

THE LENS

HSWG Issues List

CHS Community's
Contribution to
#KeepThePromise



Plan
21-24

Introduction

Upon the publication of The Promise report in February 2020, Children's Hearings Scotland (CHS) made a public commitment to #keepthepromise. We expressed our commitment to address the findings of the Independent Care Review, and to do our part of what needed to be done to develop a more robust tribunal service underpinned by a commitment to the Kilbrandon Principles of 'needs, not deeds', the cornerstone of the Children's Hearing System.

We are committed to the integration of the United Nations Convention of the Rights of the Child (UNCRC) and becoming a trauma informed organisation. As outlined within the CHS corporate plan, our focus and drive is to ensure that our work helps to deliver on The Promise report's ambition for Scotland's children evidenced in our annual review and in the recently published Vision Statement.

In the summer of 2021 The Promise Scotland, as part of its Promise Plan 21-24, established the Hearing System Working Group (HSWG). In March 2022 the HSWG published its Issues List, a document with 56 questions across 5 categories (see below). The list was developed to *"guide conversations and deliberation as the group works towards creating detailed proposals for the redesign of the Children's Hearing System."*

CHS consultation on the HSWG Issues List

This paper is provided to the HSWG to offer an analysis of the internal consultation undertaken by Children's Hearings Scotland (CHS) with our volunteer members who deliver the current Children's Hearing System and the CHS national staff team who support them. CHS is one of a number of organisations who hold a view on the positive and effective elements of the current system, and what needs to change so that the tribunal service for Scotland's children delivers the best outcomes for children, young people and their families. The paper's intention is to ensure that those with first-hand experience of the day-to-day delivery of the decision making tribunal have their views considered by the HSWG as it develops its recommendations for the redesign of the system. As a result it does not provide an overview of each of the areas identified within the Issues List developed by the HSWG, but offers comments and input on the areas that related directly to the current roles and functions of members of the CHS workforce¹

Approach

It is very important to us to ensure that the views of the 3000 volunteers and the small staff team who deliver the current tribunal service, are represented. To address this, CHS created a project team of volunteers and staff who represented a cross section of the current CHS delivery model. In addition, the Project Lead had several meetings with the CHS Participation Group, a group of people who have lived experience of the current Hearing

¹ Within this context we are using the definition of workforce as outlined in The Promise Report page 97.

system. The group input their ideas and opinions on how we can develop our approach to incorporate the voice of those who have lived experienced of the system.

The project team also commissioned [The Lens Perspectives Agency](#). The Lens team have experience in working with people in many organisations to support change and develop and generate innovation. Consultation and engagement are the foundations of all programmes led by The Lens.

The Project Team and The Lens worked together to design a bespoke consultation and engagement programme which would enable staff and volunteers to:

- Gain a better understanding of the Hearing System Redesign Programme
- To connect with their wider CHS volunteer community
- To share their views on how the Hearing System could be redesigned to #KeepThePromise and improve the lives of children and young people

An online engagement survey was developed and we used this as the basis for a programme of large scale consultation and engagement sessions, which included face to face and virtual sessions at flexible times, including evenings and weekends.

A series of consultation questions [Appendix 1] based upon the themes of Issues List;

- Scaffolding of the Hearings System
- Avoiding the need for compulsory measures of supervision
- Children and their Hearings
- Meeting the needs of children after a Hearing takes place
- Relationship between the Children's Hearings System and the Criminal Justice System

Key headline themes from the electronic survey

The following graphs show the response to some of the questions asked within the online survey, and underpin much of the detailed discussion and the ideas generated within the consultations, summarised below:

How could the need for compulsory measures of supervision be avoided for children?



- Early Intervention
- Increased awareness of issues, such as addiction, children and young people's mental health, and support for the whole family
- Better communication across all services

Feedback on current process framing / Establishing grounds for a hearing:



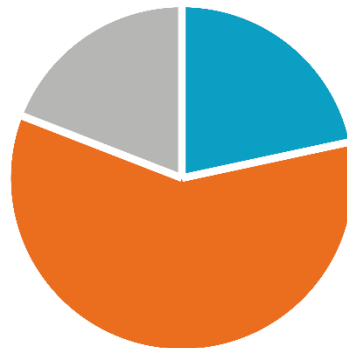
- Process and timescales need to be improved
- Current processes can be stressful and traumatising
- Communications need clarity of language and supportive tone

