The Feedback Loop

A Report by the National Convener on the implementation of Compulsory Supervision Orders (under section 181 of the Children's Hearings (Scotland) Act 2011) for 1 April 2025 - 31 March 2026

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Foreword

The 12-months since the publication of our last Feedback Loop report has been an extremely busy period for Children's Hearings Scotland (CHS) as we work hard to redesign the children's hearings system to improve outcomes for infants, children and young people.

We have worked closely with partners to prepare for the upcoming legislative changes that will be brought about next year by the full implementation of the Children (Care and Justice) (Scotland) Act 2024, and we have supported our volunteers to feel confident about how these changes will impact them in their roles. Preparations for implementation form an important part of how Children's Hearings Scotland will support and uphold children's rights over the year ahead.

Across 2025-26, CHS has also supported and influenced the development of the Children (Care, Care Experience and Services Planning) (Scotland) Act 2026, providing evidence and working closely with the Scottish Government, young people with lived experience, the Panel Community and key stakeholders to support the new legislation that will pave the way for the redesign of the children's hearing system. As a key element of the children's hearings system redesign, we were pleased to see this legislation pass with unanimous support from MSPs. We believe the provisions included in the Act will be genuinely life-changing for many care-experienced children and adults. Over the next few years, we are focusing our attention on preparing for the commencement of this legislation as this is a generational opportunity to improve outcomes for children.

Children's rights continue to be integral to the delivery of the children's hearing system. We have reported on our work to progress children's rights since 2017, and we are delighted that this year will see the publication of our first report under the new reporting duties in the UNCRC (Incorporation) (Scotland) Act 2024. Our 'Progressing Children's Rights 2023-26' report will be available to read on the Children's Hearings Scotland website from October 2026.

The implementation of orders is an essential part of ensuring children's rights are upheld. We are cognisant that, in its current format, the Feedback Loop report provides a limited picture of how orders are currently implemented. Over 2026-27, working with our volunteers and our partners, we will develop new ways of monitoring the implementation of orders. We hope this will provide greater awareness of the experiences of children who are subject to an order, and a clearer understanding of how we evaluate the effectiveness of their orders.

I would like to thank SCRA for providing the necessary data required for the preparation of this report.

- Elliot Jackson, National Convener and CEO, Children's Hearings Scotland

Legislative Requirement

Section 181 of the Children's Hearings (Scotland) Act 2011 ('the 2011 Act') places a duty on the National Convener to prepare a report "about implementation of compulsory supervision orders" in Scotland as a whole and in each local authority area annually, as soon as practicable after the end of the financial year.

A copy of the report must be given to each member of the children's panel and Scottish Ministers must lay the report before the Scottish Parliament.

Developments of the Feedback Loop Report

The first two Feedback Loop reports published, covering the years 2014-15 and 2015-16, presented a range of data about children's hearings and the implementation of Compulsory Supervision Orders.

The third Feedback Loop report, covering four years (2016-17, 2017-18, 2018-19 and 2019 20) presented a smaller amount of more specific data than the previous reports, focusing

exclusively on decisions made in hearings and reported breaches of implementation of Compulsory Supervision Orders. The fourth Feedback Report covered the previous three years (2020-21, 2021-22 and 2022 23). Starting from 2024, the Feedback Loop report was drafted using data only from the most recent year.

As noted in previous reports, neither the National Convener nor CHS have access to information about children, either on an individual or aggregate basis on the implementation of Compulsory Supervision Orders. This information is held and controlled by Local Authorities, who are responsible for implementing Compulsory Supervision Orders. Data on decisions made in hearings is held by SCRA. This distance from the data makes collection for the purposes of publication challenging for CHS. In addition, information on the wellbeing of children is not collected consistently across Scotland.

The first two Feedback Loop reports used reported data on a yearly basis from September to August, in line with the data available from Local Authorities. This report, like the most recent Feedback Loop reports, uses financial years as specified in the 2011 Act.

Implementation of Compulsory Supervision Orders

If Panel Members are satisfied that compulsory measures of supervision are necessary for a child's protection, guidance, treatment or control, a children's hearing may make a Compulsory Supervision Order.

The Compulsory Supervision Order, by including measures setting out what specific arrangements should be made, and by specifying an 'implementation authority' (the Local Authority in whose area the child predominantly resides or with whose area the child has the closest connection), places a duty on a Local Authority to take action.

