Children and young people’s views and experiences of children’s hearings – a summary
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Abstract

Since its inception in April 1971, the Children’s Hearings System has undergone many changes in attempts to best meet the needs of approximately 40,000 Scottish children and young people per year, who may be in trouble or are in need of care and protection.

The latest significant change is the passing of the Children’s Hearings (Scotland) Act 2011 (the 2011 Act). As part of the 2011 Act, a new Non-departmental public body; Children’s Hearings Scotland (CHS), has been established.

CHS has responsibility for the recruitment, selection, training, retention and support of panel members for the Scottish Children’s Hearings System. CHS plans to work with and listen to children and young people to ensure that hearings are centred on the child or young person. Before CHS can speak with children and young people, it is essential to ascertain what they have already communicated to other organisations.

This summary aims to highlight key themes from published reports which will inform the development of CHS’ research with children and young people. It will also highlight gaps in research which CHS may wish to explore further.
Introduction

Children’s Hearings Scotland outlined in their 2012/13 business plan that they would:

a) “Work with children, young people and partners in the Children’s Hearings System to scope what resources may be required for panel members to use to help them gain the views of children and young people. This will ensure that hearings are centered around the child or young person”.

and,

b) “In line with the 2011 Act, work with partners to capture the views of children and young people on the:

- design of training to be delivered to panel members and Area Support Teams (ASTs).
- process for hearings observation, feedback and review of panel member practice”.

(Children’s Hearings Scotland, 2012: 7)

The first core value of CHS’s work is that it should be “child centred”. CHS aims to uphold this core value through research by working to their vision; that “children and young people are heard” and ultimately strive towards their mission: “to improve outcomes and experiences for children and young people in Scotland” (Children’s Hearings Scotland, 2012: 4). However, before CHS can speak to children and young people about their views and experiences, it is essential to ascertain what they have already communicated to other groups and organisations.

The aim of this report is to identify the main themes highlighted in previously published reports from children and young people about their views of the Children’s Hearings System. In keeping with the CHS business plan, the key areas of focus are their views of their own participation in hearings and their views of panel members.

With regards to panel members, CHS wants to find out what children and young people say about their interactions with panel members and what the barriers may be to positive interactions. This summary report will highlight children and young people’s views and experiences of participation in hearings and their views of panel members, which will inform the development of the above business plan objectives. This report will also highlight any gaps in research which CHS may wish to explore further. Twenty seven research reports and one video were consulted. A full bibliography can be found at the end of this document.
Methodology

Due to the exploratory nature of this project, the decision was made to employ thematic analysis as a means of analysing the data collected. Thematic analysis is a process for coding qualitative information in terms of ‘what' is said, as opposed to ‘how’ it is said. According to Riessman (2005), thematic analysis is useful for theorising across a number of elements, finding common themes among informers.

In order to extract themes from the data, coding was carried out. Following initial reading, I analysed the data manually by reading over each report and colour coding relevant points on each. Following this I made a list of the main themes I felt were apparent and then streamlined the most common themes that emerged. I then revisited each report and highlighted important points within each pre-established theme. Additionally, I selected quotes from children and young people that I felt best described what they felt and experienced.

The reports consulted are qualitative. As a result it is not possible to quantify the results of these reports. What the reports do highlight is a wide range of experiences and views from children and young people. This research aims to summarise these views which relate to their experiences of a children’s hearing. The publications consulted for this report highlighted recurring issues for children and young people when participating in a hearing.

These were issues surrounding:

- information and understanding
- participation in a hearing
- feelings

Within each of these broad headings, there were specific areas that children and young people continuously spoke about across the reports. These were:

- information provided
- levels of understanding
- language used
- listening / having your say
- behaviour
- perceived attitudes
- ‘All About Me?’
- feelings before and during a hearing
- strangers
- feelings after the hearing and hearing outcomes
In the next section I will discuss the findings of the existing research on children and young people’s views of the Hearings System. It should be made clear that these results are limited to the documents consulted and may not outline the full experiences of those who lived them.