How can the Children's Hearing System better ensure a child's voice is heard



- Accessible Advocacy Support
- Child's voice at centre
- Trauma informed delivery - reflecting needs of child

Suggested approaches to Establishing Grounds



- Better preparation including Child's voice, and advocacy support
- Refer grounds to sherriff or pre hearing panel
- Develop a Trauma Aware approach to establishing

Consultation Sessions Structure

The session structure was designed to enable large numbers of people to participate. CHS already have improvement programmes underway to help deliver the legal requirements of their role, for example making sure Hearings are UNCRC compliant, and being trauma aware, within the current Children’s Hearing System. It was therefore important that the sessions were carefully designed to provide context and clarity on what the community can influence within the context of the Issues List and where the CHS contribution would fit into the wider HSWG task.

Context and Call to the Community

Sheriff David Mackie (Chair of the HSWG) and Elliot Jackson, (CEO and National Convener of Children’s Hearings Scotand), filmed a video used as an introduction to set the context for the consultation and to share what would happen with the ideas generated within the sessions and how they would be used to inform the submission to the HSWG.











Purpose of Sessions

To generate ideas on the Hearings System Redesign that would improve children and young people’s lives.

Survey Themes

The themes that have been identified by the survey developed by the Project Team were shared in the session to help participants reflect on the issues and ideas they may want to develop and discuss further.

Survey Key Themes

 Call for earlier help and support for children and families	 Simplify the language used for everyone
 Multi-agency collaboration More input from professionals who know the child and working together to support them	 Time and Timeliness Hearings that suit children and families, possible pre-panels/small/specialist panels
 Continuity & Role of PM Shared aspiration, variance & debate	 Grounds of referral Should be dealt with somewhere else
 Voice Start with the voice of the child, with more creative ways for families to participate, more listening and advocacy, and less adversarial hearings	 Training and CPD Ongoing support for panel members
 Clarity Clear reports, processes, actions and accountability	 Pride Pride in the Hearings system and the contribution volunteers make to children's lives

This was achieved by offering participants the opportunity to –

1. Think Alone

Individual thinking time to consider the purpose, context and what changes need to happen to improve the Hearings System in order to improve children’s lives/voice.

2. Work Together

Small group time to collaborate on ideas and to surface and share different perspectives.

3. Share Ideas

A plenary session providing an opportunity to share the ideas and discussion points.

Some examples of the ideas boards generated by the consultation sessions are included in Appendix 2.

Issues List

We note that the conclusions and recommendations for a redesigned Children’s Hearing System are anticipated to be published by the HSWG in 2023. After this, decisions will need to be taken at a government and organisational level about implementation.

Within this report we have provided the HSWG with suggestions and proposals that have been identified by our volunteers and staff that we hope will be considered and align with the vision of the HSWG’s final recommendations.

We would draw attention to footnotes, where there is further clarification on some of the general points noted.

1. Scaffolding of the Hearings System

In the survey responses it was clear that the volunteer community feel that more needs to be done to support families at an earlier stage, with agencies providing more integrated and holistic support.

The theme of integration continued through the sessions with a range of ideas to improve and transform the Hearing System to be more connected in all aspects. This ranged from internal quality assurance process and training, to structures, decision making and legal processes. There was a strong sense in the community that more needs to be done to help prepare children and young people for their Hearing and to help them to understand the role of the panel, and what decisions are likely to be made.

- Specialist children’s legal representatives who are trained in child development/ children’s rights
- Children not being exposed to the grounds for their Hearing, as this should be dealt with elsewhere. This included the grounds being referred straight to the Sheriff or Specialist multi-agency discussions.
- Everyone involved in a child’s Hearing to be trained to ensure consistency for child appropriate social work reports (e.g. social workers, panel members, lawyers, advocates etc)

- Reports – standardised CHS format be developed to show high quality, easy to follow information, that is, jargon-free, concise/short, accessible, with a clear front page which is readily available ahead of meetings, and that contains all the vital information with consideration to the child's best interests.
- Ongoing and consistent opportunities for CHS volunteers to develop skills (including tech training for virtual sessions)
- Aligning aspects of training across all involved agencies e.g. communicating with children and young people, understanding body language and non-verbal communication
- Handout summaries for panel members with information on social work services/foster-care rules etc

