecast any overspend in VAT in relation to the new Training contract this year or in the next financial year, which had previously been highlighted as a potential risk.</li> <li>• It was brought to the board’s attention that with the delivery of the new digital platform the ease in which panel members claim expenses should become more user friendly.</li> <li>• EM suggested that due to the possibility of an underspend on volunteer expenses there are a number of in year priorities and cost pressures that may require funding. There are to be considered by SMT.</li> <li>• There are less resources available for other projects due to significant resource on the digital programme and costs associated.</li> <li>• Chair queried the costings of Microsoft licences and whether these are required ongoing – LH confirmed this is monitored and edited where necessary.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The board agreed to note assurance of the report with the expectation that a detailed report into panel member expenses would be presented at a future board.</b></p>	EM	Nov

8	<b>Financial Plan update</b>		
<p><b>Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• 2019-2020 detailed planning is currently underway with SG.</li> <li>• There are various policy amendments and reviews (including the care review) that are underway, which prevents for accurate forecasting due to the possibilities of change required once these complete.</li> <li>• LMc has identified that there is an ongoing requirement for IT Tech refresh of approx 5% of operating costs which will need to be provided from 2021/22.</li> <li>• BMc and EJ advised the board that they had also presented the financial position to the Minister in relation to the outstanding business case.</li> <li>• EJ discussed the possibility that in 3 years our Training Programme would come in house and therefore reduce the amount of spend.</li> <li>• The Chair mentioned that albeit the 4 separate elements of the business case had been signed off there hadn't been an agreement on the priority of these areas. However from a Chairs perspective the Local Volunteer Management structure and Quality assurance are the 2 critical areas that are crucial to the success of CHS and ensure stability.</li> </ul> <p><b>2. Decisions—</b></p> <p><b>The Board agreed to approve the Financial Plan.</b></p>			
9	<b>Audit and Risk Management Committee Reports</b>		
<p><b>9.1 – Cover paper, Audited Annual Accs 17/18 &amp; Letter of Representation</b></p> <p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• Audit Scotland had completed their review of the 17/18 accounts. Any amends required by the Audit committee in August have been taken into account and reflected in the final reports.</li> <li>• The Pension Fund has now moved into a deficit. Audit Scotland had asked for a revised pension valuation which os detailed.</li> <li>• No new recommendations and the only 17/18 recommendation is now closed.</li> <li>• EM highlighted that there was a previous requirement from ARMC to potentially get a letter of comfort from SG in relation to future funding.</li> <li>• HR asked that there is some analysis is brought to the Nov ARMC to help explain the pension position.</li> <li>• HR queried the wording of section 24 of the letter of representation and asked this be amended.</li> <li>• Chair expressed his thanks and advised this was the cleanest audit report to date he had seen.</li> </ul>		<p>EM</p> <p>EM</p>	<p>Nov ARMC</p> <p>Nov ARMC</p>

	<p><b>2. Decisions—</b></p> <p>The Board agreed to approve the reports based on the amendment mentioned being actioned.</p> <p><b>9.2 – ARMC Minutes</b></p> <p>The Board agreed to approve the minutes of the 19<sup>th</sup> June 2018.</p>		
10	<b>CHS Impact report (formerly NC/CEO Annual report and CHS annual report)</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• LH explained the rationale behind the changes was to make it more user friendly and make it a more team focused document. There will be every effort made to distribute to the community.</li> <li>• HR suggested a re-phrasing of the Chairs section of the report.</li> <li>• Overall very positive feedback.</li> <li>• DH asked if it was possible to circulate within SG to show the great work.</li> <li>• The Chair thanked the individuals involved on the work and wanted the report to be utilised in a way that allows us to express all the great things that are happening within CHS.</li> </ul> <p><b>2. Decisions—</b></p> <p>The Board agreed to approve the report based on amendments from HRs feedback.</p>		
11	<b>Property Update</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• LH updated the board that MHW have had funding approved and therefore approval was sought from the board based on the amount of spend required from CHS. NRS have been consulted and are happy to work on flexible terms relating to a move date.</li> <li>• Subject to approval: 1<sup>st</sup> April 19 move date, staff consultations to begin, smarter working arrangement to be discussed.</li> <li>• HR queried would be adequate if there was an increase in head count in the future – LH explained this was the reason for smarter working.</li> <li>• The increased rental costs of £38k were discussed in relation to whether this would be built into the business case and be covered if we get an increase in GIA, if not EM advised SG would expect as to cover costs from other existing resources.</li> <li>• Suggestions on walk to work day the day we move.</li> </ul>		



<b>2. Decisions—</b>			
<b>The Board agreed to approve the report.</b>			
<b>12</b>	<b>Feedback Loop</b>		
<b>1. Summary of discussion and/or issues raised—</b>			
<ul style="list-style-type: none"> <li>• BMc and SC have been investigating ways in which they gather the data to make it more effective. A research proposal will be brought to the board in addressing the intention to find a better way of gathering the data.</li> <li>• Chair mentioned that the data isn't up to legislative standards as is and therefore the objective should be to achieve the intention of the legislation in ways possible to CHS.</li> </ul>			
<b>2. Decisions—</b>			
<b>The Board agreed to wait until next board to agree the approach in the future.</b>			
<b>13</b>	<b>Draft Equality outcomes 2018-20</b>		
<b>1. Summary of discussion and/or issues raised—</b>			
<ul style="list-style-type: none"> <li>• LH explained the report is built in a way that positions CHS resource constraints. It was also mentioned that the Robertson Trust interim programme has worked very well for CHS.</li> <li>• This will be the outcomes that will be reported against in 2 years time.</li> </ul>			
<b>2. Decisions—</b>			
<b>The Board agreed to approve the report.</b>			
<b>14.</b>	<b>Forecast Performance report Q2</b>		
<b>1. Summary of discussion and/or issues raised—</b>			
<ul style="list-style-type: none"> <li>• Positive report in relation to the indicators that were within resource boundaries of the organisation.</li> <li>• Chair wished to look at the KPIs ahead of the business and strategic planning for 2019/2020.</li> </ul>			

	<p><b>2. Decisions—</b></p> <p><b>The Board agreed to note the report for assurance.</b></p>		
15.	<b>Area convenor/AST Support</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• BMc talked through the comments raised at the ACLG weekend event which focused on concerns of being over stretched and under resourced.</li> <li>• It was brought to the boards attention that a letter had been received from a number of ACs detailing a number of concerns/issues.</li> <li>• Chair noted significant risk that some of the most experienced and influential AC's are writing in to note concerns of sustainability.</li> <li>• EJ mentioned that there have been a number of workshops that have taken place to discuss how CHS manage these concerns if we are successful (or not) with the business case and how do we best utilise these resources.</li> </ul> <p><b>2. Decisions—</b></p> <p><b>The Board agreed that BMc would reply formally to the letter received detailing the boards awareness of the issues and request for regular contact. With a follow up letter to be sent in January after discussions have taken place.</b></p>	BMc	Jan 19
16	<b>2019/20 Business Planning</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• The board strategy day on 9<sup>th</sup> October will set foundations that will feed into the 2019/2020 planning.</li> <li>• Staff day in early September has given some stepping stones on where they see CHS in the future.</li> <li>• Draft plans to come back in to the board January 19 before final sign off in March.</li> </ul> <p><b>2. Decisions—</b></p> <p><b>The Board agreed to note the report.</b></p>	LH	Jan 19
17	<b>Biodiversity Report</b>		

	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• Statutory requirement. Kept relevant given CHS have no green space.</li> <li>• Details how biodiversity targets will be built into future work.</li> <li>• Request to approve the report as well as approve the request for this to be built into other reports in the future.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to approve both aspects.</b></p>		
18	<b>Training contract Update</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• EJ discussed the previous acceptance of the training contract which is now with WLC lawyers, once returned and signed by BMc a period of mobilisation would begin immediately.</li> <li>• Chair wished to review any outputs throughout the mobilisation period where there any changes or new elements. These will then be circulated to the board when deemed necessary.</li> <li>• Chair highlighted some concerns expressed by panel members. This should be built on by focusing on quality assurance and the changes being made which present significant opportunities to develop the programme.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to note the report.</b></p>		
19	<b>Panel Member Recruitment update</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• 6 days left of campaign with approx 650 applications, however over 1000 incomplete applications in system but previous years show 40% increase comes in the last 48hours. On par with 2016 figures.</li> <li>• A number of employed engagement events have taken place.</li> <li>• There is potential in the final days to up the radio advertising to target men in areas where we know we need to target.</li> <li>• No paid press was used this year.</li> <li>• Chair requested a sustentative report to understand why Edinburgh and Glasgow volunteer proportionality compared to others areas.</li> <li>• Chair discussed the previously raised concerns relating to the campaign and that a full evaluation will be completed and presented at a later board.</li> </ul>	LH LH/LF	Jan 19 Jan 19

	<ul style="list-style-type: none"> <li>Both DH and the Chair highlighted the exemplary work of the team involved and wished to thank them again for their determination and resilience.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to note the report.</b></p>		
<b>20</b>	<b>Feedback report following ACLG weekend June 18</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>Chair highlighted that these events are crucial going forward to keep AC's informed and empowered.</li> <li>Board strategy day will be used to build into the agenda for the weekend event in February.</li> <li>Potential to have some direct board/AST engagement at this event – to be discussed.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to note the report.</b></p>		
<b>21</b>	<b>AST Plans Report</b>		
	<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>Fluid plan which is still work in progress however to date most comprehensive AST plans that have been documented. There is a requirement going forward to have a more widely agreed planning process.</li> <li>However concerns that this may create additional work load on an already stretched national team and AST members.</li> <li>2 areas in particular require some additional support in order to work these plans adequately – Edinburgh and Renfrewshire.</li> <li>It was noted from the board the appreciation and thanks for the effort required by ASTs in completing these plans.</li> <li>The Chair wished to have a feedback session 6-12months in the future to reflect over the creation of the plans and the value add.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to note the report.</b></p>		

22	<b>Number and reasons for appeals</b>		
<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• Highlighted the report potentially doesn't give the level of detail expected.</li> <li>• There is a view that SCRA should utilise the new digital programme which potentially allows a more accurate way of capturing reasons for appeals.</li> <li>• There was a query that SCRA were potentially not taking appeals based on resource challenges or the fear of not having a chance at success.</li> <li>• Chair raised concerns that there are a very low number of records that detail reasons for not opposing. And the rest of records have no inclination to the reason.</li> <li>• Discussions to be brought to the next joint SCRA/CHS board meeting.</li> <li>• Chair queried the issue around reporters making decisions, that the reasons presented are not sufficient to allow them to appeal, what is the dialogue between them and the panel members in the room once this decision has been made. BMc is consulting with MS to look at ways in which the reporter may be able to make more informed decisions if they are able to view some of the documentation/notes with the panel members.</li> <li>• Real scope for improvements however requires significant investigation and analysis.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to recede the report and await a new report post further investigation and discussions jointly with SCRA. To look at the processes and understand the background behind the figures, over the coming year.</b></p>		EJ	Sept 19
23	<b>Queens Award for volunteering</b>		
<p><b>1. Summary of discussion and/or issues raised—</b></p> <ul style="list-style-type: none"> <li>• This is the volunteering equivalent of a MBE, CHS are currently not eligible. CM has sought approval to challenge the criteria to allow CHS to participate.</li> </ul> <p><b>2. Decision—</b></p> <p><b>The Board agreed to allow progression as seen fit.</b></p>			
<p>The Chair thanked everyone for their contribution.</p> <p>There is a Board Strategy day on 9<sup>th</sup> October 2018. The next Board meeting will be on 27<sup>th</sup> November 2018, Edinburgh. The meeting closed at 14.48.</p>			

DRAFT

## Agenda item 4

### Children's Hearings Scotland Board Action Log Updated on 09 November 2018

No.	Action(s)	Source	Target date	Owner	Status
1	<ul style="list-style-type: none"> <li>Reasons for Appeals - comprehensive report</li> </ul>	28.11.17	Early/mid 2019	EJ	Not due yet
2	<ul style="list-style-type: none"> <li>Support Agreements with local authorities SOLACE report - update</li> </ul>	18.09.18	Nov. 2018	BMcA	On agenda
3	<ul style="list-style-type: none"> <li>Feedback Loop ways of gathering data- update</li> </ul>	30.01.18	Nov. 2018	BMCA	On agenda
4	<ul style="list-style-type: none"> <li>Review the Framework document once revised Scottish Government National Outcomes have been published following their review in September</li> </ul>	20.03.18	Late 2018/ early 2019	LH	Not due yet
5	<ul style="list-style-type: none"> <li>Update on joint digital strategy redaction functionality</li> </ul>	28.08.18 (ARMC)	Nov. 2018	EJ	Verbal update
6	<ul style="list-style-type: none"> <li>Panel Member Expenses</li> </ul>	18.09.18	Nov. 2018	EM	On agenda
7	<ul style="list-style-type: none"> <li>Formal response to ACs letter of concern.</li> </ul>	18.09.18	Nov. 2018 – follow up Jan 19	BMcA	Verbal update
8	<ul style="list-style-type: none"> <li>Recruitment Lessons Learned</li> </ul>	18.09.18	Jan/Mar 2019	LH	Not due yet
9	<ul style="list-style-type: none"> <li>Recruitment geographical profile</li> </ul>	18.09.18	Jan 19	LH	Not due yet
10	<ul style="list-style-type: none"> <li>Training contract PIR</li> </ul>	03.09.18	Jan 2019	LH	Not due yet
11	<ul style="list-style-type: none"> <li>Review of NC report</li> </ul>	18.09.18	Nov 2018	BMcA	On agenda
12	<ul style="list-style-type: none"> <li>AST plans/Support Feedback</li> </ul>	18.09.18	Mid 2019	LH/EJ	Not due yet
13	<ul style="list-style-type: none"> <li>Governance plan</li> </ul>	18.09.18	Nov 2018	NMc	On agenda



## Agenda Item 6, CHS-1819-33

### National Convener / Chief Executive update

At the September meeting of the Board I said I wished to review the National Convener's update. This is the first in the new format.