The ages of the children and young people quoted in this report are listed where they have been provided in the documents consulted. All spoken words by children and young people are indicated throughout the report by italics.
Findings

1. Information and understanding

There is a wide range of research from a number of organisations that has been carried out with children and young people, to find out their views of the Hearings System, participation in hearings and their views on panel members. Each piece of research into this area has produced similar results and which are collectively summarised below.

Overwhelmingly, the most common theme reported on by children and young people who have participated in the hearings system includes issues relating to ‘communication’. Good standards of clear, age appropriate communication are essential for children and young people in the Hearings System. However children and young people repeatedly say that communication continues to be an area of concern for them.

Information provided

The first contact that children and young people have with the Hearings System is usually via a letter sent to them by The Scottish Children’s Reporter Administration (SCRA). According to the Children’s Hearings Reform Team (2010: 4), “All children talked about there being too much paperwork... the majority were frustrated by it.”

“‘There is lots of paper... I hate it’ – Hamish, 10” Children’s Hearings Reform Team (2010: 4).

“‘I ripped it up’ – Robbie, 10” Children’s Hearings Reform Team (2010: 4).

Whilst CHS does not control the methods of contact or the volume of paper work it is important to highlight that from the outset some children and young people are frustrated or unhappy with the system even before they enter their hearing for reasons which will be outlined below. This may have an impact on their participation in the hearing itself. Scottish Children’s Reporter Administration (2009a: 77) states “About a quarter of children and young people did not understand the information sent to them. Although this may be age related it could impact on their understanding of why they were attending a hearing and therefore their ability to participate in their hearing.”

Another way in which children and young people gain information about the hearings process is through speaking to someone, usually a carer or a social worker. However Scottish Children’s Reporter Administration (2009a: 77) reported that less than half of children had spoken to someone before their hearings. Young people (ages 12-17) were more likely to have done so than children (ages 5-11) and stated that this helped them to prepare for their hearing.
“‘I found out, like, what happens then and like, who you’re speaking to and, like, it’s not like court or nuthin’, it’s just like, normal’ – female age 16, living at home” Scottish Children’s Reporter Administration (2009a: 33).

Nevertheless, for young people, speaking to someone before the hearing does not appear to increase their understanding of what happens during the hearings process (Scottish Children’s Reporter Administration, 2009a). Overall, children and young people felt they were not getting the information that they needed to understand the hearings process either before or after the hearing.

**Levels of understanding**

The collective findings of the reports highlight that there is widespread misunderstanding among children and young people about the hearings process and their own hearing. The Children’s Hearings Reform Team (2010: 4) outlined “Most of the children said that adults did not explain what their hearing was about and that this confusion about what was to happen continues to the hearing itself. Children said they sometimes left a hearing not knowing what had been decided.”

“‘I didn’t have a clue what it was. I know it was some kind of panel; I thought it was court or something but it could have been a school meeting for all I knew’ – Clair, 15” (Children’s Hearings Reform Team, 2010: 4).

Among those children and young people who did understand why there were there, there were varying levels of knowledge. Who Cares? Scotland (2011) interviewed children and young people about their experiences during a hearing. During the interview, participants were shown a photograph of a hearing taking place and were asked if they could identify who the people in the picture were. Ninety five percent of young people identified panel members, but only 50% correctly identified the Children’s Reporter. Some identified panel members as ‘judges’.

“‘Three decision makers and one person who is in charge’ – Female age 9, Orkney Islands” Who Cares? Scotland (2011: 18).

“‘My first time at a hearing I thought they were the Police and if I said anything I would get arrested’ – Female age 14, Midlothian” (Who Cares? Scotland, 2011: 18).

SCRA’s 2009 research measured to what extent children and young people understood the Children’s Hearings System at least ‘a little bit’:

- 28% of children and 38% of young people understand the system ‘a lot’
- 21% of children and 43% of young people understand the system ‘a little’ (Scottish Children’s Reporter Administration, 2009b: 5).

Across the reports it is agreed that children and young people’s understanding of the Hearings System is generally low at their first hearing with levels of understanding increasing at subsequent
hearings and levels generally being higher among those who successfully read and understood the information sent to them prior to the hearing by SCRA.

