

# Public Board Meeting

Tue 26 January 2021, 13:00 - 15:00

Teams

## Agenda

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### 13:00 - 13:00 **1. Declarations of interests**

0 min

*Verbal*      *Garry Coutts*

To consider any declarations of interests with regard to agenda items

 1 Agenda Jan 2021.pdf (2 pages)

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### 13:00 - 13:00 **2. Minutes of previous meeting**

0 min

*Paper*      *Garry Coutts*

To approve the minutes of the previous meeting on 24th November 2020

 2 CHS-2021-48 Draft Minutes of Previous Meeting.pdf (13 pages)

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### 13:00 - 13:00 **3. Matters arising**

0 min

*Verbal*      *Garry Coutts*

Seek assurance that actions from the previous meeting have been progressed

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### 13:00 - 13:00 **4. Action Log**

0 min

*Paper*      *Garry Coutts*

To monitor progress against actions due and agree action where required

 4 CHS-2021-49 Action Log.pdf (2 pages)

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### 13:00 - 13:00 **5. Chair Update**

0 min

*Verbal*      *Garry Coutts*

For information and discussion


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### 13:00 - 13:00 **6. National Convener/ CEO update**

0 min

*Paper*      *Elliot Jackson*

For consideration and discussion

 6 CHS-2021-50 NC update to Jan Board FINAL.pdf (4 pages)

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### 13:00 - 13:00 **7. Resilience and Recovery**

0 min

*Paper*      *Carol Wassell*

For information and discussion

 7 CHS-2021-51 Board Resilience Report Jan 21.pdf (6 pages)

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**13:00 - 13:00**  
0 min

## **8. 2020/21 Financial Forecast Outturn**

*Paper* *Ed Morrison*

For consideration and approval

 8 CHS-2021-52 Forecast Outturn Board FINAL.pdf (4 pages)

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**13:00 - 13:00**  
0 min

## **9. CHS Pension Business Case**

*Paper* *Ed Morrison*

For consideration and approval

 9 CHS-2021-53 Board Pension Business Case.pdf (6 pages)

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**13:00 - 13:00**  
0 min

## **10. CHS 2021-22 DRAFT Budget**

*Paper* *Ed Morrison*

For consideration and approval

 10 CHS-2021-54 Budget 2122 Report for Board.pdf (4 pages)

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**13:00 - 13:00**  
0 min

## **11. ARMC - Review of Effectiveness**

*Paper* *Henry Robson*

For consideration and approval

 11 CHS-2021-55 ARMC- review of effectiveness - Recommendations.pdf (10 pages)

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**13:00 - 13:00**  
0 min

## **12. RAC Annual Report**

*Paper* *Jo Derrick*

For information and approval

 12 CHS-2021-56 RAC-1920 Annual Report.pdf (1 pages)

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**13:00 - 13:00**  
0 min

## **13. Digital Programme**

### **13.1. DDOC Update**

*Verbal* *Henry Robson*

For consideration and discussion

### **13.2. Digital Update**

*Paper* *Lynne Harrison*

For consideration and discussion

 13 CHS2021-57 Digital Programme Update.pdf (3 pages)

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**13:00 - 13:00** **14. Q3 Performance Report**

0 min

*Paper* *Lynne Harrison*

For consideration and approval

 14 CHS-2021-58 Q3 Performance Update - Cover Note.pdf (2 pages)

 14 CHS-2021-58 Q3 Performance Report - Board.pdf (19 pages)

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**13:00 - 13:00** **15. Business and Corporate Parenting Plan DRAFT Update**

0 min

*Verbal* *Lynne Harrison*

For information and discussion

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**13:00 - 13:00** **16. UNCRC DRAFT Report**

0 min

*Paper* *Lynne Harrison*

For information and discussion

 16 CHS-2021-60 UNCRC Report - Draft v1- Board.pdf (74 pages)

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**13:00 - 13:00** **17. Board Work Plan**

0 min

*Paper* *Lynne Harrison*

For consideration and approval

 17 CHS-2021-61 Cover report Board Work Plan.pdf (1 pages)

 17 CHS-2021-61 Board Work Plan 2021.pdf (4 pages)

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**13:00 - 13:00** **18. AOB**

0 min

*Verbal* *Garry Coutts*



## BOARD MEETING

### AGENDA

5th Meeting 2020/21

26<sup>th</sup> January 2021

The Board will meet 1.00 pm – 3.00pm virtually via Teams

Item	Topic	Lead Person	Paper Number	Purpose
1	Declarations of interests	Chair	Verbal	To consider any declarations of interests with regard to agenda items
2	Minutes of previous meeting	Chair	CHS-2021-48	To approve the minutes of the previous meeting on 24th November 2020
3	Matters arising	Chair	Verbal	Seek assurance that actions from the previous meeting have been progressed
4	Action log	Chair	CHS-2021-49	To monitor progress against actions due and agree action where required
5	Chair update	Chair	Verbal	For information and discussion
6	National Convener/ CEO update	EJ	CHS-2021-50	For consideration and discussion
7	Resilience and Recovery	CW/CM	CHS-2021-51	For information and discussion
8	2020/21 Financial Forecast Outturn	EM/LH	CHS-2021-52	For consideration and approval
9	CHS Pension Business Case	EM/LH	CHS-2021-53	For consideration and approval
10	CHS 2021-22 DRAFT Budget	EM/LH	CHS-2021-54	For consideration and approval
11	ARMC - Review of Effectiveness	HR/LH	CHS-2021-55	For consideration and approval
12	RAC Annual Report	JD/LH	CHS-2021-56	For information and approval
13	Digital Programme: • DDOC Update • Digital Update	HR LH	Verbal CHS-2021-57	For consideration and discussion For consideration and discussion

14	Q3 Performance Report	LH	CHS-2021-58	For consideration and approval
15	Business and Corporate Parenting Plan DRAFT Update	LH	Verbal	For information and discussion
16	UNCRC DRAFT Report	LH	CHS-2021-60	For consideration and discussion
17	Board Work Plan	LH	CHS-2021-61	For consideration and approval
18	AOB	Chair	Verbal	

Board Strategy dates: 26<sup>th</sup> / 27<sup>th</sup> February 2021

Next meeting date: 23<sup>rd</sup> March 2021

Next Meeting Key Topics:

1. UNCRC Report Approval
2. Business and Corporate Parenting Plan Approval
3. Annual ARMC/RAC Work Plans
4. Annual Pay Award Review
5. Gender Pay Report 2020-21
6. Equalities Outcome Report 2020-21
7. Annual Accounting Policies Review
8. Annual Financial Regulations Review

## Minutes of the Board meeting of 24<sup>th</sup> November 2020

The meeting started at 13:00 via Teams

Present:

Garry Coutts (GC)	Chair
John Anderson (JA)	Board Member
Henry Robson (HR)	ARMC Chair/Board Member
Beth-Anne Logan (B-AL)	Board Member
Jo Derrick (JD)	RAC Chair/Board Member
Barbara Neil (BN)	Board Member

Also present:

Elliot Jackson (EJ)	National Convener/Chief Executive (NC/CEO), CHS
Lynne Harrison (LH)	Head of Strategy/development & Depute Chief Executive (DCEO), CHS
Carol Wassell (CW)	Head of Area Support & Community Improvement, CHS
Christine Mullen (CM)	Head of Practice and Learning, CHS
Ed Morrison (EM)	Director of Finance, CHS
Iain Fitheridge	Head of Children's Hearings Team
Rachel Kavish Wheatley (RW) (minute taker), CHS	

Apologies:

Susan Deery, Head of Human Resources, Scottish Children's Reporter Administration  
Julie Duncan, Policy Manager, Director-General Education, Communities And Justice

Items	Actions / owner	Time-scales
1   Declaration of interests B-AL declared interest in agenda Item 20		
None	N/A	N/A
The Chair welcomed everyone to the meeting	N/A	N/A
2   Minutes of previous meeting		
The Board agreed to approve the minutes of its meeting on 22 September 2020 <i>Pending correction of typos</i>	N/A	N/A
3   Matters arising		
The Chair confirmed that there were no Matters Arising	N/A	N/A

4	Action log		
<p>The Chair confirmed that all items were on the Agenda for discussion</p> <p>The Chair noted the following actions from the log which required attention:</p> <p>Action 1 – Development session with OHOV Board still outstanding and should be moved forward</p> <p>Action 2 – The CYP friendly complaints policy timeline should be updated in line with the approval of the CHS Complaints Policy</p>			
5 Chair update			
<p>The Chair updated the Board on the establishment of a group for Board recruitment. The group will appoint two Board members, one to replace JA who is retiring in June, and one additional member to increase the overall Board compliment (approved by the Minister). One of the appointments is to be an individual with experience of panel system as a PM or AST. The Chair will keep the Board updated.</p> <p>Board decision:</p> <p>Chair to update the Board on Board recruitment progress</p>			
6 National Convener/Chief Executive update			
<p>The CEO spoke to the paper shared;</p> <p>Implementing the Promise</p> <p>The CEO reported on a positive meeting with the Promise team.</p> <ul style="list-style-type: none"> <li>- The priority from the Promise team is Early Intervention support for families. One of CHS priorities is to move children on from the system to reduce drift and delay, working together we can tackle this from different ends of the system.</li> <li>- The Promise team noted CHS are a second phase priority along with inspection. They want to work with CHS on Service re-design. They have a number of change areas they plan to explore and will be looking to come back to CHS in due course to begin this phase of work.</li> <li>- We will continue to engage with the team over the coming months.</li> </ul> <p>Staff wellbeing and engagement</p> <ul style="list-style-type: none"> <li>- There have been high levels of engagement in weekly national team huddles and each head of service continues to have meetings with their teams to check in on wellbeing. Staff continue to be supported and enabled with the tools they need to work remotely. There has been no increase in staff absence during the pandemic.</li> </ul>			

	<p>Volunteer wellbeing and engagement</p> <ul style="list-style-type: none"> <li>- The CEO spoke of the impact of Covid on volunteer engagement with around a third of PM's not engaging currently. Since March, AC's have had an increase in activity and for some this has contributed to decisions to leave their voluntary role. However, overall volunteer engagement is enabling us to meet hearings capacity. Work is ongoing with AC's to recognise volunteer contribution through vouchers or other provision based on local knowledge, which is being received well.</li> </ul> <p>Board discussion on CEO update</p> <ul style="list-style-type: none"> <li>- The Board acknowledged and gave credit to the contribution of AC's and Panel Members and thanked departing AC's for their contribution to the hearing system.</li> <li>- The Board noted the risk factors identified in the report around the range of engagement among PM's and identified this should be reviewed in the risk register to ensure appropriate recovery plans are in place.</li> <li>- The Board welcomed the local volunteer recognition programme being taken forward particularly during these times.</li> <li>- The ongoing issue of volunteer sustainability and recognition was discussed, particularly for AC's. It was noted that CHS had committed to review the volunteering model in line with the findings of The Promise but that recent few intense months of activity had highlighted sustainability issues and of ways to support recognition should be considered in discussion with Scottish Government.</li> </ul> <p>Board decision:</p> <ol style="list-style-type: none"> <li>1. To note the NC/CEO update</li> <li>2. To endorse the NC/CEO recognition and appreciation of departing AC's</li> <li>3. Ensure risk to retention and appointment is accurately monitored in the risk register</li> </ol>	LH	Nov 20
7	Recovery and Resilience		
	<p>CW spoke to the paper shared:</p> <p>Recovery and Resilience Response</p> <ul style="list-style-type: none"> <li>- Work is underway to re-instate PPA observations after a hiatus due to Covid</li> <li>- Data analysis work is underway to project future hearing demand. While it is difficult to provide monthly data to this effect, CHS are working with SCRA to identify gaps and extrapolate what can be expected going forward. The estimations presented are based on a combination of strong data and figures from 2020 and 2019.</li> <li>- The anticipated delivery of projected number of hearings for 2021 is higher than this year but lower than 2019. Some of this reduction can be attributed to the regular trend of an annual reduction of 5%. In addition, the reduction in hearings in 2020 due to Covid will lead to a reduction in the number of children requiring annual review in 2021.</li> </ul>		



<ul style="list-style-type: none"> <li>- More work is needed with SCRA to understand the full gap analysis between hearings in 2019 and anticipated hearings in 2021.</li> <li>- 900 chromebook devices are being distributed among the panel community to better enable participation in virtual hearings and to enable contribution to upcoming recruitment and selection activity.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Chair asked if there was a detailed recovery plan that is shared between CHS and SCRA/SG. CW informed the board that the SG multi-agency Covid recovery group has informed a system recovery plan which is still being finalised but will be issued imminently.</li> <li>- The decision was taken early on not to have a singular CHS/SCRA recovery plan due to the many dependencies with other agencies but to rely on the SG Covid strategy to address some of those issues.</li> <li>- The Chair noted that the Board would like to see the recovery plan to provide assurance around the ability to discharge CHS responsibilities properly.</li> <li>- The Board asked if there was the potential to work more flexibly with volunteers and other agencies to support recovery (i.e. evenings and weekends). CW indicated that this had been raised and COSLA and SCRA would need to work with unions to facilitate change. One of the tasks of the multi-agency recovery strategy is to move that change forward.</li> <li>- The Board questioned if there was an indicative time scale for SCRA to report when each local authority would return to a position with no children delayed due to Covid. CW reported that While SCRA are unable to provide this information currently, ASIP's are working with AC's to collect this data on a local level across 22 AST's and 32 local authorities in order to monitor pressure points and provide support.</li> <li>- CHS will use this data to understand how many hearings there may be and identify if support will need to be sourced from other areas to support capacity.</li> <li>- The Board welcomed this approach. The Chair agreed it is necessary to move this work forward in order to provide assurance to SCRA that we can meet our obligations for future hearings, and vice versa.</li> <li>- The Board expressed concern in relation to the impact of digital poverty for children and families and was asked if the recovery plan addressed this.</li> <li>- CW reported there is heavily reliance on external partners and agencies to help CYP and families with digital access, such as SCRA offering financial support to families for data packages. The addition of advocacy from this week may also be a digital enabler for families. The Chair noted this topic remained important for recovery and should not be lost sight of.</li> <li>- The Chair sought clarification regards the difference in hearing numbers between years noting that while there is natural reduction year on year, and fewer referrals due to the pandemic, do we have appropriate understanding as to why these hearings have not gone forward? Are we assured that Children and family's needs are being referred if they require support?</li> </ul>		
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<ul style="list-style-type: none"> <li>- The Board asked if the predicted recruitment figures were designed to meet predicted activity as per the report. CW confirmed this was the case and noted the data was continuing to be collected and challenged.</li> <li>- The National Convener spoke of the recruitment challenges faced and the need to link through to the emergency legislation in place allowing for two rather than three panel members to be present, or to remove the gender split to support capacity moving forward. A business case may be required to extend the legislative changes to 30th September 2021 to enable recovery while allowing recruitment to support greater diversity and richness of experience.</li> </ul> <p>Recovery - Legislation and Practice</p> <ul style="list-style-type: none"> <li>- Guidance has been provided to our community to support their travel to hearings during tiered lockdown arrangements.</li> <li>- CHSLA are progressing the move to fully online pre-service with a contingency for face to face if that becomes possible.</li> <li>- The community are working through the new advocacy training and any mandatory training required to return to hearings.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board asked how group work and involvement of young people was being worked into online delivery of recruitment and selection. CM reported This is being addressed through exploration of themes and case studies during interview.</li> </ul> <p>Multi-agency Partnership Engagement and Implementation Strategy 2020-21</p> <ul style="list-style-type: none"> <li>- CW noted that this strategy (Appendix 1 to the resilience and recovery report) will sit in the larger recovery plan document and is intended set out all the activity undertaken to date and the specific asks of multi-agency partnerships. It is operational and oversight will sit with the CHIP. The CHIP will meet in December and this document as well as the recovery and resilience plan will be Discussed.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board noted it was important to look to opportunities to be creative and seek opportunities to pilot Promise related activity during recovery, including seeking funding to do so where possible.</li> <li>- The Board welcomed the work of the multi-agency recovery group but cautioned that this group cannot be held responsible for meeting The Promise as this required a greater contribution and commitment from individual organisations.</li> <li>- The Chair acknowledged the need to use the opportunities Covid provides to think creatively about redesign and not falling back to previous ways of working by default.</li> <li>- The Chair thanked CW for report.</li> </ul>		
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	<p>Board decisions:</p> <ol style="list-style-type: none"> <li>1. Board to receive the joint recovery plan and meet out with normal board meeting cycle to review</li> <li>2. Board to continue to review CHS recovery planning at the next development session</li> <li>3. The Chair to consider another meeting with the SCRA Board to support system recovery planning</li> <li>4. The impact of digital poverty for children and families to be considered as part of any joint recovery planning to ensure it is not an issue that we needs to be addressed by CHS</li> <li>5. Work with partner agencies to seek greater clarification on predicted hearing numbers to ensure they reflect and represent accurately need</li> <li>6. Consider the Development of a business case to extend emergency legislation to 30<sup>th</sup> September 2021 to support recovery.</li> </ol>	<p>CW GC/CW GC CW CW EJ</p>	<p>On Publicati on  Jan 21  Nov 20  Jan 21  Jan 21</p>
<p>8</p>	<p>2020/21 Financial Forecast Outturn</p>		
	<ul style="list-style-type: none"> <li>- The DoF noted that many of the issues highlighted in the forecast have been part of the previous agenda items and discussion but highlighted the following points from the report:</li> <li>- A 60k digital provision will remain in the digital programme budget to support CSAS + activity to support hearings recovery development work that was to come across to CHS will stay as part of the wider digital group budget for CSAS activity.</li> <li>- Underspends in expenses, training, and hearing support budgets have increased since September reporting due to the ongoing impact of Covid restrictions.</li> <li>- There has been an increase in spending for recruitment activity in line with increased targets and volunteer recognition.</li> <li>- Projects are being closely monitored to ensure mission critical activity is being undertaken including bringing forward projects that support recovery planning.</li> </ul> <p>Options for underspend being considered include:</p> <ol style="list-style-type: none"> <li>1. Additional community devices to support effective on boarding of new recruits to enable fast deployment into hearings to support recovery</li> <li>2. Further revenue spend projects to allow response to changing landscape, such as recruitment activity</li> <li>3. Engaging with SG to enable reserves to protect against challenges in 2021</li> <li>4. Provision of a clawback to Scottish Government</li> </ol> <p>LH, highlighted the following:</p> <ul style="list-style-type: none"> <li>- Increased investment in recruitment activity which will see CHS diversify its approach and content for the campaign including TV advertising in line with the significantly increased recruitment targets for 2021.</li> </ul>		

	<ul style="list-style-type: none"> <li>- The proposal of a business case for digital equipment purchase would ease pressures on future budgets by bringing forward spend in the five year plan.</li> <li>- Indications from SG are that the additional 500k grant received in this year will be protected next year, but that CHS is unlikely to receive additional funding. The 5 year strategic financial plan has been updated to reflect this position.</li> <li>- In conclusion, the Board were asked to note the proposed development of a business case to purchase devices to support recovery planning and the changing position on revenue, capital and digital funding.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board welcomed the report.</li> <li>- The Board encouraged the use of funds to ring fence some of the underspend to support Promise related activity such as looking at the volunteer model or hearing based tests of change. The board endorsed support for committing resources to enable volunteers to have the digital equipment they need to contribute effectively in their roles.</li> </ul> <p>Board decision:</p> <ol style="list-style-type: none"> <li>1. The Board agreed to approve the Report</li> <li>2. The Board supported progression of projects to support recovery planning and test of change, with business case submission required for progression of digital device projects</li> </ol>	LH	Jan 21
9	CHS 5 Year Financial Plan Update		
	<p>LH spoke to the plan shared;</p> <ul style="list-style-type: none"> <li>- The 5 year financial plan was originally submitted to SG in September. SG asked for revisions in line with a projected flat cash settlement projection for 21/22. Revised projection highlights include: <ul style="list-style-type: none"> <li>o 200k savings on training via provision of online content</li> <li>o 50k reduction in volunteer expenses due to ongoing Covid restrictions.</li> <li>o 100k to enable research into the volunteer model being pushed forward into the following year</li> <li>o Reduction in capital expansion expenditure on the device model, some of which was brought forward to this year</li> </ul> </li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board raised concern around the impact of any further reductions in budget on CHS strategic outlook plans. SMT reported that meetings with SG had been positive but realistic and a strong commitment shown to CHS and the hearing system. It was noted that volunteer model research aligned with the Promise anticipated in year 2 fits with timings indicated by the Promise team.</li> <li>- The Chair noted that it was important to present a consistent narrative of positive outcomes and quality decisions for Children &amp; families in all we do.</li> </ul>		

<p>Board decision:</p> <ol style="list-style-type: none"> <li>1. The Board agreed to approve the Report</li> <li>2. Review the risk register to ensure reflects risk of budget reduction</li> </ol>	<p>LH</p>	<p>Jan 21</p>
<p>10   Scottish Government Framework Agreement</p>		
<p>LH spoke to the report previously shared;</p> <ul style="list-style-type: none"> <li>- The Framework agreements has been updated to reflect CHS' responsibility for Independent Reports..</li> <li>- The full agreement undergoes a three yearly review due, the next is due for completion in March 21 and is currently being looked at by the sponsor team.</li> </ul> <p>Board decision:</p> <p>The Board agreed to approve the Report</p>		
<p>11.   Digital Programme</p>		
<p>DDOC Update</p> <ul style="list-style-type: none"> <li>- HR noted that SCRA are currently working on data and reporting from their new system.</li> <li>- Governance of the future programme is being looked at and it has been requested that a draft proposition go to the oversight committee before submission to both boards.</li> </ul> <p>Digital Update</p> <p>LH spoke to the paper shared;</p> <ul style="list-style-type: none"> <li>- Small scale testing of the digital Hearing Information pack has started in central and West Lothian. Initial feedback is that it is easy to use but there are some teething issues around uploading.</li> <li>- The Record of Proceeding completion within CSAS online is being tested in four areas with users finding it simpler and easier to use.</li> <li>- The first meeting of the internal CHS digital board has been held. The board will look at pipeline development in line with their TOR and will make recommendations as to development priorities as it moves forward.</li> <li>- The development of CSAS + to support virtual hearings is beginning. This will integrate Teams into CSAS as well as some scheduling development to support virtual activity.</li> <li>- Work will also further enable digital on and off boarding processes.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Chair noted the need to maintain clarity on shared responsibility with SCRA and to review and welcomed DDOC role in looking at governance arrangements before bringing to the board.</li> </ul>		

<p>Board decision:</p> <p>The Board agreed to approve the Report</p>		
<p>12. CHS Improvement Planning – outcomes from Oct Workshop</p>		
<p>CW spoke to the report shared;</p> <ul style="list-style-type: none"> <li>- CW reported on a 2 day improvement workshop held in October.</li> <li>- Following on from the workshop, a number of aims have been developed which sit inside the themes of our corporate plan.</li> <li>- The aims have come from a variety of sources; what children and young people tell us is important, research, professional experience, and a combination of all of those themes.</li> <li>- The aims require further data to fully enable baseline understanding and the setting of appropriate targets.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Chair was delighted to see CHS moving forward with this work and the recruitment of a Programme Manager to support the improvement work. The Chair also welcomed the Involvement of IHI as a critical friend as they are renowned experts in this field.</li> </ul> <p>Board decision:</p> <p>The Board agreed to approve the Report</p>		
<p>13. Panel Member Recruitment Virtual Programme Report</p>		
<p>CM spoke to the report previously shared;</p> <p>The Board were asked to note the following from the report:</p> <ul style="list-style-type: none"> <li>- The proposed approach to how young people will be included in recruitment activity with particular thanks to B-AL and Donna Martin for their contribution.</li> <li>- The potential increase in the number of PM recruits around 700. Indicative targets from AST's have come in above this but data mapping is continuing to ensure accuracy of projected need.</li> <li>- The move to virtual recruitment, selection and pre-service training with anticipated operational dates for new recruits as August 2021.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board were pleased to see the timetable in place for recruitment and on boarding.</li> <li>- The Board discussed expressions of interest but noted there can be low conversion rates from these figures.</li> <li>- It was noted that last year's campaign saw a lower conversion rate from application to appointment and should this risk be captured. It was noted that many areas turn women away due to the current gender requirements</li> </ul>		

<p>of panels and this inflated this data. As reference previously, an opportunity to look at this legislation long term would be beneficial.</p> <p>Board decision:</p> <p>The Board agreed to approve the Report</p>		
<p>14. CHS Learning and Development Strategy</p>		
<p>CM spoke to the paper shared;</p> <ul style="list-style-type: none"> <li>- The learning and development strategy is linked to our improvement methodologies. Our key priorities are: <ul style="list-style-type: none"> <li>o To provide transformational outcomes for CYP and families connected to the hearing system.</li> <li>o Be trauma informed and trauma sensitive.</li> <li>o Improve or quality assurance model for PM practice.</li> <li>o The Co-design and co-production of hearings influence by people with lived experience.</li> </ul> </li> <li>- The final version of the L&amp;D strategy will outline why each of the above areas are important; how they will be achieved and will be underpinned with our annual operational plans.</li> <li>- A full training need analysis will be carried out with our community particularly bearing in mind the asks of our Children's Rights and Inclusion Strategy. More detail will go out stake holders and partners when complete.</li> </ul> <p>Board discussion</p> <p>The Board acknowledged the work that has gone into this strategy and agreed it forms a strong basis for moving forward.</p> <p>Board decision:</p> <p>The Board agreed to approve the draft Learning and Development Strategy</p>		
<p>15. CHS Code of Conduct</p>		
<p>CM spoke to the updated Code of Conduct paper;</p> <ul style="list-style-type: none"> <li>- The Code has been streamlined to make it more user friendly and accessible. It is linked to the principles for decision makers and other legal tribunals. The new Children's Rights and Inclusion Coordinator is working on how to present and implement the code with CYP and diverse audiences. The Code will be launched in January 2021 with online material to support understanding and explanation of each of the aspects of the Code.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board acknowledged and commented on the Code, feeling it was accessible and set the right tone. While covered in other policies and by</li> </ul>		

<p>hearing chairs, the Board felt it was important to explicitly mention confidentiality in the Code of Conduct and asked for this to be added.</p> <p>Board decision:</p> <p>The Board agreed to approve the code of conduct pending the addition of explicit reference to confidentiality</p>	<p>CM</p>	<p>Jan 21</p>
<p>16   CHS Complaints policy</p>		
<p>LH spoke to the paper shared;</p> <ul style="list-style-type: none"> <li>- A revised policy was originally submitted to the Board in November 2019 pending compliance checks from SPSO, which were delayed due to Covid.</li> <li>- The policy has been revised in line with SPSO feedback and is submitted to the Board for approval. The key changes are: <ul style="list-style-type: none"> <li>o Removal of the review stage which did not meet the requirements of a consistent standard policy for complaints across the public sector.</li> <li>o A requirement to record more - even non-actionable complaints.</li> <li>o Sharing of information with the subject of the complaint at an early stage in the process – a key element of CHS’ original revised policy.</li> </ul> </li> <li>- The impact of the revisions will enable greater engagement into the two-step process, involving AC’s to sense check communication that goes out, and earlier engagement with the subject of the complaint.</li> <li>- Appendix 3 outlines the Concern Policy process to ensure synergy between the two polices.</li> <li>- A soft launch will run from January to March during which time complaints will continue to be managed by the National Team to take pressure off PPA’s who will be involved in recruitment.</li> <li>- Implementation will include online materials to support subjects of complaints or concerns to understand the process.</li> <li>- CHSLA Training for PPAs and DACs will take place from March ‘21. Evaluation will take place toward the end of 2021.</li> <li>- The Board were asked to note section 2, page 9, detailing process for complaints about senior members of staff and the Board's role within that.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board noted that the document has gone through the Audit and Risk Committee and that they are satisfied with the process. JA was thanked for his input and expertise around getting the tone and language right. The Board welcomed the openness and transparency of the document and approved its use going forward.</li> </ul> <p>Board decision:</p> <p>The Board agreed to approve the policy and launch</p>		



17	OHOV Zine and Call to Action		
<p>LH spoke to the report shared;</p> <ul style="list-style-type: none"> <li>- All Board members received a copy of the Zine which is based on a parliamentary exhibition held by the Board in 2019.</li> <li>- It encompasses 40 calls to action, many of which are already in train directly involving CHS and Panel Members. The NC met with OHOV Board and sent a letter of thanks for their work and reassurance that CHS will be looking to implement their Calls to Action . The Zine is shared with the Board for their view.</li> </ul> <p>Board discussion</p> <ul style="list-style-type: none"> <li>- The Board commented on the launch evening and what a fantastic piece of work this project has been, noting the synergy between what CHS are doing in line with other agencies. The Board found the appendix linking the Calls to Action to the Promise, Corporate aims, and OHOV Quacks particularly helpful.</li> </ul> <p>Board decision:</p> <ol style="list-style-type: none"> <li>1. The Board will formally write to OHOV to acknowledge receipt and endorse the NC suggestions on implementation.</li> <li>2. The Board will extend an invitation to meet with the OHOV Board in the letter.</li> <li>3. The Board approved and noted the report</li> </ol>		GC/LH	Nov '20
18	Board Standing Orders - Annual Review		
<p>LH spoke to the paper shared;</p> <p>Board discussion</p> <p>It was noted that 13.5 should Be removed.</p> <p>Board decision:</p> <p>The Board agreed to approve the Standing Orders pending removal of 13.5</p>		LH	Nov '20
19	Biodiversity Report 2018-2020		
<p>LH spoke to the report shared;</p> <ul style="list-style-type: none"> <li>- CHS has a statutory responsibility to report on Biodiversity.</li> <li>- While CHS does not own its property there are other ways which positive impact on the environment and biodiversity can be achieves, such as moving to digital platforms. The report demonstrates these commitments</li> </ul> <p>Board decision:</p> <p>The Board welcomed and approved the Report</p>			

20	Children's Rights and Inclusion Strategy		
<p>CM spoke to the paper shared;</p> <ul style="list-style-type: none"> <li>- The Strategy was launched on World Children's day (November 20<sup>th</sup>). CW thanked B-AL and Donna Martin for their contributions. The final design is in place and UNCRC provisions have been included. Next steps are to create a Children and young people centred version and consult with them in the design.</li> </ul> <p>Board decision:</p> <ul style="list-style-type: none"> <li>- The Board were pleased with the final publication of the Strategy having previously approved a draft. The Board commended the document and welcomed its integration into organisational activity.</li> </ul> <p>Board decision:</p> <p>The Board agreed to approve the final version of the Children's Rights and Inclusion Strategy</p>			
21	Governance Calendar 2021		
<p>Board decision:</p> <p>The Board agreed to approve the Governance Calendar for 2021</p>			
22	AOB		
NA			

The next Board meeting will be on 26<sup>th</sup> January 2021

The meeting closed at 15:04

Children's Hearings Scotland Board Action Log  
Updated December 2020

No.	Action(s)	Source	Target date	Owner	Status
1	Look to arrange a development session with OHOV Board in 2021	November 20	Before June 21	LH	Closed - Superseded by Action 15
2	To look at the creation of a child/young person friendly complaints policy once the policy has been finalised	November 19	September 20	LH	Awaiting completion of Complaints Policy, revised date June '21
4	To monitor the percentage of care experienced people who apply to ensure adequate support is provided if/when required	Jan 2020	Oct 2020	CM	March 21 (revised recruitment timeline)
5	To compile and compare data around the percentage of observations across ASTs that give cause for concern to PPAs and which lead to recommendations	Jan 2020	March 2020	CM	Impacted by Covid - December 2021
6	To provide a framework to build DDOC in to the Governance structure	June 2020	September 2020	EJ/LH	In line with expected end of transition to live - March '21
7	Review how we support children and families to ensure online security	June 2020	January 2021	EJ	Not Yet Due
8	Discussion around Performance Reporting and to agree format for 2021/22	Sep 20	March 21	LH	Not Yet Due
9	Chair to update the Board on Board recruitment progress	Nov 20	Ongoing	GC	Ongoing
10	Board to review recovery plan at next development session	Nov 20	Jan 21	CW/GC	On Agenda
11	The Chair to consider another meeting with the SCRA Board to support system recovery planning	Nov 20	Q4	GC	Not yet Due
12	Ensure the impact of digital poverty for children and families is understood and considered as part of any joint recovery activity	Nov 20	Ongoing	CW	Ongoing
13	Work with partner agencies to seek greater clarification on predicted hearing numbers to ensure they reflect and represent accurately need	Nov 20	Jan 21	CW	On Agenda

Agenda Item 4: CHS-2021-49

14	Consider the Development of a business case to extend emergency legislation to 30 <sup>th</sup> September 2021 to support recovery	Nov 20	Jan 21	EJ	SG are in agreement 'in principle' and ongoing discussions are planned with the Minister.
15	Formally write to OHOV to acknowledge receipt and endorse the NC suggestions on implementation. Suggest in letter we would like to meet representatives from their Board to discuss.	Nov 20	Jan 21	GC/LH	In progress



## Agenda Item 6: CHS-2021-50

### National Convener / Chief Executive update

#### 1. Introduction

- 1.1 The period between the last Board meeting in November to now, has seen the National Team and the CHS Community continue to flex our arrangements for Children's Hearings according to the latest Scottish Government guidance.
- 1.2 The pace has remained steady and working with the CHS Community to keep them updated with the latest guidance; seeking their views on next steps; and of course, keeping them safe, has remained our top priority.
- 1.3 This agenda and reports for the January Board meeting demonstrates the breadth and volume of activity currently going on across the National team and our 22 Area Support Teams.

