

Bairns' Hoose (Scottish Barnahus) Draft Standards Consultation Response November 2022

Children's Hearings Scotland: Our Role

A Children's Hearing is a legal tribunal comprising of trained Children's Panel members who volunteer their time and skills, to decide whether compulsory measures of supervision should be put in place for children and young people in need of care and protection, or whose behaviour puts themselves, or others, at risk of harm.

Children's Hearings Scotland (CHS) was established in July 2011 as a public body to support the National Convener to deliver his statutory functions. These functions include the recruitment, selection, training of and support for Children's Panel members. Maintaining the independence of CHS and the National Convener is an essential statutory requirement. A Board of non-executive members, accountable to Scottish Ministers and the Scottish Parliament, governs CHS. Our vision is of a children's hearings system where everyone works together, making sure that all children and young people are cared for and protected, and their views are heard, respected and valued. Our mission is to improve outcomes for vulnerable children and young people in Scotland by enabling Children's Panel members to make high quality decisions about their future.

CHS is committed to keeping The Promise to Scotland's children, by working with all our partners to make improvements. There are obvious improvements that have been identified from the Bairns' Hoose standards. Central to this commitment is having a deeper understanding of children's rights in line with the UNCRC, being trauma informed and ensuring everything we do, children are participating and being included in their lives all the way through so that their rights are made real.

Children's Hearings Scotland: Consultation Response

Children's Hearings Scotland (CHS) welcomes the draft Bairns' Hoose standards. The standards will, when operationalised, be a welcome addition to Scotland's overall care, protection and justice framework and an essential reference point for professionals protecting children. These standards should be an opportunity to focus system responses on the needs of children and their families, and match the intention and purpose behind the children's hearing system. CHS look forward to supporting this work as it evolves.

The UNCRC should be the primary reference point, and it is welcome that the first standard puts these rights at the forefront of the thinking. Where the UNCRC is respected, many of the other standards will naturally follow. It is not clear why the standards as drafted only require "consideration" of best interests of the child, as opposed to the "primary consideration" as set out in the UNCRC and echoed in the children's hearing system. Consistency on this point is required.

Children's rights can only be made real when children and young people understand them, and it is therefore particularly welcome to see commitment to accessible information to set out the role of the Bairns' Hoose. As the Bairns' Hoose will play a crucial part in a wider system, it may also be helpful to reflect the need to ensure information about other services that children and young people may encounter after a Bairns' Hoose referral – such as the court system or the children's hearing system – are also made available.

For the standards to be effective it is important that individuals and organisations understand the roles and responsibilities of other stakeholders and systems as well as their own. Co-located team working will be key to the success of the Bairns' Hoose. A well-coordinated team made up of health services, child protection services, judicial or investigative proceedings and therapeutic recovery will ensure effectively delivery of the model. Wherever practicable this should include integrated management, governance structures, training and quality assurance structures.

Scotland-wide access to the service is essential, as rural and island areas should benefit from the standards just as much as those in the central belt. Whilst recognising the operational challenges this poses, these barriers have been overcome in other countries (with similar geographical challenges), therefore the learning (and scale of resources required) should be used to inform the delivery of the model across Scotland.

Children and young people are often faced with systems that are "complex" and "fragmented". One way to reduce the experience and perception of a "complicated" system, putting pressure on children, families and professionals alike, is to make sure that there are consistent values and principles behind the various systems and a standardised quality assurance system.

Scotland's children's hearing system sets out an integrated and inclusive approach to care and justice, which aligns well with Barnahus. Many children who offend have been offended against previously, and the children's hearing system supports many children who have been harmed by others as well as those who have offended. The offer of non-punitive support for all children, regardless of their reason for referral, recognises this. This is mandated by the principles set out in the Kilbrandon report and the 'needs not deeds' approach to supporting children Scotland has long supported. Continuing this approach was central to the recommendations contained in *The Promise* and the Incorporation of UNCRC. Therefore access and eligibility to the Bairns' Hoose service should be defined on this basis, as opposed to limiting access according to the age of criminal responsibility. Matching core principles like these should support better understanding of what people can expect from Scotland's care, protection and justice system and could add to the system's effectiveness overall.

Children have the right to be heard, in the right place, at the right time, with the right support in order for a child to openly engage and communicate what has happened and their views about it. It is welcome that the standards reflect the European guidelines on child-friendly justice, and that the service should be adaptable to the specific needs of the person who is experiencing it, and that advance planning ahead of an interview will help to deliver this. The Bairns' Hoose should help reframe system responses so that they work around the needs of the individual, as opposed to the rules of the system, and reducing the number of times children are re-traumatised is an ambition that should receive sector wide support. It would

be helpful to understand how information will be transferred between services to achieve this aim, and how services such as children's advocacy will support this.

There are currently various offers of a 'single point of contact' throughout the criminal justice system, including the Victim Information and Advice service offered by COPFS, the Victim Information Service offered by SCRA, the support offered by Victim Support Scotland and the various liaison services run by Police Scotland. There are also different local versions 'single points of contact' in education and care. These services are commissioned in different ways and offer varying degrees of involvement. Offers of a single point of contact should therefore be integrated (and could possibly consolidate some of these services), so that the offer does not become counterintuitive. Standard 7 should reflect that support may be required in court or hearing processes.

The Bairns' Hoose Standards present opportunities and challenges for the children's hearings system. To give a sense of scale last year CHS supported 2,500 panel members to protect 11,000 children in over 21,000 separate children's hearings. Consideration needs to be given to how the community of panel members will be trained and supported to fully understand the processes and implications of the role out of Bairns' Hoose for children's hearings. There are a number of areas that will need be worked through when it comes to the delivery stage; for example, is it feasible for children's hearings to take place in Bairns' Hoose buildings, where this is in the best interests of the child, and if so what will be the impact on the current arrangements? It is crucial that the delivery of the standards carefully considers how the approach will be shared and aligned with the work of CHS and the wider children's hearings system.

CHS welcomes the ambitions of the Bairns' Hoose Draft Standards and looks forward to contributing to the design and delivery of Bairns' Hoose in Scotland.