Children and young people have told us that the process of a hearing should be explained to them before their hearing so they know what to expect. The Young People’s Organising and Campaigning Group (YPOC) produced a guide in 2011 titled ‘Guide to Meetings’ which is highly relevant to children’s hearings. It also highlights the need to understand the hearings process and outlines in detail what young people themselves think should be explained to other children and young people before meetings such as a children’s hearing.

**Language used**

Language (both verbal and written) was by far the communication issue most raised by children and young people to other organisations. They refer to language across all stages of the hearing process from initial contact to the hearing outcome. The main concern for children and young people is the use of terminology and jargon, ‘big words’ as they are commonly termed.

“‘...the words they used were quite posh ‘cos this was a posh man [the panel chair] that was doing it... so I didn’t really get what he said an’ everyone had to explain it to me after...’” – female, 14 years, LAAC” (Scottish Children’s Reporter Administration, 2009a: 33).

“‘There were lots of big words and I couldn’t even read the joined-up writing because I was too wee then, but even my mum couldn’t read it, it was really scribbly’ – Mandy, 9” (Children’s Hearings Reform Team, 2010: 5).

“They try to act too professional, like, use too big words. You don’t need to use so many big words that younger people aint gonna understand” (childrensparliment, 2012: online).

Children and young people have told us that not being able to understand what is written before a hearing or what is said during a hearing can often lead to frustration, anger, upset or shyness when the hearing takes place.

“Sometimes I say I understand when I don’t just for them to be quiet” (childrensparliment, 2012: online).

“They ask me if I understand, I just say yeah” (childrensparliment, 2012: online).

“‘There was a certain word they said that I didn’t understand at all but I didn’t say at the time – it had to go to appeal because I didn’t understand that word. They should know they’re dealing with children and explain or not use the words in the first place’ – Clair, 15” (Children’s Hearings Reform Team, 2010: 19).

In contrast however, some young people reported feeling that panel members used language that was ‘condescending’ or ‘patronising’ towards them:
“They talked about it (place of safety) like I didn’t know what it was” (Children’s Hearings Team, 2012: 5).

Information which is unclear to children and young people, together with the use of words that they define to be ‘big words’ or ‘posh words’ leads to a lack of understanding of the hearings process and a decreased level of positive engagement from children and young people at their hearing.

**Listening / Having your say**

Along with language, ‘being listened to’ was one of the top issues for children and young people participating in children’s hearings. The views presented were mixed, with some stating that they were listened to and others stating they were not. In the majority of cases, the reports appeared to document the examples where they felt they were not listened to.

The Children’s Hearings Reform Team (2010) noted that some children, in particular, older children felt that they were not listened to at their hearings, the hearings were rushed, they were often interrupted and that other adults were listened to more than them.

“‘I don’t feel like they listened to me at all! Everything I said they were speaking over me, or speaking to social workers about everything…’ - Clair, 15” (Children’s Hearings Reform Team, 2010: 18).

“‘Often they’re talking to your key worker, not us – they should be talking to us’ - Eddy, 15” (Children’s Hearings Reform Team, 2010: 18).

“‘I didn’t think I was listened to. You go to the Panel for change and then you go back home and everything’s the same – nothing’s changed, it’s meant to be what’s best for us not what’d best for the adults.’ - Hamish, 10” (Children’s Hearings Reform Team, 2010: 22).

In March 2012, the Children’s Hearings Team hosted two ‘All About Me’ events following the advice of the ‘Voice of the Child’ working group that more needed to be done to engage with children and young people. When asked to think about panel members, children and young people at the event stated:

‘First you should always listen to us. We never get listened to. People think ‘they are just children - oh they are talking nonsense’.” ‘ (Children’s Hearings Team, 2012: 5).

One of the aims of the Children’s Hearings System is for children and young people to be able to have their say at their hearing. Comments from children and young people were again mixed in this area.