#### 2. Resilience and Recovery

- 2.1 The separate report presented to the Board for the January Board meeting carries significant detail on our resilience and recovery activities. I'd however like to highlight the two key areas of Face to Face Hearings and the Coronavirus (Scotland) Act 2020.

#### 2.2 Face to Face Hearings

2.2.1 The First Minister announced further restrictions across Scotland beyond the Boxing Day lockdown on 4 January 2021. These new restrictions did not affect the Children's Hearings Systems 'essential service' status, but did require CHS, in conjunction with the Scottish Government, SCRA, and its wider systems partners, to reflect upon our ability to maintain a full programme of Face to Face Hearings whilst guidance was to reduce the number of indoor group settings.

2.2.2 The two key decisions were made to reduce the number of Face to Face Hearings and to further protect all those attending the Children's Hearing by making it a 'requirement' for all parties to wear face coverings from 18 January 2021. Area Conveners continue to provide excellent advice and intelligence as to the levels of anxiety or concern shared by Panel Members locally.

#### 2.3 The Coronavirus (Scotland) Act 2020

2.3.1 The second extension to the Coronavirus (Scotland) Act 2020 comes to an end on 31 March 2021, leaving only one further possible extension to the 30 September 2021. CHS has used the emergency powers sparingly, but as the second wave continues, throughout the spring and early summer, it's crucial to retain the flexibility. We are actively working with around 55% of the CHS Community, with others either taking a leave of absence, shielding, or fulfilling their

day job role as a critical or key worker in the community. Discussions are ongoing with the Scottish Government about a full or partial renewal of the emergency legislation.

### 3. Panel Member Recruitment Campaign

- 3.1 The Panel Member Recruitment Campaign for 2021 launched on Thursday 14 January and will run for 4-weeks concluding on 15 February 2021. We are seeking to recruit around 700 new trainees for all Area Support Teams (AST) across Scotland.
- 3.2 The planning for this year's campaign has been agile and effective and has resulted in two significant changes from previous campaigns. Firstly, we are using TV advertising and increasing our online content and video collateral; and secondly, we have flipped to an online model of recruitment and selection.
- 3.3 We are cautiously optimistic of securing significant numbers of applications in which to make final selections from. By far the most complex and logistically challenging will be the planning and interviewing of approximately 2000 applicants. Each AST area have teams identified that are undergoing training in virtual interview skills to get the best out of the candidates. Our pre-Covid-19 aim to have young people involved in the interviews for all areas remains on track.

### 4. Staff and Volunteer Well-Being

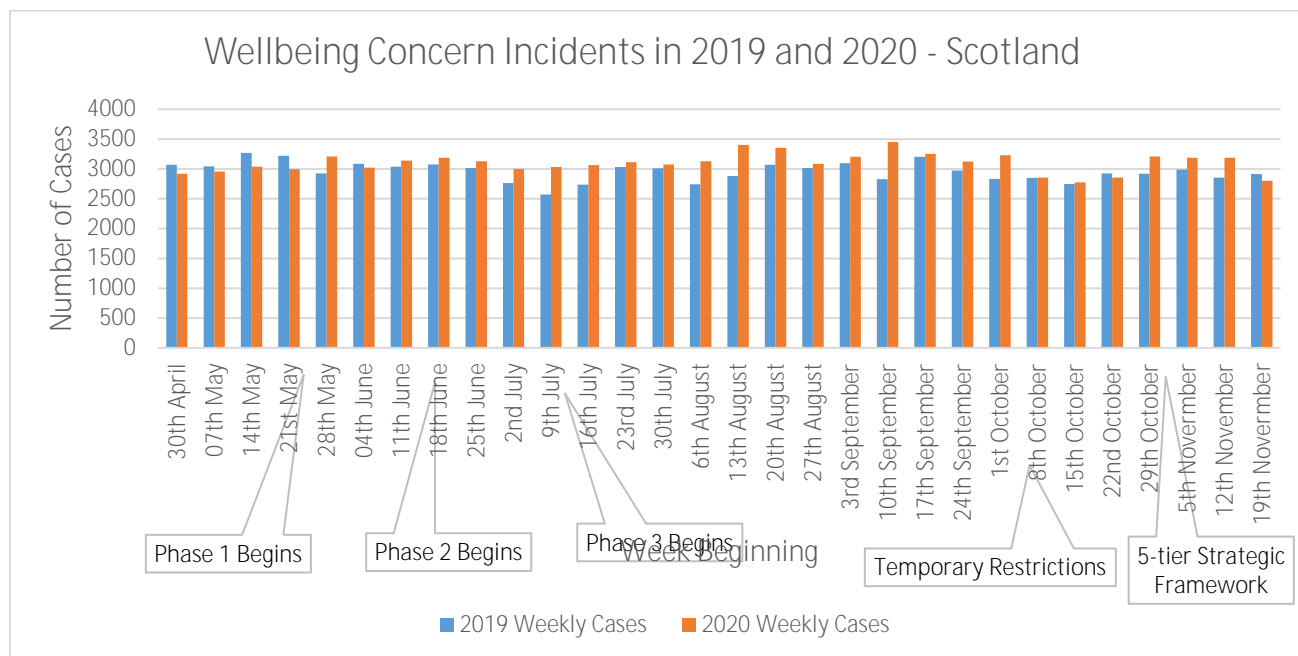
- 4.1 A key focus for senior team colleagues and Area Conveners remains the wellbeing of our staff and volunteers. In relation to members of our National team, we are working closely with the Staff Forum to develop ideas and consider options to ensure that our staff remain connected, engaged and supported. Feedback from the staff team on the office closure during the Christmas break has been positive with many acknowledging the chance to fully switch-off.
- 4.2 Area Conveners and their ASTs remain committed to contacting Panel Members through a planned programme of wellbeing check-in calls. The use of MS Teams has allowed Area Conveners to host local events which seek to keep colleagues connected, but also to get feedback on what's working and what needs to improve in the context of Children's Hearings.
- 4.3 The next 3-months will see the twin priorities of delivering Hearings and managing our recruitment programme both nationally and locally.

### 5. Strategic Partnership Working

- 5.1 Relationships with leaders within the sector remain strong. I am a member of the COVID-19 Children and Young People's Leadership Collective and this provides the opportunity to receive data and intelligence from a range of sources that will help the Children's Hearings system prepare for a potential influx of referrals as we emerge from lockdown. Both Health and Police Scotland colleagues report significant concerns on the mental health of our young people and the likely rise in domestic abuse cases. All agencies report that there is a cohort of children and

young people who are in vulnerable situations. The diagram below support this view by illustrating a comparative analysis of wellbeing concern incidents across Scotland.

Diagram 1 - Child Concern Incidents (Wellbeing Concerns), 2019-2020 comparison, Scotland



5.2 I was invited to join the National Child Protection Leadership Group that is chaired by Maree Todd, MSP, and Minister for Children and Young People.

The purpose of this National forum is to:

- Advise on national child protection policy and have oversight of implementation of the actions in the Child Protection Improvement Programme;
- Review arrangements for child protection across planning and service delivery processes including Integration Joint Boards and in relation to the duties set out in the Children and Young People (Scotland) Act 2014;
- Consider the findings of Significant Case Reviews and advise on national recommendations;
- Advise on the content and structure of Chief Officers' leadership events and consider themes and issues raised; and
- Support Chief Officers to strengthen delivery of their responsibilities, as set out in the National Guidance for Child Protection in Scotland (2014), and to identify areas where further work is required.

6. Priorities for Quarter 4 – January to March
- 6.1 The three key priorities to the end of the business year are:
  1. Recovery - Ensure that we continue to meet the demand for Panel Members to participate in an increased Hearing schedule; retaining as many Panel Members as possible through the development of pathways for their return to service; and ensuring that we identify a sustainable model for the video platform for online Hearings.
  2. Recruitment Campaign - Recruit a broad and diverse group of new trainee Panel Members through an active and targeted online recruitment campaign; and
  3. Online Pre-Service Training Programme – Building a leading edge programme of online learning for our new trainee cohort.
6. Recognising the role and contribution of the CHS Community
- 6.1 It is unusual, and I could argue globally unique, to find a core and essential statutory public service such as the delivery of care and justice for infants, children, and young people delivered through an extensive network of volunteers.
- 6.2 I would like to pay tribute to the Panel Members for their support and commitment to undertaking Hearings. Virtual or blended Hearings can be difficult balancing the technological issues, with deep knowledge of the new guidance together with the skills necessary to engage the child or young person virtually.
- 6.3 I would also like to recognise our AST colleagues, and specifically the 22 Area Conveners across Scotland. Their commitment, leadership and support in ensuring that we continue to deliver a high quality statutory service across Scotland, has been nothing short of outstanding.

Elliot Jackson  
National Convener and Chief Executive Officer

18 January 2021



Board Agenda item 7  
CHS-2021-51

## CHS Resilience and Recovery

Accountable Officer:	Head of Area Support and Community Improvement
Report author:	Carol Wassell
Recommendation:	To note the update
Resources implications:	N/A
Equalities duties:	Equalities Impact Assessment Required Yes

### 1. Introduction

This paper provides an overview of the continuing organisational resilience response to the Covid-19 pandemic, updating progress since November 2020

### 2. CHS Resilience Response

#### 2.1 Resilience Management

- Given the new restrictions that have been brought in to force since 26<sup>th</sup> December 2020, the Resilience Group has moved from a fortnightly to a weekly meeting scheduled to the end of February. A refresh of group attendance has brought renewed focus and attention and will include representation from the Area Convenors going forward, as well as our Children's Rights and Inclusion officer.
- The CHS Senior Management Team (SMT) strategic resilience meeting with SCRA focused on hearings management and planning has moved to weekly. CHS SMT have moved the fortnightly Area Convenors meeting to weekly. We will continue to use this time to inform and sense check operational implementation and seek input to strategic decisions.
- A member of SMT attends the weekly Children's Hearing Covid Recovery Group (CHCRG). In addition, our Children Rights and Inclusion Co-ordinator as well as a consultant with lived experience take it in turns to attend weekly. Other participants include: Scottish Government (SG), COSLA, SCRA, Social Work Scotland, CELCIS, and invited guests from across the sector to develop plans for recovery on a multi-agency basis. Governance for this group now sit with the strategic Children's Hearing Improvement Partnership (CHIP).
- CEO/NC meets weekly with a group of senior leaders and SG to ensure multi-agency buy in planning.

### 3. Hearings Management

The increased prevalence of the new variant of Covid-19 has caused us to rethink our resilience strategy. At present, we have issued guidance to the community that addresses

the increased risk. We continue to work closely with our partners, including SCRA, to determine how best to operate hearings. The guidance issued aims to strike a balance between delivering high quality hearings for our infants, children, and young people, and the safety and wellbeing of everyone in attendance. This current guidance has been aligned with the Scottish Court and Tribunal Service position and we have communicated with volunteers and national staff. This is in collaboration with the messaging SCRA have also issued to their staff.

### 3.1 Scheduling of Hearings

Based on current information, the following guidance has been communicated by CHS and SCRA for all hearings taking place in the near future:

- All hearings that have already been scheduled will be reviewed by SCRA, with partner agencies, to confirm the necessity of a face to face hearing. This means that they may be revised to being undertaken as virtual or hybrid hearings based on assessment by the Children's Reporter in consultation with social work and the Area Support Team (AST).
- The operation of all future hearings for children will be kept under review. Where possible, face to face hearings will be limited to circumstances where it is necessary to secure a child's (and relevant person's) participation.
- We are disappointed to anticipate that the number of face to face hearings will significantly reduce over the coming weeks, directly as a result of public health messages that seek to minimise face to face contact between people.
- As part of the Resilience Group, we have tasked our Children's Rights and Participation Co-ordinator with leading and embedding a Children's Rights and Wellbeing impact assessment to apply to our resilience activity. This will allow us to make decisions going forward that continue to take into account children's rights and how we mitigate activity to protect them as much as we are able given the current circumstances.

It is important to reiterate that all decisions made in prioritising hearings are done by considering the individual circumstances of each child. This is led by Reporters in consultation with the child and their family, and a child or young person's social worker. Where a decision is taken to organise a face to face hearing, this will be due to compelling evidence to say that the child or family's participation would not be possible another way.

### 3.2 Face to Face Hearings

- 3.2.1 Hearing centres will only be accessible for key SCRA staff, Panel Members, and others who are required to attend to support those face to face hearings deemed necessary. Otherwise, participants will remain at home and connect virtually as per legal restrictions.
- 3.2.2 SCRA has reviewed the risk assessments for participation in line with latest guidance and knowledge of the new Covid variant. FACTS (Face coverings,

Avoid crowded places, Clean your hands, Two metre distance, Self-isolate and book a test) remains the primary mitigation against transmission of infection, including the new variant. In line with this, SCRA and CHS have reviewed our position in relation to face coverings within hearings. Where face to face hearings are able to be held, from the 18<sup>th</sup> January 2021, face coverings will be required to be worn in the hearing room unless attendees meet one of the government's [exception criteria](#).

3.2.3 People have been asked to wear face coverings in hearings centres for some time now and compliance is high. Where participants don't comply with the mitigations in place, we would expect Reporters, in discussion with the Chair, to ask them to either wait outside, or see if there is an alternative room which could be virtually set up to enable the hearing to continue.

3.2.4 We recognise that wearing of face coverings may make communication more challenging. The Chair has discretion to allow a mask to be removed for a short period of time while someone is speaking to make it easier to be heard.

### 3.3 Virtual and Hybrid Hearings

Vscene and Objective Connect continue to be challenging and SCRA are escalating the work to bring improvement to the platforms. This work is now being led by the Digital Head of Service to ensure consistency and compliance. The development of a virtual, long term, sustainable solution has begun. We are working closely with SCRA to shape and drive this work to enable operational deployment of the pilot to test different platforms in the next few weeks.

## 4. Impact of Business Continuity on Outcomes for Children

SCRA are currently unable to produce significant quantities of data on key data points due to the migration of their systems. The SMT have formally written to the EMT at SCRA setting out the concerns that we all share about the impact of delay in decision making on outcomes for children. The report also notes the need to understand the circumstances of those children who are awaiting hearings as a result of new referrals or decisions made at court. The report sets out a number of measures that we can use to have a robust understanding to inform our planning. This will be considered in the next week.

### 4.1 Hearing Deferment

4.1.1 We are publishing a survey to Panel Chairs asking for their feedback on the reasons for deferral for those children who attended a hearing but for whom the panel were unable to make a substantive decision. This is to provide management information which will allow us to follow up on locally solvable issues with SCRA or other agencies to prevent unnecessary delay.

4.1.2 In addition, we are reissuing the National Covid Guidance on Hearing Deferral Justification and reinforcing the Chair’s discretion to use Emergency Legislation, if on balance, it is better to do so than defer a hearing.

4.2 Capacity to Hold Hearings and the use of Emergency Legislation

4.2.1 This is on-going during the life of the Coronavirus (Scotland) 2020 Act and has involved collaborating with SCRA once every two months to ensure that adequate reporting is made available to Scottish Government for central monitoring purposes, and that a supplementary data/contextual report is made available through the CHIP website.

4.2.2 The current restrictions have meant ASTs are having to review capacity to participate in virtual hearings. ASIP’s and AC’s continue to work closely together to meet this need, and where necessary, Panel Members are being shared across areas. It is anticipated that the recruitment campaign will have a significant positive impact on capacity.

4.2.3 We continue to use the Emergency Legislation to enable hearings to take place where circumstances do not allow for a mixed-gender Panel of three members to attend. Data on the use of these powers is reported to Scottish Government approximately every two months, and is accompanied by a supplementary data report that is available through the Children’s Hearings Improvement Partnership (CHIP) website. For the first three reporting periods, the numbers of the use of the powers are given below:

Reporting Period	# working days in reporting period	Count of Hearings Using the powers	Hearings with 2 Panel Members	Hearings with Single Gender Panel
7/4 to 20/5	32	6	5	1
21/5 to 15/7	40	30	22	18
16/7 to 13/9	42	26	18	11
14/9 to 15/11	45	*77	47	38

\*legislation can be applied twice in one hearing: there may be two panel members and they are both single gender – hence the use of legislation may exceed the total number of hearings where it has been applied.

4.2.4 The rise in use of the legislation coincides with an increased number of hearings. The reporting period from the 15<sup>th</sup> of November is due to go to SG in the next two weeks.

5. Legislation and Practice

The CHS Practice Team continue to keep the following under review, in line with all current guidance:

- A review of draft legislation amending Children's Hearings rules to implement Children (Scotland) Act 2020;
- Chairing Panel Members are completing learning on Advocacy in order to support the implementation of the national children's advocacy scheme;
- The updated Practice and Procedure Manual has been profiled to all PMs and contains updates on: Children's Advocacy Services, Non-disclosure, requesting additional reports, decisions to defer hearings to another date, grounds for referral, GIRFEC and child protection. This revised PPM has had input from the CHS Community and other key partners, including SCRA and CELCIS, to help ensure these updates are relevant and supportive to Panel Members in carrying out their essential role as legal decision-makers;
- Work and planning for the introduction of The Code of Conduct for Panel Members continues.

6. Children's Hearings Covid Recovery Group (CHCRG)

The CHCRG meet weekly and are driving the multiagency response for recovery through the strategic Children's Hearing Improvement Partnership.

Scottish Government have allocated £8.5 million pounds to recovery planning. £8m has been ring-fenced to be spent by local authorities and a further £0.5m to Children's Hearings recovery, and we are working with the other stakeholders to agree a range of options for the spending of this money.

7. CHSLA

CHSLA continue to provide all training virtually. Key priorities are currently:

- Re-design of the pre-service component of the Professional Development Award (PDA) Children's Hearings in Scotland: Panel Members;
- Pre service training will be delivered virtually in 2021. The re-design of the award is linked to CHS objectives, including the imperative to deliver on The Promise;
- Adapting our approach from the Scottish Design School: Discover, Define, Develop, and Deliver - the redesign focuses on an overarching theme of 'Relationships' and includes learning on trauma, childhood development, neurodiversity, Children's Rights, as well as early intervention and understanding risk, alongside the skills required to ensure participation and outcome focused decision making;
- As our Panel Member recruitment campaign is open as of January 14<sup>th</sup>, our ASTs and people with lived experience are working through learning on recruitment and selection. All recruitment and selection is taking place online and our CHSLA content has been re-designed to reflect this;
- CHSLA continue to prioritise Management of Hearings training – to increase the number of available hearing chairs and providing training to PPAs.

8. PPAs

- New PPAs have attended an induction and welcome to CHS on January 12<sup>th</sup> and are now moving forward on their training pathway
- Our next PPA forum takes place on January 27<sup>th</sup>

9. CHS Community Recruitment

Work on all aspects of our 2021 Panel Member recruitment continues apace. Key points are as follows:

- The campaign launched on January 14<sup>th</sup> and is looking to secure the biggest cohort of any campaign in the last 10-years. Our working number is 700 and continues to be based on a range of aspects including: active PMs, inactive PMs, likely number of hearings, general 5% drop year on year of number of hearings required;
- As stated above, our focus is for online interviewing to select Panel Members. All interviewers are undertaking mandatory training with those trained previously completing new elements as required. The CHSLA Recruitment and Selection module, live on the Academy site, is being worked through across Scotland.

10. Resilience Response Challenges

Our challenges are:

- Capacity of panel members to cover an increase in hearings;
- Securing sufficient numbers of new panel members through our 2021 recruitment
- Understanding and addressing the impact of Covid on Children's rights to a hearing;
- Having robust data to support strategic decisions and exert influence, and;
- Concurrently delivering on aspirations of the Promise.

11. Forward planning

Over the coming months we will focus on:

- Gathering robust information to inform our strategic and operational planning;
- Recruitment of volunteers to key roles including the voice of lived experience in ASTs to support this recruitment;
- Equipping our new Panel Members to make a good start to their role in both virtual and face to face hearings;
- PPA return to observations;
- Engaging with external stakeholders to support recovery, the Strategic CHIP being the vehicle.

12. Recommendations

The Board are asked to note and agree the above planning and activity.

## Agenda Item 8

### Finance Report: 2020/21 forecast outturn

Accountable Director: Director of Finance  
 Report author: Ross Mackenzie  
 Resources implications: Within available resources  
 Equalities duties: Equalities Impact Assessment Required  
 Yes  No

#### 1 Background, summary and recommendation

- 1.1 The revenue grant in aid (GiA) allocation for CHS for 2020/21, excluding £92k digital resource, is £4.629m. The Board approved a revenue budget of £4.688m in March 2020, anticipating £59k of carried-forward resource underspend from 2019/20. This budget was previously augmented with in-year resource, but the impact of Coronavirus has led to CHS agreeing with Scottish Government (SG) that this additional resource will all be taken as capital this year.
- 1.2 The capital GiA allocation for CHS for 2020/21 is £550k, comprising £50k original resource plus £500k in-year support from Sponsor Team to provide devices to volunteers and to provide devices to enable the 2021 trainee cohort to efficiently undertake online pre-service training and facilitate their ability to join the panel and actively support the recovery plan. This excludes carry forward of around £80k.
- 1.3 The underspends forecast below are £153k on revenue and £11k on capital. The Board is asked to note the revenue, capital and digital funding positions.

#### 2 2020/21 Revenue Forecast

- 2.1 The Variance YTD (Year To Date) underspend has mostly arisen from the impact of Coronavirus and the rescheduling of the panel member recruitment campaign to January 2021.
- 2.2 The forecast staffing spend continues to reflect previous decisions around recruitment to new posts, vacancies and absences. Although the decisions are mostly in-year or self-funding, the Depute Chief Executive (DCE) has identified that around £95k may be required in 2021/22 to enable ongoing staffing support to support continued Covid response and recovery. This forecast spend includes a proposed £150k payment to Lothian Pension Fund, as detailed in a separate business case paper.
- 2.3 Staff training, travel and subsistence (T&S) is anticipated to be broadly on budget due to redeploying around 10 months' T&S cost savings into project management training and digital meetings facilitation upskilling to support virtual hearings and the CHS improvement programme.
- 2.4 Corporate costs includes consultancy (£49k) originally to be covered by the in-year support but now being met, for this year only, from other non-recurring underspends. This consultancy delivers digital archiving and leadership and management support.

Finance Report as at 31 December 2020

	Actual YTD Period 9	Variance YTD Period 9	2020/21 Annual Budget (Original)	2020/21 Forecast	2020/21 Forecast Variance	2020/21 Forecast Variance
	£000	£000	£000	£000	£000	%
Staff	1,367	+18	1,765	2,016	+251	+14.2
Board	44	+11	50	50	+0	+0.0
Training, travel and subsistence	42	-25	99	101	+2	+2.2
Property	59	+5	107	111	+4	+3.7
Other Operating Costs	40	+12	55	63	+8	+13.9
ICT Costs	199	-64	305	335	+30	+9.7
Corporate Costs	30	+0	68	122	+54	+80.5
Panel and AST Expenses	14	-323	669	88	-581	-86.8
Panel and AST Training	575	-228	1,184	1,070	-114	-9.7
Support for hearings	15	-123	108	104	-4	-4.2
Volunteer recruitment	12	-183	182	317	+135	+74.3
PVGs	1	-23	30	30	+0	+0.0
AST Devolved Funding	12	-21	66	161	+95	+143.9
Income	0	+0	0	-33	-33	-
Total	2,410	-944	4,688	4,535	-153	-3.3

- 2.5 The scale of Panel and AST expenses underspend, arising from Coronavirus, depends heavily on the timing of the resumption of physical hearings, but around 10 months' volunteer expenses are anticipated to be saved at this point, notwithstanding the costs of addressing the backlog.
- 2.60 The Panel and AST training budget included over £300k to cover the cost of venue hires, volunteer overnight accommodation and other costs arising from contract Change Control Notices (CCNs). With minimal face to face training currently, and limited pre-service training before April, savings on this line are being redirected towards the SG Healthcare Improvement team to support improvement activity and development; development of e-learning modules to include MS Teams, the Hearing Information Pack (HIP) and materials to support virtual recruitment activity including films to attract and support potential applicants and materials to support trainee induction and on boarding. This forecast also recognises likely increased pre-service costs arising from a greater volume of trainees and some spend on digital meetings facilitation.
- 2.7 The Support for Hearings forecast includes £24k for local multi-agency events, £10k for the Connecting the Community initiative, £43k provision for Independent Reports (an estimated 50% saving on budget due to Coronavirus) and £21k for Participation and Engagement.
- 2.8 The panel member recruitment spend forecast includes provision for an Information Evening video and increased media buying provision to support attracting a high volume of applicants, including television advertising.



- 2.9 Opportunities for ASTs to spend devolved funding directly are more restricted this year. However, recognition is a key priority to demonstrate appreciation for all CHS's volunteers which ASTs have taken forward locally (£110k).
- 2.10 The income is secondment income, offsetting some of the staff overspend.
- 2.11 Senior team members continue to meet with SG Sponsor team every month to review the impact of Covid-19 on finance and resources.
- 2.12 The majority of the in-year revenue funding (£375k) was initially requested to recruit to a Digital Support Lead, offer pastoral support to volunteers, additional digital project support costs, leadership support and development and volunteer training for trauma-informed training. The first four of these continue to progress, being met from in-year non-recurring savings, allowing the in-year support, with agreement from SG, to be spent enabling volunteers and trainees through provision of devices. Routes for provision of trauma informed training continue to be explored.
- 2.13 There are a number of options around the £153k underspend reported above:
- i. up to £50k more could be put towards addressing CHS's pension deficit;
  - ii. further revenue spend projects to allow responses to changing Covid landscape;
  - iii. Sponsor Team may agree to a modest reserve to ease 2021/22 pressures;
  - iv. the underspend is returned to SG;
  - v. a combination of all four of the above.