We have had a few years' experience of my update which has existed alongside more detailed papers to the Board. This has also sought to serve as a briefing for the CHS Community who may wish to know in more detail what we are working on. The format has expanded to the point where it has perhaps become less accessible and it now duplicates other mechanisms we have in place: e.g. we also now provide regular briefings on operational and practice issues to Area Conveners for dissemination to the CHS Community locally.

In an effort to recalibrate the update I set out in this paper a summary of our core activities and more narrative on the wider high level policy/ partnership agenda. Comments of the revised format are welcomed.

#### 1. HEADLINES

**1.1 Recruitment:** On track for recommendations by the end of November of those proposed to undertake pre-service training as new panel members before appointment in May. Compared to last year, applications from young people were up (from 10.6% to 13.6%); from men down (from 27% to 22%). At the Board meeting we will give an update on numbers and how the rate of conversion into recommendations is progressing: at the time of writing we may appoint 516 trainees. We are now planning for the next re-appointment round next Spring.

**1.2 Training:** The CHS Learning Academy is to be launched on 5 December. The new training contract for main provider is West Lothian College following their successful tender. The prospectus for 2019 is also to be published then and will set out expanded range of courses and content both for panel members and for ASTs, online modules and masterclasses.

**1.3 Support:** The senior team continue to meet Area Conveners for 1:1s over and above the more regular contact with ASTs which is being re-invigorated now some staff have returned from absence. More generally, we continue to press for additional resource to enhance our support for the partnership and operational work of ASTs and through them for panel members. The Scottish Parliament's budget process is expected to run until February 2019 by which time we will be clearer about the CHS budget and where we can prioritise our expenditure.



## 2. OTHER ITEMS

2.1 Davie McMillan, Area Convener Dumfries and Galloway decide to step down from the role of Area Convener wef 24 October after many years' commitment to the children's hearings system. An interim Area Convener has been appointed – Richard Oxley. The AC post has been advertised and interviews for will be held on 26 November.

2.3 Our Hearings Our Voice (OHOV) held their first meeting of anticipated Board members on Saturday 10 November as they begin to establish their priorities and ways of working. Lynne and Meggan attended. Meggan and I were present at a Renfrewshire event where WhoCares? Scotland and CELCIS spoke about the need to maintain sibling contact and about through care and aftercare and the significance of a CSO with measures being in place to assist with securing their rights as the young person moves into through care.

## 3. WIDER LANDSCAPE

3.1 The landscape is busy. It is the time of year for publishing **Annual Reports**. [SCRA's report](#) followed a day after the publication of our Annual Report and Accounts and our [Impact Report](#). The Centre for Youth Justice and Criminal Justice (CYCJ) issued [their report](#) on 7 November. For anyone wishing an overview of developments and issues in the youth justice sector this is a helpful overview. Sections 7 and 10 in particular highlight their partnership working which involves engagement with us at various level. The earlier part of the report flags up many of the issues and challenges being faced by the youth justice sector and the resources available.

3.2 Many of these young people will, under current arrangements, no longer be part of the children's hearing system. However, the Solicitor General for Scotland, Alison Di Rollo, announced at the **Kilbrandon 50** event at Edinburgh University that consideration is being given to whether to extend the children's hearings system to include 16 and 17 year olds. Consultation and more papers are expected follow in due course but if, ultimately, it is considered that it is better for that age group normally to be kept out of the criminal system, and it will have implications for panel members and the hearings process. Such a change is for the future. Legislation would be required, as would issues of capacity, skills and training of current and future panel members. So something for the future but the issues in the youth justice arena may take on added significance and merit study and discussion.

3.3 The themes at the Kilbrandon 50 event very much reinforced broad support for the principles of the system, recognising the flexibility displayed over the years as it has had to respond to change. Sheriff Anwar gave a very interesting overview of recent Sheriff Appeal decisions on cases affecting the system where the court clearly seeks to reach a determination in law which goes with and supports the principles of the system while respecting legal principles and rights. Neil Hunter emphasised the work underway through our partnership activity, in particular Better Hearings and I focused on the contrition made by volunteers, often unrecognised but very significant in scale and contribution to the workings of our care and justice system.

3.4 “Kilbrandon” will feature on at least 2 further occasions this month. The **Kilbrandon Lecture** –this year to be delivered by the former Lord Advocate Dame Elish Angiolini- will be on 22 November. The event will be recorded and a link will be circulated in due course for those unable to attend. On 28 November the **Kilbrandon Again report** will be published. This review body has had a focus in their deliberations on the older age group of young people as well as the debate about the Age of Criminal Responsibility – so their report’s recommendations will be of interest.

3.5 The wider **review of care** continues. Each of the workstreams has co-chairs with one being a care-experienced young person. Beth Anne Logan is co-chairing the Best Place in the World workstream. We have met the review of care team to understand better the emerging issues. We are keen to respond as best we can using the influence we have. We anticipate that the activities underway under the banner of Better Hearings will address some if not all recommendations but we wish to make sure that our direction of travel remains broadly aligned with the review. Some aspects of the Stop/Go agenda already identified are beginning to provide pointers and we are working to map out how we can progress these. Issues such as chairing, engagement and participation, use of appropriate language all feature.

3.6 The review of care is also taking on responsibility for the **secure care strategic review picking** up the work undertaken by the Board to date and folding it into the wider review. The secure care Board will continue to focus on the more immediate issues of commissioning for the next round. More detail on secure issues can be found at section 9 of the CYCJ report.

3.7 We are due to publish the third **feedback loop** report in the next month or so. We expect a similar report to the first two in terms of findings and quality.

**Boyd McAdam NC/ CEO, 20 November 2018**

## Agenda item 7, CHS-1819-34

### Finance Report for the 7 months ending 31 October 2018

**Accountable Director:** Head of Finance & Resources  
**Report author:** Ross Mackenzie  
**Resources implications:** Within available resources  
**Equalities duties:** Equalities Impact Assessment Required  
 Yes  No

#### 1 Background and Recommendation

- 1.1 The resource grant in aid (GIA) allocation for CHS for 2018/19 is £3.8m. The CHS Board approved the original 2018/19 budget of £3.864m at their meeting on 20 March 2018, anticipating availability of £64k of carried-forward resource underspend from 2017/18.
- 1.2 Following the conclusion of external audit's fieldwork, the final outturn for 2017/18 confirms a spend of £3,640k compared to available core resource, including carry-forward underspend, of £3,757k. Thus the resource available for spend in 2018/19 is £3.8m GIA plus £117k carry forward, £3.917m. This is very close to the position reported to the Board in June and provides an extra £53k which is available to meet emerging priorities and new cost pressures.
- 1.3 Members are asked to note the forecast for 2018/19, the areas where SMT have prioritised additional spend and the potential need to accelerate spend into the current financial year to offset any significant underspend on volunteer expenses.

#### 2 Summary 2018/19 Financial Position

	Actual YTD Period 7	Variance YTD Period 7	2018/19 Annual Budget	2018/19 Forecast	2018/19 Forecast Variance	2018/19 Forecast Variance
	£000	£000	£000	£000	£000	%
Staff	647	+23	1,069	1,066	-3	-0.3
Board	26	+6	40	40	+0	+0.0
Training, travel and subsistence	22	+1	37	37	+0	+0.0
Property	35	+1	69	69	+0	+0.0
Other Operating Costs	19	+7	53	51	-2	-3.8
ICT Costs	177	+46	341	331	-10	-2.9
Corporate Costs	12	+7	86	86	+0	+0.0
Panel and AST Expenses	166	+1	600	590	-10	-1.7
Panel and AST Training	496	+27	1,177	1,177	+0	+0.0
Support for hearings	16	+0	32	30	-2	-6.3
Volunteer recruitment	188	-54	266	271	+5	+1.9
PVGs	2	-3	29	29	+0	+0.0
AST Devolved Funding	9	-9	66	66	+0	+0.0
Income	0	+1	-1	-1	+0	+0.0
<b>Total</b>	<b>1,815</b>	<b>+54</b>	<b>3,864</b>	<b>3,842</b>	<b>-22</b>	<b>-0.6</b>

- 2.1 Staff costs are anticipated to be slightly under-budget this year, reflecting vacancy savings from churn, extensions to temporary contracts and an agile approach to human resource management. There is potential for further savings, depending on the success and timing of further recruitment plans in the remainder of the financial year. SMT are considering funding an additional Practice support (£10k) in facilitation of the provision of Independent Reports to panels. This service, which currently resides with CELCIS, may be transferred to CHS during 2019.
- 2.2 The ICT budget is showing a £10k underspend overall, which SMT are considering using to fund a tech refresh of those some devices in use by AST members. The £148k provision for CHIRP developments and a potential ticketing surcharge from Leidos has only been required for the ongoing support contract and various low-value software requirements, all totalling around £70k: the remainder of this provision is now largely meeting additional website costs, some software purchases and an unanticipated increase in Microsoft licence costs. The price of CHIRP licences rose unexpectedly by around 30% in July (£48k p.a.): discussions are ongoing with Microsoft to establish the cause and long term impact on the current model.
- 2.3 As a result of a lower spend on volunteer expenses last year, and the emergence of a year to date underspend, the forecast underspend is a cautious £10k. More detailed analysis of this is underway: a spend similar to last year, for example, would result in a further £50k underspend. A further analysis of volunteer expenses is included elsewhere on the Board meeting agenda.
- 2.4 Following an initial assessment of the costs of the new training contract which commenced on 1<sup>st</sup> October 2018, SMT remain confident that this spend will be on budget this financial year. Underspends on other lines may be used to fund the development of a 3-minute infomercial promoting the CHS Learning Academy (approximately £7k). Costs for training including venue costs will be closely monitored until the end of the business year to understand the financial impact of the extended Prospectus offered by the CHS Learning Academy.
- 2.5 An extra £25k has been included in the recruitment forecast for SG Procurement support for the next recruitment tender exercise. The current recruitment campaign's evolution costs have been largely covered by an underspend in the anticipated costs of AST recruitment in the year to date. The forecast does not include the current plans under discussion for dedicated consultancy support (£30k) to help shape and finalise the roles and design what could be a national recruitment campaign should the Business Case be approved by Scottish Government.
- 2.6 The table of expenditure excludes all spend that is being funded from the joint digital delivery resource (£2.5m), initially aligned to Scottish Children's Reporter Administration (SCRA) at the start of the year.
  - A transfer of £86k revenue resource has been agreed with SG to fund the Head of IT's employment costs.
  - A small capital transfer (£6k) is anticipated before the end of the year.

- 2.7 At this stage, digital expenditure is still in line with the approved budget. This position will be updated once the Alpha End Stage Report is signed off and any resulting Change Control Notes approved.
- 2.8 There is £250k of capital grant in aid available to accomplish the property move to Thistle House in Haymarket from Ladywell House in Corstorphine. Although current estimates suggest the total cost of the project may be as high as £275k, SMT have identified costs (largely furniture) of £25k that can be met from CHS's revenue GIA, in line with CHS's current capitalisation policy. This is likely to keep the capital element of the project within the £250k resource envelope.

### **3 Conclusion and recommendation**

- 3.1 The forecast underspend of £22k above, coupled with the additional £53k carried forward from 2017/18 provides available resources of £75k which have been provisionally allocated to additional Practice support, technology refresh, the CHS Learning Academy infomercial, consultancy support and furniture and IT cabling costs at Thistle House resulting in a small forecast overspend of £7k. As there is a likelihood of a further underspend arising from volunteer expenses SMT will identify options to accelerate future spend into the current financial year.
- 3.2 Members are asked to note the forecast for 2018/19, the areas where SMT have prioritised additional spend and the potential need to accelerate spend into the current financial year to offset any significant underspend on volunteer expenses.

## Agenda Item 8, CHS-1819-35

### CHS Volunteer Expenses

<b>Accountable Director:</b>	NC/CEO
<b>Report author:</b>	Business Manager
<b>Recommendation:</b>	To Note
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	No Equalities Impact Assessment Required

#### 1. Introduction

- 1.1 CHS has a dedicated volunteer expenses budget, which has been underspent for the past since inception.
- 1.2 The CHS Board asked SMT to undertake an analysis of volunteer expenses to enable better understanding of the reasons for underspend.