Scottish Children’s Reporter Administration (2009c: 5) reported that overall “children and young people expressed their comfort at being able to talk to panel members and give their views during
their hearing” and that “...children and young people generally felt that their views were taken into account by panel members, particularly compared to other professionals they have come into contact with” (Scottish Children’s Reporter Administration, 2009a: 53).

“’I like that they are asking me what I would like, not just what they like’ - young person aged 11” (Young Person’s Organising and Campaigning Group, 2011: 8).

However some children and young people felt they were unable to have their say:

“’I am shy. I do not like to ask questions’ - Young person aged 8” (Young Person’s Organising and Campaigning Group, 2011: 8).

“’What’s the point of us suggesting things? It’s not going to get listened to anyway’ - Joshua, 13” (Children’s Hearings Reform Team, 2010: 20).

“’When I went to the children’s hearing, it was like they had to ask my parents first... it made me feel really angry...if you said something, they shouldn’t have to go and ask your parents’” (Young woman (11) in Children’s Hearings Team, 2012: 6).

“’I think I should get talked to more, it is called a Children’s Hearing’ - Jodie, 10” (Children’s Hearings Reform Team, 2010: iii).

Furthermore, some children felt they did not wish to say anything at their hearing and they felt that this was their right as much as being able to speak out. According to Scottish Children’s Reporter Administration. (2011: 4), only 23% of children and 38% of young people had something they wanted to say to panel members at their hearing.

In 2011, SCRA produced a report evaluating the pilot of ‘flash cards’ in children’s hearings. The flash cards are A5 laminated cards that children and young people can hold up to aid them in conveying to panel members how they are feeling or if they wanted to speak. The findings of this report suggest that children and young people find these a fun, engaging and empowering communication resource to have available to them, as long as they are aware of how to use them. Young people (particularly those aged seven and eight) were more likely to use flash cards than older children or young people.

Main points:

Children and young people have told other organisations that that:

- hearing papers need to be accessible to them
- jargon or ‘big words’ both in the hearing and in hearings documentation need to be reduced
• they would like preparation and discussion before hearings so they know what to expect

• their rights should be explained before the hearing so they are fully aware of them either verbally, or via posters or booklets

• they WANT to be listened to at their hearing

• communication tools such as flash cards can assist them in making their views and feelings heard

• feelings that they are not being listened to can lead to frustration

• confidentiality is essential for them to air their views

• they require to be kept informed throughout the hearing process using methods that are appropriate to their age and stage

• children and young people feel they should be encouraged to have their say but also feel they have the right not to speak at their hearing if they genuinely do not wish to
2. Feelings

Feelings before and during a hearing

Throughout the reports children and young people spoke about their feelings in relation to their participation in hearings.

Many children had positive feelings towards their hearing(s) as they recognise the system is there to try and make their circumstances better for them.

“‘They are there to help; they try to make you and others safe, they are trying to help you’ Eddy, 15” (Children’s Hearings Reform Team, 2010: 14).

“‘The people want to help you, with contact for instance, get you longer’ Gemma, 12” (Children’s Hearings Reform Team, 2010: 14).

However the research suggests that the majority of children found going to a hearing difficult and they can experience feelings of upset, anger and frustration.

“You feel like a mouse in a mouse trap. They’re bigger than you, they’re adults basically and you’re just a child and they’re deciding your future” (childrensparliment, 2012: online).

Most children said they felt nervous during their hearing, especially those who were attending a hearing for the first time.

“‘There were toys in the waiting room but I didn’t feel like playing with them, you’re not happy when you go; just worried... I always feel sick when I go – I feel like being sick all over the people’ – Hamish, 10” (Children’s Hearings Reform Team, 2010: 14).

“‘I was greetin’. You don’t know what’s going to happen, you can get put into care; get put with people you don’t like; people who bully you’ – Ross, 14” (Children’s Hearings Reform Team, 2010: 14).

Strangers

The Young Person’s Organising and Campaigning Group (2011) say that children and young people find it difficult when there are people in hearings that they do not know.

“‘Don’t like people that I don’t know to be there’ – Young person, 15” (Young Person’s Organising and Campaigning Group, 2011: 7).
Findings from SCRA (2009) research highlighted that one of the main barriers to children and young people participating in hearings was the high volume of people in the room.