Regards (iii), SG Finance has indicated that the government-wide position on revenue is extremely challenging, however SMT continues to pursue discussions with Sponsor Team on this option. Regards (ii), SG Finance has also confirmed that revenue projects should not be undertaken unless they are mission-critical: SMT is of the view that it needs to be in a position to respond to changes in the Covid landscape, including the impact of new lockdowns.

### 3 2020/21 Capital Forecast

	Actual YTD Period 9	2020/21 Budget	2020/21 Forecast	2020/21 Variance
	£000	£000	£000	£000
Devices for volunteers (Phase 1 pilot)	36	40	36	(4)
Devices for volunteers (Phase 2)	129	140	129	(11)
Devices for staff	0	5	5	0
Thistle House technology	24	20	24	4
Community devices (PPAs and Panel Members)	0	140	140	0
Devices for staff (tablets, SCOTS refresh)	0	26	26	0
7 Non-SCOTS devices (SCIL and PowerBI)	0	4	4	0
Devices for pre-service trainees	0	255	255	0
Grand total	189	630	619	(11)

- 3.1 CHS's original capital resource, including £80k of reserves, was £130k. The £500k additional resource referred to in 1.2 gives a total of £630k available resource.

3.2 SMT has confidence in deliverability timescales and remains in dialogue with SG around options should there be any slippage.

4 Digital Programme

4.1 The allocation of Digital funding is below.

	Budget 2020/21 £000	Forecast 2020/21 £000	Variance 2020/21 £000
CSAS Development	135	135	0
Transition Costs	192	225	33
Support Costs	257	265	8
Licence Costs	293	293	0
Hosting Costs	85	43	(42)
Contingency	181	182	1
Organisation contributions	(147)	(147)	0
Internal Costs	96	96	0
Agency staff costs	28	28	0
Sub-total	1,120	1,120	0
Additional in year funding			
CSAS Core Development	75	75	0
Digitizing hearing room capacity	140	140	0
Improving connectivity	125	125	0
Digital training	60	60	0
Total	1,520	1,520	0

4.2 The Digital funding, excluding carry forward, is £1m, of which £750k is revenue and £250k is capital. The available budget includes £120k carry forward from 2019/20. The table reflects the new projects funded from the additional £400k in year grant provided by the Scottish Government.

4.3 The forecast submitted by the Programme Director confirms spend is on track for this year. There is potential slippage over the year-end due to the supply chain for tangibles, but this is being kept under careful review by the Director and the programme remains agile and flexible to react to changing circumstances.

5 Conclusion

5.1 The underspends forecast are £153k on revenue and £11k on capital. The Board is asked to note the revenue, capital and digital funding positions.

## Agenda Item 9

### Business Case: Lothian Pension Fund

Accountable Director: Director of Finance  
 Report author: Ross Mackenzie  
 Resources implications: Within available resources  
 Equalities duties: Equalities Impact Assessment Required  
 Yes  No

The Board is asked to approve the attached Business Case to make a one-off payment to Lothian Pension Fund of no less than £150,000 before 31 January 2021 in order to facilitate readmission to the Fund's Contribution Stability Mechanism and secure sustainable affordable employer contribution rates for 2021/22 to 2023/24.

The short paper is a high level executive summary of the pensions issues, actions, risks, benefits and next steps and should be read in conjunction with the business case that follows.

#### Executive Summary

##### 1. Issue

1.1 CHS is an admitted body to Lothian Pension Fund (LPF) and is a member of the Contribution Stability Mechanism (CSM) which allows CHS to agree employer contribution rates in advance and protects rises in employer contribution rate changes to 0.5% annually, providing CHS budget stability.

1.2 CHS employer contribution rate for 2020/21 is 14.8%, (£222k/annum) and was forecast to be 15.3%, (£229k per annum) in 2021/22; 15.8% (£236k per annum) in 2022/23.

1.3 Membership of the CSM is dependent on criteria which substantively relies on actuarial view that an organisations pension deficit levels are manageable and do not pose a risk to the pension fund.

1.4 LPF informed CHS on 30<sup>th</sup> November that due to actuarial valuation of CHS pension deficit levels, we were being removed from the CSM end 2020/21 and contribution rates would be set at 30.9% (16.1% uplift) for 2021/22, a forecast cost of £517k per annum based on projected staffing levels (£295K in year uplift).

1.5 Removal from the CSM would leave future employer contribution rates volatile but in order to ameliorate the pension deficit, it is assumed the uplift would remain at 30.9% or higher in future years, resulting in long term significant budget implications for CHS.

1.6 Due to the level of CHS pension deficit, an increase in % employer contributions is inevitable in order to fund pensions adequately moving forward, but retained membership within CSM would allow these increases to be managed in a controlled basis.

1.7 CHS have engaged with LPF and Scottish Government (SG) to identify a range of

activities that will work to minimise CHS pension deficit levels and enable CSM membership to be retained:

- A one off lump sum payment into the fund.
- Agree an increased % employer contribution rate moving forward that is more sustainable than the 30.9% proposed

Both LPF and SG have confirmed they would respond positively to such proposals.

## 2. Proposal

CHS request ongoing membership in the Contribution Stability Mechanism via:

- A one off minimum\* payment of £150k, secured from 2020/21 underspend, into the pension fund.
- An agreed employer contribution rate in year 1 of 24% (vs 30.9% forecast)(£430k per annum vs £517k forecast ), with CSM membership protecting future annual increases at 0.5% per annum thereafter.

## 3. Risks and Benefits

### 3.1 Risks

- Any increase in pension costs reduces CHS available resource to target to strategic delivery.
- Removal from the CSM will result in a volatile pension contribution position and significant forecast ongoing pension costs and budget instability for the organisation.
- Not taking action to reduce CHS pension deficit increases future organisational risk for CHS as the workforce enters retiral age.

### 3.2 Benefits

1. Retaining membership of the CSM assures budget stability moving forward (currently to 2024/25).
2. Reduction in CHS pension deficit minimises CHS pension risks and enables CSM membership ensuring more controlled % employer contributions and budget stability.
3. Reducing CHS pension deficit reduces future organisational risk for CHS as the workforce enters retiral age.

## 4. Next Steps

4.1 The Board are asked to approve the attached business case

4.2 Subject to approval Ed Morrison and Ross Mackenzie will work with SG and LPF to take forward the proposals.

4.3 Once agreed, CHS will formally engage with LPF in relation to:

- Better understand and influence the actuarial assumptions applied to determining CHS pension deficit
- Address the breakdown in communication from LPF that has resulted in the extremely late notification to CHS of this issue

4.4 CHS will engage Audit Scotland, available CEO/Board forums to determine wider organisational views on the ongoing risks of membership and sustainability of Local Government pension schemes .

Agenda Item 9



Business Case: Lothian Pension Fund – January 2021

- 1 Since its inception, CHS has been an admitted body in the Lothian Pension Fund (“the Fund”). For the six financial years 2015/16 to 2020/21, CHS was part of the Fund’s Contribution Stability Mechanism (CSM). This allows bodies that meet particular criteria to agree their contribution rates in advance, subject to annual changes of up to 0.5 percentage points, reducing volatility and facilitating forward planning.
- 2 The employer contribution has two elements: a primary contribution, set as a percentage of pensionable pay, and a secondary contribution that is either a percentage of pensionable pay or a cash amount. For the six years to 2020/21, CHS’s contributions were 14.8% of pensionable pay plus £19,400 per annum. Table 1 below summarises contributions for the last three years and original forecasts for future years. The rise from 2018/19 into 2019/20 is entirely attributable to the increase in CHS headcount and was factored into the Business Case at the time and all forward cost projections.

Table 1: Actual and original forecast contributions

	Rate	Lump sum (£000)	TOTAL (£000)	
2018/19	14.8%	19.4	136	Actual
2019/20	14.8%	19.4	217	Actual
2020/21	14.8%	19.4	222	Forecast
2021/22	15.3%	19.4	229	Forecast
2022/23	15.8%	19.4	236	Forecast
2023/24	16.3%	19.4	243	Forecast

- 3 Following the 2020 actuarial valuation, the Fund informed CHS on 30 November 2020 that
  - CHS’s funding level was 81% as at 31 March 2020, i.e. a deficit of £660k, having been 68% funded with a deficit of £722k at the previous valuation;
  - that it was no longer prudent for CHS to be a part of the CSM; and
  - the Fund would contact CHS’s guarantor (Scottish Government (SG) to confirm their preference on the matter of remaining within the CSM.
- 4 Following removal from the CSM, the minimum rate required to be paid by CHS for the three financial years 2021/22 to 2023/24 was 30.9% of pensionable pay<sup>1</sup>. This is assessed to give CHS a 75% chance of being fully funded by the end of the next 15 years. Table 2 estimates what this would equate to in cash terms.

<sup>1</sup> This breaks down as 3.0% of pay for secondary contributions, replacing the £19,400 annual fixed sum, and 27.8% for primary contributions. The rounding error is the actuary’s.

Table 2: Actual and estimated contributions based on actuarial valuation

	Rate	Lump sum (£000)	TOTAL (£000)	
2018/19	14.8%	19.4	136	Actual
2019/20	14.8%	19.4	217	Actual
2020/21	14.8%	19.4	222	Forecast
2021/22	30.9%	0.0	517	Forecast
2022/23	30.9%	0.0	532	Forecast
2023/24	30.9%	0.0	548	Forecast

- 5 Based on the draft 2021/22 headcount and projected pay policy, contributions of 30.9% would result in CHS's employer contributions being over £500k per annum. By way of comparison, had the proposed contribution rates been applied in the current financial year, CHS's hypothetical costs to the Fund would have been around £424k rather than the £222k that is currently forecast. CHS's forward budget had anticipated an increase in pension contributions of 0.5 percentage points (approx. £10k), whereas the Fund's proposal represents an increase of over £200k.
- 6 In response to the Fund's communication on 30 November, and after discussion with members of CHS's Senior Management Team (SMT), the CHS Accountant met with the Fund on 8 December to discuss:
- the communication of the removal from the CSM;
  - whether any early warning notification had been issued around the potential for contributions to increase so significantly;
  - who would be contacted in Scottish Government as CHS's guarantor, and when;
  - the options and consequences around capping annual contribution rates and rises at a lower rate; and
  - the potential to make a payment towards the deficit in 2020/21 to secure lower rates.
- 7 The Fund admitted that the decision to remove CHS from the CSM, discussed at a Pensions Committee meeting on 11 December 2019 and only shared via a link in the all-employer Bulletin, was not well communicated. CHS does seem to be an outlier; The other bodies within the CSM have funding positions of over 90% (CHS <90%) and on average have faced higher contribution rates (xx%) than CHS (14.8%) over the last few years: CHS was the only body to be removed from the CSM due to low funding, and SMT is not aware of any other bodies facing a similar challenge to CHS's.
- 8 The Fund is seeking to confirm any revised minimum contribution rates by the end of January and has invited CHS to submit a proposal that CHS would find acceptably affordable. Any proposal to pay less than 30.9% p.a. is required to be assessed by their actuary in advance of that date. To allow time for a revised proposal in January 2021, which would be subject to CHS Board approval, it was agreed with the Fund that a draft proposal would be submitted before Christmas to allow actuarial work to commence. CHS is also confirming that the actuary's assumptions around CHS's future headcount are reasonable.
- 9 SG has indicated that any revision to the existing guarantee to the Fund would be challenging to get approved before the end of January, however LPF may accept a letter of comfort in this regard (?).

- 10 Following discussions with the National Convener, Depute CEO, and Director of Finance, CHS plans to submit the following proposal to the Fund:
1. a payment of no less than £150,000 to the Fund before 31 January 2021 to reduce the existing deficit; and
  2. minimum contribution rates of 24.0% in 2021/22, 24.5% in 2022/23 and 25.0% in 2023/24.

Table 3 below indicates what this proposal is projected to equate to in cash terms.

Table 3: Actual and estimated contributions based on this proposal

	Rate	Lump sum (£000)	TOTAL (£000)	
2018/19	14.8%	19.4	136	Actual
2019/20	14.8%	19.4	217	Actual
2020/21	14.8%	169.4	372	Forecast
2021/22	24.0%	0.0	430	Forecast
2022/23	24.5%	0.0	439	Forecast
2023/24	25.0%	0.0	448	Forecast

- 11 The 2020/21 payment of £150k is affordable due to the in-year savings arising from the pandemic and lockdowns, and after re-direction of funds to support mission critical activity. CHS SMT seeks approval to increase this payment by up to £50,000 if further modest underspends arise – this will not factor into the agreed contribution rates, but will be applied to CHS’s asset share and thereby mitigate against future contributions long-term. The ongoing pressures on 2022/23 and beyond will be reflected in future five-year plans.
- 12 CHS will also request re-admission to the CSM on the basis of the existing guarantee from SG, effective 1 April 2021. This would guarantee a 2024/25 contribution rate of not more than 25.5%, because the Fund has revised its mechanism to span the 4 years to 2024/25.
- 13 This proposal would mean that CHS is paying across approximately £430k in pension contributions in 2021/22 (depending on pay policy and headcount). When taken with the proposed £150k paid this financial year, the Fund will have received more cash before 31 March 2022 than what they initially requested with a 30.9% 2021/22 contribution rate. However, the proposal aims to secure lower contribution rates for subsequent years, when CHS’s grant in aid and budget position may be more challenging.
- 14 While the Fund cannot guarantee this proposal will be acceptable until after they have assessed it actuarially, initial feedback has been positive and the Fund are keen to agree rates with CHS that are affordable and sustainable while being acceptably low-risk to them.
- 15 CHS has discussed the situation and the aspects of this proposal with Sponsor Team in SG, and SG Finance. Both are supportive of the proposal.
- 16 Employees’ contributions are unaffected by this situation and proposal, and cannot be

varied

- 17 The Board is asked to approve the proposal to make a one-off payment to Lothian Pension Fund of no less than £150,000 before 31 January 2021 in order to facilitate readmission to the Fund's Contribution Stability Mechanism and to secure sustainable affordable employer contribution rates for 2021/22 to 2023/24.



## Agenda item 10 Draft 2021/22 Budget

Accountable Director: Director of Finance  
 Report author: Ross Mackenzie  
 Recommendation(s): To note the challenges in the draft 21/22 budget and comment on/approve(?) SMT's approach to closing the budget gap  
 Resources implications: Within available resources  
 Equalities duties: Equalities Impact Assessment Required  
 No  Yes

### 1 Background

- 1.1 CHS's grant in aid (GIA) in 2020/21 was £4,629k revenue and £50k capital, plus £500k in-year support, totalling £5,179k. Scottish Government (SG) has indicated that CHS should budget based on flat cash in 2021/22, including the £500k in-year support as revenue resource, but with no expectation of any carry-forward resource, although discussions are ongoing with Sponsor Team on this last point. This gives CHS a revenue envelope of £5,129k revenue and £50k capital.
- 1.2 CHS's latest five year plan identified a revenue requirement of £5,036k and a capital requirement of £300k for 2021/22.
- 1.3 The Digital Programme for which CHS and Scottish Children's Reporter Administration (SCRA) are jointly responsible has no funding in 2021/22, with all CSAS costs being met from SCRA and CHS's core budgets.
- 1.4 The draft budget contains revenue spending plans totalling £5,167k which is £38k over available grant in aid resource.

### 2 Recommendation

- 2.1 Board members are asked to note the challenges in the draft 21/22 budget and comment on SMT's approach to closing the budget gap.

## 3 Draft 2021/22 revenue budget consolidation

	2020/21 Original Budget	2020/21 Forecast	2021/22 Draft Budget	Increase from 2020/21 Budget	2021/22 5 year plan	Variance from 5 yr plan
	£000	£000	£000	£000	£000	£000
Staff	1,765	2,016	<b>2,320</b>	+555	2,122	+198
Board	50	50	<b>55</b>	+5	50	+5
Training, travel and subsistence	99	101	<b>60</b>	<b>-39</b>	99	<b>-39</b>
Property	107	111	<b>121</b>	+14	108	+13
Other Operating Costs	55	63	<b>56</b>	+1	65	<b>-9</b>
ICT Costs	305	335	<b>491</b>	+186	443	+48
Corporate Costs	68	122	<b>155</b>	+87	78	+77
Panel and AST Expenses	669	88	<b>464</b>	<b>-205</b>	619	<b>-155</b>
Panel and AST Training	1,184	1,070	<b>1,049</b>	<b>-135</b>	1,064	<b>-15</b>
Support for Hearings	108	104	<b>177</b>	+69	110	+67
Volunteer Recruitment	212	347	<b>207</b>	<b>-5</b>	212	<b>-5</b>
AST Devolved Funding	66	161	<b>66</b>	+0	66	+0
Income	0	<b>-33</b>	<b>-54</b>	<b>-54</b>	0	<b>-54</b>
	<b>4,688</b>	<b>4,535</b>	<b>5,167</b>	<b>+479</b>	<b>5,036</b>	<b>+131</b>

- 3.1 The staffing budget reflects an estimated 2021/22 pay policy of 3% on all scale points.  
The budget includes a 2% savings target (£48k).
- 3.2 Around £150k of the increase in staffing is attributable to an estimated pension contribution rate of 24%. Discussions with SG and Lothian Pension Fund are ongoing and covered in a separate paper.
- 3.3 The remaining difference between the five year plan and draft budget is a combination of:
- a lower savings target;
  - some staff costs now being met through shared services;
  - a secondment whose costs are being met from income; and
  - an increase in headcount reflecting CHS's requirements around delivery of The Promise and the Corporate Plan.
- 3.4 The board budget presumes a full complement of members and a seventh member from summer 2021.
- 3.5 Training, travel and subsistence has decreased by £39k compared to last year's original budget and the five year plan, reflecting a modest increase in staff training offset by reduced travel costs.
- 3.6 The Property budget reflects increased Thistle House costs arising from the pandemic plus a modest budget for using the venue for training later in 2021/22.

3.7 Other Operating Costs includes Health Assured (10k), provision for a Community Survey (£4k) and other costs. Savings are anticipated on postages, photocopying and other costs primarily derived from occupying Thistle House. There is no provision for a hard copy Policy and Procedures Manual (PPM) as this has been replaced by the digital version nor external design and branding (total £13k) as assumes work will be completed in house.

3.8 The provisional ICT budget reflects:

- £40k SCOTS charge (around 40 devices being supported at approximately £1k per device);
- £157k software costs, mostly comprising a full year of Softcat Enterprise Agreement (£136k);
- £13k website costs;
- £57k CSAS hosting costs;
- £250k estimated CSAS support costs, including £100k contingency for legacy and development.

The five year budget presumed lower CSAS support costs.

3.9 Corporate costs comprises audit (£24k), consultancy (£5k) and actuarial/corporate legal costs (£3k) alongside shared services (£123k). Shared services breaks down as:

- £12k core charge for Accounts Payable and Payroll
- £26k for Head of Finance and Head of HR SMT support
- £5k for 15 anticipated drawdown days
- £50k for Head of IT cost-shared with SCRA\*
- £30k for Finance Manager/Accountant cost-shared with SCRA\*

\* These costs were previously shown in the Staffing budget, and explain the variance between the draft budget and the budget in the five year plan.

3.10 Volunteer expenses were forecast in the 5 year plan as £619k, close to the 2019/20 actuals of £613k. This has been reduced by 25% as an estimate of the continuing impact of the pandemic.

3.11 The panel and AST training budget reflects the forecast in the 5 year plan, except for omitting the £50k Young Panel Member/Lived Experience Programme and including £35k to reflect likely costs of training an increased volume of new trainees.

3.12 Support for Hearings comprises reference groups and networks, Area Convener liaison, any national events, specific participation and engagement including children and young people not related to recruitment, independent legal advice relating to practice and Independent reports. This includes £25k provision for Connecting the Community and some additional support for participation, neither of which were in the 2021/22 figure within the five year plan. It also includes £30k provision for a National Event and Improvement Events.

3.13 Volunteer recruitment nominally breaks down as £172k dedicated to the annual panel member recruitment campaign, £30k for PVGs and £5k for AST recruitment.

- 3.14 AST devolved funding remains at £66k, although there remains scope for this sum to be distributed differently depending on need and numbers within ASTs.
- 3.15 The income represents reimbursement for seconded staff on CHS's payroll throughout 2021/22.
- 3.16 SMT has a number of options at its disposal to close the budget gap, including but not limited to:
  - a) Provision for some staffing posts can be reduced, either by:
    - a. prorating some posts to part-year or removing them; or
    - b. increasing the savings target on the expectation of future decisions around vacancy management and staff turnover.
  - b) discussions with Sponsor Team may result in a small reserve to support Hearings System recovery; and/or
  - c) a non-staff savings target can be included, recognising the uncertainty around volunteer expenses, staff travel and subsistence and operating costs given their link with local Coronavirus tiering.
- 3.17 SMT has a Pressures Log to identify priority areas for further spend should resource be available. This currently includes a fixed term Service Design Manager post (£51k). SMT will look for in-year savings and/or external funding to support delivery of The Promise.

#### Capital

- 3.18 CHS's five year plan indicated a capital requirement of £300k in 2021/22, being £50k for devices and £250k for CSAS development. Discussions with Sponsor Team are ongoing to ensure this necessary resource is available.

#### 4. Conclusions

- 4.1 The proposals are aligned to CHS's business plan priorities for 2021/22, are close to being within CHS's anticipated resourcing, and retain flexibility to meet the challenges next financial year will present in the context of the wider Children's Hearings System.
- 4.2 SMT will continue to make the case for sufficient capital funding in 2021/22 in line with the Financial Plan.
- 4.3 Board members are asked to note the challenges in the draft 21/22 budget and comment on SMT's approach to closing the budget gap.

## Agenda item 11

### ARMC - Review of Committee's Own Effectiveness – Findings and Recommendations

Accountable Officer:	Head of Strategy, Development and DCE
Report author:	Lynne Harrison/Henry Robson
Recommendation:	To consider and approve the review
Resources implications:	N/A
Equalities duties:	Equalities Impact Assessment Required <input checked="" type="checkbox"/> No

#### Background

1. The Committee is required to review its own effectiveness annually.
2. The National Audit Office standard questionnaire has been used to facilitate this review which covers:
  1. Role and Remit
  2. Membership, Induction and Training
  3. Meetings
  4. Internal Control
  5. Financial reporting and regulatory Matters
  6. Internal Audit
  7. External Audit
  8. Administration
  9. Overall effectiveness
3. The committee have considered the questions and responses are captured in Appendix I.

#### Findings

1. Results indicate that overall the Committee believes that current processes and structures enable it to operate in an effective way.
2. There is consensus that ARMC specific training would be beneficial.
3. It is identified that an identified term of office for sub committees would be helpful.
4. It is noted that due to the small overall Board size there is overlap in membership in sub committees which ideally would comprise separate memberships.
5. Improved, consistent secretariat support is welcomed including consideration of consistent report formats.







#### Recommendations

The Board are asked to approve the following recommendations:





1. ARMC training, available to the full Board membership, to be identified and delivered at the March Board development session.
2. The Board Chair to consider separate sub-committee membership when the Board expands to a membership of seven in summer 2021.
3. The Board Chair to consider identification of an identified term of office for CHS sub committees.
4. The DCE and CHS Business Support Lead to work with the ARMC Chair to identify a unified approach to ARMC reports and secretariat support.





## AUDIT COMMITTEE SELF-ASSESSMENT CHECKLIST

### 1. Role and remit





<b>1. Does the audit committee have written terms of reference?</b>				
1	Yes		100.00%	1
<b>2. Do the terms of reference cover the core functions of an audit committee as identified in the SG Audit Committee Handbook?</b>				
1	Yes		100.00%	1
<b>3. Are the terms of reference approved by the audit committee and reviewed periodically?</b>				
1	Yes		100.00%	1
<b>4. Has the audit committee been provided with sufficient membership, authority and resources to perform its role effectively and independently?</b>				
1	Yes		100.00%	1
<b>5. Does the body's governance statement mention the audit committee's establishment and its broad purpose?</b>				
1	Yes		100.00%	1
<b>6. Does the audit committee periodically assess its own effectiveness?</b>				
1	Yes		100.00%	1



### 2. Membership, induction and training

<b>7. Has the membership of the audit committee been formally agreed by the management board and or Accountable Officer and a quorum set?</b>				
1	Yes		100.00%	1
<b>8. Are members appointed for a fixed term?</b>				
1	Yes		100.00%	1
1	Not currently in place but would be welcomed			
<b>9. Does at least one of the audit committee members have a financial background?</b>				
1	Yes		100.00%	1
<b>10. Are all members, including the chair, independent of the executive function?</b>				
1	Yes		100.00%	1
<b>11. Are new audit committee members provided with an appropriate induction?</b>				

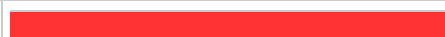





<b>7. Has the membership of the audit committee been formally agreed by the management board and or Accountable Officer and a quorum set?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	<p>'On Board' induction which is relevant to all board members has been provided. The induction was informative and gave good insight to what is expected of each board member and how to contribute effectively but was not ARMC specific.</p> <p>Specific audit and risk training would be beneficial</p>			
<b>12. Has each member formally declared his or her business interests?</b>				
1	Yes		100.00%	1
<b>13. Are members sufficiently independent of the other key committees of the Board?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	<p>1 member is also on RAC due to the overall size of the CHS Board. Yes but complete independence would be better</p> <p>The Board is increasing to 7 as we move forward could do 3 and 3 on each committee.</p>			
<b>14. Has the audit committee considered the arrangements for assessing the attendance and performance of each member?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	<p>Meeting attendance is reported annually</p> <p>The Board Chair undertakes 1:1s and seeks input from ARMC chair</p>			

### 3. Meetings






<b>15. Does the audit committee meet regularly, at least four times a year?</b>				
1	Yes		100.00%	1
<b>16. Do the terms of reference set out the frequency and broad timing of meetings?</b>				
1	Yes		100.00%	1
<b>17. Does the audit committee calendar meet the body's business and governance needs, as well as the requirements of the financial reporting calendar?</b>				
1	Yes		100.00%	1
<b>18. Are members attending meetings on a regular basis and if not, is appropriate action taken?</b>				
1	Yes		100.00%	1

<b>15. Does the audit committee meet regularly, at least four times a year?</b>				
<b>19. Does the Accountable Officer attend all meetings and, if not, is he/she provided with a record of discussions?</b>				
1	Yes		100.00%	1
<b>20. Does the audit committee have the benefit of attendance of appropriate officials at its meetings, including representatives from internal audit, external audit and finance?</b>				
1	Yes		100.00%	1





**4. Internal control**

<b>21. Does the audit committee consider the findings of annual reviews by internal audit and others, on the effectiveness of the arrangements for risk management, control and governance?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	IA reports approved by committee and annual report against IA actions reviewed by the committee			
<b>22. Does the audit committee consider the findings of reviews on the effectiveness of the system of internal control?</b>				
1	Yes		100.00%	1
<b>23. Does the audit committee have responsibility for review of the draft governance statement and does it consider it separately from the accounts?</b>				
1	Yes		100.00%	1
<b>24. Does the audit committee consider how accurate and meaningful the governance statement is?</b>				
1	Yes		100.00%	1
<b>25. Does the audit committee satisfy itself that the arrangements for risk management, control and governance have operated effectively throughout the reporting period?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	BDO review of risk, provided a risk workshop and training and have advised on a revised risk management structure which was adopted			
<b>26. Has the audit committee considered how it should coordinate with other committees that may have responsibility for risk management and corporate governance?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Yes, in addition The Chair of ARMC sits on DDOC			
<b>27. Has the audit committee satisfied itself that the body has adopted appropriate arrangements to counter and deal with fraud?</b>				






<b>21. Does the audit committee consider the findings of annual reviews by internal audit and others, on the effectiveness of the arrangements for risk management, control and governance?</b>				
1	Yes		100.00%	1
<b>28. Has the audit committee been made aware of the role of risk management in the preparation of the internal audit plan?</b>				
1	Yes		100.00%	1
<b>29. Does the audit committee's terms of reference include oversight of the risk management process?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
<b>30. Does the audit committee consider assurances provided by senior staff?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	ARMC reviews management responses to all IA recommendations			
<b>31. Does the audit committee receive and consider stewardship reports from senior staff in key business areas such as Finance, HR and ICT?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Finance and ICT reports received regularly RAC responsibility for HR issues – RAC minute comes to the Board			








**5. Financial reporting and regulatory matters**

<b>32. Is the audit committee's role in the consideration of the annual accounts clearly defined?</b>				
1	Yes		100.00%	1
<b>33. Does the audit committee consider, as appropriate: the suitability of accounting policies and treatments</b>				
1	Yes		100.00%	1
<b>34. Does the audit committee consider, as appropriate: major judgements made</b>				
1	Yes		100.00%	1
<b>35. Does the audit committee consider, as appropriate: large write-offs</b>				
1	Yes		100.00%	1









<b>32. Is the audit committee's role in the consideration of the annual accounts clearly defined?</b>				
<b>36. Does the audit committee consider, as appropriate: changes in accounting treatment</b>				
1	Yes		100.00%	1
<b>37. Does the audit committee consider, as appropriate: the reasonableness of accounting estimates</b>				
1	Yes		100.00%	1
<b>38. Does the audit committee consider, as appropriate: the narrative aspects of reporting?</b>				
1	Yes		100.00%	1
<b>39. Is an audit committee meeting scheduled to receive the external auditor's report to those charged with governance including a discussion of proposed adjustments to the accounts and other issues arising from the audit?</b>				
1	Yes		100.00%	1
<b>40. Does the audit committee review management's letter of representation?</b>				
1	Yes		100.00%	1
<b>41. Does the audit committee gain an understanding of management's procedures for preparing the body's annual accounts?</b>				
1	Yes		100.00%	1
<b>42. Does the audit committee have a mechanism to keep it aware of topical legal and regulatory issues?</b>				
1	Yes		100.00%	1