#### 2. Background

- 2.1 Volunteer expenses are managed through a national policy, administered locally by LA Clerks through Partnership Agreements.
- 2.2 On inception CHS conducted detailed analysis of the nature of expenses claimed to aid budget development. This ceased in 2014 and CHS do not currently hold current detailed management information on the nature and number for claims made. This will be addressed through development of the expenses module of the 2<sup>nd</sup> generation system.
- 2.3 Data from Annual Reports suggest a stable volunteer community of approx. 2500 Panel Members and 400 AST Members over the period.
- 2.4 The current budget is £549,300 (reduced from £794,200 in 2014 – 16), equating to £205 per volunteer<sup>1</sup> per annum.
- 2.5 The expenses budget comprises both Panel member and AST Member expenses:

<b>Total</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Budget	794,200	794,200	594,255	594,255
Actual Expenditure	573,964	594,709	578,102	539,552
<b>Balance</b>	<b>220,236</b>	<b>199,491</b>	<b>16,153</b>	<b>54,703</b>
<b>Panel Member Expenses:</b>				
Budget	644,200	644,200	479,722	479,722
Actual Expenditure	463,405	485,967	454,220	441,458
<b>Balance</b>	<b>180,795</b>	<b>158,233</b>	<b>25,522</b>	<b>38,264</b>
<b>AST Expenses:</b>				
Budget	150,000	150,000	114,533	114,533
Actual Expenditure	137,559	108,742	123,902	98,094 <sup>2</sup>
<b>Balance</b>	<b>12,441</b>	<b>41,258</b>	<b>-9,369</b>	<b>16,439</b>

Spend by AST is identified in Appendices 1 & 2.

<sup>1</sup> Assumes 2,900 volunteers (2,500 Panel Members and 400 AST Members)

<sup>2</sup> Changes to AST expenses recording in some areas has aggregated AST expenses with PM expenses

### 3. Analysis

- 3.1 The total value of claimed volunteer expenses have fallen by 6% since 2014/15: Panel Members value has fallen by 5%; The AST profile has been more volatile, although overall on a downward trend.
- 3.2 16/22 AST's total spend was lower in 2017/18 vs 2014/15. Only 4 out of 22 ASTs showed marginal increases in expenditure.
- 3.3 1 AST had not made any claims against the budget until 2017/18.
- 3.4 Value varies by size and geography of AST.
- 3.5 Previous analysis (2014) of volunteer expenses identified the majority of claims are for travel (to/from hearings and training events).
- 3.6 The number of hearings nationally has dropped by 12% since 2014/15.

	2014/15	2015/16	2016/17	2017/18
<b>Number of Hearings</b>	36,904	34,896	34,106	32,553
<b>Expenses Value</b>	463,405	485,967	454,220	441,458

### 4. Conclusions

- 4.1 The decline in value of expense claims is in line with a reduced number of hearings nationally.
- 4.2 AST expenses are more volatile overall and by AST, this may be due to changes in local expectations that arise with changes in local AST leadership & management.
- 4.3 Overall, it is considered that the value of expenses claimed at an average of £205 per annum is not representative of the true 'cost' to individuals of volunteering.
- 4.4 The current age profile of volunteers is skewed to 45+ and anecdotal evidence of sociodemographic profile (retired/professional) may be resulting individuals choosing not to claim as financially they can afford not to.
- 4.5 The drive to reduce the average age of CHS volunteers and recruitment from a broader spectrum of society (students etc) may therefore result in a future uplift in claims made.
- 4.6 The launch of the online expenses system in 2019/20 will both provide detailed MI for claims made and aid ease of claims for individuals and may result in an uplift in claims made.

### 5. Recommendations

- 5.1 It is recommended value of expense claims is continued to be monitored.
- 5.2 It is recommended that the National Team work with AC's to encourage volunteers to claim expenses.
- 5.3 It is recommended that the online expenses facility is promoted widely at launch to encourage claims to be made.
- 5.4 It is recommended a detailed analysis of claims MI is conducted 6 months post launch to enable a more detailed understanding of the expenses profile.

## Panel Member Expenses by AST

AST	2014/15	2015/16	2016/17	2017/18	Total
ABERDEEN CITY AST	6,214	7,965	6,978	7,486	28,643
ABERDEENSHIRE AST	23,096	36,555	30,083	32,042	121,775
ARGYLL AND BUTE AST	21,095	15,876	14,829	14,138	65,938
AYRSHIRE AST	43,746	41,070	42,959	36,777	164,553
CENTRAL AST	42,822	45,333	37,862	34,918	160,935
DUMFRIES AND GALLOWAY AST	39,898	48,709	34,834	44,578	168,019
EAST DUNBARTONSHIRE	-1,000			428	-572
EAST RENFREWSHIRE AST	2,063	1,857	1,916	1,696	7,532
EDINBURGH AST	6,664	4,550	5,752	3,916	20,881
EILEAN SIAR AST	18,434	12,932	6,844	9,117	47,327
FIFE AST	39,048	32,346	34,990	30,344	136,727
GLASGOW AST	29,597	31,246	45,383	46,162	152,388
HIGHLAND AND MORAY	47,527	58,618	60,825	44,986	211,956
INVERCLYDE AST	2,207	2,663	3,156	3,291	11,316
NORTH LANARKSHIRE AST	5,560	13,487	12,254	13,032	44,334
ORKNEY AST	12,749	7,446	5,165	9,798	35,157
RENFREWSHIRE AST	12,896	14,969	11,623	8,790	48,278
SHETLAND AST	6,459	14,156	7,610	5,033	33,257
SOUTH EAST SCOTLAND AST	39,654	32,626	27,324	32,140	131,743
SOUTH LANARKSHIRE AST	17,859	19,415	17,784	17,303	72,361
TAYSIDE AST	41,081	39,527	42,315	41,476	164,399
WEST DUNBARTONSHIRE AST	5,738	4,621	3,736	4,008	18,102
<b>Grand Total</b>	<b>463,405</b>	<b>485,967</b>	<b>454,220</b>	<b>441,458</b>	<b>1,845,051</b>



## AST Expenses by AST

AST	2014/15	2015/16	2016/17	2017/18	Total
ABERDEEN CITY AST	5,829	3,249	2,903	3,254	15,235
ABERDEENSHIRE AST	9,165	6,427	8,535	5,286	29,413
ARGYLL AND BUTE AST	6,830	5,504	6,822	5,146	24,302
AYRSHIRE AST	3,837	5,244	6,042	4,554	19,678
CENTRAL AST	6,629	2,104	6,765	2,673	18,172
DUMFRIES AND GALLOWAY AST	16,179	8,742	23,438	14,992	63,351
EAST DUNBARTONSHIRE AST	298	952	880	709	2,839
EDINBURGH AST	934	1,556	1,928	1,704	6,121
EILEAN SIAR AST	3,911	4,348	4,461	2,588	15,308
FIFE AST	6,854	7,564	7,430	11,863	33,710
GLASGOW AST	23,913	22,224	10,476	648	57,261
HIGHLAND AND MORAY AST	16,620	3,764	17,684	18,292	56,360
INVERCLYDE AST	670	720	338	600	2,328
NORTH LANARKSHIRE AST	1,197	1,117	965	1,239	4,518
ORKNEY AST	3,235	9,108	4,315	4,448	21,105
RENFREWSHIRE AST	942	938	713	813	3,406
SHETLAND AST	10,002	14,095	8,571	5,726	38,394
SOUTH EAST SCOTLAND AST	7,446	5,607	3,400	3,648	20,100
SOUTH LANARKSHIRE AST	2,449	2,228	2,836	2,365	9,877
TAYSIDE AST	5,689	1,155	3,558	6,586	16,987
WEST DUNBARTONSHIRE AST	4,929	2,096	1,844	961	9,830
<b>Grand Total</b>	<b>137,559</b>	<b>108,742</b>	<b>123,902</b>	<b>98,094</b>	<b>468,297</b>

## Agenda item 12, CHS-1819-36

### Panel Member Continuity Requests

<b>Accountable Director:</b>	NC/CEO
<b>Report author:</b>	Laura Conachan, Community Projects Lead
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	Equalities Impact Assessment Required

Yes

No

#### 1. Background and Legislation

*Rule 3 (1) “Where a children’s hearing is held in relation to a child, by virtue of the Act or any other enactment, the children’s hearing may request that the National Convener select, where practicable, one of the members of that children’s hearing to be a member of the next children’s hearing to be arranged in relation to that child.”*

CHS’s approach to continuity required reviewing in light of *The Next Steps to Better Hearings* research which identified more consistency of panel members as a desire of children, young people and practitioners and the Education and Skills Committee’s recommendation that “where possible, there is consistency of membership of Panels when a child or young person faces multiple hearings.”<sup>1</sup>

As of 18 November, there have been 450 requests for continuity in 2018 - only 2 have been refused. CHS is already operating with the presumption that continuity will be authorised; the proposal below will merely simplify and streamline the process for requesting, authorising, recording and implementing continuity requests.

A full review of the process allows an opportunity to establish a more consistent practice across Scotland, increase awareness and confidence in the continuity process and ensure our processes are GDPR compliant.

At present, there is variable knowledge among Area Conveners, rota managers, clerks and panel members about the continuity process, leading to inconsistent use of continuity and lack of clarity of what is required by each role. Furthermore, the current process does not cover how requests should be processed between SCRA and rota managers leading to potential data protection breaches.

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<sup>1</sup> <https://digitalpublications.parliament.scot/Committees/Report/ES/2017/4/25/Children-s-Hearings-System---Taking-Stock-of-Recent-Reforms-2#Children-s-Participation>

## 2. Process Proposal

- The National Convener delegates his authority under Rule 3(1) to Area Conveners (ACs). In practice, each rota manager will continue to effect the continuity requests however improved recording tools will allow ACs will have operational oversight of the process in their area.
- Continuity would continue to be a decision of the hearing, taking place openly in front of the child, family and relevant persons and be recorded on the Record of Proceedings with robust reasons given orally and in writing by the panel members.<sup>2</sup>
- There would no longer be a separate Continuity Request form to be completed and sent to CHS for approval.
- The SCRA Outcome Form would be amended to include an option for 'Continuity required'. This will bring it in line with all other panel decisions, standardising the way SCRA admin staff record and action decisions while mitigating any risk that continuity requests may be overlooked without a separate form.
- When a continuity decision is made, SCRA will inform the AST rota manager of the names of the three panel members, the date the hearing requested continuity and the date they are required on. No further information regarding the child, family or case should be disclosed. A standardised email template will be provided which must be sent to the rota manager's secure CHS email address.
- Rota managers will be provided a reporting tool and asked to record the number of continuity requests made and the number actually facilitated and be asked to report these figures to CHS on a quarterly basis.
- While the presumption is that continuity will be authorised, in exceptional circumstances, if an AC or rota manager believes a panel member is using continuity inappropriately i.e. continuously requesting continuity for the same case, they can refuse the request. The reporting tool will enable ACs to keep track of how continuity is being used across their AST and updated practice briefing notes on appropriate use of continuity will be provided.
- The new administrative processes will be ready to go live on the 7th January 2019 and further practice guidance on the role, purpose and use of Continuity to be issued by the end of February 2019.

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<sup>2</sup> Procedural Decision 31 <http://www.scra.gov.uk/wp-content/uploads/2017/02/Practice-Direction-18-Completion-of-Forms.pdf>

### **3. Raising Awareness of Continuity**

There are varying levels of knowledge among panel and AST members about continuity which has led to variations in practice. For example; Dumfries & Galloway and Renfrewshire have an almost identical number of hearings per year yet in 2017 submitted 57 and 0 continuity requests respectively.

Creating a culture whereby continuity is viewed as positive for the child, family and panel will take longer to implement and will need reinforced through various channels. Streamlining the process should be the immediate priority with the following raising awareness activity taking place over the first quarter of 2019:

- An updated practice briefing note will be issued to all panel members and the Practice and Procedure manual updated online.
- Pre-Service training and Enhanced Hearing Practice will include continuity as a potential decision of the panel at every hearing.
- As part of their Better Hearings meetings, ACs will be asked to raise awareness of continuity locally with partners, especially those who prepare the child for their hearing. Currently most requests originate from social workers, solicitors or panel members as children and families are not aware it is an option available to them.

### **4. Recommendation**

The Board are asked to Note that Panel Member Continuity Requests will be approved locally with the CHS National Team maintaining management oversight.

## **Agenda Item 13, CHS-1819-37**

### **CHS Partnership Agreement with Local Authorities**

<b>Accountable Director:</b>	Boyd McAdam, NC/CEO
<b>Report author:</b>	Elliot Jackson, Depute CEO
<b>Recommendation:</b>	To Note
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	No Equalities Impact Assessment Required

#### **1. Introduction**

- 1.1 The purpose of this report is to update the Board that CHS has now agreed the content of a Partnership agreement between CHS and Local Authorities across Scotland for the provision of services to Children's Hearings Scotland.
- 1.2 The existing partnership agreement expired on 23 June 2017 and since then, the National Convener has sought to engage the Society of Local Authority Chief Executive Officers (SOLACE), in the development of a revised agreement under the Sponsorship of Annemarie O'Donnell, CEO, Glasgow City Council.
- 1.3 The National Convener and local authority Chief Executives agreed to roll forward the existing agreement to provide services locally whilst the revised proposal was being negotiated.

