



‘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 2024 - 31
March 2025

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Foreword

Another year has passed since the last presentation of Children's Hearings Scotland's Feedback Loop Report. Progress in such a dynamic system is never static, but again, we have seen a monumental year of change and progression towards keeping the Promise to children and young people in Scotland.

The work of the Hearings System Working Group has led to the introduction of the Children (Care, Care Experience and Services Planning) (Scotland) Bill to Parliament. This represents a significant step forward for children in Scotland: not only in relation to the redesign of the Children's Hearings System, but also in relation to extending the rights of children in the care system. There is a lot of exciting progression suggested in the Bill, and I look forward to working with the Scottish Government and partners to make sure that outcomes for children are improved.

We are also moving ever closer to the implementation of the Children (Care and Justice) (Scotland) Act 2024. Important parts of the Act have been implemented already, including preventing all under-18s from being placed in Young Offenders Institutions. Further provisions of the Act relating to youth justice will come into force this year, with sections affecting the Children's Hearings System to follow.

These legislative steps are essential to make the changes that children, young people and their families have been telling us for years: they want greater consistency, less drift and delay, the voice of the child to be amplified and Compulsory Supervision Orders (CSOs) to be consistently implemented to improve outcomes for children.

The Feedback Loop Report intends to "help provide a more accurate picture on how local authorities are implementing decisions, and to improve panel member decision-making." I cannot say that this report fully achieves these goals, but I am hopeful that we, together with the government and partners, can work together in order to achieve such worthy aims: to help improve the quality and consistency of decision-making, to understand how orders are implemented, and to ensure that each and every child receives the help they need and deserve.

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

As the legislation requires, this report will be provided to all Panel Members following the laying of the report before Parliament.

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

Legislative Context

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.

Past 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 CSOs.

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 CSOs. The fourth Feedback Report covered the previous three years (2020-21, 2021-22 and 2022-23). Starting last year (2024), the Feedback Loop report is drafted using data only from the most recent year.

As noted in previous reports, neither the National Convener nor CHS routinely collect or store information about children, either on an individual or aggregate basis on the implementation of CSOs. This information is held and controlled by Local Authorities, who are responsible for implementing CSOs. 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 in the same way across Scotland.

Over the years, work has been progressed to try and achieve a consistent approach that allows for ease of collection, reporting and use, but this has had limited success.

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 CSOs

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 CSO.

The CSO, 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 CSO and also a duty to comply with any specific requirements imposed on it by the measures attached to a CSO (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.