**6. Internal audit**









<b>43. Does the Head of Internal Audit attend meetings of the audit committee?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Responsibility sits with DCE who attends all ARMC meetings			
<b>44. Does the audit committee approve, annually and in detail, the internal audit plans including consideration of whether the scope of internal audit work addresses the body's significant risks?</b>				
1	Yes		100.00%	1
<b>45. Does internal audit have a direct reporting line, if required, to the audit committee?</b>				
1	Yes		100.00%	1

<b>43. Does the Head of Internal Audit attend meetings of the audit committee?</b>				
<b>46. As well as an annual report from the Head of Internal Audit, does the audit committee receive progress reports from the internal audit service?</b>				
1	Yes		100.00%	1
<b>47. Are outputs from follow-up audits by internal audit monitored by the audit committee and does the committee consider the adequacy of implementation of recommendations?</b>				
1	Yes		100.00%	1
<b>48. If considered necessary, is the audit committee chair able to hold private discussions with the Head of Internal Audit?</b>				
1	Yes		100.00%	1
<b>49. Is there appropriate co-operation between the internal and external auditors?</b>				
1	Yes		100.00%	1
<b>50. Does the audit committee review the adequacy of internal audit staffing and other resources?</b>				
1	Yes		100.00%	1
<b>51. Are internal audit performance measures monitored by the audit committee?</b>				
1	Yes		100.00%	1
<b>52. Has the audit committee considered the information it wishes to receive from internal audit?</b>				
1	Yes		100.00%	1
<b>53. Do formal terms of reference exist defining internal audit's objectives, responsibilities, authority and reporting lines?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				




**7. External audit**

<b>54. Does the external audit representative attend meetings of the audit committee?</b>				
1	Yes		100.00%	1
<b>55. Do the external auditors present and discuss their audit plans and strategy with the audit committee (recognising the statutory duties of external audit)?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Plans are agreed with Hof Finance and presented to ARMC			
<b>56. Does the audit committee chair hold periodic private discussions with the external auditor?</b>				
1	Yes		100.00%	1
<b>57. Does the audit committee review the external auditor's annual report to those charged with governance?</b>				
1	Yes		100.00%	1
<b>58. Does the audit committee ensure that officials are monitoring action taken to implement external audit recommendations?</b>				
1	Yes		100.00%	1
<b>59. Are reports on the work of external audit presented to the audit committee?</b>				
1	Yes		100.00%	1
<b>60. Does the audit committee assess the performance of external audit?</b>				
1	Yes		100.00%	0
Comments/Action: (1)				
1	Audit Scotland required to undertake audits. Head of finance reports to ARMC on audit process and feedback is given			
<b>61. Does the audit committee consider the external audit fee?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Fee is reported to ARMC by the Head of Finance			

## 8. Administration

<b>62. Does the audit committee have a designated secretariat?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Following restructuring of CHS Governance role, this is an area for development. The CHS Business Support Team now in place and a plan in place to ensure consistent support moving forward.			
<b>63. Are agenda papers circulated in advance of meetings to allow adequate preparation by audit committee members?</b>				
1	Yes		100.00%	1
<b>64. Do reports to the audit committee communicate relevant information at the right frequency, time, and in a format that is effective?</b>				
1	Yes		100.00%	1
<b>65. Does the audit committee issue guidelines and/or a pro forma concerning the format and content of the papers to be presented?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Paper are summarised with a cover note. Work to improve consistency of format would be beneficial and will be addressed with more consistent support from the Business Support Team			
<b>66. Are minutes prepared and circulated promptly to the appropriate people, including all members of the Board?</b>				
1	Yes		100.00%	1
<b>67. Is a report on matters arising presented or does the chair raise them at the audit committee's next meeting?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Action log in place Matters Arising discussed at the meeting			
<b>68. Do action points indicate who is to perform what and by when?</b>				
1	Yes		100.00%	1
<b>69. Does the audit committee provide an effective annual report on its own activities?</b>				
1	Yes		100.00%	1

**9. Overall**

<b>70. Does the audit committee effectively contribute to the overall control environment of the organisation?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	The Audit committee looks for assurance on every aspect of the organisation including the financial and risk management. The committee meets around 3-4 times per year, also for matters arising to meet the needs of the organisation. The committee quickly identifies and addresses any financial implications on the organisation and brings this to the attention of the accountable officer.			
<b>71. Are there any areas where the audit committee could improve upon its current level of effectiveness?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Further training around audit & risk			
<b>72. Does the audit committee seek feedback on its performance from the Board and Accountable Officer?</b>				
1	Yes		100.00%	1
Comments/Action: (1)				
1	Given how transparent this board is, I think if there were any issues these would be raised by Board members and the accountable officer.			

## Agenda item 12

CHS-2021-55

### Remuneration and Appointments Committee Annual Report 2019-20

#### Background

1. This report covers the work of the Remuneration and Appointments Committee (RAC) from 1<sup>st</sup> April 2019 to 31 March 2020.
2. The RAC is responsible for assisting the CHS Board to deliver its responsibilities for effective staff performance management, recruitment, remuneration and appointment in accordance with its Terms of Reference.

#### Overview

3. The committee met on three occasions during the year: 7<sup>th</sup> May 2019; 17<sup>th</sup> September 2019; 28<sup>th</sup> February 2020 and considered 13 items of business including:
  - The NC/CEO appraisal for 2018/19, recruitment of a new NC/CEO and objectives and pay award for 2019/20 were reviewed and agreed.
  - Recommendations for changes to the CHS Senior Management Structure were reviewed and changes agreed.
  - 2019 Staff survey feedback was considered.
  - The committee agreed a 1 year pay policy for CHS staff effective 1<sup>st</sup> April 2020.
  - The committee welcomed the commencement of a Staff Forum and engaged with representatives at the February meeting offering a standing agenda slot to the group which has been accepted.
4. Meetings were held in private to discuss confidential internal policies and staffing matters.
5. **The Committee reviewed it's** ToR and Work Plan in February 2020.
6. Members of the committee who served during the year were:
  - Jo Derrick, Chair
  - John Anderson
  - Beth Anne Logan

#### Attendance

**Members' attendance at committee meetings was as follows:**

	7 <sup>th</sup> May 2019	17 <sup>th</sup> Sept 2019	28 <sup>th</sup> Feb 2020	Attendance
Jo Derrick	x	√	√	66%
John Anderson	√	√	√	100%
Beth Anne Logan	√	√	√	100%
Garry Coutts	observing	observing	observing	N/A

Agenda item 13  
CHS-2021-57

## Digital Programme Update

Accountable Director: Head of Strategy, Development and DCE  
 Report author: Head of Strategy, Development and DCE  
 Resources implications: Within available resources  
 Actions: For Board review and comment  
 Equalities duties: Equalities Impact Assessment Required

Yes

No

This provides an update on CHS Digital programme Activity to mid-January 2021

### 1. Community Hub Services

All services are live and functioning, virtual Observations are being piloted in Tayside and Fife and this will enable this service to be fully tested for the first time since launch. Key areas to highlight:

- 1.1 Panel Member recruitment programme is now live. Applications are being received online through the new CSAS recruitment portal. Shortlisting and selection will fully utilise the new CSAS service to screen applications and Teams will be used to enable virtual information evenings and interviews across Scotland. To support activity, the CHS community have utilised the online digital training modules and a package of training to support virtual interviewing has been put in place through CHSLA. Recruitment in 2021 is essential to enable system recovery, demonstrated by the increased target of 700 new Panel Members. This would not be possible to implement without the provision of devices to PPAs to undertake the online shortlisting and selection of what we hope will be over 1500 applications.

### 2. Digital Devices

- 2.1 500 devices have now been distributed to Panel Members across Scotland. An additional 200 devices are due in the warehouse next week for distribution. Devices for PPAs are in the process of distribution to enable their contribution to the Panel Member recruitment campaign selection process and further enable their quality assurance role.
- 2.2 Following Board approval in Late 2020, 700 devices to support our 2021 Panel member intake have arrived at the warehouse. This decision enabled procurement before the vaccination programme and ongoing support for educational devices further impacted supply chain availability and ensured device availability to meet pre-service timelines.
- 2.3 On-boarding of new Panel Member in 2021 is mission critical for hearings system recovery and has been made possible through investment in digital devices for this cohort. These will be distributed in March to enable trainees to undertake online pre-service training and ensure fast deployment into virtual hearings to support system recovery.



- 2.4 The customer/supplier relationship continues to work well and XMA are providing pro-active support to the team and direct to volunteers. The management portal is effective enabling use of devices to be tracked, resulting in the opportunity to move devices on if they are being under-utilised. As anticipated, some volunteers are needing support to on-board with the Chromebook but are reporting ease of use once set up. From March we will have 1600 devices in the field. As was identified in the original devices business case an additional resource to support the ongoing management of this volume of hardware is identified in the Budget plan for 2021/22. An evaluation of device provision will be conducted late 2021.
- 2.5 The Chromebook device choice and model was identified prior to the advent of virtual hearings, chosen due to the security, performance, cost and remote management model. Operationalisation of the business case was deployed at pace in 2020 to support our virtual pandemic response and recovery.
- 2.6 In March/April 2020 VScene was identified by SCRA as the business continuity response to enable virtual hearings. The user experience of Vscene has been varied with widely reported issues surrounding access, quality of images and audio and frequency of call drop outs, in particular when using the browser to access (vs a desktop App). VScene was identified as requiring review and consideration for replacement originally from October 2020 but timing was impacted by the SCRA CSAS deployment which did not complete until end December 2020. This work is now in progress (see below).
- 2.7 Chromebook utilises browser access and some users are reporting a poor VScene experience. We are working with VScene support and XMA to identify if we may be able to optimise the experience for users, however VScene improvements and alternative tools are also being considered as part of the Short Term Virtual Hearing Design project identified below.
3. Short Term Virtual Hearing Design – Rapid Response drive
  - 3.1 A joint CHS/SCRA response joint team is in place to pilot virtual hearing design solutions to support business continuity during this period of extended restrictions which have resulted in a reduction in face to face hearing capacity. Led by Lawrie McDonald, a rapid response structure is being utilised with pilots being developed for deployment in a 3 week window. 3 Pilots are under consideration including an enhanced VScene model and MS Teams. Work will consider the complete virtual hearing experience to include access to online hearing papers and online completion of the Record of Proceedings. These will be deployed w/c 8<sup>th</sup> February and run, with a process of continual improvement, until end June 2021 whereby work will roll into development of a long term virtual business solution.
  - 3.2 This work is critical to support hearings system resilience and recovery. The next 3 weeks will be intensive, activity including technical development of a MS Teams environment; identification and training of resources within SCRA to manage and administer virtual hearings, including provision of support to hearings participants including families and children; identification and implementation of the joint roll out plan; communication, training and awareness raising amongst the SCRA and CHS communities.
4. CSAS+ Development

The 4 sprint development programme through to end 20/21 to support Covid recovery, has commenced. This will run in parallel to the Short Term Virtual Hearing Design programme. Development impacting CHS will include hearing and rota scheduling of virtual hearings and digital on and off boarding efficiencies.

5. Recommendations

The Board is asked to consider and discuss the digital update.

Agenda item 14  
CHS-2021-58

Quarter 3 Performance Report

Accountable SMT member: Head of Strategy, Development & DCEO  
 Report author: Michael Beardmore  
 Resources implications: Within available resources  
 Purpose: For Approval  
 Equalities duties: Equalities Impact Assessment Required  
 Yes?  No

1. Introduction

1.1 This cover paper accompanies the Quarter 3 (Oct, Nov, Dec) Performance Report and gives some context for the report.

2. Comment

2.1 As per Board discussions, the definition of Amber and Red classification of objectives has been extended. Amber now includes those objectives that have been partially de-scoped (for example, only 2 out of 3 milestones within the objective will be developed). Red now includes those objectives that have had all their constituent milestones de-scoped, meaning no element of the objective will be delivered in the year.

2.2 As with the Performance Report for the previous quarter, a review of planned activities to end Q4 has taken place, considering the progress of current work and anticipated upcoming pressures and priorities. Having undertaken this exercise, it is recommended that the following milestones be considered for inclusion in 2021/22 plans:

Milestone	Description	Comment / Proposal
1.3	Implementing recommendations from UNCRC report during Q4	Now publication is targeted for Q4, recommendations will not be in place to progress until 2021/22. Activity covered by this is now happening via the Children's Rights & Inclusion Strategy, however.
3.2	Completion rates of rights course	Course will not be delivered until during Q4, so completion monitoring will likely begin Q1 on 2021/22.
4.3	Feedback on advocacy implementation	s.122 came in to force in November, so time is needed before feedback can be collected and will commence in 2021/22.
8.2, 8.3	Sampling of reasons and decisions	COVID pressures on Practice team and hearing scheduling mean capacity is limited to complete this work until 2021/22.
12.4	Progressing PM continuity during Q4	Continuity policy is in place and being used locally, but due to Covid capacity is limited to carry out targeted work on improvements. Specific work on this has

		been identified as a priority improvement aim for 2021.
17.2	Implementation of recommendations of trauma-sensitive plan	Completion of plan due in Q4 – Impacted by Covid, implementation of introductory training likely to be Q1 of 2021/22.
32.2	First Digital Benefits Realisation monitoring	The digital system needs to be fully and widely operational before this can take place. This includes SCRA elements, as the Benefits Realisation exercise will involve joint measures. Deployment and take up has been impacted by Covid. Opportunity may be available to align this with the Community Survey over the Summer of 2021.

3. Recommendations

- 3.1 The Board are asked to approve the milestone review recommendations identified in Section 2.2 above.
- 3.2 The Board are asked to approve the Q3 Performance report.

# Children's Hearings Scotland: Quarterly Performance Report

## QUARTER 3 (Oct, Nov, Dec 2020)



### Quarter Summary - Objectives:

	Objectives				
	B	G	A	R	-
Theme 1 - Rights	0	1	2	0	1
Theme 2 - Hearings	4	7	3	1	0
Theme 3 - Panel	5	8	1	1	0
Theme 4 - Evidence & Environment	3	4	1	1	0
<b>TOTAL</b>	<b>12</b>	<b>20</b>	<b>7</b>	<b>3</b>	<b>1</b>

### Milestones:

	Number of Milestones at End Q3
Planned to Complete (in Business Plan)	33 (10 in Q1; 12 in Q2; 11 in Q3)
Completed - Actual	26 (10 in Q1; 5 in Q2; 11 in Q3)
Still to Complete	26
Descope	7 (8 further proposed in Q3)

<b>Key:</b>
Blue = Objective completed
Green = Objective on track to be completed on time / budget
Amber = Objective at risk of not being delivered on time / budget - or partially descope
Red = Objective at serious risk of not being delivered on time / budget - or Objective has been descope
Dash (-) = Not yet due for reporting / update

## Theme 1: Better Protect and Uphold the Rights of Children

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
1	Better understand how the UNCRC can be realised in CHS's work and reflect on our current performance by producing our first <b>UNCRC Realisation Report</b>	█	█	█	█	1.1	Develop a framework/approach for reporting on our progress on the realisation of UNCRC	Complete by end Q2	Q1: 30% Q2: 100%	Completed in Q2
						1.2	Publish the UNCRC Realisation Report with recommendations for further work	Complete by end Q4	Q3: 75%	Data & Evidence Officer carried out exercise mapping work to Articles. First draft will come to Board in Jan 2021.
						1.3	Begin to implement recommendations	Progress to end Q4	-	Propose de-scoping as publication will be during Q4 - activity taking place under Rights & Inclusion Strategy
2	Improve how children and young people can be involved in hearings through a new <b>rights and inclusion strategy</b>	█	█	█	█	2.1	Publish a Rights and Inclusion strategy	Complete by end Q3	Q3: 100%	Following extensive consultation, strategy was published on 20/11/20
						2.2	Begin to implement the actions from the strategy	Progress up to end of Q4	Q3: 50%	Implementation planning now taking place by Rights & Inclusion Coordinator
3	Achieve a sound understanding of children's rights across our community through the provision of a new <b>online course on rights</b>	-	-	-	-	3.1	Delivery of online course	Complete by end Q4	-	Meeting with partner organisation set for Q4. Rights & Inclusion Coordinator now in post to support development.
						3.2	Monitor the completion rate of the course	20% of vols completed by end Q4	-	Propose de-scoping, in line with the delivery of the above milestone

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
4	Ensure children are supported to express their views and opinions by implementing the national <b>Advocacy</b> Scheme in children's hearings (section 122 of CHS 2011 Act)	-	-	Q3		4.1	Make training, practice guidance and support available to the volunteer community	Dependant on external timelines	Q3: 100%	s.122 now in force; training module available on Learning Academy; awareness-raising carried out on Teams
				4.2		Review all training courses to include advocacy	Dependant on external timelines	Q3: 100%	Relevant courses reviewed -Management of Hearings; Contact.	
				4.3		Review the implementation and Panel Member experience of advocacy by gathering feedback	Dependant on external timelines	-	Propose descoping - s.122 came in to force in November, so time is needed before feedback	

## Theme 2: Deliver Consistently High-Quality Hearings

Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
	Q1	Q2	Q3	Q4				
5 Ensure that hearings are increasingly respectful, caring and fair places by introducing and implementing a <b>Code of Conduct across the volunteer community</b>					5.1 Publish Code of Conduct	Publish during Q4	Q1: 90% Q2: 90% Q3: 90%	Draft went to Active Implementation Group in June. Approved by Board, pending alteration, at Nov 2020 meeting
					5.2 Progress Dissemination of Code of Conduct	During Q4	-	
					5.3 Complete Dissemination of Code of Conduct	Complete by end Q4	-	
6 Ensure Panel Members are provided with the best possible information with which to make decisions by launching and implementing new operational and quality assurance processes for managing <b>independent reports</b>					6.1 Recruitment of new report writers	Complete by end Q1	Q1: 100%	51 applications received; 30 interviews; 21 appointed
					6.2 Review of guidance to request additional reports including local authority reports, safeguarder reports and independent reports.	Complete by Q3	Q3: 100%	New section on 'requesting additional reports' included in December PPM update
					6.3 Launch of Quality Management Framework	Complete by end Q4	-	Work is underway to develop this framework, though this will not be implementable by end Q4. Current priority is to work with the Independent Report Writer Group to provide feedback and development opportunities.



7	Improve the utility and relevance of our <b>standards and competencies</b> by undertaking an analysis and alignment exercise	-	-		7.1	Align CHS standards and competencies internally, and where relevant, externally	Complete by end Q3	n/a	Descoped in Q2
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	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
8	Improve the quality of written reasons for <b>Panel Members' decisions</b>	Green	Green	Yellow		8.1	Develop and test a framework for national review	Complete by end Q1	Q1: 100%	Framework developed and tested with sample of written reasons in 2 AST areas and feedback provided.
						8.2	Sample decisions from across Scotland	Complete by end Q3	-	Propose descoping due to capacity - roll on to next year
						8.3	Make recommendations based on findings	Complete by end Q4	-	Propose descoping due to capacity - roll on to next year
9	Provide Panel Members with support to be to make <b>effective and timely decisions</b>	Green	Green	Green		9.1	Issue guidance focussed on good quality decision making	Progress up to end Q4	Q1: 25% Q2: 50% Q3: 75%	Developed 'Coronavirus Practice Guide' in Quarter 1; Updates undertaken to this guide in Q2 (now version 3.1). Q3 - PPM underwent significant update
10	Have an accountable high-quality hearings system by progressing an effective and efficient <b>complaints process</b>	Green	Green	Green		10.1	Finalise policy	Dependant on external input	Q1: 95% Q2:95% Q3: 100%	Final policy and launch plans approved by Board Nov 2020
						10.2	Publish, with guidance for CYP	Complete by end Q4	-	

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
11	Strengthen quality assurance processes and feedback to Panel Members about performance in hearings through our <b>Panel Practice Advisors</b>	-				11.1	Finalise and implement PPA observation framework	Complete by end Q3	Q1: 50% Q2:50% Q3:50%	PPA pilot took place in Fife and Tayside during Q3. Identified improvements required with the online observation template.
						11.2	PPA observation data is being recorded on the system and is used to inform L&D	Complete by end Q4	n/a	Descoped in Q2
12	Improve the quality of <b>participants' experiences</b> in hearings through specific local projects	-	-			12.1	Extend the CWL 'management of hearings test of change'	Complete by end Q3	n/a	Descoped in Q2
						12.2	Evaluate the impact of the test of change	Complete by end Q4	n/a	Descoped in Q2
						12.3	Continue to progress the implementation of Panel Member Profiles	Progress up to end Q4	n/a	Descoped in Q2
						12.4	Improve the implementation of Panel Member continuity	Progress up to end Q4	-	Propose descoping for remainder of 2020/21. Continuity policy is in place and being used. Specific work on this has been identified as a priority improvement aim for 2021.

### Theme 3: Continue to Build and Effective, Empathetic Panel, that is well-supported

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
13	Offer our community opportunities to learn, develop and improve in their roles by creating new <b>online training modules</b> through the Learning Academy	█	█	█		13.1	Modules 1, 2, and 3 live	Complete by end Q1	Q1: 100%	Hearings in Lockdown', 'Permanence' and 'Child Development' courses launched
						13.2	Module 4 live	Complete by end Q4	Q3: 20%	Re-vamped Information Governance course - scoping work has begun
						13.3	Panel Member completion of mandatory training - Advocacy 50%; Permanence 50%; Information Governance 85%	Complete by end Q4	-	
14	Ensure that Panel Members are equipped with accurate, up-to-date information and advice by updating the digital <b>Practice and Procedure Manual</b>	-	-	█		14.1	First PPM Update	Complete by end Q3	Q3: 100%	1 large update completed in Q3, rather than 2 smaller. New edition includes updates on advocacy, non-disclosure, independent reports, deferrals, grounds and proof, and GIRFEC.
						14.2	Second PPM Update	Complete by end Q4	Q3: 100%	
15	Connect our volunteer community by running a programme of <b>engagement events</b> across Scotland	█	█	█		15.1	Run first set of 4 virtual engagement events	Complete by end Q1	Q1: 100%	4 events carried out, covering 12 ASTs
						15.2	Run second set of 4 virtual engagement events	Complete by end Q2	Q2: 100%	4 events carried out, covering 10 ASTs. Evaluation now in place.
						15.3	Begin to run local engagement events	Reach 6 ASTs by end Q4	-	First event possibly during Q4, but may not reach 6 ASTs.
16	Ensure volunteers are supported with the personal and emotional side of their role by introducing a new <b>wellbeing support approach</b>	█	█	█		16.1	Finalisation of approach	Complete by end Q3	Q1: - Q2:100%	Health Assured support was launched in July; Flu jabs made available from Sept
						16.2	Dissemination of approach	Progress up to Q4	Q1: - Q2: 50% Q3: 100%	Advertised on Teams for Community awareness in Q2 and Q3

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
17	Better understand how to work effectively with the range of experiences that babies, infants, children, young people and families who attend hearings may have through a <b>trauma-sensitive improvement plan</b>					17.1	Produce a trauma-sensitive improvement plan	Complete by end Q4	Q1: 20% Q2: 50% Q3:60%	Planning continues with meeting held between CHS, CHSLA, SCRA and NHS Education for Scotland to identify shared resources and joint working options. Trauma learning is also being incorporated into re-design of pre service training to commence April 2021. Overall plan still in draft.
						17.2	Begin to implement plan recommendations	Progress through Q4	-	Propose descoping in-line with development of plan (Q4). Introductory learning on trauma is in development during Q4 for implementation in 2021, including learning for new Panel Members
18	Allow us to improve how we recruit, train, and support a diverse Panel through a new <b>equality strategy</b>					18.1	Publish Equality, Diversity & Inclusion strategy	Complete by end Q4	Q1:40% Q2:80% Q3: 90%	Draft document is undergoing consultation amongst the CHS community.
						18.2	Implement actions from the strategy	Progress up to Q4	-	Some aspects of the strategy are already in place or in development (via Equalities Outcomes)
19	Ensure Panel Member training maintains its rigour and quality by reviewing the <b>Professional Development Award</b> in partnership with the Learning Academy	-	-			19.1	Carry out a review of the PDA, identifying changes where necessary	Complete by end Q4	Q3: 30%	Delays impacted by Covid-19. CHSLA focus has been on re-purposing training to online to support pre-service and virtual hearings training. To date Day 6 and 7 have been adjusted to move online and have been well received.

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
20	Promote the contribution of our volunteers and the impact they make on the lives of children and young people through a dedicated <b>volunteer recognition campaign</b>					20.1 Volunteer recognition campaign during Volunteers Week (1st - 7th June)	Complete by end Q1	Q1: 100%	Internal and external campaign ran 1st-7th June including video message from Maree Todd
21	Have <b>recruitment activities</b> that respond to the current environment and local need to recruit diverse and committed volunteers					21.1 Confirmation of Panel Member recruitment plans	Complete by end Q1	Q1: 100%	Pending approval by Board of proposal to hold campaign from January 2021.
						21.2 Identify and undertake recruitment actions dependant on identified plans	During Q4	-	Preparation and planning on specific elements (CYP inclusion; Equality & diversity) has taken place. Campaign ready to go live in Q4.
						21.3 Involve CYP in Panel Member recruitment activities	100% of ASTs involving CYP - Q4	-	Inclusion group representatives met with RRRG to progress initial audit of previous involvement.
22	Carry out a review of our <b>Recruitment &amp; Reappointment policies</b> for volunteer roles	-	-			22.1 Produce revised Recruitment & Reappointment policies	Complete by end Q3	n/a	Descoped in Q2

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
23	Retain Panel Members by ensuring they are <b>reappointed</b> in an efficient and effective way					23.1 Carry out necessary reappointment processes	Complete by end Q1	Q1: 100%	Revised process introduced - virtual reviews; recommendations and appointment confirmations streamlined to e-versions. Approximately 370 Panel Members will have been reappointed by end of June.
24	Retain AST Members by ensuring they are <b>reappointed</b> in an efficient and effective way					24.1 Carry out necessary reappointment processes	Progress up to Q4	Q1: 25% Q2: 50% Q3: 75%	Revised process introduced. Dates for AST reappointment are spread throughout the year.
25	Better support the recruitment of <b>AST roles</b> through the provision of new resources					25.1 Produce refreshed AST recruitment materials	Complete by end Q1	Q1: 100%	New marketing collateral (including social media, newsletter wording, images etc) for use by ASTs produced.
26	<b>Support ASTs</b> to fulfil their role effectively					26.1 ASIPs to work alongside ASTs to support local AST operations	Progress up to Q4	Q3: 75%	ASIPs have continued to work locally to support ASTs, particularly around COVID response planning and capacity for 2021.

27	Provide effective new services to the volunteer community through a new <b>digital system</b>					27.1	MS Teams and email tools are available and utilised as a communication tool nationally	Q1 - 95% email take up	98% ?	Email take up at 93% nationally as of 5/6/20. Covid circumstances will be presenting a barrier to engagement for some of our community. All ASTs have dedicated Teams areas, and all ASTs were represented at Connecting the Community events , held on Teams.		
								Q2 - 100% ASTs using Teams	Q2: 100%			
								Q3 - 100% ASTs using video	Q3: 100%			
								27.2	Launch of CHS Functional Services	Complete by end Q2	Q1: - Q2: 100%	All ASTs are now live with digital services
								27.3	Utilise digital system for training and events	Complete by end Q4	-	LDCs have taken part in testing of the live system using dummy data. Limited local learning activity taking place currently due to Covid-19.
								27.4	Utilise digital system for complaints and concerns tracking	Complete by end Q4	-	Complaints team have undertaken testing of live system. This will now be utilised for complaints concerns handling
								27.5	Utilise digital system for rota management	Complete by end Q4	-	Rota Management training has taken place for all rota managers. Local AST/SCRA workshops taking place to enable effective rota management that support the mix of virtual and F2F hearings currently taking place.
		27.6	Expenses service encourages more volunteers to claim expenses	Complete by end Q4	-	Expenses module is live and beginning to be utilised. Clerks have tested live system using dummy data.						