2. Avoiding the need for compulsory measures of supervision

- In the survey responses, the volunteer community feel that more needs to be done to support families at an earlier stage with agencies providing more integrated support. The community believes this could be achieved by more coordinated referral discussions and liaison to ensure that families who are in need of support are given access to all support as early as possible.
- CHS community recognised that for many of the infants, children and young people who attend Hearings, that poverty is a significant welfare factor that impacts on their parents/carers ability to cope. Panel members felt that at times the support offered to families to address these issues by statutory services, were not evident or that the impact of living in poverty, were used to inform the assessments presented to panel. A clear reference or consideration of poverty and the impact this has upon a parent's ability to meet their child's needs, should be outlined in reports presented.
- Accountability - clearer understanding of roles and responsibilities of all professional staff involved in the decision making around consideration of and presentation of grounds for referral, and the plan to address/monitor any care plan proposed, with clear line of accountability before, during and after Hearings would be welcomed by panel members.

3. Children and their Hearings

High priorities for the community were listening to the child/young person, and having a clearer understanding of the child/ young person's life and their views. There were a range of thoughts on how best to help children and young people to participate, with an overwhelming desire to have the child's voice at the centre of a Hearing.

For some panel members it was important that the child was present/seen at the Hearing. For others the child's presence was less important than their a true representation of their views and a clear understanding of their life. There was a desire to reduce stress and anxiety for children, young people and families. This included practical changes, such as: the

environment where Hearings are held, how Hearings are conducted and having support for families before, during and after.

Many ideas presented highlighted the value and impact of small changes and improvements. Suggestions included the use of toys, creative therapies (art/play therapists in sessions), avoiding disruption (e.g. ask people to leave to ensure the child/young person is ok and is heard, ensuring everyone is comfortable with any tech), simple room set-up e.g. "horseshoe seating rather than formal panel table...make it an inclusive environment".

Many of the ideas in this category were aimed at stopping children and young people being exposed to adversarial discussions and having to re-live difficult life history. Ideas to drive transformational change included: having specialist children's legal representatives who are trained in child development/children's rights, times and timings to be centred around the child, not the system, and also children not being exposed to the grounds for their Hearing as this should be dealt with elsewhere. This included the grounds being referred straight to the Sheriff or having specialist multi-agency discussions.

- There was recognition that in order to create a Hearing designed around the child, the role of the panel member could involve managing frequency, continuity² and specialism of Hearings.
- Times and timings of Hearings should be centred on the child not the system.
- Children/young people should be given the opportunity to chair or co-chair their own Hearing.
- Children/young people should have someone with lived/living experience to support and be alongside them as they become involved in the Hearing System, either in a befriending role, or to offer emotional support before, during or after their Hearing. This was viewed as different from formal advocacy (See next point)
- The role of independent advocacy was integral to promoting the rights of the infants, children and young people who attend and is valued by panel members. Survey and consultation feedback suggests that the current arrangements are not consistently applied across all Hearings, and that there is a disconnect between the right to advocacy and this information being shared with the family.
- Panel members felt that all legal representatives who attend Hearings in whatever capacity (to support a parent, or as a child's representative), should be "specialist" and have undertaken specific continuous professional development training, and should attend with a primary mandate to promote and uphold children's rights.

² Not all were in agreement that continuity of tribunal members was appropriate; a small number believed this takes away the independence of the tribunal members role.

4. Meeting the needs of children after a Hearing takes place

The importance of continuity and consistency of panel members in decision making was a recurring theme from the discussions and survey responses. There were more suggestions in favour of providing continuity and consistency with a range of ideas on how to achieve this. There was recognition that in order to create a Hearing designed around the child, the role of the panel member could involve managing the frequency and continuity of the Hearing and specialist Hearings.

- Accountability – Panel members felt that clarity in respect of the professional roles and responsibilities **Before** (e.g. *Who* has prepared the child/family to attend, who has helped them to understand their rights and ensured that advocacy has been offered, *What* are the reasons for a Hearing, and the family's contribution to the reports); **During** (e.g. who is supporting the family within the Hearing & responsible for ensuring support/intervention plans are followed) and; **After** (e.g. who is responsible for monitoring/review of the plans) and Hearings, is required.
- Decisions and Actions – Similarly, the support of a child and their family through the process is also required in respect of the decision making, and any action plans developed as a result of a Hearing decision. Clearly communicated actions, with measures in place to monitor progress including convening a review Hearing, thereby preventing drift and delay and unnecessary deferrals³

5. Relationship between the Children's Hearings System and the Criminal Justice System

- Whilst there was no specific reference to the interaction between the criminal justice system per se, the volunteers felt that children who are between 16 and 17 and who are referred to the Hearing having come into contact with the law, require tribunal members to have specialist knowledge and skills to enable them to make the best decisions for young people.
- Some, but not all, volunteers felt that specialist and perhaps paid⁴ tribunal members may be required in this context.