#### **2. Background**

- 2.1 The Children's Hearings (Scotland) Act 2011, confers legal responsibility on CHS and on local authorities to support the operation of the Children's Hearings system in Scotland.
- 2.2 The Act, amended the Children and Young People (Scotland) Act 2014, introduces a number of changes to the System to help ensure that the System is nationally consistent and locally delivered; that all hearings are child and young person centred; and that effective, evidence based decisions are made and implemented.
- 2.3 In terms of the Act the Council is a constituent authority and is obliged to provide the relevant Area Support Team established by the National Convener in terms of the 2011 Act, with such administrative support as the National Convener considers appropriate. Such support can include staff, property or other services which the National Convener considers are required to facilitate the carrying out by the AST of its functions.
- 2.4 In terms of the Act the National Convener has obligations inter alia to ensure that a children's hearing is held for the purpose of carrying out any function conferred on a children's hearing by virtue of the Act; and CHS is obliged to assist the National Convener in this regard and others; and may enter into contracts for the purposes of or in connection with its functions.

- 2.5 This Agreement is established between CHS and each Council to clarify what administrative support is to be provided by the Council in its capacity as a constituent authority; and to otherwise record the commitment of both CHS and the Council to support the System.

### **3. The NEW Partnership Agreement**

- 3.1 There were four key objectives that CHS wanted to be recognised in the new agreement. These are:

1. New legislative changes brought about by the Children and Young People (Scotland) Act 2014 which confers upon the National Convener powers to specify appropriate administrative arrangements to be provided by Local Authorities in support of Children's Panel volunteers;
2. Greater clarity on the support provision to deliver consistency and equity across Scotland;
3. Improvements in light of CHS, volunteer and Local Authority experiences of operation over the last four years; and
4. To enshrine CHS' on-going commitment to work in partnership with Local Authorities to deliver a consistent service nationally which meets volunteer support needs.

- 3.2 CHS believes that it has achieved its objectives in the attached (Appendix A) Partnership Agreement.

### **4. Next Steps**

- 4.1 CHS proposes to issue a letter to each Local Authority Chief Executive by the end of November 2018 asking them to review and sign the Partnership Agreement. Whilst many have indicated that they are content to sign, we will offer a meeting with the National Convener/Area Convener or a member of the National Team.
- 4.2 We propose to update the Area Convener Liaison Group and the Clerks Network of our agreement and to set-up a workshop in the New Year to discuss how best to operationalise the Partnership Agreement locally to ensure an excellent service provision.

### **5. Recommendation**

The Board are asked to approve the Partnership Agreement between CHS and the 32 Local Authorities.

**APPENDIX A**

**DRAFT**

**MEMORANDUM OF  
UNDERSTANDING**

between

**CHILDREN'S HEARINGS SCOTLAND**

and

**[XX COUNCIL]**

**CHILDREN'S HEARINGS SCOTLAND** a non-departmental public body and body corporate established under the Children's Hearings (Scotland) Act 2011 and having its principal offices at Ladywell House, Ladywell Road, Edinburgh, EH12 7TB; ("**CHS**")

**and**

**[XX COUNCIL]**, a local authority established under the Local Government etc. (Scotland) Act 1994 and having its principal offices at [XXX] (the "**Council**").

## **Background**

- A. The Children's Hearings (Scotland) Act 2011 ("the Act"), confers legal responsibility on CHS and on local authorities to support the operation of the Children's Hearings system in Scotland ("**the System**").
- B. The Act, amended the Children and Young People (Scotland) Act 2014, introduces a number of changes to the System to help ensure that the System is nationally consistent and locally delivered; that all hearings are child and young person centred; and that effective, evidence based decisions are made and implemented.
- C. In terms of the Act the Council is a constituent authority of the [XX] area (**the "Area"**) and is obliged to provide the relevant area support team (**the "AST"**) established by the National Convener in terms of the 2011 Act, with such administrative support as the National Convener considers appropriate. Such support can include staff, property or other services which the National Convener considers are required to facilitate the carrying out by the AST of its functions.
- D. In terms of the Act the National Convener has obligations inter alia to ensure that a children's



hearing is held for the purpose of carrying out any function conferred on a children's hearing by virtue of the Act; and CHS is obliged to assist the National Convener in this regard and others; and may enter into contracts for the purposes of or in connection with its functions.

- E. This Agreement is established between CHS and the Council to clarify what administrative support is to be provided by the Council in its capacity as a constituent authority; and to otherwise record the commitment of both CHS and the Council to support the System.

NOW THEREFORE IT IS AGREED AS FOLLOWS:-

## 1. DEFINITIONS AND INTERPRETATION

- 1.1 **Agreement** means this agreement, comprised of the Clauses and Schedules.

**Area Support Team (or AST)** means volunteers from local communities, recruited to support panel members in their area and carry out functions on behalf of the National Convener. Each AST is managed by a volunteer Area Convener who is in turn accountable to the National Convener. There are approximately 400 AST members across Scotland. In addition, each AST is supported by a Clerk who is employed by a local authority

**CHS Learning Academy** means the organisation operated by CHS to deliver training on the children's hearings system and includes any training provided under contract with CHS.

**CHS Staff** means any person engaged by the CHS in terms of a contract of employment or contract for services between that person and the CHS for the purposes of providing the Services but shall exclude any Volunteer involved in the provision of the Service.

**Complaint or concern means** an expression of dissatisfaction by one or more members of the public or member of the CHS volunteer Community about the CHS Community's action or lack of action, or about the standard of service provided by or on behalf of the CHS Community.

**Council Staff** means any person engaged by the Council in terms of a contract of employment or contract for services between that person and the Council for the purposes of providing the Services but shall exclude any Volunteer involved in the provision of the Service.

**Data Processing Contract** means the data processing contract executed by Parties in connection with the provision by the Authority of the Services, dated \*\*\*\*\*.

**National Convener** means the office holder appointed as "the National Convener" of the CHS under the Act;

**Party** means CHS or the Council, and "**Parties**" shall be construed accordingly;

**Schedule** means the Schedules referencing this Agreement and appended hereto.

**Services** means the services to be provided in terms of this Agreement by both Parties as referenced in Clause 6 and outlined in Schedule 1.

**Volunteer** means any person willing to assist in the provision the Services at the request of CHS, other than by way of a contract of employment or a contract for services and who does not receive payment in exchange by way of wages or otherwise except repayment of necessary outlays such as travelling expenses.

**Working Day** means the Council's opening hours to the general public in force from time to time, i.e. Monday to Friday except bank holidays and any public or local holidays.

1.2 Reference to any statute or statutory provision shall include a reference to any statute or statutory provision which amends, extends, consolidates or replaces the same (save to the extent that any amendment, extension, consolidation or replacement would impose more onerous obligations than otherwise exist at the date of execution of this Agreement by both Parties) or which has been amended, extended, consolidated, or replaced by the same and shall include any orders, regulations, instruments or other subordinate legislation made under the relevant statute or statutory provision.

1.2.1 The singular includes the plural and vice versa and any gender includes all genders.

1.2.2 The headings are inserted for convenience only and shall not affect the construction of this Agreement.

1.3 If there is any inconsistency or conflict between the terms of the Clauses and the Schedules then the terms of the Clauses shall prevail.

## 2. **Duration**

2.1 This Agreement will commence on [INSERT DATE] (**the "Commencement Date"**).

2.2 This Agreement shall continue until the second anniversary of the Commencement Date and then for subsequent 2 years periods unless a written notice of termination is served by either party at least 12 months in advance of any such second anniversary date.

## 3 **Collaborative Working**

3.1 CHS and the Council will work together and implement the provisions of this Agreement in good faith, in an open and transparent manner and with a view to the continuous improvement of the delivery of the Services and the System embracing modern working practices and electronic technology whenever practicable.

## 4. **Principles**

4.1 The System, as revised under the terms of the Act, is based on well-established principles which place the child at the centre of our concerns, requiring the operation of the System to be fair and responsive and to be administered effectively and efficiently. The following eight standards for the operation of the System have been set out in a national standards framework (the National Standards):

1. Children are at the centre of everything we do
2. Panel members are well equipped and supported to undertake their role
3. Panel member practice is consistent across Scotland
4. Every children's hearing is managed fairly and effectively
5. Every children's hearing makes decisions based on sound reasons in the best interests of the child or child or young person
6. AST members are well equipped and supported to undertake their role

7. Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful

8. Functions, roles and responsibilities are clearly defined and understood within the System

4.2 Both Parties acknowledge that the National Standards will only be achieved through a shared commitment by the National Convener, CHS, [insert Council area] AST, panel members and local authority partners; that the effective operation of the [insert Council area] AST is central to the achievement of these standards, and in this regard, that the contribution by the [insert Council area] AST clerk and his/her team is of critical importance.

## 5 **Service Commitment**

5.1 Both Parties undertake to support

1. the System in Scotland, and the national children's panel and underpinning framework of standards, in line with their statutory duties as clarified terms of this Agreement;
2. the administration of the [insert Council area] AST by the Council through the provision of the services of an AST clerk, and his or her team; suitable accommodation, office and administration support required for the effective operation of the [insert Council area] AST;
3. the national children's panel within the [insert Council area] AST area through the Council providing accommodation, administrative support and resources which will assist the AST and CHS with local training, recruitment and retention of sufficient panel and AST members at the area level; and
4. the System in the [insert Council area] AST area by CHS providing continuity of funding, effective support to ASTs, partner engagement and consultation, and information, advice and guidance in line with agreed national standards

## 6 **Services to support the [insert Council area] AST**

6.1 In furtherance of the commitments given in Clause 5 CHS will provide the Services to support the [insert Council area] AST as set out in Schedule 1A of this Agreement.

6.2 In furtherance of the commitments given in Clause 5 the Council will deliver the Services to support the [insert Council area] AST as set out in Schedule 1B of this Agreement.

**7. Ad hoc administrative support**

7.1 Where CHS requires ad hoc administrative support in addition to the Services ("Additional Services") a request will be communicated to the Council Representative at least 5 Working Days in advance of the required start date for the Additional Services (save in the case of urgency where the request will be communicated as far in advance as is possible).

7.2 All requests for Additional Services pursuant to clause 7.1 shall include:

7.2.1 the specification of the Additional Services; and

7.2.2 the start and end dates for the Additional Services.

7.3 The Council will use all reasonable endeavours to accommodate such requests and where they can be so accommodated, the requested Additional Services shall form part of the Services.

7.4 Requests for Additional Services pursuant to clause 7.1 may be made by phone or email to the Council Representative and shall not require a formal notice, but requests by phone must be followed up with an email as soon as practicable.

7.5 Additional Services may only be requested to the extent that they represent the administrative support required of Council by the National Convener under the Act to facilitate the carrying out by the AST of its functions.

7.6 Long term changes to the Services which are required shall be addressed pursuant to clause 9 rather than by repeated or extended requests for Additional Services.

## **8 Change**

8.1 Either party may issue a request for a change to this Agreement (including a change to the Services) at any time in accordance with this clause 8 (a "Change Request").

8.2 Change Requests shall be in writing, and shall be submitted to the other party at least 6 months prior to the proposed commencement of the change. Change Requests shall include the detail of the change which is requested together with the reasons for that Change Request.

8.3 Change Requests shall be discussed between the Area Convener and the Clerk within 2 weeks of submission.

8.4 The party receiving a Change Request shall within 1 month of submission respond in writing indicating acceptance or otherwise.

8.5 Where a Change Request is not accepted by the other party the issue shall be escalated to senior teams within both parties. The final level of escalation shall be the National Convener and the Council's Chief Executive.

8.6 Agreement to a Change Request shall be recorded by a variation to this Agreement.

8.7 The procedure for change set out in this clause 8 shall be without prejudice to:

8.7.1 the procedure for the request of Additional Services set out in clause 7; or

8.7.2 clause 9.

8.8 A Change Request and the responses to it shall not require a formal notice.

## **9 Statutory Responsibilities**

9.1 Whilst both Parties acknowledge that Clauses 7 and 8 are without prejudice to their statutory duties under the Act, it is their shared intention to use all reasonable endeavours to seek long

term changes to the Services using Clause 8, rather than by recourse to the Act.

**10. Structure, Personnel and Administration**

10.1 The names, job titles and contact details of the clerk and other support personnel will be submitted with within 5 [five] Working Days of signature of this Agreement by the Council to the National Convener. For the avoidance of doubt, the Council may change such personnel at its sole discretion at any time.

10.2 The Area Convener and [insert Council area] AST members will determine any sub-committee arrangements with local partners and will ensure relevant parties are aware of such arrangements.

10.3 The Council will provide the National Convener with a specification of the AST sub-committee structure once determined by the Area Convener in consultation with the Council.

**11. Disagreements and Conflicts**

11.1 CHS and the Council agree that when disagreements and conflicts arise about the operation of the [insert Council area] AST, all efforts will be made by the Area Convener and the senior nominated Council representative to achieve resolution as quickly and expeditiously as possible. When an issue arises where resolution is not achieved locally, the matter shall be referred to the National Convener and the Chief Executive of the Council.

**12. Publicity**

12.1 Neither CHS nor the Council shall issue any publicity (including press announcements) relating to or otherwise reveal or make public any financial or other confidential information in connection with the services provided or the terms of this Agreement without the prior written consent (including by email) of the other. Neither party will knowingly commit or permit any of its employees, agents or subcontractors to commit any act which might prejudice or damage the reputation of the other.