“‘I thought, ‘who are those people’?’ - Olly, 10” (Children’s Hearings Reform Team, 2010: 10).

According to the Children’s Hearings Reform Team, children and young people were often surprised by the number of adults in attendance at their hearing. All consulted felt there were too many adults present and they normally do not know who they are or why they are there.

“‘I was really cross because my social worker brought someone I didn’t know who it was. I didn’t want to speak about my feelings or talk about not staying at my carers. I wanted to tell the Panel I didn’t want to stay there but I didn’t know if this person was trustworthy’ – Lori, 12” (Children’s Hearings Reform Team, 2010: 10).

Children and young people can also feel as though the adults are against them, again due to the number of people attending the hearing:

“‘They don’t need that many. There was at least 10 people in the room. I felt everyone was against me. It was dead uncomfortable, everybody was in your face – when you tried to speak, somebody else would jump in... The more there was of them, the more they could gang up on you’ - Clair, 15” (Children’s Hearings Reform Team, 2010: 10).

**Feelings after the hearing and hearing outcomes**

Closely linked with children’s feelings is what they have told other organisations about hearing outcomes. According to Scottish Children’s Reporter Administration (2011) all of the young people consulted had experienced a hearing outcome that they had disagreed with, however there was an acceptance that the Hearings System was still fair.

As with most aspects of the Hearings System, some children have told other organisations they were happy with the outcomes of their hearings and others say they were unhappy. However, in contrast to the nervousness many children and young people say they feel before a hearing, many state they felt relieved even if this was combined with happiness or disappointment (Creegan et al, 2006).

According to Creegan et al, (2006) feelings of happiness or disappointment resulting from a hearing could be in relation to the outcome or the experience of the hearing.

Children and young people reported feeling happy with the outcome when it reflects what they said they wanted. This showed them that panel members had listened to them.

“I thought they listened to me and took in what I said and actually used what I said to make their decision” (Hallet and Murray, 1998, in Creegan at al, 2006: 62).
Some children also said that they feel that panel members have already made their decision before they come to the hearing linking back to feelings of being judged and the feeling of being unable to have their say in their hearing.

“I think that they make their decision before they come in and talk to the kids, because they’ve got all their papers, they dinny have to think, they just go ‘aye, aye, aye’… they just keep on talking, so that tells you that that paper that they’ve got there is totally what they’re going to say” (childrensparliment, 2012: online).

Children and young people also told other organisations that one of the main issues surrounding hearing outcomes is the ability to understand the outcome and why a particular outcome was made.

“Children said that they need to understand what decisions are made at the Hearing so that they can say they agree or not. If they don’t agree the child should be able to ask the Hearing to think again” (Children’s Hearings Reform Team, 2010: 19).

**Main points**

Children and young people have told us that:

- they recognise the Children’s Hearings System is there to help them
- the majority of children and young people find the experience of going to a hearing a difficult one
- strangers in the hearing adds to feelings of being scared, uncomfortable and judged
- too many adults can cause them to feel the adults in the room are against them
- a positive outcome is when the decision reflects their views
- they often feel panel members have made a decision before speaking to them
- they need to understand the outcome of the hearing in full and why decisions were made
3. Panel members

Behaviour

Children and young people have told other organisations that they read adult’s body language during their hearings. Often, body language is used by a child or young person to work out if panel members are listening to them or not.

Indicators to children and young people that panel members are listening are:

- making eye contact
- nodding and making ‘noises’ in agreement
- asking and answering questions
- not using ‘big words’
- making decisions that reflected the child’s or young person’s wishes

In contrast, indicators that they are not listening include:

- talking to each other
- fidgeting
- looking away from them
- talking over them
- asking the same questions repeatedly

Younger children in particular told other organisations that panel members can be ‘kind, friendly and helpful’. All children and young people reported they liked it when panel members smiled at them. (Children’s Hearings Reform Team, 2010).