Conclusion

Feedback and insight from our volunteers & staff upon the current system, and the areas that they feel should be considered by the HSWG, demonstrate the knowledge and expertise of the volunteer community. In addition, it shows their commitment to support the change required to design a Hearing system that meets the needs of today's children and young people. It further evidences that the volunteer community, like wider Scottish society, offers a range of diverse views on what aspects of the current system should be redesigned.

³ A deferral is a term used when a panel is unable to reach a decision on a case presented. This could be due to late reports or non-attendance of a relevant person, and means a further Hearing will be required - resulting in unnecessary delays.

⁴ The payment of panel members was not universally supported by all participants, but it was recognised by some tribunal members that more complex referrals, for example schedule 1 offences, may require more professional input than that of a volunteer tribunal member.

One central commitment from all contributors was that the voice of the infants, children and young people for whom decisions are made, should be at the heart of any redesign.

This consultation process has also provided our volunteers and staff the opportunity to critically evaluate the current system as it operates, and what could be changed or improved now. As a result at the time of this submission we are embarking upon a Phase 2 consultation process around the following themes –

1. The role of the tribunal member
2. Supporting the tribunal member
3. Specialist panels

We will submit a further document to the HSWG in January 2023 for their consideration around these areas.

HSWG – CHS Scotland submission

Appendix 1 – Electronic Survey to all panel members & CHS staff.

This survey is based on the areas that are being considered by the Hearing System Working Group and outlined in the Issues List. You can view the full Issues List [here](#). You can find out more about CHS Promise Programme and the work CHS are doing to transform the Children’s Hearing System [here](#).

Section ONE – Before

Avoiding the need for compulsory measures of supervision. This category covers all considerations on the experience of children and young people and approach of professionals from early intervention that would avoid unnecessary referrals to the reporter, through to making a referral to the reporter right up to the point the reporter makes a decision to refer a child to a Hearing.

The issues list asks that we ‘specialise’ and reduce the number of children needing compulsory supervision.

Q1 Based on your experience how could the need for compulsory measures of supervision be avoided for children?

(Please bullet point up to 3 priorities)

Q2 – Who should be involved in making the decision that a child requires a Children’s Hearing?

- Tribunal members (panel members)
- Reporter
- Social Worker
- Other professionals
- Child (where able)
- Family/relevant person.
- Others (please specify) (bullet point box)

Section TWO – During

This category includes all considerations relevant to Hearings from the point the reporter decides that a Hearing is necessary to the point that a Hearing makes an order or discharges a referral.

The issues list asks us to consider how grounds of referral should be framed and what the process for establishing grounds for referral should be.

Q3 The current process of framing and establishing grounds of referral is effective.

Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree

Please feel free to add further comments if you feel you would like to (250 words max)

Q4 The current process of framing and establishing grounds of referral promotes children’s rights.

Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree

Q – If we were redesigning the Children’s Hearing System, how could grounds be established earlier, easier, and in a more trauma-informed way?

(100 words max)

The issues List asks us to consider how the views of the child and their family should be heard and how they should be supported in a Children’s Hearing.

Q5 In your experience how can a Children’s Hearing best listen to the views of the child?

(100 words max)

Q6 What needs to be put in place to make sure a Children’s Hearing is a positive experience for the child who attends?

(100 words max)

Q What would enable families views to be heard in a Hearing and what support may be required to do this?

(100 words max)

Q7 – What do panel members need to know in order to make a decision in the best interests the child?

Please list

Q8 – Who should be obliged to attend a Children’s Hearing? (tick all that apply)

a) the child who is the focus of the discussion

b) the parent or relevant people

- c) social workers
- d) other professionals
- e) no one
- f) other (please specify) (20 words)

The Issues List has asked us to consider how Hearings are arranged and organised. The number of meetings should be minimised, and sometimes Hearings need more than one meeting in order to make an informed decision.