Under section 144 of the 2011 Act, the implementation authority has a general duty to give effect to a Compulsory Supervision Order and also a duty to comply with any specific requirements imposed on it by the measures attached to a Compulsory Supervision Order

(for example, a child is required to reside in a particular place or to undergo a specific assessment, or attend a particular school). The section states:

(1) The implementation authority must give effect to a compulsory supervision order; and
(2) The implementation authority must in particular comply with any requirements imposed on it in relation to the child by the compulsory supervision order.

'Implementation' therefore concerns whether implementation authorities have carried out the actions required of them by measures in Compulsory Supervision Orders.

Implementation Breaches

It may become clear, for example at a review hearing, that something other than the measure of supervision directed at a hearing has happened. The implementation authority may have taken other action or taken no action at all. In these circumstances, a breach of the implementation duty may be considered to have taken place as the implementation authority has failed to carry out its duty, as described above. Section 146 of the 2011 Act allows a hearing to direct the National Convener to take action to enforce the authority's duty.

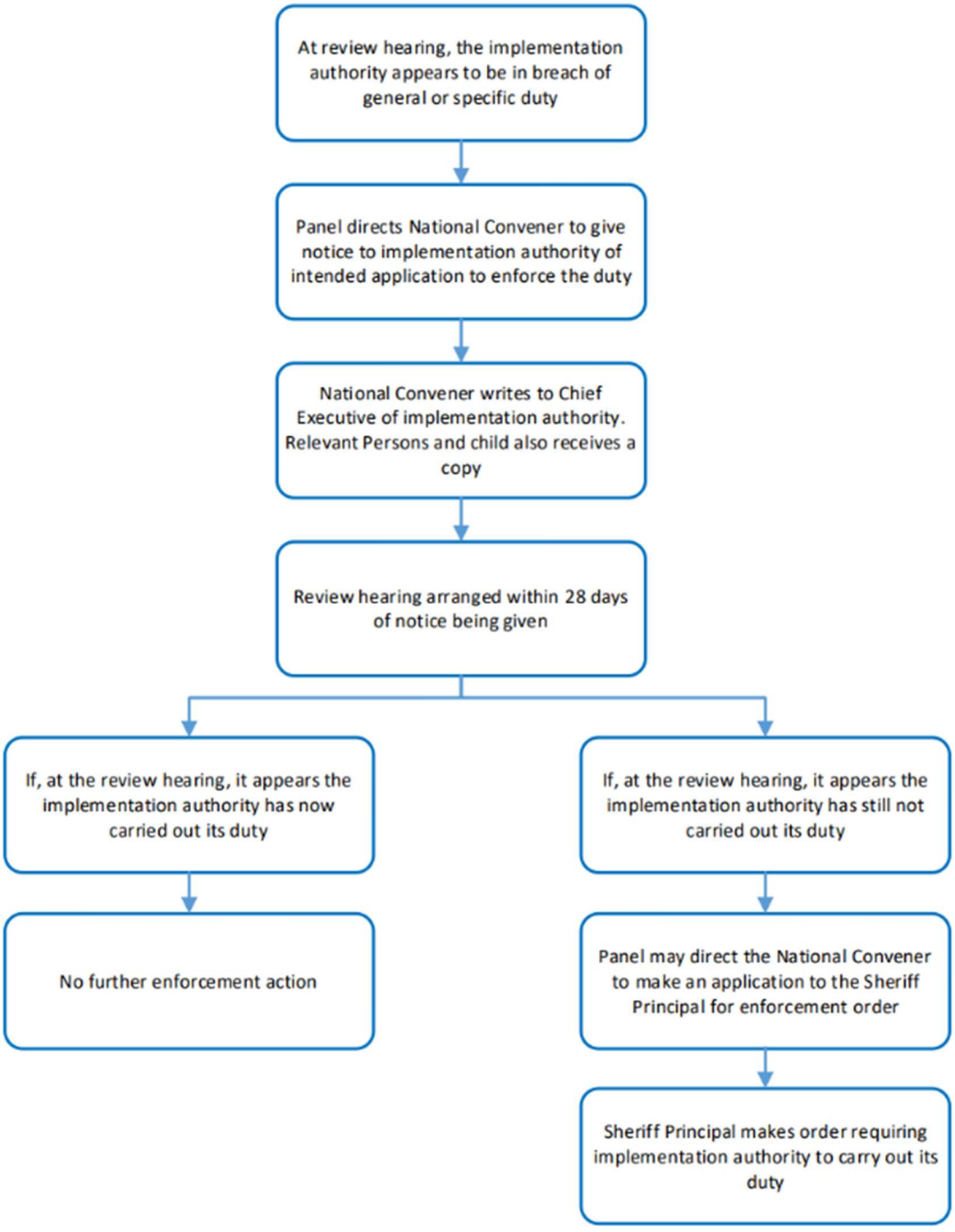
Any implementation breach is potentially serious. It may indicate that a child is not receiving the support that a children's hearing has decided is necessary in their best interests. It is important to remedy that breach to improve outcomes for children. A children's hearing is a legal tribunal and implementation authorities must implement their decisions accordingly.