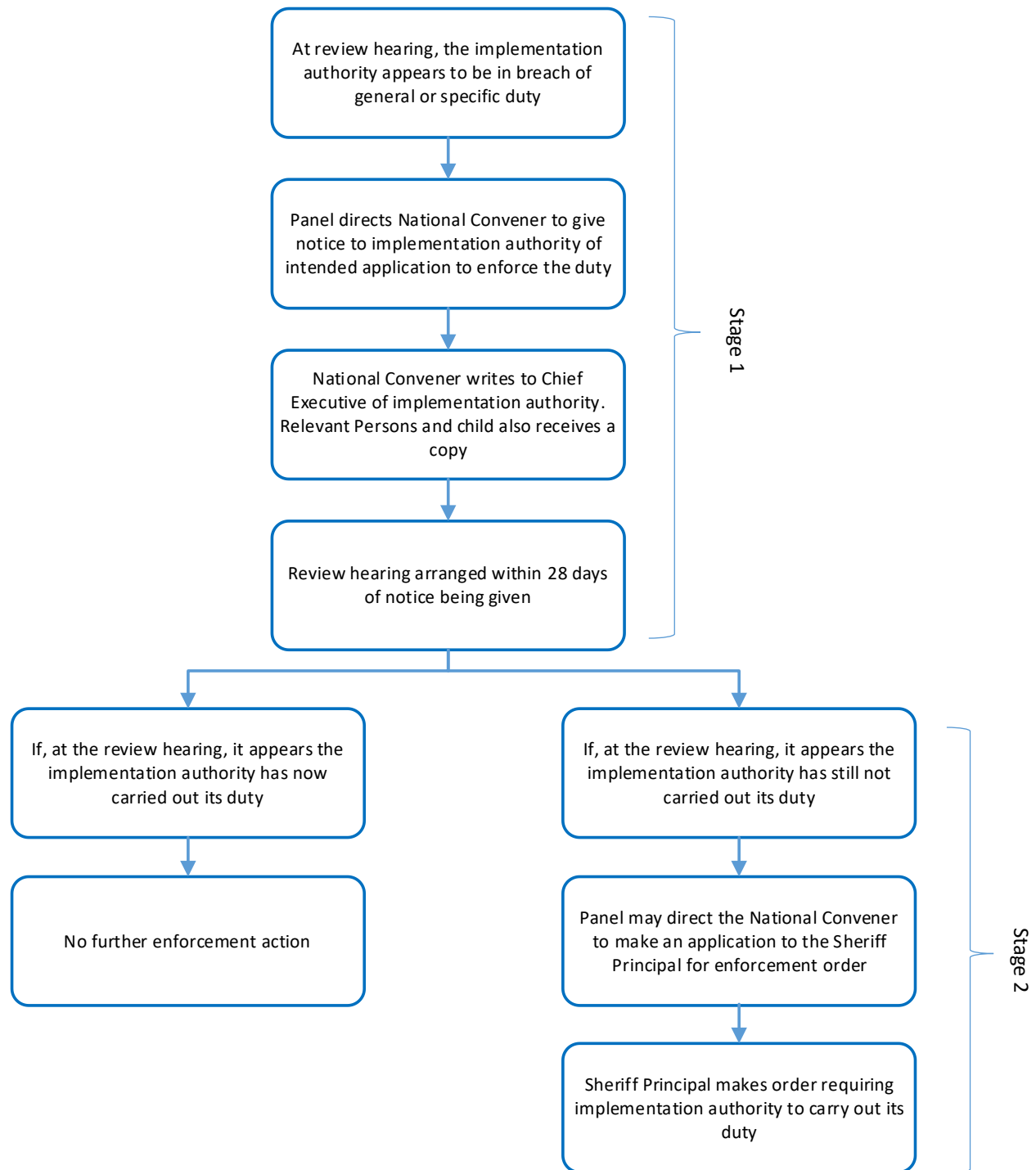
‘Implementation’ therefore concerns whether implementation authorities have carried out the actions required of them by measures in CSOs.

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 in order to improve outcomes for children.

A summary of the section 146 process for reporting and enforcement is given overleaf.



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 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 2024/25

(1) Implementable Decisions made at hearings:

	CSO Continued	CSO Continued & Varied	CSO Interim Continuation	CSO Made	CSO Varied
Aberdeen City	78	145	50	45	12
Aberdeenshire	71	110	23	45	12
Angus	58	101	19	52	<5
Argyll & Bute	43	62	19	29	<5
Clackmannanshire	50	87	35	45	19
Dumfries & Galloway	138	248	37	92	0
Dundee	78	124	27	77	17
East Ayrshire	98	128	153	71	0
East Dunbartonshire	39	35	13	11	0
East Lothian	47	64	15	21	<5
East Renfrewshire	36	30	17	10	0
Edinburgh, City of	211	267	68	115	11
Eilean Siar	14	30	11	9	0
Falkirk	106	107	57	42	29
Fife	135	269	54	149	37
Glasgow	448	483	216	215	24
Highland	79	218	41	93	7
Inverclyde	78	109	26	35	0
Midlothian	49	45	14	21	13
Moray	19	63	7	33	0
North Ayrshire	143	180	88	52	0
North Lanarkshire	230	253	112	128	<5
Orkney	<5	13	13	5	6
Perth & Kinross	51	75	27	51	10
Renfrewshire	183	211	70	70	<5
Scottish Borders	49	48	10	21	8
Shetland	8	6	<5	8	0
South Ayrshire	65	73	18	38	0
South Lanarkshire	185	269	59	141	14
Stirling	49	50	23	27	17
West Dunbartonshire	143	156	32	64	0
West Lothian	45	70	118	38	9

(2) Implementation Breaches

For the decisions made during the year from 1st April 2024 to 31st March 2025, there were two reports of breaches of implementation duties made to the National Convener, relating to four children. These are detailed below. The Local Authorities in question are not named in order to prevent children from being identified.

Breach 1: The Local Authority did not provide the child with access to a social worker.

Breach 2: The Local Authority did not prepare up-to-date reports for the child or visit the child at home to carry out appropriate checks and assessments of the child's needs.

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

Comment and Future Developments

The duty of the National Convener to take action in the face of non-implementation of orders is a valuable mechanism in making sure that the rights of children to receive protection and assistance are upheld. In all instances of breaches, intervention by the National Convener was only required at the end of 'Stage 1'. No breaches were advanced to 'Stage 2'.