The Children’s Hearing’s Team at the Scottish Government reported that: “All groups [children and young people] voiced a great deal of cynicism about panel members and many questioned their professionalism, particularly around the body language and tone of many of the panel members they had encountered” (Children’s Hearings Team, 2012: 6). Who Cares? Scotland (2011) also found that the average score young people gave for their experience during their hearings was four out of 10.

Perceived attitudes

Some children and young people say they are of the view that panel members have a negative attitude towards them. This conclusion is often reached through what panel members say to children and young people, from their body language and sometimes through children and young people’s own expectations or feelings.
“The chairperson... he was in a grumpy mood I think, kind of like ‘The Hulk’ when he’s transforming” (childrensparliment, 2012: online).

“They didn’t look happy. They looked like they wanted the job over and done with” (childrensparliment, 2012: online).

“They stare are you, then they smile at you in way that, not a nice smile... a smile that says – “we’ve got ye”” (childrensparliment, 2012: online).

Some children and young people have reported feeling judged by people in their hearings which they say can make them feel uncomfortable, angry or scared. One circumstance in particular where children and young people report feeling judged and nervous is when ‘strangers’ attend their hearing. The issue of strangers at hearings will be discussed further in the final section of this report.

‘All About Me’

One of the key mottos of the Children’s Hearings System is ‘All About Me’. The Hearings System aims to have the child or young person at the centre of the process at all times. Their hearing is for them. Several organisations asked children and young people to what extent they felt that their hearing was ‘All About Me’. In 2011, Who Cares? Scotland stated that 62% of the children and young people who took part in their consultation believed that they were the most important person in their hearing.

“‘Me - I am the most important person there.’ – Male age 13, Aberdeen City” (Who Cares? Scotland, 2011: 20).

Whilst the majority felt that their hearing did focus on them, other children and young people felt differently:

“It was about me... but... I think they should have talked to me more because it’s called a Children’s Hearing” (childrensparliment, 2012: online).

Research carried out by the Social Work Inspection Agency (2006: 82) outlines one experience which provides insight into how a participant felt left out at his hearing:

“‘It was scary, it was strange. I remember one of the guys, I don’t know if he was the main man. He was sitting in the middle of the table. He was like a judge or something. About a dozen people were round what seemed like this huge table in this room. You know everyone was talking about you... all the decisions were made’ (Colin)” (Social Work Inspection Agency, 2006: 82).
Main points

Children and young people have told other organisations that:

- they read panel member’s body language or behaviours to gauge if they are really listening to them
- panel members should give young people the time to say what they need to say
- someone should check everyone has understood and give time and space for thinking and responding
- children should know who the panel members are. They should be able to meet them before the panel sits if they wish
- panel members should have more training in talking and listening to children and young people.
- the panel should come to the child or young person first and not other adults
- panel members should consider if ‘the past’ really needs to be brought up. Children and young people state this can be difficult for them to deal with
- “A children’s Hearing should be a conversation, not a confrontation” (Children’s Hearings Team, 2012: 11).
Gaps in the research

Throughout the reading for this project, I sought to identify any areas that had not been previously researched in relation to children and young people’s views and experiences of a hearing.

There are very few research gaps in this area. All of the main aspects relating to views and experiences of participation in a hearing including before, during and after the hearings and views of panel members have been researched by other organisations. Research has also taken place into how children would change their hearing, what aspects they think would make good panel members and to what extent young people not on a supervision order feel the Children’s Hearings System has changed their lives.

However there were some groups of children and young people that receive no mention in the previous research, namely:

- ethnic minority children and young people
- children and young people who do not speak English or who do not have English as a first language
- children and young people with disabilities or learning difficulties

To ensure research is inclusive and ensure the views of minority groups of children and young people are heard, there may be scope to include these groups in future research, or indeed commission a study which focuses on minority groups within the Hearings System.

A second issue is that it is unclear what percentage of children and young people are represented as feeling a particular way or having a particular view as there are few statistics in this area to accompany the findings. It may be useful for quantitative work to be carried out or feature as analyses of qualitative work. The best example of this to date was carried out by Who Cares? Scotland (2011) – “Hearing Scotland’s Children: The Expert Views of Scotland’s Children and Young People.”
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