**13. Insurance**

13.1 Both Parties shall ensure that adequate insurance is maintained for employers' liability, public liability, buildings' and contents' liability and such other insurance as is reasonable for the scale and nature of the Services. Both Parties shall on request provide evidence to the other that such cover has been effected and all due premium payments have been paid. Such insurance cover must remain in force for the period in which any claim may be raised by the Council, CHS or any third party.

**14. Confidentiality & Data Protection**

14.1 Both Parties agree to abide by the confidentiality provisions contained in the Data Processing Contract.

**15. Health & Safety**

15.1 It is a material condition of that both parties shall at all times comply with any applicable health and safety legislation, regulations and codes of practice.

**16. Freedom of Information**

16.1 Each Party acknowledges the other Party's obligations under the Freedom of Information (Scotland) Act 2002 ("the Act") and acknowledge in particular that the Council and CHS may be required to provide information relating to this Agreement or relating to the other Party to any person on request in order to comply with the Act. The decisions of the Party in receipt of such a request in the interpretation thereof shall be final and conclusive in any dispute, difference or question arising in respect of disclosure under its terms, any other law, or, as a consequence of judicial order or order by any court, tribunal or body with the authority to order disclosure (including the Scottish Information Commissioner).

16.2 If either Party receives a request under Section 1 of the Freedom of Information (Scotland) Act 2002 or, if applicable, a request under the Environmental Information (Scotland) Regulations 2004, and requires to consult with the other Party, then the other Party shall reply timeously to the Party in receipt of the request so that the Party in receipt of the request can respond within the statutory deadlines. The Party in receipt of the request may seek the consent of the other Party to release some or all of the items in response to the said request. If the other Party shall



fail to respond to such a request for consent from the Party in receipt of the request within seven (7) Working Days of the request being made, it shall be deemed to have consented to the release of information as requested by the Party in receipt of the request.

- 16.3 In all cases the Party in receipt of the request may, without the consent of the other Party, disclose any information requested if the Party in receipt of the request is satisfied (acting reasonably) that it is in the public interest for it to do so. In reaching this conclusion the Party in receipt of the request shall take into account any representations made in connection with this by the other Party but the decisions of the Party in receipt of the request as to what constitutes the public interest shall be final and conclusive in any dispute, difference or question arising in respect thereof.

## **17 Termination**

- 17.1 In addition to each Party's right to terminate as described in Clause 2.2, either Party may at any time by notice in writing terminate this Agreement forthwith if the other Party is in material breach of any obligation under this Agreement; and
- 17.1.1 the breach is capable of remedy but the party has not remedied it within thirty (30) days of written notice from the other party specifying the breach and requiring its remedy; or
- 17.1.2 the breach is not capable of remedy;
- 17.2 Termination in accordance with Clause 2 or this Clause 17 shall not prejudice or affect any right of action or remedy, which shall have accrued or shall thereafter accrue to either Party.
- 17.3 Immediately upon termination of this Agreement for any reason whatsoever, the Parties shall direct the other shall to either return or destroy all records, documentation, Data, and any other information and all copies thereof which are owned by the other party.
- 17.4 Termination shall not prejudice or affect any right of action or remedy which shall have accrued or shall thereafter accrue to either party. The provisions of the following Clauses shall survive termination or expiry of this Agreement 12 [Publicity], 13 [Insurance], 16 [Freedom of Information], 20 [Exercise of Powers], 22 [Scots Law and Jurisdiction]; and the termination of this Agreement shall not prejudice the obligations of the Data Processing Contract that survive its termination.

18 **Notices**

18.1 Except as otherwise expressly provided no communication from one party to the other shall have any validity under this Agreement unless made in writing by or on behalf of the Council or as the case may be by or on behalf of CHSA.

18.2 Any notice or other communication which is to be given by either party to the other shall be given by letter (sent by hand, post or by recorded or special delivery service), or by facsimile transmission or electronic mail. Such letters shall be addressed to the other party in the manner referred to in Clause 18.3. Provided the relevant communication is not returned as undelivered, the notice or communication shall be deemed to have been given two (2) working days after the date on which the letter was posted, or four (4) hours after electronic mail or facsimile transmission or sooner where the other party acknowledges receipt of such letter, facsimile transmission or item of electronic mail.

18.3 For the purposes of Clause 18.2, the address of each party shall be:

(i) For CHS

Address

Telephone-

Email:

(ii) For the Council

Address.

F.A.O.

Tel:

e-mail:

18.4 Either party may change its address for service by serving a notice in accordance with this Clause.

19     **Force Majeure**

19.1     Neither CHS nor the Council shall be liable for failure to perform its obligations under this Agreement if such failure results from any acts or events beyond its reasonable control including but not limited to governmental actions, war, fire, flood or any disaster or industrial dispute.

20.     **Exercise of Powers etc.**

20.1     In exercising its discretion, or any of its powers, or obligations in terms of this Agreement the both Parties shall at all times do so in a reasonable manner.

21.     **Legislative Change**

21.1     Where any change in the law materially impairs either Party's ability to supply the Service or materially increases the cost to either Party of supplying the Services, the Parties may consider whether to make any amendments to the Agreement in accordance with the procedures set out in Clause 8 [Change].

**22 Scots Law and Jurisdiction**

22.1 This Agreement shall be considered as a contract made in Scotland and according to Scottish Law and subject to the exclusive jurisdiction of the Scottish Courts to which both parties hereby submit.

22.2 This Agreement is binding upon the Council and its successors and CHS and its successors.

IN WITNESS WHEREOF this Agreement comprising this page and the preceding [ ] pages is executed by the parties as follows:-

<b>Executed for and on behalf of the</b>	<b>COUNCIL</b>	<b>CHS</b>
<b>Signature</b>		
<b>Name (Print)</b>		
<b>Job Title (Print)</b>		
<b>Date of Signature (Print)</b>		
<b>Location of Signature (Print)</b>		
<b>Before this Witness</b>		
<b>Witness Signature</b>		
<b>Witness Name (Print)</b>		
<b>Witness Address (Print)</b>		

## **Schedule 1**

### **The Services**

#### **Schedule 1A- Services to be provided by CHS**

1.A.1 CHS shall provide:

1.A.1.1 Continuity of funding in relation to

- the recruitment, appointment, training and assessment of panel members
- the recruitment, appointment, training and assessment of AST and panel members
- the advice, guidance and information required to enable AST and panel members to fulfil their responsibilities
- the payment of expenses for all Volunteers including panel members, the Area Convener and AST members in accordance with the national scheme of expenses to be prepared and updated from time to time by CHS
- the payment of Protection of Vulnerable Groups (PVG) fees for all panel members and AST members
- the allocation of devolved funding to the AST to be used in support of local learning and development, local recognition and networking

1.A.1.2 Support and training through

- the development of a national training programme and delivery to AST members and panel members
- localised delivery of learning and development including support and funding to the AST
- delivery of CHS digital systems training for the AST Clerk and relevant members of their team
- ensuring the National Convener's duty to provide legal and procedural advice for children's hearings is fulfilled and AST members have the information they require to effectively support the work of panel members

- fielding day-to-day enquiries from AST and providing advice on the role of AST members and on any panel member issues that the AST is unable to deal with.
- guiding and monitoring the day to day work of the AST to make sure that it is in accordance with the National Standards and CHS policies and processes.
- creating systems for the exchange of ideas, learning and best practice between ASTs

1.A.1.3 The learning and development of ASTs through sharing of good practice and effective performance management including

- supporting the ASTs with performance management and sharing with the Council issues arising from the reporting process as appropriate
- establishing systems for analysing the activities, performance and impact of ASTs and sharing this information with all relevant partners including the Local Authority

1.A.1.4 Support the Council's clerks and their teams through the AST and CHS networks and training

1.A.1.5 CHS will allocate an officer to attend each full AST meeting.

1.A.1.6 CHS will respond to queries or requests for information from the Council within 5 working days

1.A.1.6 Other ad hoc and incidental support as agreed with the Council

## **Schedule 1B- Services to be provided by the Council**

### **1.B.1 Expectations of delivery:**

1.B.1.1 The Council will support the AST and panel members to conduct themselves in accordance with the Principles of the Children's Hearings System as set out in Clause 4 and to adhere to all CHS policies and guidance in so far as these have been made known to the Council.

1.B.1.2 CHS and the Council agree that when disagreements and conflicts arise about the support of the AST all efforts must be made to achieve resolution as quickly and expeditiously as possible by the Area Convener and the senior nominated Council representative. When an issue arises where

resolution is not achieved locally, the matter shall be referred to the National Convener of CHS and the Chief Executive of the Council.

### **1.B.2 Specific requirements:**

#### **1.B.2.1 Council Staff**

1.B.2.1 The Council shall:

1.B.2.1.1 Provide an allocated minimum of a Clerk plus one assistant who are suitably trained, qualified and experienced to act in that capacity;

1.B.2.1.2 Provide cover during the core office hours of 9am to 5pm or by local agreement;

1.B.2.1.3 Ensure plans are in place for the continuity of service during periods of clerk absence/staff turnover and that CHS is notified within 5 working days of plans being enacted;

1.B.2.1.4 All staff who deliver the Services work to the current Council job description for Clerks and Assistants ;

1.B.2.1.5 Provide line management responsibility for the Clerks;

1.B.2.1.6 Countersign, process and record PVGs for all Volunteers and Council members when recruited and reappointed in line with CHS policies;

1.B.2.1.7 Process Volunteer resignations, leave of absence and change of personal details, and inform CHS, SCRA and Training Unit within 5 working days;

1.B.2.1.8 Liaise with AST Local Authority Representative in pursuit of AST business as directed by Area Conveners ;

1.B.2.1.9 Endeavour to ensure a Clerk's Team attendance at all Clerks Networks events hosted by CHS; and

1.B.2.1.10 Inform CHS of any permanent Council Staff changes in Clerk's Team within 5 working days.

#### **1.B.2.2 Support**

1.B.2.2 The Council shall:

1.B.2.2.1 Provide administrative support (including organising and minute taking) at meetings including occasional out of hours when required;

1.B.2.2.2 Provide administrative support to AST members as required to enable them to fulfil their responsibilities e.g. support to Panel Practice Advisors on administration of observations;

1.B.2.2.3 Provide reasonable access to Council accommodation including evening and weekends and cover any reasonable costs incurred which are necessary to support the Volunteers;

1.B.2.2.4 Provide appropriate catering for meetings and events and cover costs incurred where, in the opinion of the Council, acting reasonably, catering is required;

1.B.2.2.5 Provide advice, guidance and information on the governance of the AST where appropriate within the CHS national structure to enable AST members to fulfil their responsibilities;

1.B.2.2.6 Be a primary contact point for panel members on the full range of administrative and support enquiries e.g. expenses, PVG, recruitment etc; and

1.B.2.2.7 Provide administrative support for rota management when required.

### **1.B.2.3 Training**

1.B.2.3 The Council shall:

1.B.2.3.1 Ensure that all information sent by the CHS Learning Academy for ASTs is circulated to AST members within 3 working days of receipt;

1.B.2.3.2 Act as the conduit between the CHS Training Unit and the Panel and AST Community, and undertake duties including disseminating and exchanging relevant information, and ensuring information is up to date; and

1.B.2.3.3 Facilitate the organisation of local learning and development and undertake duties including booking accommodation, notifying trainees and updating training records when required.

### **1.B.2.4 Recognition**

1.B.2.4 The Council shall:

1.B.2.4.1 Hold an annual Volunteer recognition event;

1.B.2.4.2 Provide a venue and catering for local recognition events and a token of appreciation for each Volunteer being recognised

1.B.2.4.3 Work with CHS to agree to meet reasonable costs for local recognition events from the Council and AST devolved budgets.



### **1.B.2.5.Finance**

1.B.2.5 The Council shall:

1.B.2.5.1 Ensure that payment is made of reasonable expenses for all Volunteers including panel members, the Area Convener and AST members in accordance with the national scheme of expenses to be prepared and updated from time to time by CHS;

1.B.2.5.2 Check and process claims for the payment of reasonable Volunteer expenses in keeping with the national scheme of expenses, and to seek reimbursement from CHS in a timely fashion;

1.B.2.5.3 Ensure that the Clerk works with appropriate CHS Staff to prepare expenses budgets and make quarterly reports of expenditure, including funding devolved to Area Conveners, in order to reclaim funding from CHS timeously;

1.B.2.5.4 Administer devolved funding allowance for the AST, under management of the Area Convener and in accordance with the CHS Devolved Funding Policy; and

1.B.2.5.5 Reimburse reasonable expenses incurred by Clerks and their teams while supporting the AST and fulfilling their clerking duties.

### **1.B.2.6. Recruitment and reappointment**

1.B.2.6 The Council shall:

1.B.2.6.1 Process all applications for panel member and AST member roles; and

1.B.2.6.2 Provide administrative support (e.g. organising interviews, information management, initial quality sift etc.) for reappointment and recruitment and deal with any relevant enquiries from the public, Council Staff and CHS Staff.

### **1.B.2.7. IT requirements**

1.B.2.7 The Council shall:

1.B.2.7.1 Ensure that all CHS digital systems are used in accordance with CHS policy and guidance in so far as these have been made known to the Council;

1.B.2.7.2 Encourage and support Volunteers when possible to use CHS' digital systems;

1.B.2.7.3 Pass on any IT issues reported to them by members of the CHS community to the CHS IT team in a timely manner; and

1.B.2.7.4 Participate in any training where possible provided by CHS on how to use its IT systems  
Participate in consultation opportunities around IT where possible.