The essential criteria for raising a breach of a local authority is:

1. The local authority duty which has been breached should be included in the child's Compulsory Supervision Order;
2. The hearing which raises the breach must make a substantive decision in relation to a Compulsory Supervision Order: i.e. to continue or vary (or continue and vary) the Compulsory Supervision Order; and

3. The hearing must make a decision to hold a review hearing, which will take place 28 days after the notice is given to the Local Authority that says they are in breach, or as soon as reasonably practicable after that.

A summary of the process for raising a breach is provided below.



Implementation Data

This report focuses on the implementation of decisions made in hearings by bringing together and providing information on three areas:

(1) A count of hearings in which particular decision types were made in a given year (1st April to 31st March) that place an implementation duty – through a Compulsory Supervision Order (CSO) - on an implementation authority. The relevant hearings decisions are:

Decision type	Description/definition
CSO continued	The hearing was satisfied that an existing CSO was still required and that no variation to any of the measures was needed.
CSO continued & varied	The hearing was satisfied that a CSO is still required but a change to the measures was needed.
CSO interim continuation	The hearing was satisfied that an existing CSO should remain in place short-term, until another decision can be made.
CSO made	The hearing was satisfied that a CSO was necessary for the child's protection, treatment, guidance or control.
CSO varied	The hearing was satisfied that an existing CSO was still required, with a change to the measures needed, but the 'relevant period' remained unaltered.

(2) The number and types of breaches of implementation duty (s.146) that were reported to the National Convener.

(3) The enforcement actions taken by the National Convener, and their result.

This data is presented over the following pages, separated by Local Authority.
Notes on the data are given at the end of this report.

Report for 2025/26

(1) Implementable decisions made at hearings:

Local authority	CSO continued	CSO continued and varied	CSO interim continuation	CSO made	CSO varied
Aberdeen City	82	139	31	56	6
Aberdeenshire	47	95	15	36	6
Angus	78	105	15	61	17
Argyll & Bute	20	59	27	29	0
Clackmannanshire	43	80	25	26	15
Dumfries & Galloway	122	219	27	74	<5
Dundee	115	105	33	113	28
East Ayrshire	111	115	130	71	<5
East Dunbartonshire	32	33	8	12	0
East Lothian	37	54	9	40	<5
East Renfrewshire	38	24	12	25	0
Edinburgh, City of	184	309	52	148	12
Eilean Siar	19	15	<5	13	0
Falkirk	102	114	62	51	24
Fife	108	262	86	138	47
Glasgow	429	514	212	166	19
Highland	88	235	37	68	<5
Inverclyde	74	103	17	39	<5
Midlothian	41	43	17	23	<5
Moray	20	86	7	26	0
North Ayrshire	114	189	59	95	0
North Lanarkshire	182	266	100	114	0

Orkney	8	11	0	5	<5
Perth & Kinross	41	49	29	44	9
Renfrewshire	138	230	55	99	0
Scottish Borders	25	49	10	28	<5
Shetland	0	16	0	7	<5
South Ayrshire	43	66	26	23	<5
South Lanarkshire	183	303	77	126	9
Stirling	38	60	23	35	8
West Dunbartonshire	130	177	52	81	0
West Lothian	45	84	59	40	12
Total	**2,737**	**4,209**	**1,315***	**1,912**	**237***

*each <5 value was calculated as 2.5 to ensure data does not identify (or enable the identification of) a particular child. Where applicable, values have been rounded to the nearest whole number.

(2) Implementation breaches

For the decisions made during the year 1 April 2025 to 31 March 2026, there were two intended reports of breaches of implementation duties made to the National Convener, relating to two children. The details of these are below, however only Breach 1 was a valid notice as the hearing did not meet the criteria as outlined above. The Local Authorities in question are not named in order to prevent children from being identified.

Breach 1: The Local Authority did not facilitate contact as stipulated within the Compulsory Supervision Order and failed to provide the necessary care and protection for the child.

Breach 2: The Local Authority did not prepare up-to-date reports for the child or provide regular support.