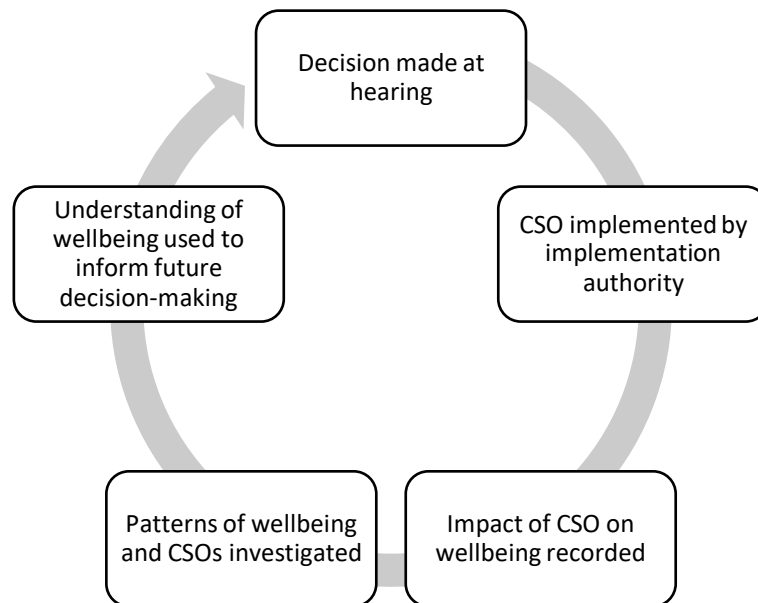
During this one-year reporting period, two implementation breaches were reported to the National Convener for action. These came from within two Local Authorities. This is a very low number relative to the overall number of orders requiring implementation by authorities over this period. As stated in previous Feedback Loop reports, whilst it is heartening to see that low numbers of breaches are reported, it raises the question of whether this is a true reflection of all breaches of implementation duties that occur across Scotland or whether they represent, for example, only the most serious or repeated breaches. It remains our view that the statutory reporting of breaches is an essential part of the National Convener's legislative 'toolkit' to protect the rights of children. Whilst its potential has yet to be fully realised, the National Convener is committed to addressing this. Guidance has recently been produced and released to the panel community to raise awareness of this function and how effective it can be to address Local Authorities not carrying out the measures included in Compulsory Supervision Orders.

'The Promise' 2020 report from the Independent Care Review highlights the importance of ensuring orders are carried out: "...if implementing authorities fail to comply with orders and conditions of the Hearing, then they must be held to account to ensure children and families get the help and support that the Panel wants them to receive". The importance of this is reiterated by the Hearings System Working Group's Hearings for Children Report.

That latter report highlights that a breach of implementation may, on occasion, only be brought to the hearing's attention after the lifespan of the order. In order to address this, CHS welcomes more robust oversight of the orders made by hearings and their implementation.

CHS will continue to monitor the number and types of breaches that are reported in order to identify any patterns and will also investigate whether breaches are consistently being reported via this mechanism. CHS is continuing to raise awareness of the availability of the option to take action in response to a breach of an implementation duty amongst the panel community and welcome full accurate reporting of instances whereby a local authority fails to carry out their required duties.

Understanding and reporting on the processes around implementation breaches only gives us part of the picture. Both the National Convener and CHS remain committed to achieving a more meaningful data set for Scotland's care system – one that allows us to understand how effectively our systems work by capturing not just the elements of process, but the outcomes and impact on the wellbeing of children. We hope to use wellbeing data to inform decision-making and therefore close the 'Feedback Loop':



This reflects the vision articulated in ‘The Promise’ report, which notes that “Scotland collects data on the ‘care system’ and its inputs, processes and outputs rather than what matters to the experiences and outcomes of the people who live in and around it...Scotland must improve the quality and completeness of its data and consider the potential of data linkage to improve accountability for outcomes rather than inputs alone”.

There is clear alignment between what the Feedback Loop is trying to achieve, and the ambitions of both The Promise and the Hearings System Working Group. It is clear that further work is required to gather a more meaningful data set – we must ascertain if orders are being carried out, but we must also gain an understanding of whether these orders are leading to better outcomes for children in Scotland.

This work will inevitably take time and investment. However, the National Convener is committed to making these improvements so that the Feedback Loop and the data that informs it provide the right information to help improve outcomes for children.

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.

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