## Theme 4: Be Well-Informed and Influential in our Environment and Communities

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
28	Contribute to driving change in the sector through strategic involvement in the implementation of the <b>Independent Care Review</b> findings	-				28.1 Contribute to implementation	Progress up to Q4	Q2: 50% Q3:75%	Session with Promise Team took place in Q3. CHS was represented at various Promise webinars and at a conference on its implementation. Organisation response to Promise consultation submitted.
29	Ensure we are connected to, and influencing, knowledge development in the sector by being involved in <b>research</b>					29.1 Participate in 2 external research advisory groups	Progress up to Q4	Q1: 25% Q2: 50% Q3: 75%	Contributions have been made to ACR research advisory group; Under-12s in Residential Care group underway, with 20 panel members agreeing to participate; Q4 involvement in CELCIS proposal.
30	Improve the skills and capacity we have to make changes by <b>training</b> our staff and volunteer leaders in improvement and implementation science in partnership with CELCIS	-	-			30.1 Deliver first wave of courses	Complete by end Q3	Q3: 100%	2 day improvement event held in October for all staff and Area Conveners (rather than 2 waves of courses), supported by CELCIS. Covered improvement methods and CHS projects.
						30.2 Deliver second wave of courses	Complete by end Q4	Q3: 100%	

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
31	Improve understanding of our function externally through the delivery of a new <b>corporate website</b> , including a section for children and young people					31.1 Launch of new CHS website	Complete by end Q1	Q1: 100%	New website due for launch at end on June. New site is designed to be more user friendly and includes section specifically for children and young people.
32	Improve CHS data and management information availability through a new <b>digital system</b>	-	-			32.1 Develop and improve management information reports at a variety of operational levels	Progress to end Q4	Q3: 20%	Training on new software underway and first extract of data has been made. Scoping of reporting needs has taken place within CHS. Direct access to CHS data is not yet possible, but work is continuing on this.
						32.2 Undertake the first digital benefits realisation monitoring exercise	Complete by end Q4	-	Propose descoping - this is a shared exercise with SCRA and slower launching of services mean that this is delayed.
33	Keep our community up-to-date with developments and thinking in the sector by giving them access to the <b>views of specialists</b>	-	-			33.1 Deliver 2 'Learn from the Experts' activities	Complete by end Q4	n/a	Descoped in Q2
34	Identify ways to allow our work to be <b>influenced by lived experience</b> of hearings					34.1 Publication of Rights and Inclusion strategy	Complete by end Q3	Q3: 100%	Following extensive consultation, strategy published on 20/11/20
						34.2 Implement the action from the strategy	Progress up to end of Q4	-	Planning now underway by Rights & Inclusion Coordinator

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
35	Nationally consistent approach to ASIP involvement in Corporate Parenting and GIRFEC <b>groups locally</b>					35.1	Agreement of approach	Dependant on external environment	Q2: 100%	Completed in Q2
						35.2	Implementation measure	Dependant on external environment	Q2: 90% Q3:100%	All areas now have participation in local groups, covering all local authorities.
36	Continue active contribution to <b>national strategic and advisory groups</b> within the sector					36.1	Involvement with CHIP and sub-groups	Dependant on external environment	Q1: 25% Q2: 50% Q3: 75%	Contribution to sector-wide working group on implementation of policy including 16-17 year olds in the hearings system. COVID data reports produced for CHIP.
						36.2	Involvement with YJIB and sub-groups	Dependant on external environment	Q2: 50% Q3:75%	Contribution to YJIB continues through National Convener attendance
						36.3	Involvement with ACR Advisory Group	Dependant on external environment	-	

## Coronavirus Resilience and Recovery Action Log - Oct, Nov, Dec

This page lists key Coronavirus activities that have taken place during the quarter

### **SECTOR ENGAGEMENT AND COLLABORATION**

Weekly meeting involving Scottish Government, COSLA, Social Work Scotland, SCRA and CELCIS

Bi-Weekly CHS SMT/SCRA EMT meetings

NC attendance at weekly meeting with Social Work chief officers and other sector reps

### **COMMUNITY ENGAGEMENT AND SUPPORT**

Weekly SMT/Area Convener Call

Weekly, or bi-weekly 'Coronavirus Comms' out to the CHS Community via Teams

Distribution of ChromeBooks to Panel Members continued

PPA Training Pathway introduced

PPA pilot ran in Fife and Tayside

Practice Team participation in local events focussed on COVID response

Videos with NC and Neil Hunter and Maree Todd MSP including reflections on COVID response

Digital Hearings pinbadges and letter distributed

Plans for re-engagement of inactive Panel Members developed

### **GUIDANCE**

On-going provision of guidance - particularly through Practice Team engagement on Teams

Specific guidance on travel within the COVID Tier classifications, and for Panel Members in COVID-vulnerable age groups

### **REPORTING**

1 x Reports to SG on Coronavirus Emergency Legislation Use (November)

1 x Supplementary Data reports on Emergency Legislation Use for CHIP (with SCRA)

Monitoring of use of Emergency Legislation provisions in on-going

### **PLANNING**

CHIP Multi-Agency Recovery Strategy launched

Meetings between LRMs, Acs, ASIPS and Rota Managers took place to undertake further capacity planning

KPI	Past Performance	2020/21 Target	2020/21 Performance
% Panel Members who have completed Children's Rights online module	New measure	30% by end Q4	Not Yet Due
Training courses developed with partner organisation input	New measure	5 courses	3 out of 3 courses so far
% of complaints resolved within SPSO guidelines, during normal operations	17/18- 100%; 18/19 - 92%; 19/20 - 100%	100%	Not Yet Due
% CHS employee attendance	17/18- 96%; 18/19 - 95%; 19/20 - 93%	96%	Q1 - 97.6% Q2 - 98.8% Q3- Being Calculated
% invoices not in dispute paid within 10 working days, during normal operations	17/18- 80%; 18/19 - 92%; 19/20 - 85%	90%	Q1 - 94.4% Q3 - 90%
% IT helpdesk calls resolved within SLA terms	17/18- 90%; 18/19 - 90%	90%	Move to new support framework in process, established new contact methods in Q2 including escalation through to SCRA and Leidos. SLAs are in process of being determined.
% of pre-service trainees who felt that the learning objectives were met	19/20 - 98%	95%	Not Yet Due
% positive staff survey feedback on opportunities for learning and development	18/19 - 33%; 19/20 - 51%	55%	Not Yet Due - survey currently taking place

## Record of Changes to Planned Delivery

	Milestone(s) Changed	Date of Change	Details of Change	Rationale for Change
	1.2	Q3	Publication of UNCRC report moved to Q4 rather than Q3	Data & Evidence Officer in post in October, leading on the development of this report
	3.1	Q3	Production of rights course moved to Q4 rather than Q3	Can progress now Rights & Inclusion Coordinator is in post
	5.1	Q1	Publication of Code of Conduct moved to Q2 rather than Q1	To allow Code of Conduct to be published alongside the Rights & Inclusion Strategy
	5.1	Q3	Publication of Code of Conduct moved to Q4 rather than Q2	Align with recruitment timings
	5.2	Q1	Dissemination of Code of Conduct in Q3 rather than Q2	Due to change of milestone 5.1 (above)
	5.2	Q3	Dissemination of Code of Conduct in Q4 rather than Q3	Due to change of milestone 5.1 (above)
	2.1	Q2	Publication of Rights and Inclusion strategy moved to Q3, rather than Q2	To allow in-depth consultation with a range of stakeholder organisations
	5.1	Q2	Publish Code of Conduct moved to Q4 rather than Q2	Allow input from care experienced people, and align to recruitment timings
	5.2	Q2	Dissemination of Code of Conduct in Q4 rather than Q2	Due to change of milestone 5.1 (above)
	7.1	Q2	Work on standards and competencies descoped	This work is not a priority this year due to COVID context, but is important for future delivery.
	11.2	Q2	PPA data informing learning and development descoped	Observations not taking place, meaning no substantial data is being made available via the digital system
	12.1	Q2	Local projects descoped	Not able to progress due to changes in delivery due to
	12.2	Q2	Local projects descoped	Not able to progress due to changes in delivery due to
	12.3	Q2	Local projects descoped	Not able to progress due to changes in delivery due to
	13.2	Q2	Delivery of online training module 4 moved to Q4 rather than Q3	Capacity for completion impacted development of COVID training
	14.1	Q2	PPM update moved to Q3 rather than Q2	Capacity impacted by COVID activities and current reduction of practice team
	17.1	Q2	Production of trauma-sensitive plan moved to Q3 rather than	Capacity for completion impacted by COVID activities
	17.1	Q3	Production of trauma-sensitive plan moved to Q4 rather than	Capacity for completion impacted by COVID activities

18.1	Q2	Publication of Equality strategy moved to Q3 rather than Q2	Internal approval timescales changed, and consultation
19.1	Q2	Review activities of PDA moved to Q4 rather than Q3	Capacity for completion impacted development of COVID training
22.1	Q2	Review of recruitment policies descoped	Capacity for completion impacted by COVID activities
33.1	Q2	Learn from the Experts activities descoped	Capacity for completion impacted by COVID activities

## Agenda item CHS-2021-60

### Draft UNCRC Report

<b>Accountable SMT member:</b>	Head of Strategy, Development & DCEO
<b>Report author:</b>	Data and Evidence Officer and National Quality & Performance Lead
<b>Resources implications:</b>	Within available resources
<b>Purpose:</b>	For Consideration and Discussion
<b>Equalities duties:</b>	Equalities Impact Assessment Required
	<input type="checkbox"/> Yes? <input checked="" type="checkbox"/> No

#### 1. Introduction

This paper accompanies our initial draft Progressing Rights report which details the activities CHS has undertaken to better realise the United National Convention on the Rights of the Child (UNCRC). It provides an update on our duty to produce the report, the process behind the development of the report and details our next steps and timescales.

#### 2. Legislative context

Part 1 (section 2) of the Children and Young People (Scotland) Act 2014 places a duty on a range of public authorities to report 'as soon as practicable' after the end of each 3 year period, on the steps they have taken to secure better or further effect of the requirements of the UNCRC.

This section came into force on 1/4/2017, meaning that the first report (covering 2017-2020) is due after 31/3/2020.

#### 3. Comment

The report collates activity information gathered through an extensive trawl of information including annual reports, impact reports, corporate parenting and business plans, responses to consultations, the PPM, training plans and activity, key performance indicators, and minutes meetings, for example. Next an exercise was conducted to organise how this activity information relates to the UNCRC clusters and articles.

The report links closely to our Rights and Inclusion Strategy and incorporates the reflective statements from Appendix 2 of that document. Our Children's Rights and Inclusion Co-ordinator has been kept informed of, and contributed to discussions about, the development of this draft report.

This report will be the first of a series of 3-year Progressing Rights reports. For this first report, as well as detailing specific activities, we have included details of how the way in which hearings operate, and the duties of Panel Members, contribute to protecting and promoting children's rights. In future reports, it may not be necessary to include this detail and to focus just on specific activities that have been undertaken to give further effect to children's rights.



The overall structure of the report has been based on an approach suggested in the non-statutory guidance relating to the UNCRC. It is based around the eight UNCRC clusters and the individual Articles that fall within these. Some of the clusters and Articles are more closely linked to CHS' work than others and this is made clear throughout the draft report.

The report provides information on:

- What we do in relation to each of the UNCRC clusters and Articles
- What evidence we have of our work
- How we are going to move forward with a rights-based approach.

It links closely with both our Corporate Plan and our Rights and Inclusion Strategy.

At present there are still some gaps in the report where some additional work is required (for example, in relation to specific data, and, in the final section of the report, our quality improvement programme and how our next steps relate to the specific UNCRC clusters). In addition, some further checks need to be carried out to give full assurance regarding the accuracy of some of the content. This work will take place in time for Board approval in March (see timings in 4., below).

#### **4. Next steps**

We are working alongside our Children's Rights and Inclusion Co-ordinator to seek the views of young people on this draft of the report. We hope to hold an initial discussion with a group on **30 January 2021**.

As recommended in the guidance, we will also be producing a shorter, easy access version of this report. We will work with this same group as above, and possibly others too, to help develop this shorter version. A draft of the easy-read version of the report will go to the SMT meeting on **2<sup>nd</sup> March 2021**.

Both the full and easy read version of the report will go through the CHS design process and initial discussions with the Communications Team have already begun.

A final draft of both the full and easy read versions of the report will be submitted for approval at the Board meeting on the **23<sup>rd</sup> March 2021**.

After publication, we will also gather the views of children, young people and the wider community to help scrutinise this report.

#### **5. Actions**

The Board are asked to consider and discuss the draft Progressing Rights report and provide any feedback.



## Progressing Rights at Children's Hearings Scotland

A Report by Children's Hearings Scotland on the steps taken to secure better or further effect of the requirements of the UNCRC (under section 2 of the Children and Young People (Scotland) Act 2014) for 2017-2020

## Foreword

We are approaching a major turning point in children’s rights. At the time of publication, the United Nations Convention on the Rights of the Child (Incorporation) (Bill) has entered stage ? of its progression through the Scottish Parliament. The Bill will see children’s rights become legally protected in Scotland and embed them firmly within the operations and decision-making of our public functions.

It is central to my role to ensure that we at Children’s Hearings Scotland treat our responsibilities under the UNCRC seriously and take action to promote and protect the rights of infants, children and young people in our work and in hearings.

This report sets out our activity relating to the Convention’s Articles during the period April 2017 to March 2020 and it is the first of what will be a series of reports. While it highlights some great examples of work that have contributed to furthering children’s rights within the hearing system, by both the national team and the volunteer community, it also identifies where we could do better and how we are going to address this over the next two to three years.

Over time, this series of reports will allow us to evidence the increasing prominence that we as an organisation are giving to children’s rights. While this first report only examines the period up to March 2020, a significant amount of work has already been undertaken since then, highlighting our commitment to furthering children’s rights. We have published our Children’s Rights and Inclusion Strategy, appointed a Coordinator to oversee its implementation, and made sure that the inclusion of children and young people formed a central part of our most recent Panel Member recruitment drive. We want to continue with this pace of change so we can be confident we take a children’s rights based approach to everything we do here at CHS. This is fundamental not only to effective hearings, but also to us delivering on expectations of The Promise.

*“Throughout the changing landscape over the past few years, there has been clear unequivocal challenge to Scotland’s care sector. We **must** put the children or young person’s voice at the centre of all that we do”*

- CHS Children’s Rights and Inclusion Strategy

This report, and the child-friendly version that accompanies it, build from our Children’s Rights and Inclusion Strategy, which was created in collaboration with young people who have lived experience of the hearings system. Their input has been invaluable. Now we have published our Progressing Rights Report, we would really like to hear what children, young people, families, and wider communities think about this report and how they think CHS can contribute to further to enhancing children’s rights within the hearing system. Opportunities for this will be made available on our website and social media.



Elliot Jackson  
National Convener  
& CEO

I am grateful to the volunteer and staff community for all their continued hard work in and I am confident that children’s rights will be at the centre of the evolving children’s hearing system and will continue to drive everything we do in the future.

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## About CHS

Children's Hearings Scotland (CHS) is one of a number of organisations that work within the children's hearings system, Scotland's unique care and justice system that exists to ensure the safety and wellbeing of infants, children and young people in Scotland.

Our activities focus on recruiting, training and supporting volunteer Panel Members who make decisions in children's hearings (sometimes known as the 'Children's Panel'), and volunteer Area Support Teams (ASTs) who provide support and direction at a local level.

We have a national team of 40 staff and 3,000 volunteers within our community. We are led by the National Convener and Chief Executive. The National Convener is responsible for the recruitment, training, retention and support of Panel Members.

Between April 2017 and March 2020, our Panel Members sat on 94,569 hearings (2017/18=32,553; 18-19=31,653 and 19/20=30,363). In 17/18, hearings were held for 14,076 children, in 18-19 for 13,667 children and in 19/20, for 13,316 children.<sup>1</sup>

## UNCRC and Children's Rights Reporting

The United Nations Convention on the Rights of the Child (UNCRC) is the international legal framework developed to ensure children's<sup>2</sup> rights are protected and ensured. It was introduced in 1989 and ratified by the UK Government in 1991.

It is the most widely ratified human rights treaty in history, helping to transform children's lives across the world. It has 54 Articles in total, where 1 – 42 apply to children specifically, while 43 – 54 outlines how adults and governments should work together and are outwith the scope of this report.<sup>3</sup>

In 2019, the Scottish Government announced the UNCRC will be fully incorporated into Scots Law, a move that CHS fully supports. Although the UNCRC is not yet part of Scottish Law, as signatories to the Convention, all public authorities in Scotland have a duty, under Part 1 (section 2) of the Children and Young People (Scotland) Act 2014, to report after the end of each 3 year period, on the steps they have taken to secure better or further effect of the requirements of the UNCRC. This report covers the period April 2017 to March 2020.

## Our Vision for Rights and Inclusion at CHS

We are committed to putting children's rights and the UNCRC at the centre of everything we do. Children's rights are increasingly at the forefront of our work and our Children's Rights

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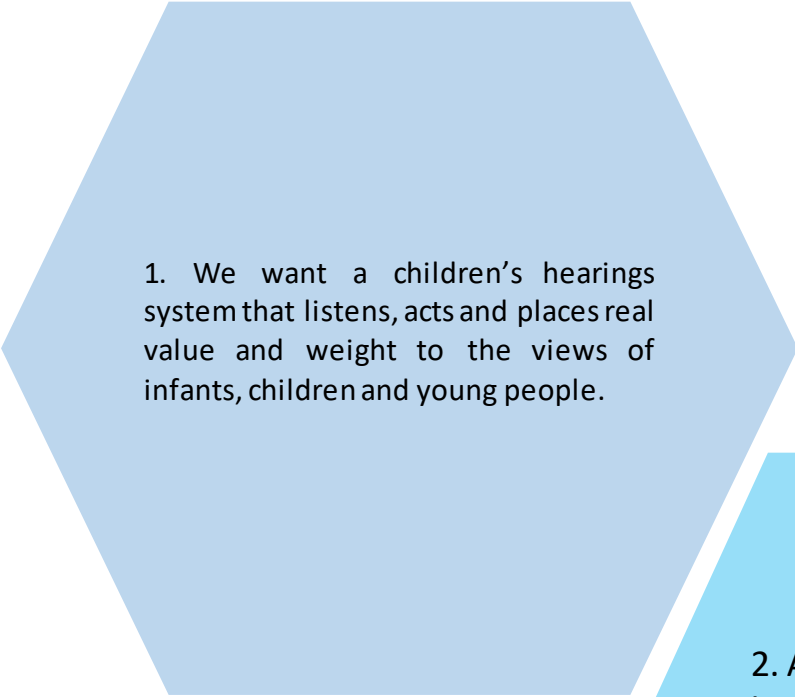
<sup>1</sup> CHS does not collect information on individual children therefore cannot produce disaggregated data

<sup>2</sup> Future reference to child or children includes: infants, children and young people under the age of 18 years


<sup>3</sup> CHS activity does not relate to Articles: 5,10,11,14,15,18,26, 28,29,31,35 and 38.

and Inclusion Strategy clearly states our vision for how we will carry out our work and the impact we want to see.

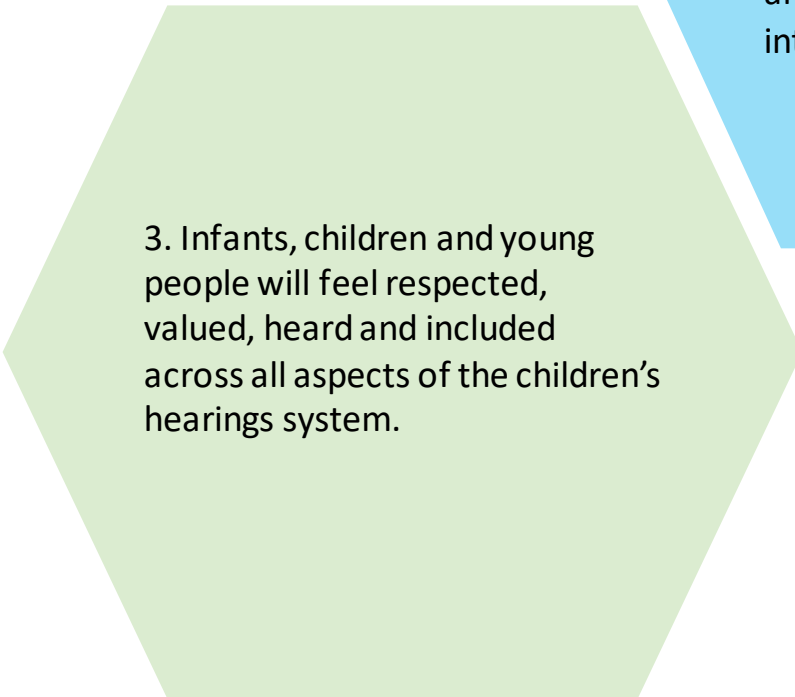
Our Rights and Inclusion Vision:



1. We want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people.



2. At Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners.

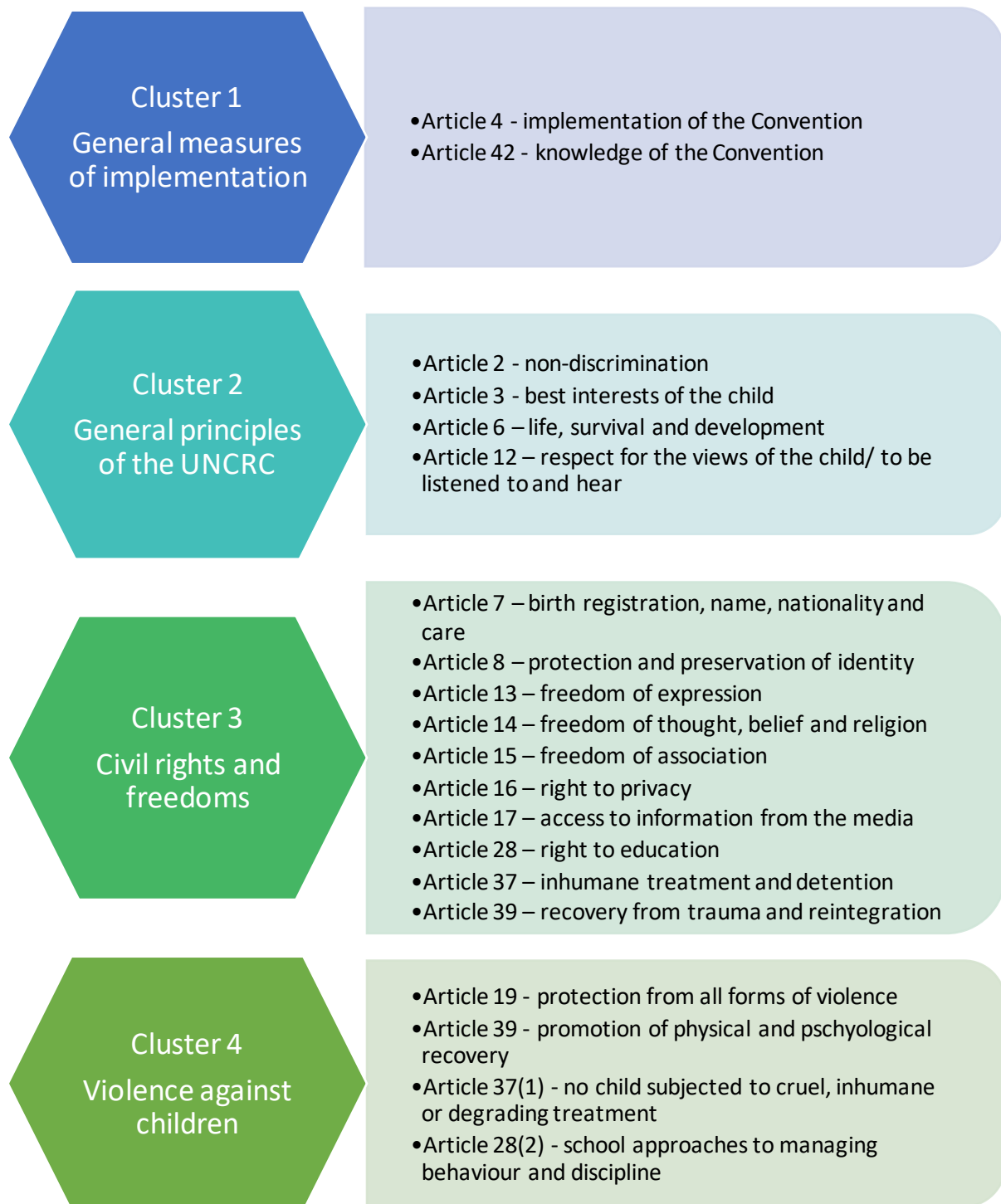


3. Infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.

## The UNCRC Clusters

In order to show how the CHS has contributed to ensuring the children's rights are respected, protected, enabled and fulfilled, our activities have been linked to the UNCRC Articles and then grouped into the eight UNCRC clusters. There is some overlap between some of the clusters.

The Clusters and Articles are:



Cluster 5  
Family  
Environment  
and Alternative  
Care

- Article 5 - parental guidance and a child's evolving capacity
- Article 9 - separation from parents
- Article 10 - family reunification
- Article 11 - abduction and non-return of children
- Article 18(1-2) - parental responsibilities and state assistance
- Article 19 - protection from all forms of violence
- Article 20 - children deprived of a family
- Article 21 - adoption
- Article 25 - review of treatment in care
- Article 27 - adequate living standards
- Article 39 - recovery and rehabilitation of child victims

Cluster 6  
Basic Health  
and Welfare

- Article 6 - life, survival and development
- Article 18(3) - parental responsibilities and state assistance
- Article 23 - children with disabilities
- Article 24 - health and care services
- Article 27(1-2) - adequate standard of living
- Article 33 - drug abuse

Cluster 7  
Education,  
Leisure and  
Culture

- Article 28 - the right to education
- Article 29 - the goals of education
- Article 30 - children in minorities/indigenous groups
- Article 31 - leisure, play and culture

Cluster 8  
Special  
Protection  
Measures

- Article 22- refugee children
- Article 30 - children of minorities/indigenous groups
- Article 32 - child labour
- Article 33 - drug abuse
- Article 34 - sexual exploitation
- Article 35 - abduction, sale and trafficking
- Article 36 - other forms of exploitations
- Article 37(a-d) - inhumane treatment and detention
- Article 38 - war and armed conflicts
- Article 39 - recovery and rehabilitation of child victims
- Article 40 - juvenile justice



## Reporting on the Clusters

In this report we present how our main activities contribute to each of the UNCRC clusters and corresponding Articles. As this is the first of these reports, we have also included some operational details about hearings and the duties of Panel Members more generally and explored how they relate to UNCRC obligations.

While some Articles sit in more than one cluster, we have only reported activity relating to each under a single cluster so as to avoid repetition:

Articles	Reported in Cluster....
4, 42	(i)
2, 3, 6, 12	(ii)
7, 8, 13, 16, 17, 37, 39	(iii)
19	(iv)
9, 20, 21, 25, 27	(v)
23, 24, 33	(vi)
28	(vii)
22, 30, 32, 34, 36, 40	(viii)

For cluster (i) we provide an overview of the framework and structures within which we work and show how they focus on and progress children's rights.

For each of the clusters from (ii) to (viii) we provide:

- A list of the Articles that sit within it - identifying which of these CHS contributes towards and where they are discussed in the report, as well as identifying those that do not apply to CHS' work.
- Reflective statements relating to individual or groups of Articles – these are combination of statements from our Rights and Inclusion Strategy, our formal outcomes, and statements created specifically for the purpose of UNCRC reporting. These [at present] are presented in peach-coloured boxes.
- A discussion of how our activity secures better or further effect of the requirements of the UNCRC Articles and supports our reflective statement.
- Evidence box – at the end of the discussion of each Article or group of Articles we list summaries our activity by providing a list of examples.
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Throughout the report we have presented some more detailed case studies to highlight some of the aspects of our rights-based work we are most proud of.

## Cluster (i): General Measures of Implementation

Cluster (i) focuses on ensuring systems and structures are in place to respect and realise children's rights. It can include activities such as the promotion of children and young people's rights, awareness raising, training, capacity building, resourcing, and service planning.

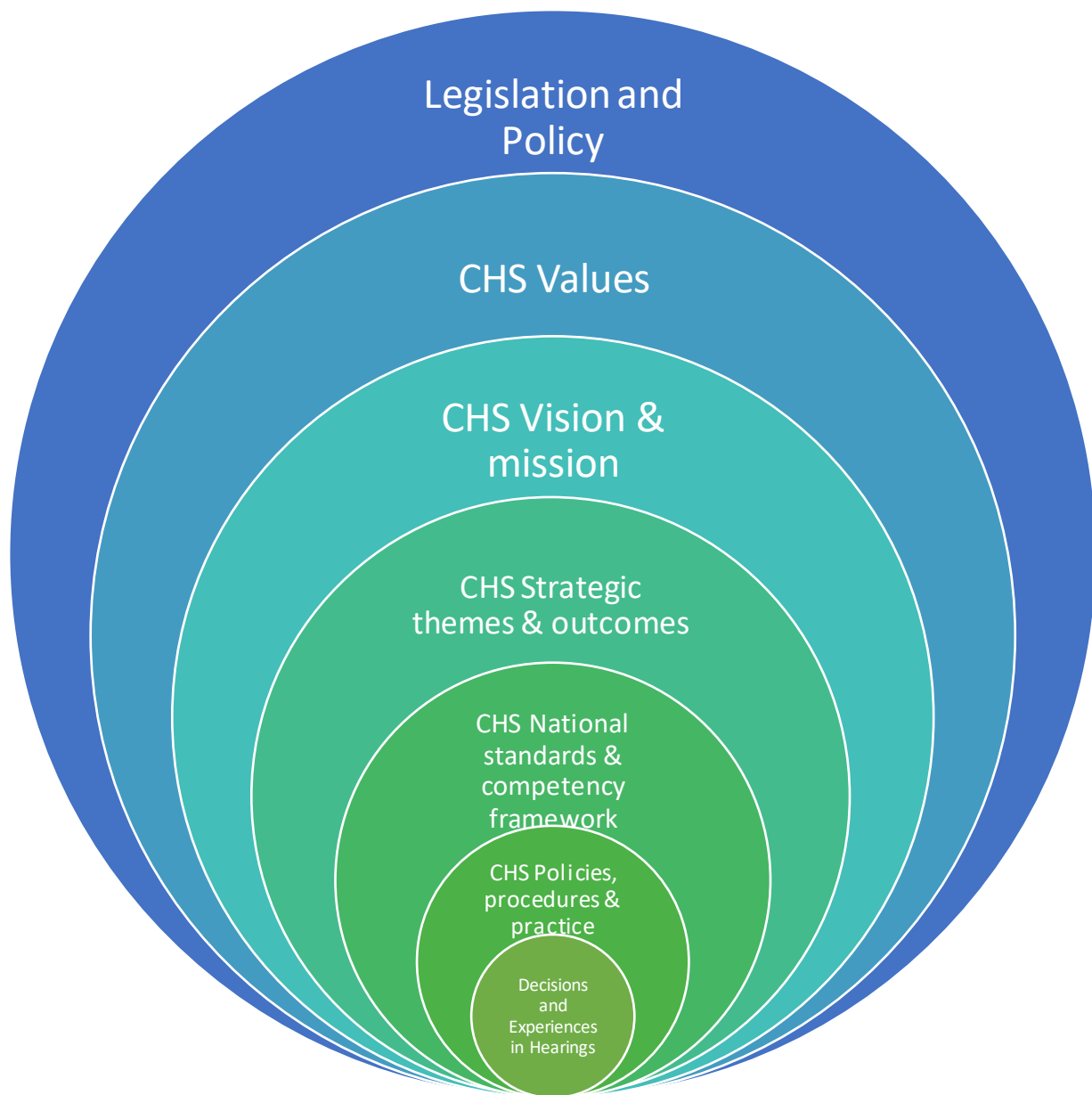
This cluster covers Articles 4 (Implementation of the Convention) and 42 (knowledge of the Convention).