### **1.B.2.8. Complaints and Concerns Handling**

1.B.2.8 The Council shall:

1.B.2.8.1 provide reasonable administrative support to ASTs for complaints work;

1.B.2.8.2 not be involved in the investigation or decision making processes of any CHS complaints or issues raised as part of Community Concerns Procedure; and

1.B.2.8.3 ensure that CHS is informed of all complaints and concerns and that all complaint records are transferred to CHS.

### **1.B.2.9. Information Governance**

1.B.2.9 The Council shall:

1.B.2.9.1 Ensure that Council Staff adhere to relevant data processing legislation, as well as CHS Data Management policies in so far as these have been made known to the Council.

1.B.2.9.2 Ensure that all handling of any data is done in line with Schedule 2 of this Agreement. In particular the Council should abide by the time scales which are set out for making CHS aware of:

- information requests for CHS' data
- information security incidents involving CHS' data

1.B.2.10 The Council shall:

1.B.2.10.1 Inform CHS of any complaints about the processing of personal data;

1.B.2.10.2 Ensure that personal data is processed in line with CHS' policies and procedures including the Retention and Disposal Schedule. Clerks will be responsible for the retention and management of local data on panel and AST members;

1.B.2.10.3 Provide data protection training to Clerks and other Council Staff that process CHS' data and refresh this at least every two years; and

1.B.2.10.4 Ensure that clerks to the AST are aware of the obligations set out in data processing contracts with CHS and ensure that the processing of data held by the Local Authority on behalf of CHS is done so in line with these agreements.

## Agenda Item 15, CHS-1819-38

### Feedback Loop Update

<b>Accountable Director:</b>	NC/CEO
<b>Report author:</b>	Business Manager
<b>Recommendation:</b>	To Note
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	No Equalities Impact Assessment Required

### MEASURING IMPLEMENTATION AND OUTCOMES IN THE CHILDREN'S HEARINGS SYSTEM: PROPOSED APPROACH

#### This paper sets out:

- a summary of where we are on the feedback loop and a proposed way forward.
- the resource and other potential consequences
- a request for advice from the Board on the options and handling

### SUMMARY

1. The current system of reporting does not satisfy the intention behind the Children's Hearings (Scotland) Act 2011 provision in section (See Annex A):

(i) Data on **implementing** all CSO measures is not readily extractable from local authority systems. Information can be obtained only by staff extracting information from individual case files. The process is costly, time consuming, open to subjective assessment and can currently deliver detail across Scotland only for those 1% under secure authorisation. Some areas provide some data for children on CSOs other than secure authorisations but consistent robust information on all measures is lacking.

(ii) We cannot provide a Scotland-wide overview on **impact (outcomes)** as there is no agreed approach to measuring outcomes for vulnerable children applied consistently across all 32 local authorities or nationally. Proxy measures such as the termination of a CSO are blunt and do not provide a qualitative assessment of the outcome, from anyone's perspective (child, parent, professional, hearing)

### Implementation data

2. The prospect of securing wider scale quality reporting under current arrangements across all 32 local authorities is minimal. Local authority data collection system either do

not hold the data in readily accessible formats: existing system can be adapted only slowly over time and if resources can be allocated. We are exploring with OLM (the main provider for social services systems in local authorities in Scotland) whether some data can be mined through a new operating system – Eclipse – but that will cover only 23 of the 32 authorities and only if those 23 authorities purchase the new system. Where authorities provide information on all CSOs and not just secure care authorisations they are generally not from large-scale authorities.

3. If I exercised statutory powers to require specific data, such data could not be delivered without significant staff time allocated to extract data from each case file.

4. We have explored utilising Children Looked After in Scotland (CLAS) data collection as a method of capturing quantitative data. However, the CLAS collection is an automatic extraction of statutorily required data which has been built into CLAS over many years. The requirement to add the feedback loop data into the CLAS collection would disrupt the established CLAS process especially as the feedback loop data is a largely manual process.

5. The proposed approach for the future is for SCRA, as a national official statistics provider (who already make a considerable amount of data available) to provide this direct. This will cover the quantitative contextual data but not yet the detail of the measures under CSOs. This aspect is being factored into the new digital systems which will be enhanced to allow the capture of additional data points. The key benefits of this approach are that the need for the onerous, manual process of data matching is removed and quality of data is enhanced. However, we would still need to address the collation of data on the implementation of CSOs and this is discussed further below.

### **Outcome Data**

6. In the context of children's services plans each local authority is required under the 2014 Act to report on:

the "provision of children's services and related services" (section 13(1) (a)); and, under section 13(1) (b) whether

the aims in section 9(2) of the 2014 Act have been met. These include the provision of services which "best safeguards, supports and promotes the wellbeing of children in the area concerned"

the provision of those services have achieved "such outcomes in relation to the wellbeing of children in the area as the Scottish Ministers may by order prescribe".

7. Scottish Ministers have not specified the outcomes by order. Despite this, the thrust of the legislation is for local authorities to be able to report on wellbeing of their children. This is high level and does not drill down to individual children. In the absence of a national approach, each local authority is at liberty to define their own reporting on wellbeing. Their staff accordingly record data and report in line with the authority's approach.

8. Any definition of wellbeing outcomes either for individual children or for a national approach would therefore require training on completion of new forms and changes in recording practice.
9. A system for children's hearings and CSO impact would have to be compatible with and either replace or run in parallel with local arrangements reporting on all children.
10. In addition, the wider context around the care and youth justice sectors is that the collection of data needs to be improved:
  - The Independent review of care has already highlighted deficits. Data improvement looks like being threaded through the workstreams and may feature in the review's recommendations
  - The need to improve data is also under discussion in the youth justice sector.
  - The CHS/SCRA digital platform once completed and operational can begin to provide additional information.

The landscape is therefore fluid.

### **Proposed action**

11. Faced with this context I considered 5 options:
  - (i) continue with the current format –reporting on what is available despite its limitations;
  - (ii) encourage improvements to the LA data collection systems covering all children subject to a CSO –aware that progress will only be incremental over time: LA statisticians advise that the necessary resources and capacity cannot be prioritised over other work;
  - (iii) as at (ii) but using statutory powers to require local authorities to compile the data – knowing that compliance is unlikely for some years given constraints in Local authority systems and possible changes to data collection following reviews;
  - (iv) further explore options to change the format of reporting to a sample basis (including research and pilots) to develop a new methodology for reporting in the future. This approach will have to recognise that this will not meet the full intentions of section 181 – a current weakness - but may provide a more meaningful overview of implementation and outcomes than the present reporting approach. In the meantime to continue with the current reporting arrangements (e.g. for a report in autumn 2019 on the year 2017-18);

(v) as at (iv) but instead stop the annual reports to focus resources on new reporting arrangements. This option would mean no report in autumn 2019 for the year 2017-18.

12. Given the statutory obligation to produce a report I concluded that option (v), while potentially releasing resources to focus on producing a more meaningful report, would constitute a failure of the duty. As LA statisticians require notice to begin collection (which had to start in the autumn) I signalled that the reporting should proceed as before and that a similar report next year would require to be prepared (option i). The exercise will tie up scarce resources in CHS, SCRA and local authorities in the production of a report which does not fulfil the spirit of section 181. As such it is a decision I have taken reluctantly but is necessary to seek to comply with the duty: the fundamental duty is to produce a report.

13. In respect of the other options, we have already sought to improve and clarify the data collection by local authorities exploring what might be specified if I exercised the National Convener's power to determine data. Despite best efforts, these efforts are unlikely to effect improvements to deliver more meaningful reports. I have concluded that option (iv) remains the way forward.

### **Next stages**

14. I am keen to concentrate on progressing the development of a new approach, both to meet the desire for better qualitative information and also to inform the possible exercise of the National Convener's powers to require specific data to be provided. This work, including exploring the potential of Eclipse will continue as capacity allows. I have to record that, even if this additional work leads to improved reports, those reports will not meet the full requirements of section 181. The two main deficit areas will be:

the requirement to report on CSO implementation. The nature of CSOs and the variety of measures which can be applied to a CSO (which is what local authorities have to implement) requires information on each individual to be identified. As local authority systems are not structured to extract the relevant data on individuals, the proposal is for a sampling approach. While this will identify trends in implementation practice, it will not report on every child or young person on a CSO.

The impact of CSOs on the wellbeing of children and young people subject to them. This aspect is suggested as an area where the discretionary powers assigned to the National Convener might be exercised to prepare the annual reports. However, while this might lead to a more consistent measurement of impact / outcomes it will not be possible to differentiate the impact of the CSO from other influences or changes in behaviour of the child or young person themselves. What may be achieved is a summary of trends of in the wellbeing of children and young people subject to a CSO but that would represent progress.

The clarification of what can be achieved may lead to a need for the legislative provision of section 181 to be amended.

15. The detail of the work already underway is in relation to impact/outcomes:

CHS has already supported the development and testing of an outcome model in the context of youth justice. CYCJ have concluded a pilot of a web-based wellbeing tool, founded on SHANARRI indicators and the Angus wellbeing web. The pilot has been successful and the tool will begin to be rolled out in January 2019 to practitioners working with children and families in the youth justice field. The aim is more to provide a toll for discussion between practitioners and the young person. Nevertheless we will continue to monitor the roll out, the impact on practice and the potential application of the tool, over time, to national reporting. This will complement the use of an outcomes tool deployed as part of SCRA's Home Supervision research which is due for publication soon.

16. The specific proposals under consideration are to conduct research into both implementation and wellbeing. These projects would explore the development of a sustainable reporting model and providing an evidence base upon which to inform future developments. The two options specific to the Children's Hearings system are:

- 1) Implementation of hearings decisions by local authorities –an exercise to scope out research with those involved in the children's hearings system examining the implementation of CSOs and the knowledge and use of the provisions under section 144 and 145 of the Children's Hearings (Scotland) Act 2011 (general duties on implementing authorities in respect of CSOs; and where the child is required to reside in a certain place). The output of this piece of work would be to develop a sustainable and pragmatic approach to reporting on implementation, with a view to exploring local authority led case sampling including measures attached to CSOs.
- 2) Wellbeing of children and young people on a CSO –research during 2019/20 to provide information on the wellbeing of children and young people on a CSO. The output of this work would be a report on children and young people's wellbeing scores, and distance travelled (e.g. trends in wellbeing) over two points in time, linked to SHANARRI indicators.

17. In each case funding to develop and conduct the research will need to be found in order to commence this work, ideally in the remainder of 2018-19 and to be sustained into 2019-20.

#### **Advice from the Board**



18. I would welcome the views of the Board on

- the options being considered;
- the approach which is emerging to address the legislative duties on the National Convener under section 181;
- associated risks/ messages

19. Subject to the Board's advice I propose to press ahead with identifying opportunities and resources to progress the research proposals and to plan for at least two further reports similar to the first 2 published feedback loop reports. I will present an update to CHIP and seek partners' support. When the next report is published I propose writing to the Minister for Children and Young People and the Education and Skills Committee setting out my intended approach and the continuing efforts to make the reports under section 181 meaningful.

**Boyd McAdam**  
**National Convener**

21 November 2018

## Agenda Item 16, CHS-1819-39

### CHS Learning Academy

<b>Accountable Director:</b>	Elliot Jackson, Depute CEO
<b>Report author:</b>	Meggan Jamieson, National Training Lead
<b>Recommendation:</b>	To Note
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	No Equalities Impact Assessment Required

#### 1. Introduction

- 1.1 CHS awarded its National Training Contract to West Lothian College (WLC) in September 2018 following a detailed procurement/tender process. The contract has been awarded for an initial 3-years commencing on 1 October 2018, with the option for extending for a further 2-years.
- 1.2 The purpose of this covering report is to provide the Board with a detailed breakdown (attached) of the five different learning programmes that will be offered to the CHS Community between October 2018 and September 2019.

#### 2. The CHS Learning Academy

- 2.1 WLC will work under the auspices of the Learning Academy and will be responsible for the delivery of the learning programme. The mobilisation of the new contract and its associated arrangements has been successful and the NEW online CHS Learning Academy prospectus will be launched at the Area Conveners Liaison Group meeting on 5 December 2018.

#### 3. Managing the Contract/Delivery

- 3.1 CHS will manage the training contract through a robust contract management plan and approach. Contract management meetings will be held monthly with additional quarterly meetings held to manage contract quality and performance against the 19 key performance indicators.

#### 4. Conclusion

- 4.1 CHS together with WLC have developed a new and innovative learning programme that is broad in nature and relevant in content. Launch plans for the prospectus within the CHS Community are advanced and we hope that take up of the new offerings will be high.

#### 5. Recommendation

The Board are asked to note the proposed content/approach of the five learning programmes offered by the CHS Learning Academy between October 18 and September 19.



children's hearings scotland  
**learning academy**

# **CHS Learning Academy**

October 18 - September 19

Learning Programme

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## **Programme 1 - Professional Development Award**

This programme is made up from the following three courses (1) Pre-services training; (2) Enhancing Hearing Practice (replacing review and revision); and (3) Management of Hearings.