(3) Action taken

Breach 1: The National Convener wrote to the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

Breach 2: The hearing was notified that the previous children's hearing did not meet the criteria for the National Convener to notify the implementation authority of the intention to apply for an order to enforce the duties placed upon it.

Comment and Future Developments

The duty of the National Convener to take action in the face of non-implementation of orders remains a valuable mechanism in making sure that the rights of children to receive protection and assistance are upheld.

In August 2025, the CHS Practice and Policy Team published a practice note for the volunteer community which provided more detailed information about what Panel Members can do if they require the National Convener to take action in response to a Local Authority failing to carry out measures included on a Compulsory Supervision Order. This aimed to help raise the profile of this decision-making option across the panel community and increase the confidence of Panel Members in raising breach proceedings however, so far this has not had a material impact on the number of breaches raised. This highlights that more work is required to ensure those responsible for implementing orders are held to account.

There were only two implementation breaches reported to the National Convener[1] in 2025-26. This continues a well-established pattern of low levels of breaches reported by Panel Members each year. CHS has significant concerns about this figure and, from anecdotal evidence, this does not appear to be an accurate reflection of all breaches that occur across Scotland. Further investigative work is required to understand whether these cases represent, for example, only the most serious or repeated breaches and what support is

[1] Only one breach was valid and actionable.

required to enable Panel Members to raise breach proceedings when necessary.

Additional work must take place to understand the impact of compulsory measures for babies, children and young people across Scotland. The aim of any compulsory measure is to make improvements in the child's circumstances, including to ensure the child is safe and that they have the opportunity to develop to their full potential. At present, we do not have adequate data collection mechanisms to understand the impact of Compulsory Supervision Orders on children's overall wellbeing.

The redesign of the children's hearing system presents a significant opportunity to address these gaps. In particular, the new Enhanced Role of the Chair will provide continuity by default. This will strengthen understanding of the issues faced by children and their families, as well as the child's journey through the children's hearings system. As the single decision-maker for the Pre-Hearing Panel, Chairs will have greater involvement in the planning of hearings. Chairs will work alongside the Children's Reporter to make decisions that inform the planning of the child's hearing.

As the continuity member the new Enhanced Chair will be the consistent decision maker for the child. This will provide them with greater insight into the non-implementation of Orders, and when it would be appropriate to pursue breach proceedings. The Chairs will have allocated time for professional development, allowing them to gain a better understanding of breach proceedings and how this important legislative provision bestowed on the National Convener can be better utilised to ensure Orders are implemented effectively. The Chairs will receive good practice guidance, support, and training in how to conduct review hearings in an inquisitorial way to assess the implementation of Orders, and when to request that the National Convener initiates breach proceedings.

Given that these changes will not come into effect for a number of years, the Children's Hearings Redesign Board which is co-chaired between the Scottish Government and the Convention of Scottish Local Authorities (COSLA), has committed to support the National Convener by prioritising the work of the joint data group to progress work in this area.

Initially, over the 2026-27 financial year, Children's Hearings Scotland will work with Panel Members and our partners at the Scottish Children's Reporter Administration, the Scottish Government, COLSA and Social Work Scotland to pilot new approaches to help us understand more about a) the implementation of orders and b) the impact of orders on children's overall wellbeing. This may include recording Panel Member assessments about the implementation of measures made in the previous hearing and seeking their views about why measures haven't been implemented. It could also involve working with Panel Members, social work professionals, the child and Relevant Persons to understand the impact of orders on the child's overall wellbeing. This pilot activity will be monitored and evaluated with a view to extending this across Scotland.

We believe this will be a crucial step towards understanding outcomes for children who experience compulsory state intervention in their lives. This aligns closely with aspirations in the 'The Promise'[2] and findings from 'Hearings for Children'[3] report. The latter highlighted the issue of accountability of the Children's Hearings System and the need for improved data to "inform and support national and local understanding of the implementation, impact and outcome of decisions made by the Children's Hearings System."

Ultimately, all partners involved in the Children's Hearings System want to see an effective system that delivers improved outcomes for children. Our collaborative work around the data we collect aims to improve accountability of the system and provide greater insight into how children's wellbeing and their right to grow and develop are supported through the Children's Hearings System.

Notes on the Data

The tables feature a count of hearings that made a particular decision during the year. It includes only those decisions that require implementation by an implementation authority.

[2] *The Promise – Independent Care Review (2020)*

[3] *Hearings for Children – Hearings System Working Group's Redesign Report (2023)*

The years given refer to financial years (1 April 2025 to 31 March 2026).