We have a core duty to ensure we are doing everything we can to realise that every child can enjoy their rights. All our organisational operations should promote rights and enable children to realise their rights. Panel Member decision making should take rights into account. *(Article 4)*  
CHS Children's Rights and Inclusion Strategy

We operate within a strong child-centred context that ensures that the best interests of children and young people lies at the heart of everything we do. Our work is guided by national legislation and policy, as well as our own values, vision and mission. CHS' strategic themes and outcomes focus on meeting the needs of children and young people and ensuring that we better protect and uphold their rights.

The elements of the context aim to prioritise the best interest of children by making sure sound decisions are made in hearings, children and young people have good quality experiences of the hearing system, and to help us continually improve our performance.

A summary of our operational context is given below:



*Legislation and Policy*

Our work sits within a legislative framework designed to protect children and young people and ensure that they can access their rights. Our core pieces of legislation and agreements are:

- The Children’s Hearings (Scotland) Act 2011
- The Children and Young People (Scotland) Act 2014
- The European Convention on Human Rights
- The United Nations Convention on the Rights of the Child.

Our key statutory functions, duties and powers are set out in the Children’s Hearings (Scotland) Act 2011 ("the Act"). Our **aims** are:

- to pursue with care and creativity the best interests of children and young people who are, or may be, referred to children’s hearings;
- to work collaboratively with, lead and influence partner agencies in the children's hearings system to improve delivery and outcomes for children.

Our key **objectives** are:

- to inform and implement national policy initiatives to support vulnerable children, their families and communities;
- to improve outcomes for children by working more effectively with partners in an integrated hearings system;
- to optimise the quality of panel decision-making and to work with partners to realise the best possible outcomes for children in the hearings system.

There are three **overarching principles** contained in the 2011 Act which must be applied when hearings are making decisions about a child:

- The need to safeguard and promote the welfare of the child throughout the child’s childhood is the paramount consideration.
- The child must be given the opportunity to express a view and this view must be taken into account in line with the child’s age and maturity.
- An order is only to be made if it is considered better for the child than if no order was made.

Under Children and Young People (Scotland) Act 2014, CHS has corporate parenting duties to promote the welfare of, and the opportunities available, to care experienced young people. We set up a joint corporate parenting website with SCRA<sup>4</sup> and have set shared corporate parenting aims for children and young people within the hearing system:

- You are at the centre of the hearings system and are treated as an individual.
- The decisions that affect you are based on sound knowledge, clear evidence and with consideration of your views.
- Your Corporate Parents will work together to make the system work better for you.
- We will keep asking ourselves if the way we do things is the best it can be.

Area Conveners have received training on their corporate parenting role and responsibilities to develop their understanding of how they can work with children and young people and local partners to provide the best possible support locally. Many of our ASTs attend meetings of their local authority Corporate Parenting Board. They work with representatives of other corporate parents to improve the outcomes for care experienced children.

Our work is also guided and shaped by key national policies and frameworks designed to help improve the lives of children and young people in Scotland, such as the Scottish

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<sup>4</sup> [mycorporateparents.co.uk](http://mycorporateparents.co.uk)

Government's National Performance Framework and its National Outcomes, Getting It Right for Every Child (GIRFEC) and the SHANARRI<sup>5</sup> wellbeing indicators.

CHS is only one of a number of organisations who work within the children's hearings system, including the Scottish Children's Reporter Administration (SCRA), local authorities, health, and Police Scotland. We work in partnership with these other key organisations, including the third sector, to monitor, develop and improve practice, with an ambition to provide an hearing system that meets the need of all children and young people involved.

During 2017-20, CHS has been actively involved in a number of multi-agency groups working toward improving the children's hearings system and ensuring children and young people's rights are met. These include:

- CHIP (Children's Hearings Improvement Partnership)
- Youth Justice Improvement Board
- Secure Care Strategic Board
- Independent Care Review
- Reframing Care Advisory Group
- Implementation group for the new Age of Criminal Responsibility (Scotland) Act 2019

We have also responded to a number of relevant Scottish Government consultations expressing our support for furthering children's rights (such as the incorporation of UNCRC into Scottish law and raising the age of criminal responsibility).

CHS has provided advice to government and other partners on implementation of UNCRC principles in relation to youth justice and the children's hearing system

We ensure our values mission and vision and promote the rights of the child and these are reflected in all our public documents and statements. (Article 4)

We ensure all Panel Members and staff understand and share the mission, vision and values of CHS and work to ensure that these form part of all the decisions they make in the best interests children and young people. (Articles 4 and 42)

#### *Our values*

- Child-centred – making sure everything we do is in the best interests of children and young people.
- Respectful – treating children, young people, their families, partners and each other with care and consideration.

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<sup>5</sup> Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

- Fair – making sure that everyone is treated with dignity and according to their individual needs; that our information and services are accessible to all; that we provide a consistent level of service to all.
- Creative – considering innovative and imaginative ways of approaching the issues we face in the work we do.
- Challenging – not being complacent, but questioning ourselves and others to help us improve.
- Open – listening, responding to, and learning from, feedback; acting honestly; ensuring processes are transparent; sharing information and being accountable for our actions and decisions.

### *Vision and mission*

Our **vision** over the last 3 years has been 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.

*“92% of staff agree they understand how their role supports CHS’ vision, values and national standards.”*

- 2017 Staff Survey

Our **mission** has been to improve outcomes for vulnerable children and young people in Scotland by making high quality decisions about their future.

*“82% of volunteers agree that CHS motivates them to help achieve its mission for children and young people.”*

- 2019 Community Survey

We have set key strategic outcomes that ensure that every child has a child centred hearing, with high quality decisions and is supported by skilled volunteers. (Article 4)

### *Our strategic themes and outcomes*

Between 2018 and 2020, our Corporate Plan placed listening and the importance of children’s views at the heart of its first Strategic Outcomes: “Children’s Hearings are centred around the child or young person and their views and experiences are heard, considered and respected”.

During 2019, we began work on revising our strategic approach to create an ambitious improvement-driven direction for CHS that places children’s rights at its centre. This resulted in Our Strategic Outlook 2020-2023<sup>6</sup> which sets out our priorities for the next three years and the first theme focusses more explicitly on rights - ‘Better protect and uphold the

<sup>6</sup> [CHS Corporate Plan: Our Strategic Outlook 2020-2023](#)

*rights of children*'. This theme forms the basis of our new Children's Rights and Inclusion Strategy<sup>7</sup>.

#### Case Study: Developing our Rights and Inclusion Strategy

In 2019, CHS established a Rights & Inclusion Working Group involving young people with lived experience of the hearing system and representatives from our staff and volunteer community, as well as from partner organisations, including SCRA, Children in Scotland, and CELGIS. We also consulted with Staff, LGBT Youth Scotland, the Care Commission, and the Carnegie UK Trust. Its purpose was to begin to formulate a strategy for the effective inclusion of children and young people in our work. The first major output from the group was the publication of our Children's Rights and Inclusion Strategy in November 2020.

#### *National standards and competency framework*

Our National Standards<sup>8</sup> provide a clear framework of practice, setting out responsibilities and core values, principles and expectations in relation to behaviours and practice.

- **Standard 1** – Children and young people are at the centre of everything we do.
- **Standard 2** – Panel Members are well equipped and supported to undertake their role.
- **Standard 3** – Panel Member practice is consistent across Scotland.
- **Standard 4** – Every children's hearing is managed fairly and effectively.
- **Standard 5** – Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person.
- **Standard 6** – Area Support teams are well equipped and supported to undertake their roles.
- **Standard 7** – Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful.
- **Standard 8** – Functions, roles and responsibilities are clearly defined and understood within the system.

CHS has a *Competence framework for Panel Members*<sup>9</sup> which closely links linked to the national standards and aims to describe the elements of behaviour, knowledge and skill which represent best practice in relation to the role and function of Panel Members. The competency areas are:

- Law and procedure - demonstrate an appropriate level of knowledge of the law, procedures and best practice in children's hearings and this is evident in their practice (Standards 1,3,4,5)
- Equal treatment (Standards 1,3,4,5) - ensure and promote equal treatment for all involved in the children's hearing.

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<sup>7</sup> [Children's Rights and Inclusion Strategy. Version 2.0. 20th November 2020](#)

<sup>8</sup> [National Standards for the Children's panel](#)

<sup>9</sup> [Competence framework for panel members, 2012](#)

- Communications and children’s views and participation - ensure effective and purposeful communication at a children’s hearing (Standards 1,3,4,5)
- Conduct of hearing: ensure a fair and effective children’s hearing (Standards 1,3,4,5)
- Management of information - ensure that all relevant issues are addressed by obtaining and managing information (Standards 1,3,4,5)
- Decision-making - properly consider the child’s needs, identification of relevant resources, effective deliberation and reasoned decisions for the future care of the child (Standards 4,5)
- Protecting rights - ensure that children’s hearings are compliant with ECHR and UNCRC and any other relevant legislation(Standards 1,3,4,5)

Panel Members are assessed against indicators in each of the competencies, by our team of Panel Practice Advisors (PPAs), to ensure they can demonstrate their ability to meet them and continually improve their practice. PPAs form a key part of CHS’ quality assurance process, playing a critical role in ensuring and maintaining the high quality of, and consistency within, our Children’s Panel that meets the needs of children and young people.

*“77% of volunteers agree that observation and feedback help them improve their practice in hearings.”*  
 - 2019 Community Survey

We support Panel Members to make best possible decisions for children and young people through our PPA observation programme. Each will have a minimum of two observations a year. In 2018, we strengthened PPAs role through a series of learning events, the establishment of new Panel Practice Advisor Forum, a national PPA Training Course and a review of PPA recruitment.

We proactively consider children’s’ right in service planning and engage with and undertake consultation with relevant stakeholders (including children and young people). (Articles 4 and 42)

### *Policies, procedures and practices*

Many of CHS’ operational structures and internal policies and procedures support children’s rights. These include:

- Information governance procedures (Article 16)
- Complaints handling policy and procedure (Articles 12 and 13)
- CHS Equalities Outcomes (Articles 2, 3, 23, 22 and 30)



- CHS Communications Outcomes (Article 2, 3, 12, 13 and 17)
- Monitoring of Panel Practice and Panel Practice Observation Policy (All Articles)
- Conduct and Values Policy (All Articles)
- Diversity & Inclusion Working Group (Articles 2, 3, 12, 23, 22, and 30)
- 

Our business planning processes actively consider how we will include young people in our work. Our budgets include an allocation for enabling the participation of young people in our work and provide devolved funding to each AST to empower them to meet local needs.

We work to ensure that the voice of children and young people is at the heart of everything we do and active participation of children and young people is at the core of our work. We include them in many of the decisions we make, through involvement in recruitment and training, working groups, and consultations. We, along with SCRA, have established and use a young person’s Board – Our Hearings Our Voice (OHOV). (See Cluster 2, Article 12 for more detailed discussion of how we do this).

We optimise the quality of panel decision-making through a package on ongoing, high quality training and communication to realise the best possible outcomes for children in the hearings system. (Articles 4 and 42)

We ensure all staff and Panel Members are aware of the UNCRC how their decisions should be informed by this. (Article 42)

We deliver a high quality training programme for staff and volunteers through our Learning Academy, where all training programmes are linked to our values, National Standards and Panel Member competencies, to ensure that Panel Members feel supported in their role.

All Panel Members have to undertake comprehensive pre-service training and assessment. This ensures they understand the principles of the hearing system, the legislative framework and how to make decisions in the best interests of children. Preservice training covers children’s rights and the UNCRC.

*“98% of pre-service trainees felt that their learning objectives were met”  
- 2019 Community Survey*

In 2018-19, we introduced our Conduct and Values policy for the pre-service programme. This traffic light system allows signposting of trainees, and early intervention by staff, if appropriate conduct or CHS values are not evidenced

Once qualified to sit on hearings, a wide variety of training courses which help promote children’s rights are provided for Panel Members. Some courses are mandatory.

We provide a range of training courses that help Panel Members make decisions that secure children’s rights. Some examples of training include courses on: the 2014 Act and GIRFEC, GDPR, Corporate Parenting, equality, diversity and inclusion, contact, permanence, communicating with children, and dealing with conflict. These are discussed throughout this report in relation to other relevant clusters and Articles.

*“93% of Panel Members agree they feel well trained to carry out their role”*

- 2019 Community Survey

Through our ASTs we deliver a local learning programme to enhance our approach to quality and provide national consistency in practice. This covers topics such as quality assurance, complaints investigation procedures and recruitment and reappointment. We have piloted a course ‘Improving Outcomes for Children and Young People’.

ASTs also arrange their own local learning and development programmes and have run many courses that help protect and promote children’s rights, for example, on child and adolescent mental health, drug abuse, domestic violence, LGBTI young people, unconscious bias, trauma, attachment, early intervention, and advocacy.

Our Practice and Procedure Manual (PPM) is key to ensuring Panel Members are fully informed so that the decisions they make are in the best interests of children and young people. It provides access to current policy, good practice and legislation and detailed and comprehensive advice on how hearings are conducted. It includes guidance on areas directly relating to children’s rights, such as managing complex hearings, minimising barriers in hearings, maintaining important relationships for children and young people and improving outcomes.

The PPM, which is now online, is regularly updated<sup>10</sup>, and we provide regular practice updates (for example, recently on the age of criminal responsibility and advocacy) to ensure decisions always reflect any changes in legislation or policy and to support continuous improvement of Panel Member practice.

*“71% of volunteers agreed that practice updates help them improve their practice”*

- 2019 Community Survey

We monitor our organisational performance through our KPIs, strategic outcomes measures, monthly operational reports and surveys of both our national team and our volunteer community. These help us identify any improvements that we may need to make to our service to ensure the needs of children and young people are being met.

Specific examples of CHS’ activities relating to training, participation, performance management are discussed in more detail in relation to clusters (ii) – (viii) below.

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<sup>10</sup> Our new online PPM was updated in collaboration with SCRA, the Learning Academy, CELCIS, CYCJ and CEDAR.

## Cluster (ii): General principles

This section covers the four guiding principles of the UNCRC, which are Articles:

- 2 - non-discrimination
- 3 - best interests of the child
- 6 - life, survival and development
- 12 - respect for the views of the child.

CHS organisational operations, Panel Member decision making, and how hearings run should protect children from all forms of discrimination. (Article 2)

CHS Children's Rights and Inclusion Strategy

Article 2 states that the UNCRC applies to all children without discrimination of any kind, such as that relating to ethnicity, gender, religion, language, opinions, disability of any other status, and that measures should be taken to protect them against all forms of discrimination.

At CHS we do everything we can to protect children and young people from discrimination. Our vision, mission and values set out our commitment to provide a consistent level of service to all children, young people and their families and to improve outcomes for everybody who comes, or may come, to a hearing. We treat everybody according to their individual needs and ensure our information and services are accessible to all.

*"88% of volunteers believe CHS is fair, making sure that everyone is treated with dignity and according to their individual needs; that our information and services are accessible to all; that we provide a consistent level of service to all."*

- CHS Community Survey 2019

Our ambition is to promote and celebrate an equal, diverse and inclusive culture within the CHS community through a process of continual engagement, communication, training and development. CHS continues to mainstream CHS equalities duties across all aspects of our work by publishing equality information to demonstrate our compliance in meeting the general and specific public sector equality duties in the Equality Act 2010 and our performance against our own Equality Outcome measures.

Our Equalities, Diversity and Inclusion working Group, which includes CHS staff, volunteer community members, partner organisations and young people, has developed a new set of equality outcomes<sup>11</sup> and started to develop our Equality, Diversity and Inclusion Strategy for 2020/21.

<sup>11</sup> [chs-equality-outcomes-report-2018-20.pdf](#)

Our **Equalities Outcomes 2018-20** reflected our commitment non-discrimination. Key areas of relevance to the protection and promotion children's rights are:

- Outcome 3 - Our staff are knowledgeable on equality and diversity related practices and feel confident that they can apply their learning and knowledge to their work, for example, competently conducting equality impact assessments (where appropriate), advising and supporting our volunteer community with any equality or diversity related matters, advising our partners, stakeholders and service providers on any equality and diversity considerations.
  - 3.1 - CHS employees have a sound awareness on equality and diversity matters and feel confident in supporting others.
  - 3.2 - Staff are competent in carrying out Equality Impact Assessments (EqIAs) on any new or revised strategies that they are responsible for developing.
- Outcome 4 – Our volunteer community are fully trained and supported in equality and diversity matters and this enables them to confidently and fairly address the needs of children, young people and their families.
  - 4.1 - Children and young people from all 22 areas in Scotland consistently report that they felt that they were the most important person at the hearing and that they were treated fairly and with dignity and respect.

All members of the CHS community are required to undertake mandatory equality, diversity and inclusion training, which is now delivered online through our Learning Academy. Between 2017-20, **xx** national staff and **Xx** volunteers have done so.

Some ASTs also run local learning and development sessions to help prevent discriminatory practices, such as those on 'Rights, Values and Culture', 'Cultural perspectives', 'LGBT Young People' and 'Unconscious Bias'.

Our Practice and Procedure Manual (PPM) includes sections on culture, race, nationality and ethnicity which are designed to ensure that Panel Members behaviour, language and decision-making is not discriminatory or prejudicial to children and young people of a different culture, race or ethnicity to them. It also includes a section on disability (see below at 'Cluster (vi) – Basic health and welfare', Article 23, for further detail).

Everybody involved in a hearing should be able to participate effectively. We ensure that measures are taken to enable all children, including those with communication, learning and language difficulties, can participate effectively in their hearing. To help Panel Members minimise barriers within hearings, the PPM also contains sections on working with interpreters, inclusive language, disability, autism and gender identity and sexuality<sup>12</sup>.

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<sup>12</sup> [chs-practice-and-procedure-manual-v3-0.pdf](#)

Case study: Some families who come into contact with the children's hearings system do not have English as a first language. Many of these families will need an interpreter to communicate during the hearing. Panel Members can defer proceedings to arrange for an interpreter (including sign language interpreter) if it is apparent the child does not have adequate language skills to meaningfully participate in their hearing or they prefer to speak in their own language.

Children's hearings across all 22 ASTs are Panel Members are observed at least twice a year by our Panel Practice Advisors (PPAs) to ensure they are following correct legal procedures and are providing a high quality experience to children and families. The process focusses on how Panel Members' practice reflects our values and how they interact within children. PPAs are responsible for identifying any discriminatory behaviour and they must take action accordingly. Based on evidence from our Complaints and Concerns Tracker, x discriminatory conduct was displayed during 2017-20 towards a child, young person or their family, on the basis of them belonging to a protected characteristic group.

*"79% of volunteers agree that observations and feedback helps them improve their practice in hearings"*

*- 2019 Community Survey*

We also ensure that our communications with children, young people and their families is accessible. We have increased our use of social media and have begun looking at how to improve the accessibility of our website. We present information in a number of different formats, including short films and easy read leaflets. We have started to roll out Panel Member Profiles and have made improvements to hearing rooms and these are discussed in more detail in relation to the other clusters.

CHS is working towards ensuring Children's panels reflect the diversity of children and young people involved in the hearing system, with a focus on BME communities. This included chairing a national inter-agency working group SCRA<sup>13</sup>.

We actively work with our partner agencies to improve the experiences of children and young people from minority groups, for example, through the CHIP BME and LGBTI working groups and the Reframing Care Advisory Group, which looks at how to reframe public perceptions of people with lived experience.

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<sup>13</sup> CHS Business and Corporate Parenting Plan 2019-20

## Evidence – Article 2

- Our Values, Vision and Mission
- Our legislative and operational framework
- Practice and Procedure Manual
- Our equalities work:
  - Development and implementation of equalities outcomes
  - Equality Outcome Action Plan
  - Reporting on our performance through our equalities reports<sup>14</sup>
  - Equality Impact Assessments – guidance and templates
  - Launch of a new online Equality, Diversity and Inclusion course
- Partnership working to improve experiences for minority groups:
  - CHIP - BME and LGBTI work streams
  - Reframing Care Advisory Group
- Training course delivered on:
  - ACES
  - Effectively communicating with children and young people
  - The Children and Young People (Scotland) Act – corporate parenting
  - Communicating effectively within hearings
  - Minimising barriers within hearings
- AST work on preparing a child for a hearing and child-friendly checklist
- Panel Profiles and model hearing rooms
- Community Survey, 2017 & 2019

We are doing everything we can to ensure Panel Members are making decisions that are in the best interests of children and enable the necessary care and protection. We adhere to all necessary standards (Article 3)

CHS Children's Rights and Inclusion Strategy

Article 3 states that the best interests of the child must be a top priority in all the decisions and actions that affect children. This lies at the heart of CHS' purpose, vision and values, as highlighted above in relation to cluster (i).

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<sup>14</sup> [chscotland.gov.uk/resources/equality-and-diversity/](https://chscotland.gov.uk/resources/equality-and-diversity/)

As stipulated in the Children and Young People (Scotland) Act 2011, children’s hearings act in the best interests of the child or young person to help, support and protect them, with the need to safeguard and promote the welfare of the child throughout the child’s childhood being the paramount consideration that Panel Members need to apply when making decisions about a child.

*“90% of volunteers agree CHS is child centred: making sure everything we do is in the best interests of children and young people”*

- CHS Community Survey 2019

Our volunteer Panel Members undertake training and development to make sure that they are well equipped to make decisions in the best interests of children and young people and that they know how to conduct hearings fairly. They are continually kept informed about any changes to legislation and practice, through practice updates.

*“84% of volunteers say they receive information that helps keep their practice current and 91% are confident in their knowledge of the legislation to carry out their role effectively”*

- CHS Community Survey 2019

In addition, every children’s hearing has to consider whether to appoint a Safeguarder, who is an independent person to help Panel Members make the best decision for a child. The role of the Safeguarder is to safeguard the interests of the child to whom the hearing relates by ensuring that:

- the child’s rights are protected
- the views of the child are established and communicated to the hearing
- any proposals being made are in the child’s best interests.

If a safeguarder is appointed by the hearing they must prepare a report and include one or more of the following:

- anything the Safeguarder thinks is relevant to the consideration of the hearing
- the child’s views so far as practicable in light of the age and maturity of the child
- any issue which the Safeguarder has been asked to consider by the hearing

We work with our partner organisations and children and young people to improve the experience and outcomes of hearings for children and young people (see Evidence – Article 3).

### Evidence – Article 3

- Our legislative and structural framework
- Practice and Procedure Manual
  - Regular practice updates and newsletters.
- Collaborative working - active contributions to:
  - the Children’s hearings Improvement Partnership (CHIP)
  - the Youth Justice Improvement Board
  - the Independent Care Review
  - the Improvement Board Hearings Management Group
  - the Scottish Government working group to implement the new Age of Criminal Responsibility (Scotland) Act 2019.
- Consultation and involvement with children and young people
- Performance monitoring measures:
  - KPIs
  - Strategic outcomes
  - Panel Practice Advisors
  - Community Survey
  - Staff Survey
- Training programmes
  - Improving outcomes for children and young people
- Conduct and Values Policy

Panel Members are, to the greatest extent possible, making decisions that ensure the survival and development of the child. (Article 6)

CHS Children’s Rights and Inclusion Strategy

Under Article 6 all children have a right to life and organisations must do all they can to ensure that children survive and develop to their full potential.

The role of a Panel Member is to listen to children and young people and to make decisions with and for them to ensure their needs are being met and that they can achieve their full potential. The hearing does not provide services directly but can help a child or young person to access the help and support that they need.

We involve hearing and care experienced children and young people in our work, providing them with opportunities to develop life skills. In our Equalities Outcomes we commit, as corporate parent, to working with third sector organisations and educational establishments to provide work experience opportunities for young people and young people from



disadvantaged backgrounds. (Equalities Outcome 2). Through Our Hearings Our Voice, we offer the young people involved personal development opportunities. (See Article 12 below).

Case study: CHS Internship

We have worked with the Robertson Trust to have host summer internships for 3<sup>rd</sup> year university students from disadvantaged backgrounds. This provides young people with valuable work experience and developmental opportunities.

We promote and celebrate all children and young people, including those with hearing and care experience, through participation in national and local events, such as:

- National Children's Holiday Week
- Foster Care Fortnight
- International Day of Families
- International Youth Day
- Student Volunteer Week
- Youth Week
- Young People's Human Rights Day
- Care day

Case study: Renfrewshire AST – Care experienced Week

During Care Experienced Week in October 2018, Renfrewshire AST held a training and Year of Young People event for 8 AST members and over 40 local Panel Members. The event, run in conjunction with CELCIS, Clan Childlaw and Who Cares? Scotland aimed to increase awareness, amongst the CHS community in Renfrewshire, of the thoughts and feelings of young people who have been to children's hearings, to help develop Panel Member communication. Ten care experienced young people contributed to the event, alongside policy influencers and decision-makers including SCRA Reporters.

The event focused on reflecting on current practice in children's hearings and looking at future practice. Workshops discussed the legal rights of young people and the implications of sibling separation and the effect that this can have on the lives of children and young people. The latter was delivered by care experienced young people who had experience of this. Panel and AST members gained a greater understanding of the experiences of young people in children's hearings and how to make improvements in future.

Much of the training we provide for Panel Members focusses on how experiences can impact on a child or young person throughout their lifetime, such as courses on adverse childhood experiences (ACEs), attachment, contact and child development.

Enhancing children and young people's wellbeing is at the heart of everything we do and we work collaboratively with, lead and influence partner agencies in the children's hearing system and wider community, to ensure that the children's hearings system supports them to develop to their fullest potential. Children's Hearings and the National Convener are able to ensure hearings decisions are implemented through a process of formal notification and enforcement. This is covered below as Article 20.

#### Evidence – Article 6

- Our legislative and structural framework
- OHHOV and internships
- Training courses:
  - ACES
  - Neglect
  - Contact
  - Permanence
  - Child Development
  - Decisions and Reasons
  - Improving outcomes for children and young people
- Active involvement in collaborative working with:
  - CHIP
  - Independent Care Review
  - Reframing Care Advisory Group
  - Local authorities
- Consultation response to the Children (Scotland) Bill (29 November 2019)
  - Support for increased voice of child, advocacy, welfare reporters, language, and sibling contact

Panel Members are providing children the opportunity to express their views (directly or through a representative) to a hearing and Panel Members give the views due weight. (Article 12)

*CHS Children's Rights and Inclusion Strategy*

Article 12 gives every child the right to their own opinion and for their views to be listened to and taken seriously. In particular the child has a right to be heard, either directly or

through a representative, in legal proceedings and their views must be considered when people are making decisions about things that involve them.

Children and young people are encouraged to actively participate in their hearing and listening to children and young people’s views is at the centre of the hearing. Our overarching principles state that in a hearing ‘the child must be given the opportunity to express a view and this view must be taken into account in line with the child’s age and maturity<sup>1516’</sup>.

While it is presumed that children aged 12 years or over are able to form and express their view, younger children are also given an opportunity to form and express their views in ways suitable for their age and stage of development and in accordance with each child’s needs.

Panel Members must, at every hearing, consider whether a safeguarder should be appointed. One of the key roles of a safeguarder is to ensure the views of the child are established and communicated to the hearing. The role of safeguarders is discussed in more detail in relation to Article 3 – best interests of the child.

*“In 2019/20, 817 hearings were deferred in order to appoint a safeguarder or to get a report/assessment by a safeguarder”  
- SCRA Statistical Analysis 2019/20*

Case study: CHS Consultation response to the Children (Scotland) Bill

In November 2019, CHS submitted a consultation response expressing support for the proposed amendment to the 2011 Act to clarify that the views of a child of any age can and should be sought and taken into account when legal decision-makers are making important decisions about them.

Reports submitted to the hearing should contain the child’s views. At the start of a hearing, if it appropriate to do so, the chairing Panel Member must establish if the child or young person agrees that the documentation they have received accurately reflects their views. If they do not, their views must be established before the hearing takes place.

To support young people express their views, they are made aware that they can ask the Panel Members to consider speaking to them on their own and to have one of them at their next hearing. We have introduced new streamlined procedures around Panel Member continuity that allow for requests for continuity to be approved at a local level.

Requests for continuity

Year	No. requested	% authorised
2017-18	473	95%
2018-29	506	99%
2019-20	749	100%

<sup>15</sup> Children and Young People (Scotland) Act 2011, s27.