### **(1) Pre-service training**

#### Course infrastructure

- Course duration - 7-days
- Number of courses - 18
- Total number of approx learners - 550
- Date parameters - January - April
- CHS Content partner – Meggan Jameson/ Laura Conachan

#### New changes to content/Approach

- CHS content partner who quality assure material prior to sign off, of course
- Day 3: Learners review: Feedback to the learner to ensure all aware of any concerns or development that needs to happen prior to completion of 7 days. The CHS values shall be the structure for this.
- A quick reference document on 'Learner feedback' shall be produced for AST (and developed in partnership with them) to tackle responsibility for trainees learning between Learning academy/ CHS/AST both +/-
- Day 5 - Improved session with children and young people focusing on communication needs in the hearing room
- Day 7 – Assessors report on feedback of trainee to AST

## **(2) NEW course - Enhancing Practice (replacing review and revision)**

### Course infrastructure

- Course duration - 1-day
- Number of courses - 18
- Number of approx learners - 550
- Date parameters - October – November
- Content owner – Laura Conachan

### New changes to content/Approach

- Complete redesign of this course with a more 'forward focused' approach and providing skills in developing practice in preparation for MOH course
- Assessing learners knowledge and understanding of different types of hearings and options available to them
- Guidance and skills development regarding ascertaining facts, rather than opinions, and consequently applicable decisions and reasons to be made
- Skills practice on decision making

## **(3) Management of Hearings**

### Course infrastructure

- Course duration - 2-days
- Number of courses - 18
- Number of approx learners - 550
- Date parameters - February - October
- Content owner – Jackie McRae

### Changes to content/Approach

- Light touch review in Yr 1 of this course to consider how we strengthen the content to reflect issues of language, children's rights and Better Hearings. More detailed changes in content and approach for Yr 2, such as whether the days are consecutive or not.

## **Programme 2 - Panel Member Learning Programme**

This programme is made up of two new face to face training courses. These courses are NEW Decisions and Reasons; NEW Leadership in the Hearing Room; two new online courses also feature: These are and NEW Neglect & panel practice and ACES & panel practice.

### **(A) NEW Decisions and Reasons (face to face)**

#### Course Content

- Learning from practice and appeals
- The role of facts in the hearing room
- Language - respectful and understood by all
- Decisions leading to better outcomes
- Preparation for the Hearing
- Developing skills in understanding and assessing relevant information

#### Course infrastructure

- Course duration – ½ day
- Number of courses – 33
- Number of approx. learners - 25-30
- Date parameters - April - November
- Content owner - Jackie McRae

### **(B) Neglect: What is our role & responses within the hearing system to it? (online)**

#### Course Content

- Understanding the complex and multi-faceted issue of neglect
- Enhancing our understanding of neglect, in relation to our role as a panel member

#### Course infrastructure

- Date parameters – Launched: January 2019
- Content owner: Laura Conachan & Meggan Jameson

## **(C) NEW Leadership in the Hearing Room (face to face)**

### Course Content

- Managing Hearings effectively
- Managing the room and attendance at Hearings (Better Hearings)
- Meaningful engagement to ensure full participation of young people, carers and families within the hearing room
- Managing a range of complex and conflicting perspectives towards developing collective understanding of decisions and reasons made as a result of a hearing
- Application of the knowledge and skills as your role as a decision maker

### Course infrastructure

- Course duration - 1-day
- Number of courses – 34 days
- Number of approx.. learners – 25-30
- Date parameters - May - November
- Content owner - Jackie McRae

## **(D) ACES & panel practice (online)**

### Course Content

- Access to up-to-date resources and information regarding ACES
- Understanding the impact of ACES on young people and families and how this may present within a hearing room

### Course infrastructure

- Course duration – online
- Date parameters – January 2019
- Content owner - Meggan Jameson



## Programme 3 - AST Learning Programme

This programme is made up of nine new face to face training courses. These would all be available to all members of the AST, with the PPA training course reserved for PPAs.

### (1) PPA Training Course

#### Course Content

- Pre-training induction - Understanding the role of the PPA - Delivered locally by AST members
- Day 1 - The structure & functions of the Hearings system
- (Pre-service day 1)
- Day 2 - Law, policy and practice framework
- (Pre-service day 2)
- Day 3 (½ day) Effective communication
- (Pre-service day 3)
- Day 4 (½ day) Communication: Good practice when working with young persons (Pre-service day 5)
- Day 5 - Quality assurance at CHS
- Day 6 – Reappointment, recruitment and selection
- Day 7 - Having supportive conversations and managing conflict
- Day 8 - Complaints/Concerns Policy and investigation

#### Course infrastructure

- Course duration -7-days
- Number of courses – 3 per annum (27 or 34 days overall)
- Number of approx.. learners - TBC
- Date parameters - January – November
- Content owner: Ian Campbell/ Sara Crawford

**NOTE:** Need to run day 5 to cater for all PPAs over the next year to cover off the National framework and nationally consistent processes - agree with TB numbers of courses

## (2) **NEW Leadership and volunteer management within the CHS Community**

### Course content

- Building trusting relationships to influence and collaborate with colleagues within the hearing system
- Managing a range of complex and conflicting perspectives towards developing collective improvements to the hearing system
- Demonstrating and influencing a collective understanding of the culture and responsibilities of a volunteering organisation

### Course infrastructure

- Course duration - 1-day
- Number of courses – 4
- Number of approx learners - 25
- Date parameters - October -September
- Delivery method - Face to Face
- Content owner: Christine Mullen/Jackie McRae/ Catherine Goodfellow

## (3) **Recruitment, selection and reappointment**

### Course content

This is the same course content as in the PPA course

### Course infrastructure

- Course duration - 1-day
- Number of courses - 4
- Number of approx.. learners - TBC
- Date parameters - October -September
- Delivery method - Face to Face
- Content owner: Meggan Jameson/Catherine Goodfellow

#### (4) **Complaints/concerns policy and investigation**

##### Course content

- This is the same course as in the PPA course

##### Course infrastructure

- Course duration - 1-day
- Number of courses - 4
- Number of approx. learners - TBC
- Date parameters - October -September
- Delivery method - Face to Face
- Content owner: Ian Campbell/Katie Crone Barber

#### (5) **Induction into AST roles and responsibilities (online)**

##### Course content

- Understanding of the AST community and tasks required of it

##### Course infrastructure

- Course duration – ½ day
- Number of courses - 4
- Number of approx. learners - TBC
- Date parameters - October -September
- Deliver method - Face to Face – T4T to ACs
- Content owner: Simone Ledraw/Victoria Smith

#### (6) **Having supportive conversations and managing conflict**

##### Course content

- This is the same course as in the PPA course.

##### Course infrastructure

- Course duration - 1-day
- Number of courses - 4
- Number of approx. learners - TBC
- Date parameters - October -September
- Deliver method - Face to Face
- Content owner: Christine Mullen/ Lynne Harrison

## (7) **AST Governance and Planning**

### Course content

- Governance: roles, responsibilities and outcomes
- The role of the Local Authority Clerk
- Planning: A practical guide

### Course infrastructure

- Course duration - 1-day
- Number of courses - 2
- Number of approx. learners - TBC
- Date parameters - October -December
- Delivery method - Face to Face
- Content owners: Sara Crawford/Victoria Smith

## (8) **Effective partnership working (External)**

### Course content

- Overview of the partnership landscape
- Expectations of partnership working locally
- Tools, techniques and outcomes for effective partnership working
- Building trusting relationships to influence and collaborate with colleagues within the hearing system

### Course infrastructure

- Course duration - 1-day
- Number of courses - 4
- Number of approx. learners - TBC
- Date parameters - October -December
- Delivery method - Face to Face
- Content owner: Sara Crawford/ Jackie McRae

**(9) Managing and implementing change in the CHS Community (Better hearings)**

Course content

- The theory of change
- Change models and effective techniques
- Critical success factors for change in a volunteering context

Course infrastructure

- Course duration - 1-day
- Number of courses - 2
- Number of approx learners - TBC
- Date parameters - October -December
- Delivery method - Face to Face
- Content owner: Lynne Harrison/Susan Deery

**(10) Meaningful involvement of young people**

Course content

- Key aspects of participation and engagement
- Using Roger Harts Ladders of participation as a benchmarking tool
- Creating a safe space and enriching experience for all
- The basics of co-design and co-production
- Sharing best practice across CHS

Course infrastructure

- Course duration - 1-day
- Number of courses - 4
- Number of approx learners - TBC
- Date parameters - October -December
- Delivery method - Face to Face
- Content owner: Jacqui Dunbar (TBC)

## (11) **Digital skills Training**

### Course content

- Assessment of digital skills capability
- Working in a digital environment
- Systems, software and success

### Course infrastructure

- Course duration – 1 day
- Course location – CHS Head Office, Thistle House, CHSLA offices: Dundee, Glasgow & W. Lothian
- Number of courses - 20
- Number of approx learners - TBC
- Date parameters – September - November
- Delivery method - Face to Face
- Content owner: Lara Nelson/Sara Crawford

## Programme 4 – CHS Online Learning Programme

### (1) DRAFT Bespoke online learning modules: FIRST 5 (per year) OPTIONS

- (1) **Neglect: What's our role & responsibility in the hearing room?** – A 20 minute module enhancing our understanding of neglect, in relation to our role as a panel member
- (2) **ACES & Panel practice** – A 20 minute module understanding the impact of ACES on young people and families and how this may present within a hearing room
- (3) **Induction into AST roles and responsibilities** - A 20 minute module setting out the AST roles and tasks
- (4) **A digital roadmap to the CHS Community portal** - A 20 minute video setting out the road map and open to all the CHS community
- (5) **Contact and permanence** – A 20 minute module sharing good practice in contact decisions and current learning around permanence decisions

### (2) The Learning Academy Knowledge HUB

We will purchase off the shelf online modules and make these available to ALL of the CHS Community.

- (1) Annual Information Governance course (Tweak existing)
- (2) ACEs resilience (from WLC)
- (3) Unconscious bias
- (4) Inspirational leadership
- (5) Giving and receiving feedback
- (6) Effective delegation
- (7) Coaching and mentoring
- (8) Equality and diversity
- (9) Mediation
- (10) Making meetings matter
- (11) Social media awareness
- (12) Safeguarding children
- (13) Mental Health awareness
- (14) OTHERS - provided by partners e.g. CELCIS

## **Programme 5 – Learning Academy Masterclass Programme**

The CHS Masterclass programme is a new concept which will see CHS host two masterclass events per year for 100 members of the CHS Community. The topics for these event will be identified by CHS on current and relevant Hearing system topics. These are likely to be delivered either by our partners or through subject matters experts.

### Event content examples

- **Domestic abuse (2019)**
- ACEs
- Independent Review of Care
- **Better Hearings (2019)**
- Contact and permanence

### Event infrastructure

- Event duration - 1-day (11am-3pm)
- Number of events - 2
- Number of approx. learners - 100 per event
- Date parameters - January - December
- Deliver method – Conference/workshop
- Content owner: Meggan Jameson (The LA would organise, but not deliver)



## **CHS Approach to Quality Assurance**

### Proposed approach:

- **LEVEL 1** - Content owners for all courses, events and sign-off
- **LEVEL 2** - Quality Assurance Group (formerly TRG) strategic direction, KPI management
- **LEVEL 3** - Learners feedback against the standards
- **LEVEL 4** - Measuring impact - complaints/concerns; KPIs; and a CHS 'Annual' training survey, community survey, content owners map progress from sampling

## **Learning and Development Co-ordinators Learning Seminars**

### Event content examples

- Identification of a consistent local learning and development programme to compliment national learning academy programme
- Digital learning and development and managing change in the community
- Sharing content, skills and best practice
- Training the trainer
- LDC learning through the invitation to speakers

### Event infrastructure

- Course duration - 1-day
- Number of events - 3
- Number of approx. learners - 22-25 per seminar
- Date parameters - January - December
- Deliver method - Face to Face
- Content owner: Meggan Jameson/Tom Burrell
- Facilitated by the Learning Academy (WLC)

## Agenda Item 17, CHS-1819-40

### Governance Calendar

<b>Accountable Director:</b>	Lynne Harrison, Business Manager
<b>Report author:</b>	Nicola Maclaren, Governance Lead
<b>Recommendation:</b>	To approve the report
<b>Resources implications:</b>	N/A
<b>Equalities duties:</b>	Equalities Impact Assessment Required <input checked="" type="checkbox"/> <b>No</b>

### Background

1. Each year a new governance calendar is circulated which details all the relevant Board and committee meetings for the CHS board members to note.