Q9 –What is the best format for Children’s Hearings so that they can take decisions in the best interest of each child?

(100 words max)

Q10 How should Children’s Hearings be organised to ensure that they can respond to the needs of each child? E.g. time of day, length of Hearing, location.

(100 words max)

Q11 - How can Hearings be better organised to ensure children have a choice in how they participate?

(100 words max)

Children and families have told us they like to see familiar faces when they attend a Hearing, not repeat their stories and experience consistency in decision-making.

Q12 – How can we improve the continuity of decision makers in a child’s life?

(100 words max)

Q13 – How can we improve consistency, what is the best decision making model?

(100 words max)

Section Three – **AFTER**

This category includes everything that happens after a Hearing makes an order including duties, implementation, enforcement, rights, feedback, reviews, appeals, and continuous improvement.

The Issues List wants to improve the way in which orders are implemented and enforced after a Hearing so that there is clear lines of accountability for improving outcomes for children and their families.

Q14 – How should the Children’s Hearing System ensure its decisions are implemented?

(100 words max)

Q15 – Who should hold local authorities to account for implementing the decisions of Children’s Hearings?

(100 words max)

Q16 – How should we ensure that children and their families get their needs met after a Children’s Hearing takes place??

(100 words max)

Q17 – How can we prevent drift and delay in the Children’s Hearing System?

(100 words max)

Q18 – How can we measure if the Children’s Hearings System is improving outcomes for children?

(100 words max)

Q19 – Do you have any other comments or suggestions on how the Children’s Hearing System can better protect the rights and interests of children and their families?

(250 words max)

Additional information

We are asking the following questions to help us identify the areas of Scotland, AST, length of service, and role(s) held by those who respond. We will not be using this information to identify individual panel members.

AI 1 Your role in CHS (if you are a panel member and have an AST role please pick your AST role as secondary) (tick all that apply)

Role	Primary	Secondary
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1. Panel Member
2. Panel Representative
3. Lead Panel Representative
4. Panel Practice Advisor
5. Depute Area Convenor

Clerk

National Team Member

AI 2 Length of Service (please tick one)

1. 1-5 years
2. 6 – 10 years
3. 11 years plus

AI 3 – Area Support Team

1. Aberdeen City
2. Aberdeenshire
3. Argyll & Bute
4. Ayrshire
5. Central & West Lothian
6. Dumfries & Galloway
7. East Dunbartonshire
8. East Renfrewshire
9. Edinburgh
10. Eilean Siar
11. Fife
12. Glasgow
13. Highland & Moray
14. Inverclyde
15. North Lanarkshire
16. Orkney
17. Renfrewshire
18. Shetland
19. South East Scotland
20. South Lanarkshire
21. Tayside
22. West Dunbartonshire
23. National Team.

Thank you for taking the time to complete the survey and look out for information on the consultation sessions being delivered which will be advertised on the CHS Teams News & Updates Channel – look for the Promise Programme Banner!

HSWG – CHS Scotland submission

Appendix 2 – Ideas Boards

Please see below for an example of the ideas boards generated during the consultations.

If you'd like to see the full set of ideas boards slides, click here: [HSWG response ideas Appendix 2 \(chscotland.gov.uk\)](http://www.chscotland.gov.uk)

The image displays a series of 12 Idea Board slides, each representing a different consultation response. Each slide is structured as follows:

- Title:** 'Idea Boards - [ID]' (e.g., 3688, 3692, 3713, 3715, 3716, 3717, 3718, 3719, 3720, 3721, Notes).
- Logo:** 'THE LENS' logo in the top right corner.
- Table Structure:** A table with three main columns: 'What's the problem?', 'What's your idea?', and 'How will it be implemented?'. Some slides have a fourth column for 'What's the impact?'. The content within these tables varies by slide, detailing specific issues and proposed solutions.
- Footer:** The website 'www.chscotland.gov.uk' and social media icons for Twitter, Facebook, and LinkedIn.

Slide 22: Idea Boards - 3688. Slide 23: Idea Boards - 3692. Slide 24: Idea Boards - 3713. Slide 25: Idea Boards - 3715. Slide 26: Idea Boards - 3716. Slide 27: Idea Boards - 3717. Slide 28: Idea Boards - 3718. Slide 29: Idea Boards - 3719. Slide 30: Idea Boards - 3720. Slide 31: Idea Boards - 3721. Slide 32: Idea Boards - Notes.



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