<sup>16</sup> Practice and Procedure Manual

Panel Members must be sure they have heard the views of the child or young person before they make a decision. As the child's welfare is the paramount consideration for Panel Members, a hearing may make a decision which is different from the child's view. If this is the case, Panel Members should explain to the child why they have done so, and record the child's view in the hearing's written reasons for their decision.

Children and young people can have legal representation at a hearing and this can support them in ensuring their views are considered. This is discussed in relation to Article 40 (juvenile justice) 'Cluster 6 – Special protection measures'.

If Panel Members feel that somebody within the hearing is preventing the views of the child or young person being heard, or their presence is causing or likely to cause, distress to the child or young person, they can decide to exclude that person from the hearing.

If the panel feel anyone at the hearing is acting in a way that prevents the effective participation of the child, they can ask them to agree to leave. They cannot however force anyone with a right to attend a hearing to leave.

Panel Members are fully trained through pre-service training and subsequent courses, to ensure that all the legal obligations are met and that they have the skills and knowledge to encourage effective participation of children and young people. This is supported by guidance in the Practice and Procedure Manual.

At CHS we work hard to ensure the views of children and young people are incorporated into everything we do, not just within the hearing room. We also provide opportunities and encourage children and young people to feedback their opinions about CHS and to get involved with our work to help us improve the service we deliver.

We work proactively with care and hearing experienced children and young people and we encourage them to speak freely and honestly to help inform our practice and improve the way we operate to better meet their needs.

Case Study: Our Hearings Our Voice (OHOV)

With SCRA, we established a young person's Board, 'Our hearings Our Voice (OHOV)' to ensure children and young people with experience of children's hearings help to hold the hearings system to account and continually improve the children's hearings system by amplifying the voices of young people in CHS work. Through its Operational Group young people have had the chance to express their views and contribute towards our recruitment plans, application packs, and training courses. In addition to this national Board, we also engage locally with Champions Boards to help develop and improve our work.

Young people help shape the services CHS provide and are represented on many of our internal working groups. Through these shared learning groups and consultation they have

helped produce and improve our reports (such as our 2020 Corporate Plan and this Progressing Rights Report), as well as our website.

Young people play an increasingly active role in developing our recruitment campaigns, for example, through development days in collaboration with organisations such as Young Scot, and X. They help design our campaigns to recruit volunteers, for example, guiding the tone, language and look and feel of the campaign creatives. Our Communications Team have worked with people with lived experience to produce films to support our advertising campaigns, for example, one focussing on the qualities people who have experience of children's hearings would like to see in Panel Members.

[Insert link to video or a graphic from the film]

Case study: Co-production of the CHS national recruitment campaign

During 2017-20, we worked with young people who have lived experience of children's hearings, along with the Frameworks Institute and the Robertson Trust, to co-produce refreshed recruitment campaigns. Young people helped guide the tone, language and look and feel of our campaign and to produce a film to support the advertising campaign. It focused on the qualities people who have experience of children's hearings would like to see in Panel Members and the impact they can have.

ASTs are working hard to increase, improve and embed the engagement of children and young people into the local recruitment process. They have produced a step-by-step guide about how to include young people and have incorporated it into the Recruitment Guidance Toolkit. Involving young people in recruitment of Panel Members has been identified as an area for development and is an integral part of our new Children's Rights and Inclusion Strategy.

Case study: Involving young people in local recruitment

In some of our ASTs, young people have provided invaluable input in developing, delivering and evaluating information evenings for interested volunteers, helping to decide what the focus of groups discussions should be, participating in group discussion activities, sitting on interview panels, scoring and selecting interviewees and attending local welcome evenings for new trainee Panel Members.

The views of care experienced young people are play a central role in the training we deliver at both a national and local level. Young people have contributed to designing and delivering our revised national programme of preservice training for trainee Panel Members

and, in partnership with Who Cares? Scotland, have been involved in delivering local learning and development programmes.

Case study: Young people's involvement in preservice training

Based on the suggestions made by children and young people, the revised the preservice training we provide includes new timings and changes to the order of the delivery of material. It also includes a new section where some of the young people act out a simulated hearing. By sharing their experiences of the children's hearings system with trainee Panel Members, young people help ensure Panel Members understand how their decisions impact on lives.

Case study: An example of young people's involvement in local learning and development programmes – East Renfrewshire

Over the period 2017-20, East Renfrewshire AST have involved young people, sometimes in partnership with their local Champions Board, in various local learning and development events, where Panel members can talk openly with them to gain a better understanding of their experiences and of what they want from a hearing. These events have covered topics such as intensive support, advocacy and early intervention.

Case study: An example of young people's involvement in local learning and development programmes – Central and West Lothian

Central and West Lothian AST worked to involve young people in training on effective communication. One event had 5 young people delivering hard hitting sketch on experiences of the children's hearings system. They have also worked with West Lothian's 'Having Your Say' group, enabling young people could express their views of hearings and how they thought Panel Members should be and with the Falkirk Champions Board.

Evidence: Article 12

- Children’s Hearings (Scotland) Act 2011, s25
- Our framework, policies and procedures
- Gathering children and young people’s thoughts and opinions about CHS through involvement in
  - the redesign of our Panel Member recruitment campaign
  - interviewing new senior staff and Board members
  - the design, delivery and evaluation of training for Panel Member
  - internal working groups, including the Rights & Inclusion Working Group
  - giving feedback on the CHS website (2017-18)
  - contributing to the drafting of the business and corporate parenting plan (2017-18 and 2019-20)
  - the establishment of our young people’s voice Board – Our hearing Our Voice (2017-18)
- Training courses, e.g.
  - Effectively communicating with children in hearings
  - Equality, diversity and inclusion
  - Managing conflict within hearings
- Practice and Procedure Manual
- Creation of our young people’s Board, Our Hearings Our Voice (OHOV)
- Statutory functions activity data: Panel Member continuity requests
- Support for Scottish Government proposals for advocacy
- Active involvement with Children’s Improvement Partnership, working on:
  - Advocacy at hearings
  - Legal representation at hearings
- CHS consultation response on the Children (Scotland) Bill (29 November 2019) covering support for the increased voice of child and advocacy.

Cluster (iii): Civil rights and freedoms

This section covers Articles:

- 7 - birth registration, name, nationality and care
- 8 - protection and preservation of identity
- 13 - freedom of expression
- 16 - right to privacy
- 17 - access to information and mass media
- 37 - inhumane treatment and detention
- 39 - recovery and rehabilitation of child victims.

How CHS contributes to Article 28 (right to education) is set out in 'Cluster (vii) - education, leisure and culture'.

Articles 14 (freedom of thought, conscience and religion) and 15 (freedom of association) do not directly apply to our duties.

Panel Members are making decisions that, as far as possible, mean that children know - and are cared for by - their parents. (Article 7)

CHS Children's Rights and Inclusion Strategy

Panel Members are making decisions that mean children can preserve family relations [without unlawful interference]. (Article 8).

CHS Children's Rights and Inclusion Strategy

Under Article 7 every child has the right to be registered at birth, have a name and nationality and, as far as possible, to know and be cared for by their parents. This is supported by CHS activity as one of the fundamental principles of the children's hearings system is that 'parents are usually the best people to bring up their own children and should be encouraged and enabled to do so wherever possible'<sup>17</sup>. Hearings must listen and take account of the views of both children and their parents when making decisions about who should care for them.

Under Article 8 every child has the right to an identity and that their name, nationality and family relationships should be protected. In the hearing system a child has a legal right to maintain personal relations and direct contact with his or her parents when separated from one or both of them. There is a legal requirement for all hearings to consider contact arrangements between the child or young person and their parents.

*At 31 March 2020, of the 8,875 children and young people with a CSO in place, 45% were residing with a parent or relevant person"*

*- SCRA Statistical Analysis 2019/20*

<sup>17</sup> Practice and Procedure Manual, p171



Sometimes concerns about a child's welfare may mean that contact with one or both parents has to be restricted or regulated. However, even if it is decided that a child should be cared for by somebody other than one or both parents, the hearings system promotes contact unless it is not within the best interests of the child<sup>18</sup>.

Although there is no statutory requirement for a children's hearing to think about sibling contact when making decisions, Panel Members should have access to information about a child's relationships with their brothers and sisters and give careful consideration to how these relationships can be maintained and protected.

We ensure all Panel Members are aware, through their training and our Practice and Procedure Manual (which contains a dedicated chapter on Important Relationships), that maintaining and supporting parental and wider family relationships when a child is separated from family is essential for a wide range of reasons, including the preservation of a child's sense of identity.

CHS recognises that wider family relationships are also important for protecting and preserving a child's sense of identity. Our response to the Children (Scotland) Bill 2019 expressed support for the Scottish Government's proposals to ensure local authorities give as much priority to planning and maintaining contact between separated siblings when they look after children, as they do for contact between parents and children.

CHS has expressed support for measures to improve arrangements around sibling contact through our response to the consultation on the Children (Scotland) Bill ; working with the Independent Care Review's group championing the rights of siblings in care away from home and our membership of the Stand Up for Siblings group<sup>19</sup>.

Contact is also discussed below in this section in relation to Article 37 (inhumane treatment) and in relation Article 9 (separation from parents) in the section 'Cluster (v) - Family environment and alternative to care'.

#### Evidence - Articles 7 and 8

- Our legislative and policy framework
- Our vision, mission and values
- Practice and Procedure Manual
- Preservice training for new Panel Members
- Training modules for Panel Members on:
  - Attachment
  - Permanence
  - Contact
- Active participation in the Independent Care Review

<sup>18</sup> Ibid,p262.

<sup>19</sup> Stand Up for Siblings is a group of organisations committed to supporting siblings to stay together or in touch when they enter care. Includes allies from The Care Inspectorate , Life Long Links and Barnardos.

- Membership of Stand Up for Siblings
- Response to the consultation Children (Scotland) Bill (November 2019)

Children are free to express their thoughts and opinions at a hearing through the media of their choice. (Article 13)

CHS Children's Rights and Inclusion Strategy

We actively encourage and engage with children and young people to gather their thoughts and opinions about the children's hearing system to help improve their experiences. (Article 13)

Article 13 states that every child must be free to express their own thoughts and opinions and to seek, receive and impart information and ideas in any form or media of their choice. We provide information for children and young people in different formats and seek their views on what we produce.

Our 'Communications Outcomes' commit to children and young people being able to participate in their hearings and having the opportunity to inform our practice and policy, as well as to providing communication that is accessible and easy to understand.

We publish information specifically for children and young people and make clear they have a right to talk and ask questions at their hearing, that they can bring somebody along with them to the hearing to support them (including a legal representative) and that if they do not have to agree with the reasons why they are at the hearing they can voice this opinion.<sup>20</sup>

Children and young people can provide information to a hearing through the media of their choice. Some children may not want to give their views personally to Panel Members at a children's hearing and they should not be forced to do so. If any child or young person is uncomfortable speaking at the hearing, or has been excused from attending, they may choose to make their voice heard through a representative (such as a friend, social worker, advocacy worker, or safeguarder) or through a different medium (such as drawings, video recordings, the All About Me form issued by SCRA, or the Mind of My Own (MOMO) app).

We inform children and young people about their right to complain if they are not happy about the way they have been treated at their hearing and their right to appeal if they do not agree with the decision that has been made and we act upon the outcomes.

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<sup>20</sup> [chscotland.gov.uk](http://chscotland.gov.uk)

Our Complaints Handling Policy and Procedure reflects our commitment to improving outcomes for children and young people across Scotland through listening to feedback and reflecting on our activities, giving us the opportunity to reflect, to learn, and to improve. It helps us keep children, young people and families at the heart of the process and helps us maintain the high standards of conduct in order to ensure the best possible outcomes for children and young people. We recommend that children have support to help them through the complaints process.

We are continually working towards improving how children and young people can learn about what we do and how they can express their views about us, for example, through changes to our website, which now contains a specific section for children and young people, and increased use of Facebook, Instagram and Twitter social media platforms. We have used a range of measures to seek children and young people's views about operational matters that affect them and always consider the child's views in determining what is in the child's best interests.

Case study: Smiley Terminals have been trialled in a hearing centre to gather children and young people's views about their experiences around attending a hearing. We look forward to continuing this trial once social restrictions allow.

Case study: Panel Member Profiles

Most Panel Members now provide a photo or an avatar of themselves, along with a brief description of who they are and what they like doing. These are placed outside the hearing room for children and young people to look at before their hearing. They help to personalise the panel and to introduce the members in a child-friendly way and enable children and young people to see who they will be talking to once they enter the hearing room and help put them at ease.

Panel Member Profiles were introduced as a result of listening to the voices of children and young people. A pilot was held in Aberdeen in 2017 and 75% of children, young people and their families found the profiles helpful. We have started to roll these out at all hearing centres to help children and young people feel more comfortable when attending.

[Insert example Profile]

#### Evidence - Article 13

- Our Values, Vision and Mission
- CHS website : Children and Young People –What are your rights at a children’s hearing?
- CHS Communication Outcomes
- CHS Complaints Handling Policy and Procedure
- Panel Profiles
- Increased use of social media through Facebook and Twitter.
- On-line surveys, Smiley Terminals and Comments Trees.
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Panel Members recognise that children have a right to privacy. It is important that people attending a child’s hearing are only there because it is essential. (Article 16)

CHS Children’s Rights and Inclusion Strategy

Every child has a right to privacy and their private, home and family life should be protected (Article 16). Hearings can sometimes involve a large number of people because, in addition to the child or young person, a number of individuals have **a right and/or a duty** to attend (such as their parents or representative) and other people involved in a child’s life **may** also attend. This can be intimidating for the child or young person and prohibit effective participation and we do all that we can to ensure that people are not attending the hearing unnecessarily.

Those who do not have a right to attend can only attend at the discretion of the chairing member if it is deemed necessary for the proper consideration of the matter before the hearing or, if granted permission by the chairing member and the child and relevant person do not object. Panel Members are fully aware that the chairing member ‘must take all reasonable steps to ensure the number of persons present at the hearing is kept to a minimum’<sup>21</sup>

Journalists have a right to attend a hearing but they may be excluded from any part of the children’s hearing where it is necessary to obtain the views of the child, or if the presence of that person is causing, or is likely to cause, significant distress to the child. While legislation gives journalists a right to attend a hearing, it also protects the child or young person’s privacy by preventing them from publishing any information that is likely to identify a child, or the child’s address or school.

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<sup>21</sup> Practice and Procedure Manual p.75

Sometimes a hearing decides that information about a child or young person should remain private, for example, where they reside or go to school. If a hearing makes a decision that a child or young person is to move to an address other than their home and it is confident that disclosing information about the whereabouts of the child or other information is likely to cause significant harm to the child then a non-disclosure request can be made to prevent this information being seen by relevant persons at the hearing or who receive hearing papers<sup>22</sup>.

*“In 2019 and 2020, a total of 1,666 children had a non-disclosure order attached to either an interim order or CSO”*

*- SCRA Statistical Analysis 2019/20*

We ensure all Panel Members are aware of and trained in the importance of how information is stored, shared and disposed of so as to protect the privacy of children, young people and their parents and carers. (Article 16)

Panel Members have access to sensitive information about children, young people and their families so that they can carry out their role as decision-makers. A key responsibility of all members of the CHS community is to keep this information safe.

Our preservice training for Panel Members emphasises the importance of keeping information safe and how to manage and dispose of case papers to protect the privacy of children, young people and their families. This includes:

- Papers should be kept securely, in a locked case, and when travelling to a hearing they should be kept close to the person at all times or placed within the boot of a car.
- Any notes made by Panel Members to aid their participation in the hearing must be destroyed immediately after the hearing.
- Any notes made before that cannot be handwritten must not be saved or retained on any device and should not contain any reference to a child's name, date of birth or other identifying information about the child and family. They should be deleted immediately after the hearing.

All members of the national team and volunteer community are required to undertake, and required to pass, mandatory on-line information governance training. They are also required to undertake refresher training every two years. This training course was updated to ensure compliance with the introduction of the new EU General Data Protection Regulations in May

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<sup>22</sup> Ibid. p.232

2018. It focuses on keeping information safe by ensuring all information is stored, used and shared appropriately, and on cyber awareness and security.

CHS has procedures in place to protect personal information and ensure any breaches of practice are addressed quickly and formally through reporting to the Information Commissioner's Office (ICO). We have introduced an 'Information Security Matrix' for use by local Clerks when they are alerted to or become aware of an information security incident. Panel Members should report any such incidents to the national team straight away.

#### Evidence – Article 16

- The Children and Young People (Scotland) Act 2011
- Practice and Procedure Manual
- Mandatory training:
  - Preservice training
  - Information governance training
- Data Protection Act training for the CHS community (2018-20)
- Data security and cyber awareness training (2019-20)
- Consultation on a joint Data Protection Impact Assessment with SCRA (2017-18)
- Data Review of IT governance and security needs (2017-18)
- Implemented the EU GDPR (2017-18)
- Designed and began the implementation of the new digital system which should lead to improved information governance and privacy (2017-18)
- Work on the Information Security Index (2019-20)

We provide information about the hearings system in a range of formats so that all children attending hearings are fully informed and feel comfortable about what is happening. (Article 17)

Article 17 states that every child has the right to reliable information from a variety of sources and that information should be provided in a way that children understand. It also aims to ensure children are protected from materials that could harm them.

Our Communication Outcomes make a commitment to making sure our communications are accessible and easy to understand. We provide information about CHS and the hearings system on various platforms and in a variety of formats. We recognise that children and young people have different learning styles and abilities and we try to ensure our

communications are accessible to all. We have involved young people in designing our published reports.

Our website provides children and young people with information about attending a children's hearings, including what happens, what their rights are and who can help them prepare for a hearing.

We have increased our use of social media, such as Facebook, Instagram and Twitter, to make it easier for children, young people and their families to access information about CHS.

#### Evidence – Article 17

- Involvement of children and young people in the development of organisational reports
- Consultation feedback from children and young people about our website
- Development by Area Support teams of guidance on preparing a child for a hearing and creating a child-friendly hearing checklist.
- Equality, Diversity & Inclusion Working Group work on website accessibility
- Enhanced use of social media - Facebooks, Instagram and Twitter.

Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time. (*Article 37 – inhumane treatment and detention*)

CHS Children's Rights and Inclusion Strategy

Article 37 includes references to children being protected from cruel or degrading punishment and states that they should only be arrested, detained or imprisoned as a last resort and for the shortest time

The children's hearings system is welfare rather than punitive in its basis. The principle of minimum intervention - that 'an order is only to be made if it is considered better for the child than if no order were made' – is at the core of Panel Member decision making.

If Panel Members decide that an order is required, it must specify how long it will last if it is to be legally binding. The key timescales attached to some of the decisions that can be made by hearings are:

- Compulsory Supervision Order - the relevant period begins with the day the hearing makes the order. It can last for a maximum of one year, or to the child's 18th

birthday, whichever is earlier. Panel Members may decide that the circumstances of the case require an early review before the end of the order

- Interim Compulsory Supervision Order - the relevant period is whichever occurs first of the date of the next children's hearing; the disposal of a proof application by the Sheriff; a day specified in the order; a period of 22 days.
- Medical Examination Order - the relevant period is whichever comes first: the beginning of the next children's hearing; a day specified in the order; a period of 22 days.

At 31 March 2020, the majority of children and young people on a CSO have been on one for 2 years or less (30.3% for less than a year and 22.2% between 1 and 2 years).<sup>23</sup>

Hearings can make decisions that restrict the liberty of a child or young person but these are only made as a last resort and in a small proportion of cases. In order to implement such decisions, strict legal tests need to be made applied and Panel Members have to explain how these have been met.<sup>24</sup> If considered to be in the child's best interests, the hearing could decide, for example, to impose a Movement Restriction Condition, send the child to live at a residential school or in secure accommodation.

CHs recognises that any decision to restrict a young person's liberty is significant and the impact is wide ranging. These options are not considered punishments but ones that best address the needs of some

young people who may require intensive support or require restrictions to keep them, and others, safe. Only small proportion children in the hearing system have their liberty restricted.

*"At 31 March 2020, of the 8,875 children and young people with a CSO in place, only 3% were in a Children's Unit and 2% in a Residential School."*

- SCRA Statistical Analysis 2019/20

If a child or young person is not happy with the decision of a hearing, they have the right to appeal against it, normally within 21 days.

If they do agree with the decision made, they still have the right to request another hearing within three months of the decision being made.

*"In 2019/20, 44% of children and young people who appealed had the Children's Hearings decisions overturned."*

- SCRA Statistical Analysis 2019/20

Although any orders made by a hearing automatically expire on a young person's 18<sup>th</sup> birthday, a children's hearing should not terminate a CSO without a clear plan setting out how the child will receive any necessary support, supervision or guidance in the future.

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<sup>23</sup> SCRA Statistical Analysis 2019/20.

<sup>24</sup> Children and Young People (Scotland) Act 2011, s83(6)



Panel Members are making decisions that ensure that even when it is in the best interests of the child and young person they are not deprived of contact with their parents unless it is in the child's best interest. (Article 37)

CHS Children's Rights and Inclusion Strategy

Article 37 also states that children should be treated with respect and care and should be able to keep contact with their family. This is supported by the Children and Young People (Scotland) Act 2011, which stipulates that every children's hearing making or continuing an order must consider whether to include a direction of contact between the child and any person or class of persons.

We recognise the importance of children and young people maintaining contact with their families and significant others and Panel Members will always make decisions that support contact if it is in the best interest of the child or young person. The need to safeguard and promote the welfare of the child throughout their childhood is the paramount consideration when making decisions about contact directions.

*"95% of volunteers say CHS is respectful: treating children, young people, their families, partners and each other with care and consideration."*

*- 2019 Community Survey*

Effective contact can help maintain relationships important to the child; promote the child's sense of identity and links with their racial, cultural and religious heritage; support the child to make sense of events in their life; give the child reassurance about another person's wellbeing, health or safety; and, provide information about birth family members<sup>25</sup>. Contact can take a number of different forms, such as face-to-face, telephone, video or letterbox contact and the appropriateness depends on the individual circumstances of each hearing.

All Panel Members are required to undertake a training course on contact.

How CHS contributes to promoting contact between children, young people and their parents is also discussed in at 'Cluster (v) - Family environment and alternative to care' under Article 9 – Separation from Parents.

#### Evidence - Article 37

- The Children and Young People (Scotland) Act 2011
- Practice and Procedure Manual
- Collaborative working - active contributions to:
  - the Independent Care Review
  - the Improvement Board Hearings Management Group

<sup>25</sup> Ibid. p263.

Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse. (Article 39)

CHS Children's Rights and Inclusion Strategy

Some children and young people who come to hearings have experienced significant neglect, exploitation or abuse by people who are supposed to be caring for them. Article 39 states that children who have suffered in such ways should receive special support to help them recover their health, dignity, self-respect and social life. While we do not directly provide services to aid recovery and social integration, Panel Members make decisions all the time that help children and young people access the support and services they need from other organisations and individuals.

*"In 2019-20, 4,230 children were referred to a hearing due to lack of parental care, and 1,138 because they were victim of a schedule one offence."*

*- SCRA Statistical Analysis 2019/20*

Panel Members are trained to recognise signs of neglect, exploitation and abuse, understand the impact on children and young people, how to communicate in hearings involving neglect and how to make the best decisions to meet their needs. In addition to national training delivered through our Learning Academy, some local ASTs also run sessions on 'Trauma Informed Practice' and 'Trauma and Attachment in Young People.'

Both at a national and local level we are increasing our focus on training and development around trauma informed practice and resilience.

#### Evidence – Article 39

- National training courses:
  - Preservice training course includes sections on neglect, exploitation and sexual abuse.
  - Neglect
  - Attachment
  - Contact
  - Permanence
  - Trauma Informed Practice
- Collaborative working - active contributions to:
  - the Independent Care Review
  - the Improvement Board Hearings Management Group
  - the Scottish Government working group to implement the new Age of Criminal Responsibility (Scotland) Act 2019.
- Partnership working through the ASIPS

Cluster (iv): Violence against children

This section covers Article 19 – protection from all forms of violence, abuse and neglect.

Articles 37 (no child subject to cruel, inhumane and degrading treatment) and 39 (recovery and rehabilitation of child victims) are covered in 'Cluster (iii) - Civil rights and freedoms'.

Article 28(2) (school approaches to managing behaviour and discipline) does not apply to CHS.

Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them. (Article 19)

CHS Children's Rights and Inclusion Strategy

We ensure all chairing Panel Members are trained in how to manage conflict within Hearings so has to protect children from any aggressive or violent behaviour when attending their Hearing. (Article 19)

CHS Children's Rights and Inclusion Strategy

Article 19 states that children should be protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Most children and young people attending hearings have experienced or are at risk of either neglect, violence or some form of abuse (physical, sexual and emotional). The grounds that children are referred to hearings include:

- Lack of parental care
- Victim of schedule one offence
- Close connection to a schedule one offender
- Same household as a child of a schedule one offender
- Exposure to persons whose conduct is likely to be harmful to a child
- Close connection with a person who has carried out domestic abuse
- Close connection with a Sexual Offences Act offender
- Child's conduct is harmful to self or others.

Panel Members are trained in how to recognise signs of violence, abuse and neglect, and their impact and in how to ensure the decisions they make protect children and young

people from further harm. In addition to our national training programme, ASTs run local learning events of topics such as domestic violence and abuse.

Any decisions by the hearing will only be made after they have taken into account the views of those experiencing the violence, abuse and neglect. If it is in the child or young person's best interests to do so, Panel Members may decide to:

- continue a Child Protection Order that is in place to protect a child from actual or potential harm and neglect
- limit or prohibit contact with individuals who place them at risk of abuse, violence or neglect
- move a child or young person to a safer home environment
- prohibit the disclosure of an address if they think disclosing the place of residence is likely to cause significant harm to the child.

Sometimes children and young people can pose a risk to others by being violent or abusive themselves. Hearings can make decisions that protect others, including other children, from their behaviour.

*"In 2019-20, 1,440 children were referred to a hearing because their conduct was considered harmful to themselves or others"*

- SCRA Statistical Analysis 2019/20

CHS and our sister organisation, SCRA, are responsible for making sure children and young people are protected from violence or any other form of harmful behaviour when they attend a hearing.

As SCRA is responsible for providing the premises for hearings, it is the responsibility of the Children's Reporter to make appropriate arrangements to make sure that the hearing is safe for all participants and responds to any concerns, for example about potential threats of violence, identified before, or during, the hearing. However, in addition to this, Panel Members also play a role in ensuring children and young people are safe within their hearing. Although a relevant person has a right and a duty to attend all stages of a hearing, the hearing may exclude any relevant person and/or their representative from a child's hearing if satisfied that:

- exclusion is necessary to enable the hearing to ascertain the views of the child; and/or
- their presence is causing or is likely to cause the child significant distress.

If they are not excluded, Panel Members must ensure seating is arranged within the hearing room to create as much distance as possible between an abused child, young person or non-abusing parent and the abuser and they should ask the child if they are comfortable with the seating arrangements.

All Panel chairpersons are required to undertake training in managing conflict within hearings and our Practice and Procedure Manual contains a section on managing complex hearings, with a section dedicated to enhancing Panel Members' understanding of domestic

abuse and coercive control and how it can affect children and families who attend children's hearings.

Case study: Training Course - Managing conflict in hearings

This course helps equip Panel Members to protect children and young people by helping them understand and identify what conflict is and where it might come from, how to have difficult conversations effectively, how to deal with different conflict styles and approaches, and how to resolve conflict.

**Evidence – Article 19**

- Practice and Procedure Manual
- Training
  - % of Panel Members completed ACES training, 2018-20
  - % of Panel Members completed Neglect training, 2018-20
  - % of Panel Members completed Permanence training, 2018-20
  - % of Panel Members completed effectively communicating with children, 2018-20
  - % of Chairs completing management of conflict in hearings training, 2017-20
  - % of Panel Members completed attachment and resilience training, 2018-20

Cluster (v): Family environment and alternative ~~to~~ care

This section covers Articles:

- 9 - separation from parents
- 20 - children deprived of a family
- 21 - adoption
- 25 - review of treatment in care
- 27 - adequate standard of living.

Article 19 (protection from all forms of violence) is presented in 'Cluster (iv) - Violence against children' and Article 39 (recovery and rehabilitation of child victims) is presented 'Cluster (iii) - Civil rights and freedoms'.

This section does not reference Articles 5 (parental guidance and a child's evolving capacity), 10 (family reunification), 11 (abduction and non-return of children), and 18 (parental responsibilities and state assistance) as they do not apply to CHS.

Panel Members are making decisions that do not separate children from parents unnecessarily and all interested parties are given the opportunity to make their views known. Decisions should also not deprive regular direct contact with parents unless in the child's best interest from CRI strategy. *(Article 9 – separation from parents)*

CHS Children's Rights and Inclusion Strategy

Article 9 provides that children must not be separated from their parents against their will unless it is their best interests and, if they are separated, they have a right to stay in contact unless it could cause them harm.

All Panel Members decisions are guided by CHS' overarching principles - the need to safeguard and promote the welfare of the child throughout the child's childhood is the paramount consideration; the child must be given the opportunity to express a view and this view must be taken into account in line with the child's age and maturity; and an order is only to be made if it is considered better for the child than if no order was made.

While it is preferred that a child or young person is cared for by their parents, sometimes it is in their best interests to live with someone else. This could be through kinship care, foster care, residential or secure care. However, before any decision is made about where a child or young person is going to live, Panel Members will always seek to take into account their views.

If Panel Members decide that it is in the child's best interests to be separated from their parents they have a legal duty to consider what contact arrangements should be put in place. Where possible, Panel Members decisions facilitate contact between children and

young people. All Panel Members receive training about the importance of contact in helping maintain relationships, promoting a sense of identity and providing reassurance about others' wellbeing, health or safety.