### Recommendation

3. The Board is asked to note the proposed 2019/20 calendar..

<p><b>January 19 – Q4</b></p> <p>RAC 29<sup>th</sup> Board 29<sup>th</sup></p>	<p><b>February 19 – Q4</b></p> <p>ARMC 26<sup>th</sup></p>	<p><b>March 19 – Q4</b></p> <p>Board 19<sup>th</sup></p>
<p><b>April 19 – Q1</b></p> <p>Board Strategy Weekend 26<sup>th</sup>-27<sup>th</sup></p>	<p><b>May 19 – Q1</b></p> <p>ARMC 7<sup>th</sup></p>	<p><b>June 19 – Q1</b></p> <p>Board 11<sup>th</sup></p>
<p><b>July 19 – Q2</b></p>	<p><b>August 19 – Q2</b></p> <p>ARMC 27<sup>th</sup> RAC 27<sup>th</sup></p>	<p><b>September 19 – Q2</b></p> <p>Board 17<sup>th</sup></p>
<p><b>October 19 – Q3</b></p> <p>Board Strategy Day 8<sup>th</sup></p>	<p><b>November 19 – Q3</b></p> <p>ARMC 12<sup>th</sup></p>	<p><b>December 19 – Q3</b></p>
<p><b>January 20 – Q4</b></p> <p>Board 28<sup>th</sup></p>	<p><b>February 20 – Q4</b></p> <p>ARMC 26<sup>th</sup> RAC 26<sup>th</sup></p>	<p><b>March 20 – Q4</b></p> <p>Board 17<sup>th</sup></p>

## **Agenda Item 18, CHS-1819-41**

### **Review of the Board Standing Orders (SO)**

<b>Accountable Director:</b>	DCE
<b>Report author:</b>	Nicola Maclaren
<b>Recommendation:</b>	To approve the report
<b>Resources implications:</b>	N/A
<b>Equalities duties:</b>	Equalities Impact Assessment Required <input checked="" type="checkbox"/> <b>No</b>

#### **Background**

1. The Board of CHS last reviewed and approved its Standing Orders (SO) at its meeting in September 2017. Significant amendments to the SO have been made over time.
2. A number of minor improvements are suggested (in red) to strengthen governance principles and add flexibility to current arrangements.

#### **Recommendation**

3. The Board is asked to discuss the suggested amendments and, if content, approve them.

## CHILDREN'S HEARINGS SCOTLAND BOARD STANDING ORDERS

### General

The Board has made the following arrangements for the discharge of its functions; these arrangements are to be referred to as the Standing Orders of the Board.

These Standing Orders take effect until further notice and supersede all prior Standing Orders.

The Standing Orders apply to the Board and its standing committees and unless the Board specifies to the contrary, to any other committees, or sub-committees which may be set up by the Board from time to time but do not apply to working parties or groups.

Standing Orders may be suspended at any meeting of the Board at which the majority of the members present are in favour. Unless expressly agreed otherwise by these members, such suspension have effect only for the item of business immediately following, and Standing Orders come into force again immediately afterwards.

### 1 The Role of the Board and responsibilities of Members

1.1 The Board – The principal role of the CHS' Board is to add value to the organisation through the exercise of strong leadership and control, including:

- Setting the organisation's strategic direction
- Establishing and upholding the organisation's governance and accountability framework, including its values and standards of behaviour
- Ensuring delivery of the organisation's aims and objectives through effective challenge and scrutiny of the CHS' performance across all areas of activity.

1.2 The Chair is responsible for the effective operation of the Board, chairing Board meetings when present and ensuring that all Board business is conducted in accordance with these Standing Orders. The Chair works in close harmony with the Chief Executive/ National Convener and, supported by the Governance ~~Officer~~ **Lead**, ensures that key and appropriate issues are discussed by the Board in a timely manner with all the necessary information and advice being made available to the Board to inform the debate and ultimate resolutions.

1.3 The Deputy Chair deputises for the Chair in their absence for any reason, and will do so until either the existing Chair resumes their duties or a new chair is appointed. In fulfilling this part of the role, the Deputy Chair, when carrying out the functions of the Chair has all functions and authority of the Chair. If the Chair and Deputy Chair are both absent, the members present at the meeting may appoint

from among themselves a member to act as a Chair for the purpose of chairing that meeting.

1.4 Board members are collectively responsible for:

- Ensuring that CHS complies with legislation
- Ensuring that the purposes of CHS' Mission, Vision and Values remain appropriate
- Agreeing the over-arching strategy for achieving the mission
- Approving policy, priorities and key performance measures and evaluating the organisation's performance against those measures on a regular basis
- Ensuring that systems are in place so that the organisation operates within the financial resources available to it
- Satisfying themselves that financial control systems, including regular reviews of performance against budget, are in place
- Satisfying themselves that systems to ensure the welfare (including health and safety), appraisal and good management of staff are in place and are observed
- Assessing the risks associated with activities and practices; ensuring that the risks are acceptable; and ensuring that appropriate processes, including an annual risk review, are in place to manage risk.
- Supporting the Senior Management Team and holding them to account through the CEO/ NC
- Individually and collectively representing CHS as appropriate and as agreed with the CEO/ NC and the Chair.

## 2 Board Meetings

2.1 The Board decides the dates, times and places of its meetings and meets formally at least four times a year.

2.2 Board meetings are held in public except where the Board decides to hold all or part of a meeting in private. Reasons may include but are not limited to—

- discussing confidential material in connection with a third party;
- facilitating the achievement of consensus and preventing media focus on preliminary conclusions which may not feature in the final policies/reports;
- Matters relating to individual staff;
- Private discussions with Ministers **including confidential advice from or to Ministers via their officials**;
- Areas where CHS would not be required legally to disclose information.

2.3 The Board of CHS may wish to convene joint meetings with the Board(s) from one or several organisation(s) as appropriate. At joint meetings, CHS Board should be individually quorate, that is at least half of the currently serving members of the

Board must be present. The Chairs of the Boards involved should agree who chairs the joint meeting.

2.4 Meetings of the Board can be held through electronic mode which includes but is not limited to video conferencing or audio visual/ telephone means.

### **3 Notice of Meetings**

3.1 The Governance ~~Officer~~ Lead notifies members of all Board meetings and issues the agenda, minutes and papers seven calendar days before the meeting.

3.2 Members may propose items for the agenda to the Chair and should send those to the Governance ~~Officer~~ Lead no later than twenty calendar days before the meeting.

3.3 If sufficient notice is not given for an item of business to be included on the agenda, it may be dealt with at the meeting if the Chair rules that there are reasons why it is urgent and gives those reasons. If the Chair rules that the matter is not urgent, it may be included as an item for the next meeting, unless it is withdrawn or dealt with in some other way before then.

3.4 Late papers may be discussed at meetings with the permission of the Chair. If papers cannot be issued due to lack of available time, they may be tabled at the meeting.

3.5 Lack of service of the notice to any member does not affect the validity of a meeting.

### **4 Special Meetings of the Board to deal with Exceptional or Urgent Business**

4.1 The Governance ~~Officer~~ Lead arranges for a meeting of the Board to be called if:

- ◆ required by the Chair;
- ◆ a request signed by one third of the Board members is made in writing to the Governance ~~Officer~~ Lead for that purpose. At least three calendar days notice should be given of any special meeting and of the business proposed for that meeting. No business is to be transacted beyond that specified in the request which called for that special meeting.

### **5 Quorum**

5.1 At least half of the currently serving members of the Board must be present to allow the Board to hold a formal meeting. If less than half of the Board members are in attendance at a Board meeting, the Board can discuss any items of business but cannot make formal decisions or vote on those items.

5.2 The quorum of any Board/Committee is determined by the Board as part of agreeing the Board/Committee remit.

5.3 A member may be present at a Board meeting, count towards the quorum and participate fully by means of video conference or telephone conference call.

## **6 Sub judice**

6.1 A Board member may not make reference in a public Board meeting to any matter in which legal proceedings are active (as defined in section 2 of the [Contempt of Court Act 1981](#)). If a member raises an issue which, in the view of the Chair is, or may be, sub judice the Chair should require the member to cease discussion of the issue.

## **7 Conflict of Interest**

7.1 All Board and Committee agendas include a standing item at the start of the meeting inviting Board Members to declare any:

- (a) financial interests;
- (b) non-financial interests or;
- (c) the interests, financial or non-financial, of other persons.

7.2 If a member declares a financial interest, the member must abstain from participating in the discussion of the relevant item until it is concluded. If a non-financial interest is declared, the member must decide whether to participate in the discussion and decision.

7.3 The Board has established a register of members' interests and maintains a regular review of it.

7.4 The Register of Interests is published on CHS website.

## **8 Adjournment of Meeting**

8.1 A meeting of the Board or of a committee of the Board may be adjourned by the Chair to any other hour, day or place. Unless the time and place are specified in the motion for adjournment, the adjournment continues until the next scheduled meeting.

## **9 Voting**

9.1 A meeting may make a decision unanimously or by a majority of the members present. In the latter case, a vote of the members may be taken orally, in writing or by a show of hands at the Chair's discretion. The Chair has a casting vote.



9.2 When a decision is agreed to by a majority of the members, the minutes record a unanimous decision. A member dissenting from a majority decision may ask for their dissent to be recorded in the minutes.

9.3 A member not present at a meeting at which a decision is taken from which he or she dissents may raise his or her concerns with the Chair. Such a decision is normally implemented. However, it is within the discretion of the Chair to defer that the matter appears as an item on the next agenda of the Board or committee or arise through the minutes.

## **10 Ruling**

10.1 The ruling of the Chair on the conduct of the meeting and the application of Standing Orders is final.

## **11 Admission of the Public to Board Meetings**

11.1 Board meetings are open to be observed by members of the public. The dates of such meetings will be advertised on the CHS website.

11.2 All meetings which allow public access are held in venues that are accessible to people with disabilities.

11.3 Any members of the public attending these meetings may, upon request, receive a copy of the papers for that meeting.

11.4 A member of the public who disrupts the business of the meeting may be required to leave the meeting after due warning has been given by the Chair. Re-admission to that, or other, public meetings held by the Board is at the discretion of the Chair.

## **12 Minutes**

12.1 The names of members present at a meeting of the Board or of a Committee of the Board are recorded in the minutes.

12.2 The minutes record all the items of business considered at Board meetings, the results of any decisions taken and of any divisions and elections which took place.

12.3 When the Board holds all or part of a meeting in private, minutes record the items of business taken and any decisions reached during the private items. The papers considered and the details of the Board discussions remain confidential.

12.4 Minutes are drawn up and circulated within ten working days to the Chair and Deputy of the Board and submitted to the next Board meeting for approval. The minutes are published on CHS' webpage no later than the next working day after they have been approved.

12.5 Minutes and other public papers may be circulated to such non-members of the Board on such conditions as the Board may determine. In addition, papers are available under the Freedom of Information (Scotland) Act and in accordance with the CHS publication scheme.

### **13 Committees**

13.1 The Board may appoint committees to exercise functions on its behalf. Such Committees may also appoint sub-committees.

13.2 Where functions are being carried out by committees or sub-committees, their members act on behalf of the Board.

13.3 Where a question arises about whether it is competent for a committee/sub-committee of the Board to consider a particular matter – that is, whether the matter is within the committee'/sub-committee's Terms of Reference, it is for the Board, after consultation with CHS Senior Management Team as appropriate, to decide.

13.4 The Board appoints the Chair of committees and, after recommendation from a committee, its Deputy Chair.

13.5 The Deputy Chair of CHS Board chairs the Remuneration and Appointments Committee.

13.6 In the absence of the Chair at a committee meeting, his/her Deputy chairs the meeting.

13.7 Committees and sub-committees may co-opt members with relevant expertise and knowledge who are not members of the Board. Co-opted members should not make up more than half the membership of committees and sub-committees.

13.8 Co-opted members of committees and sub-committees who are not members of the Board may claim certain travelling and other allowances but are not remunerated.

13.9 Committees and sub-committees may choose to appoint substitutes drawn from the membership of the Board. The Chair of the Board cannot be a substitute of the Remuneration and Appointments committee.

13.10 Approved minutes of committees and sub-committees meetings are submitted to the Board for noting as soon as practical.

13.11 The Board has set up the following Standing Committees—

- ◆ Audit and Risks Management Committee
- ◆ Remuneration and Appointments Committee.

13.12 The numbers and names of the Standing Committees, their membership and the matters remitted to them may be varied by the Board from time to time.

#### **14 Working Parties or Groups**

14.1 Working parties or groups may be set up from time to time by the Board.

14.2 Working parties or groups need not contain Board members. Where the conclusions of any working party or group require the authority of the Board or a committee before they can be implemented, the working party or group submits a report to the Board or the relevant committee setting forth its recommendations. Working parties or groups should have a Chair, maintain minutes of proceedings and report no less frequently than quarterly to the Board or appropriate standing committee. These reports may be in writing or verbal.

#### **15 Exceptional circumstances where Board business may be dealt with by correspondence**

15.1 Where there is urgent business of the Board and it is not practicable to convene a special meeting, the Chair may under exceptional circumstances deal with the matter(s) by correspondence.

15.2 In these exceptional circumstances, relevant papers and recommendations are circulated by email and by post. Every effort should be made to contact Board members, accepting that this may not be possible. The normal rules and procedures apply to special meetings of the Board and decisions are agreed to by a majority of members. The actions/decisions arising from such exceptional circumstances are reported to the subsequent Board meeting.

#### **16 Collective Responsibility and Confidentiality**

16.1 The Board and committees operate on the basis of collective responsibility for decisions. Members are therefore expected, if questioned on a matter where the Board or a committee has taken a view, to support the position reached.

16.2 If members are questioned on matters that fall within the remit of CHS but on which a Board or committee view has not been taken, they may give a personal view but should stress that it does not necessarily reflect the view of CHS. Before doing so, they are advised to consult with the Chair.

16.3 All members must maintain confidentiality as detailed in the CHS Code of Conduct and any guidance to that code provided.

16.4 All members must fulfil their responsibilities as set out in their terms and conditions of appointment. Any issues in relation to non-performance are addressed as part of the appraisal process for Board members.

## **17 Review of the Standing Orders**

17.1 The Board reviews its Standing Orders annually.