Our Learning Academy provides a wide range of courses that highlight these issues (such as those on attachment, permanence, and contact). Local ASTs also run additional learning and development events, for example, on 'Contact', 'Permanency Planning' and 'PACE<sup>26</sup>'. Panel members are further supported by our Practice and Procedure Manual. Together these help ensure that decisions about contact are being made in the child's best interest.

We work collaboratively with our partner agencies in the children's hearing system and wider community, to ensure that children and young people are not separated from parents unnecessarily and any decisions about where the child lives and contact are taken with their best interests in mind.

Panel members are making decisions that help ensure children who cannot be looked after by their families can access protection and assistance from public services, including alternative care. (Article 20)

Article 20 states that if a child cannot be looked after by their immediate family, they should be given special protection and assistance, including being provided with alternative care that is continuous and respects the child's culture, language and religion. Although CHS has no control over the services provided for children and young people that attend hearings, the decisions Panel Members make can impose a duty on local authorities to implement the terms of a Compulsory Supervision Order. If they fail to do so a request to serve notice on the implementation authority can be made by the hearing, through powers afforded to the National Convener. During the period 2017-20, three requests to serve notice were made.

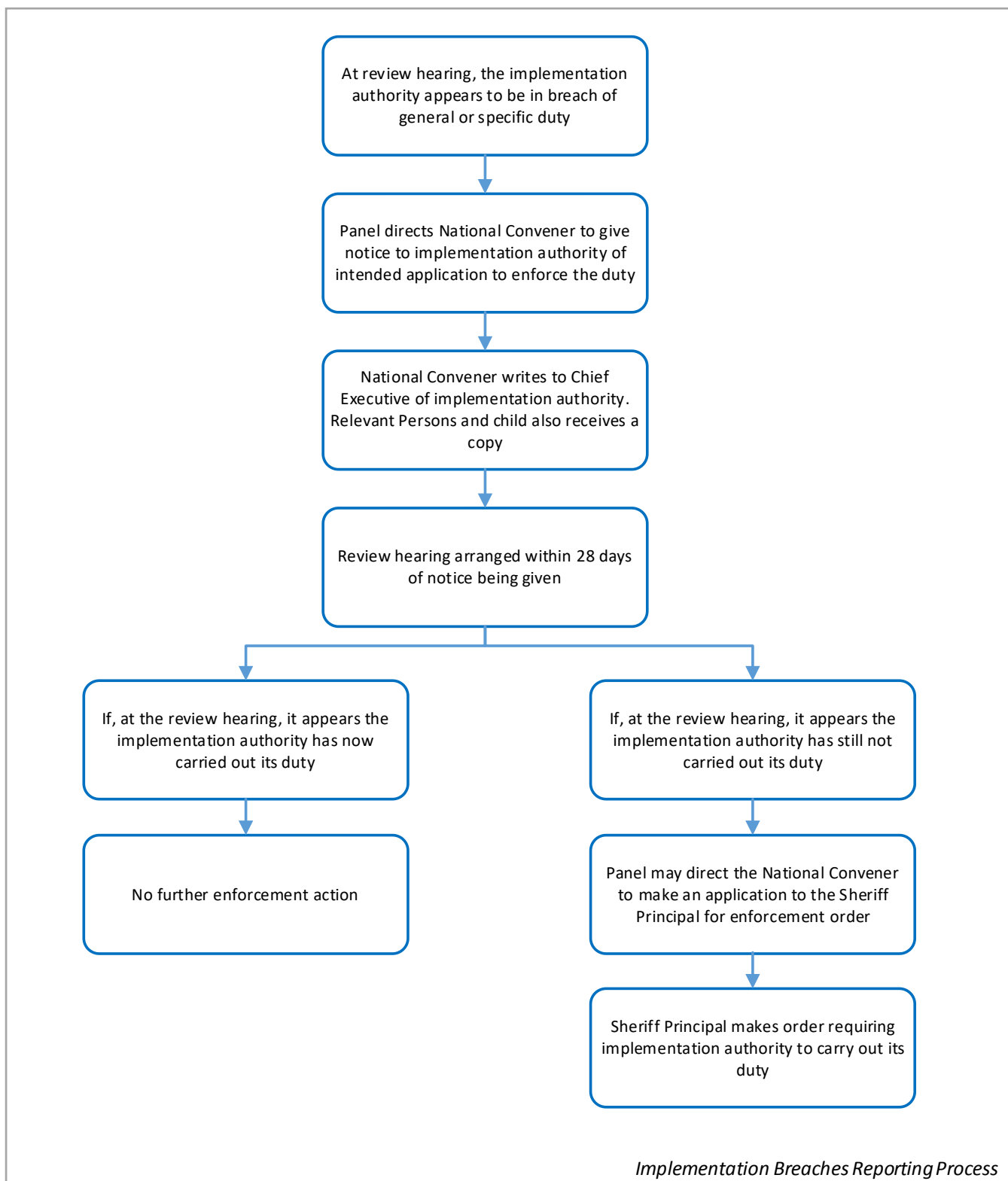
*“During the period 2017-20, three requests to serve notice were made, - [Check source](#)”*

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 and may appear to be in breach of a duty – either general or specific – placed on them by a children's hearing. In these circumstances, 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 an infant, child or young person 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. A summary of the process used by Panel Members and the National Convener is given below:

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<sup>26</sup> PACE is the Permanence and Care Excellence Programme run by CELCIS.





Evidence – Article 20

- Section 147 Children (Scotland) Act 2011
- Implementation Breaches Reporting Process
- Practice and Procedure Manual

Panel Members ensure that adoption is only considered as a last resort for children and young people and only if it is in their best interest to do so. *(Article 21)*

Article 21 ensures the process of adoption is lawful and safe and prioritises the best interests of the child. Any recommendation for adoption coming before a hearing will have been based on a comprehensive social work assessment that has already been presented to the local authority Adoption and Permanence Panel. The hearing's role is to provide advice to the Sheriff and Local Authority as to whether it supports this course of action for the child. Support for adoption will only be given if it is considered best for the child not to live with one or both parents for the rest of their childhood.

*"In 2019-20, 699 hearings were held to give permanency-adoption advice representing 2% of all hearings"*  
- SCRA Statistical Analysis 2019/20

We provide a national training course on permanence and some ASTs also run local learning and development sessions around these issues, such as 'Adoption and the Law' and 'Fostering and adoption'.

Evidence – Article 21

- Children (Scotland) Act 2011
- Overarching principles
- Training
  - Pre-service training
  - Permanence
  - Local learning and development programme

Panel Members participate in the periodic review of care ensuring people keep checking if they feel safe and healthy. (Article 25)

CHS Children's Rights and Inclusion Strategy

If a child has been placed away from home for their care or protection, according to Article 25, they have a right to regular review of their treatment, the way they are cared for and their wider circumstances.

A CSO should last only as long as is necessary and every child with an order will have this reviewed by a hearing at least once a year. Panel Members can then decide whether it should be continued, varied or terminated.

Although CSOs usually last for one year, if there is good reason, they can be reviewed earlier. A child or young person, and all relevant persons, may request a review of the CSO after three months and at any time thereafter and the implementation authority may request a review at any time.

Although it is important to regularly review CSOs, unnecessary additional review hearings can be unsettling for children and families, adding uncertainty.

As noted above in relation to Article 20, if a local authority fails to implement the terms of a Compulsory Supervision Order, the hearing can make a request to serve notice on the implementation authority.

Evidence –Article 25

- Children (Scotland) Act 2011
- Practice and Procedure Manual
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Panel Members are making decisions that help secure the standard of living and conditions necessary for child development. (Article 27)

CHS Children's Rights and Inclusion Strategy

Under Article 27, every child has a right to a standard of living that meets their physical and social needs and supports their development. Some children and young people who come to a hearing live in poor conditions and, while CHS is not directly involved in service provision, Panel Members make decisions that help children and young people access support and services to ensure they experience an acceptable standard of living.

We ensure Panel Members are fully trained to identify and understand the impact of adequate standards of living, neglect, exploitation and abuse on children and to make decisions that help secure the standard of living and conditions necessary for child development, and promote recovery and social integration.

In addition to training provided through our national programme, local ASTs also run training and development events on topics such as 'ACES', 'Resilience' and 'Neglect and Grounds for Referral'.

Evidence – Article 27

- Children (Scotland) Act 2011
- Practice and Procedure Manual
- Training courses:
  - ACES
  - Neglect
  - Attachment
  - Resilience in looked after children
  - Active contribution to Child Protection Improvement Programme

Cluster (vi): Basic health and welfare

This section covers:

- Article 23 - children with a disability
- Article 24 - health and health services
- Article 33 - drug abuse

Article 6 (life, survival and development) is covered in 'Cluster (ii) – General Principles' and Article 27 (adequate standard of living) is covered in 'Cluster (v) – Family environment and alternative to care'.

Articles 18 (parental responsibilities and state assistance) and 26 (social security) do not apply to CHS.

Panel Members treat disabled children with dignity and make decisions that promote self-reliance and participation in the community. (Article 23)

CHS Children's Rights and Inclusion Strategy

Article 23 states that any child with a disability has the right to a full and decent life with dignity and additional support. The children's hearing system supports all children, including those with disabilities.

Panel Members are expected to treat all people in the same way that they would want to be treated themselves and to be respectful, polite, considerate, offer assistance and communicate effectively with anybody at the hearing with a disability<sup>27</sup>. They are also expected to be aware and respond appropriately to differences in cultural views of disability.

Children, and others, attending hearings can have a wide range of disabilities and we have worked to remove barriers within hearings. So that every child and young person feels comfortable and able to participate freely, we try to ensure everybody feels welcome, included and informed when attending a hearing. For example, we have:

- worked alongside SCRA to redesign hearing rooms, ensuring they are fully accessible and child and autism friendly;
- introduced Panel Profiles, to reassure those children who may be anxious about who the people are and what they look like;
- provided options for alternative methods of communication (such as sign language interpreters and using drawings, whiteboards or flashcards) for children who are non-verbal;

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<sup>27</sup> Practice and Procedure Manual

- trained for our volunteer community in how to minimise barriers; and
- updated the PPM being to include dedicated sections on disability (including on how best to communicate about disability, and the impact of sensory impairment) and autism.

Some ASTs have also run local learning and development sessions, such as those on ‘Disability Awareness’ and ‘Autism Spectrum Disorder’.

*It is important not to assume that you know what the disability is or how it impacts on the life of the individual. Many different conditions can present in similar ways, and equally the same diagnosis can affect different people in different ways. Reports prepared for the hearing (in particular social work, education or health reports) should include information about the child or adult’s diagnosis and how this affects them. If this information is limited, Panel Members should ask the participant (if appropriate) and relevant adults (professionals, carers) to share how this impacts upon the child/adult.*

*Some disabilities are ‘invisible’ – they are not immediately obvious when you are speaking to the person, but they may still face challenges in communicating with you. Relate to the individual person and respond to their individual needs.*

Practice and Procedure Manual v.3.0, p.249

Some children, particularly those with autism, may benefit from seeing the hearing room before other participants arrive, to familiarise themselves with the room and choose where to sit. Panel Members should invite the child or young person to do so when they first arrive and ask if there are any aspects within the room or any behaviours that they would prefer not to have. If considered necessary, children and young people on the autistic spectrum are encouraged to bring any support aids, such as a fidget toy, to the hearing to help them focus and to lessen their anxiety. This guidance was provided to Panel Members in the new Practice & Procedure Manual.

CHS has an increasingly strong focus on Equality, Diversity and Inclusion and this is reflected in the setting up of, and actions taken by, our Equality, Diversity and Inclusion Working Group (such as developing our equalities outcomes), equalities being incorporated into Panel Member, AST and national staff training and launched online, our now routine use of EIAs<sup>28</sup>, and the publication of our performance against our equality outcomes.<sup>29</sup>

We have also tried to expand the ways in which children and young people can contact us through improving website accessibility and increased use of social media platforms. In 2019-20 we rolled out the first aspects of our new digital system, which overtime will allow children and young people and their families to communicate more easily with PMs, tell CHS how it is doing, keep up to date on each stage, explore how they could attend using VC technology.

<sup>28</sup> Equalities Impact Assessments

<sup>29</sup> CHS Equality mainstreaming report, 2018-20; Equality outcomes report 2019-20

To reinforce the importance of behaving respectfully to those with disabilities, CHS is a Disability Confident employer. We hope to improve the diversity of both our workforce and volunteer community.

#### Evidence – Article 23

- Training courses
  - Minimising barriers
  - Communicating effectively in hearings
  - ACES
  - Equality, diversity and inclusion
- Redesign of hearing rooms
- Production, in collaboration with Who Cares? Scotland, of an easy read booklet for children and young people with learning disabilities
- Introduction and roll out of Panel Profiles
- Practice and Procedure Manual
- Roll out of new digital system
- Equality, diversion and inclusion workstream
- Disability Confident Committed certification

Panel Members are making decisions that help children who have medical and health needs that are not being met by those who care for them to access the services they need. (Article 24)

Under Article 24, children have a right to the best possible health. Sometimes children and young people who come to a hearing are not being adequately looked after and, more specifically, they are not receiving the health care that they need. Although CHS does not directly provide any services, the decision a hearing makes can help ensure children and young people are living in accommodation that is clean and safe and that those caring for them are providing an adequate standard of living.

A hearing can also make a Medical Examination Order if it considers the child to have an unmet, physical or psychological, medical need. A Medical Examination Order can only be made if a ground for referral has been accepted or established but no Compulsory Supervision Order is yet in place. If there is an existing Compulsory Supervision Order in place then an interim variation to the Compulsory Supervision Order should be considered instead with an appropriate measure directing the implementation authority to arrange a specified medical examination and/or treatment for the child.

A Medical Examination Order can authorise any of the following measures for the relevant period:

- the child attends or lives at a specified clinic, hospital or other place
- a specified local authority arranges a medical examination of the child
- non-disclosure (either directly or indirectly) of the place where the child is to stay
- a secure accommodation authorisation
- a contact direction
- any other condition to ensure the child complies with the order.

All medical measures, whether included as part of a CSO, ICSO or MEO, require that the child consent to the medical examination or treatment if the medical practitioner is satisfied that the child is of an age and level of maturity to understand the nature and possible consequences. There may also be circumstances where a medical practitioner is unwilling to undertake the examination, or considers that parental consent is required.

Guidance on Medical Examination Orders is provided to Panel Members in the Practice and Procedure Manual.

Evidence – Article 24

- Practice and Procedure Manual – MEO guidance

Panel Members are making decisions that protect children from the illicit use of drugs. (Article 33)

CHS Children's Rights and Inclusion Strategy

Under Section 67 of the Children and Young People (Scotland) Act 2011, children and young people can be referred to a hearing for a number of reasons related to drug abuse. They can be referred because they themselves have misused a drug but also because they are in contact with or at risk from others who are misusing drugs:

*"In 2019-20, 39 children were referred to a hearing due to the misuse of drugs"*

- SCRA Statistical Analysis 2019/20

- they, or the adults responsible for caring for them, are involved in, or at risk of, substance misuse
- they are likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to lack of parental care which may result from their parents addiction to drugs, as well as other factors

- a schedule 1 offence<sup>30</sup> has been committed in respect of the child, including harmful behaviours, such as giving the child drugs.

The training provided by CHS ensures Panel Members have a sound understanding of the issues, an awareness of the impact of these have on children and young people and are able to make decisions that protect them from further negative impact.

Our preservice training covers issues such as substance misuse amongst children and adults caring for them. ASTs also run local learning and development sessions to help prevent discriminatory practices, such as those on 'Alcohol and Drugs' and 'Children Living with Parental Substance Use'.

#### Evidence –Article 33

- Children (Scotland) Act 2011, s67(2)
- Preservice training course - modules on substance misuse
- Training course:
  - ACES -Add numbers completed
  - Neglect - Add numbers completed
- Local training events

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<sup>30</sup> This refers to offences listed in Schedule 1 of the Criminal Procedure (Scotland) Act 1995. These include neglect, sexual abuse, physical assault and other harmful behaviours, such as giving a child drugs



Cluster (vii): Education, leisure and culture

This section covers Article 28 – right to education.

Article 30 – children of minority or indigenous groups is discussed in Cluster (viii) – special protection measures.

Articles 29 (goals of education) and 31 (leisure play and culture) do not apply to CHS activity.

Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education. (Article 28)

CHS Children’s Rights and Inclusion Strategy

Panel Members are making decisions that support children and young people to access their right to education. (Article 28)

Most children and young people attending hearings are of school age and one of the reasons a child or young person can be referred to the children’s hearings system is because they are not attending school regularly.

*“In 2019-20, 1,027 children were referred for failure to attend school without reasonable excuse. The average age was 13.2 years”*

*- SCRA Statistical Analysis 2019/20*

Panel Members’ decisions can help young people to access their right to education and to ensure they develop to the fullest potential. Although the hearing does not provide services, its decisions can include measures to increase attendance or access alternative education provision.

Even if a child has been excluded from school or has withdrawn prior to being excluded, an education authority has a duty to continue to provide education for them. A hearing can decide that an education authority is failing to comply with this duty and can require the National Convener to refer the matter to Scottish Ministers. However, this is a rare occurrence, with only one case during the period of this report.

Although children’s hearings are relatively short, they do take place during school hours. This means that some children and young people miss lessons and can feel stigmatised<sup>31</sup> and we are working with our partner organisations to consider how we can reduce any negative impact on children and young people caused by the way hearings operate.

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<sup>31</sup> The Promise, p39

Evidence – Article 28

- Children (Scotland) Act 2011, s67(2)
- Statutory functions data, 2017-20
  - Referrals about excluded pupils
- Participation in the Independent Care Review

Cluster (viii): Special protection measures

This cluster focuses on groups of vulnerable and marginalised children and young people who require special protection. All of the children and young people within the hearing system are considered to be vulnerable.

This section covers Articles:

- 22 - refugee children
- 30 - children of minority or indigenous groups
- 32 - child labour
- 34 - sexual exploitation
- 36 - other forms of exploitation
- 40 - juvenile justice.

CHS activity in relation to Article 33 (drug abuse) is presented in 'Cluster (vi) – Basic health and welfare'. Articles 37 (inhumane treatment and detention) and 39 (recovery and rehabilitation of child victims) are presented in 'Cluster (iii) - Civil rights and Freedoms'.

Articles 35 (abduction, sale and trafficking) and 38 (war and armed conflicts) do not apply to CHS' work.

Panel Members making decisions about children seeking refugee status in a non-discriminatory way and protecting rights when no parents can be found. (Article 22)

CHS Children's Rights and Inclusion Strategy

All our volunteer community receive training in equality, diversity and inclusion matters to enable them to confidently and fairly address the needs of all children, young people and their families. (Article 30)

CHS Equalities Outcome 4

Under Article 22, children and young people with refugee status are entitled to special protection. Our legislative and organisational frameworks are designed to ensure that all children and young people receive a consistent level of service and that every body is treated according to their individual needs.

Panel Members make decisions which are the best interests of all children attending hearings, including those with refugee status. They are trained to support children and young people to fully participate in their hearings and ensure they are not discriminated against because of language, cultural or religious barriers.

Effective participation of children and young people is an essential component of the hearing. Panel Members can support children and young people with refugee status make a

decisions to defer proceedings to arrange for an interpreter if it is apparent the child does not have adequate language skills to participate or they prefer to speak in their own language. (See further discussion in relation to Article 2 (see Cluster (ii) – General Principles, Article 2 -non-discrimination).

How CHS ensures all children and young people, including those with refugee status, do not experience discrimination within their hearings is found in ‘General; Principles of Implementation’ under the discussion of Article 2 – non-discrimination.

#### Evidence

- Our Values, Vision and Mission
- Our legislative and operational framework
- Practice and Procedure Manual
- Our equalities work:
  - Equality Impact Assessments – guidance, templates and training
  - Development and implementation of equalities outcomes
  - Reporting on our performance through our equalities reports<sup>32</sup>
- Partnership working to improve experiences for minority groups:
  - CHIP - BME workstream
  - Independent Care Review
  - Youth Justice Improvement Board
- Launch of a new online Equality, Diversity and Inclusion course (December 2019)
- Training course delivered on:
  - ACES
  - Effectively communicating with children and young people

Panel Members are making decisions that protect children from economic exploitation or harmful work. (Article 32)

Panel Members are making decisions that protect children from sexual exploitation and abuse (Article 34)

Panel Members are making decisions that protect children from any exploitation that may harm their welfare. (Article 36)

All from CHS Children’s Rights and Inclusion Strategy

<sup>32</sup> [chscotland.gov.uk/resources/equality-and-diversity/](https://chscotland.gov.uk/resources/equality-and-diversity/)

Panel Members are treating children in conflict with the law with dignity and dealing with them in a manner appropriate to their wellbeing. (Article 40 –juvenile justice)

CHS Children's Rights and Inclusion Strategy

Under the Convention children are protected from child labour, sexual and other exploitation (Articles 32, 34 and 36 respectively). Under S67(2) of the Children (Scotland) Act 2011, children and young people can be referred to a hearing for a variety of issues including:

- a schedule 1 offence has been committed in respect of the child
- the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence
- the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed
- the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that –
  - (i) the child will be abused or harmed, or
  - (ii) the child's health, safety or development will be seriously adversely affected
- the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4 or 5 of the Sexual Offences (Scotland) Act 2009

CHS' national training programme ensures Panel Members have an understanding of the issues, awareness of the impact on children and young people and are able to make decisions that protect them from further negative impact. This is supplemented by local learning and development run by ASTs, with sessions on 'Child Sexual Abuse', 'Child Sexual Exploitation', 'Sexual Exploitation and Grooming of Young People', 'Committed to Ending Abuse', 'Young people with problematic Sexual Behaviour' and 'Child Protection', for example.

#### Evidence

- Children (Scotland) Act 2011, s67(2)
- Preservice training course- modules on substance misuse and sexual abuse
- Training course on ACES
- Local training events
- Active contribution to Child Protection Improvement Programme

Article 40 of the Convention states that children should be dealt with outwith the criminal justice system and that the response should be appropriate to their wellbeing and proportionate to their circumstances and offence.

Under S67(2) of the Children (Scotland) Act 2011, children and young people can be referred to a hearing if the child has committed an offence and, under the Age of Criminal Responsibility (Scotland) Act 2019, only if the child is at least 12 years old. Prior to 2019, children could be referred to a hearing on offence grounds from the age of eight years old.

*In 2019/20, 2,834 children were referred to the Reporter on offence grounds.*

*- SCRA , Statistical Analysis 2019-20*

Case study: Raising the age of criminal responsibility

LHS has shown support for the Scottish Government's proposal to raise the age of criminal responsibility (from 8 to 12) in Scotland through its formal response to the consultation and by having an active role in the implementation working group responsible for planning the implementation of the Age of Responsibility (Scotland) Act 2019. We ensured all our staff and volunteers were aware of these changes by providing a new training course about the Act.

At any hearing it is important that the child knows how information about grounds for referral and any related supporting evidence but this is particularly important in relation to offence grounds. Within the hearings system, measures are in place to ensure children understand the legal effect of accepting offence grounds for referral or having these established in court (for example disclosure of this information to prospective future employers or other organisations in later life through a PVG or Disclosure check). Our Practice and Procedure Manual states that:

- The Children's Reporter will provide information to the child and relevant persons about the legal effect of accepting offence grounds in writing when arranging the hearing.
- The chairing member of the Panel should check this was received and understood before entering any discussion.
- A hearing can be adjourned or deferred to another day to allow the young person time to discuss the consequences or to seek appropriate advice about the issue from a Solicitor.
- There are significant consequences of accepting an offence ground. Panel Members should never encourage a child to accept a ground or statement of fact.<sup>33</sup>

The children's hearing system is welfare based and tries to keep children and young people out of the criminal justice system if at all possible. It is rooted in a recognition that young people who are convicted of offences or engage in high risk behaviours have experienced adversity or have themselves been victims of offences, are often vulnerable and have unmet needs for care and protection. The focus of the system is the welfare of the child, as set out in the first of our overarching principles 'the paramountcy principle'.

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<sup>33</sup> Practice and Procedure Manual, p.93

The children's hearing system is underpinned by the Kilbrandon principles which include:

- children who offend and children against whom offences are committed should normally be dealt with in the same system - but children who commit very serious offences may be dealt with by the criminal justice system
- the system is based on a concern for the welfare of the child not punishment
- while the child's needs are normally the test for intervention this does not mean ignoring deeds
- hearings consider the whole child - that is the child in the context of his or her life
- the style and setting of hearings is relatively informal to encourage full and frank discussion while legal procedures are observed
- hearings should attempt to engage the cooperation of families in resolving problems
- hearings must seek, listen to and take account of the views of children and their parents in reaching decisions
- compulsory measures should be beneficial with decisions taken by children's hearings being in the best interests of the individual child
- children should remain in their own community wherever possible and service provision should be integrated
- other rights, such as the right to appeal and to review of compulsory measures, are built in to the system<sup>34</sup>.

At present, a child can only be referred to a hearing up to the age of 16 although the system also accommodates 16 and 17 year olds who are already subject to a Compulsory Supervision Order. However, once a child turns 18, their order will be automatically terminated. CHS supports the Scottish Government's policy intention to widen access to the children's hearings system to young people aged 16 and 17 who are not currently eligible for referral to the Reporter.

We work collaboratively with, lead and influence partner agencies in the Children's Hearing System and wider community, to ensure that children and young people are not brought into the criminal justice system unnecessarily.

Article 40 also states that children have a right to legal assistance. Under the 2011 Act, a child or young person is entitled to engage a solicitor at any point of the hearings process and they can also apply to the Scottish Legal Aid Board for legal assistance.

Legal assistance for representation at a hearing is available to all children and young people if it is to ensure effective participation of the child. Sometimes arrangements for legal representation made not have been made before the hearing and if the panel feel a child or young person may need a solicitor to ensure their effective participation and that the person is unlikely to make the arrangements themselves, they may direct the Children's Reporter to provide the child's contact details to the Scottish Legal Aid Board, who will then facilitate contact with a Solicitor. If this was the case, the hearing would have to be deferred to another day.

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<sup>34</sup> Practice and Procedure Manual, p.171

Legislation (ss191,192 of the Act) also states child is automatically entitled to legal aid when:

- an application is made to the Sheriff for variation or recall of a Child Protection Order;
- a children’s hearing is to be held on the second working day after a Child Protection Order has been granted;
- a children’s hearing, or pre-hearing panel, considers that it may be necessary to make a Compulsory Supervision Order including a secure accommodation authorisation; or
- a hearing is arranged after the child is detained in custody by the Police.

Legal aid is also available for the child for any subsequent deferred hearings.

If a child is not accompanied by a solicitor at a custody hearing, Panel Members should ask the child whether they have been given the opportunity to be represented. If they have not, Panel Members should consider a short adjournment of the hearing to allow arrangements to be made, if possible.<sup>35</sup>

If a child has been prosecuted in a criminal court and been found guilty of, or pleaded guilty to, an offence, hearing may be asked to provide advice to the court about what it should do as a result of the offence. If it is a Sheriff court case, it must ask the hearing for advice if the child is already subject to an order however it is at the discretion of the court if it is a serious offence being dealt with in the High Court.

The key decision for the hearing when a court seeks advice is whether they consider it appropriate for the court to send the offence to a children’s hearing for a decision to be made or whether it is more appropriate that the child is sentenced by the court.

#### **Evidence**

- Children’s Hearings (Scotland) Act 2011
- Overarching principles
- Practice and Procedure Manual
- Raising the age of criminal responsibility
  - Response to the Scottish Government’s consultation
  - Introduction of training course on new Act across the whole CHS community
  - Active membership of the Scottish Government working group to implement the 2019 Act
- Active involvement in:
  - Children’s Hearings Improvement Partnership (2017-20)
  - Independent Care Review (2017-19)
  - Youth Justice Improvement Board/ Youth Justice Strategy (2017-20)
  - Secure Care Strategic Board Youth Justice/ Secure Care Review (2017-19)
  - Hearings Management Group (2017-18)
- Began work to consider compulsory measures for 16 and 17 years olds
- Partnership work through ASIPS

<sup>35</sup> Practice and Procedure Manual, p.119



## Gaps in our Activity and Evidence and Improvements Required

While much of our activity helps promote and protect children's rights, we know we can do better. We need to be ambitious, forward thinking and challenging. In *Our Strategic Outlook 2020-2023* we set out what our priorities for the next three years will be and children's rights are at the centre.

### *Our strategic themes*

- Better protect and uphold the rights of children
- Deliver consistently high quality hearings
- Continue to build an effective, empathic panel, that is well supported
- Be well informed and influential in our environment and communities.

Moving forward our new Rights and Inclusion Strategy is at the core of our work and it puts the child and young person's voice at the centre of all we do.

### *Our children's rights and inclusion vision*

- We want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people.
- At Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners.
- Infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.

There are three key areas which CHS can work on to see our vision for Scotland's children realised:

- **Children's Hearings:** Children must feel that it is *their* hearing, where they can choose how to share their views about their lives. Panel Members' interaction and communication with children will be as inclusive as possible, recognising and understanding trauma and its impact, as well as being open to the ways that children may choose to share their views.
- **Area Support Teams:** CHS Area Support Teams support the delivery of the National Convenor's functions through providing local support to Panel Members. They will work to ensure the views of people with lived experience of the hearings system contribute to recruiting and supporting of local volunteers.
- **Children's Hearings Scotland:** this relates to the successful functioning operations of CHS as an organisation. CHS will role model and demonstrate the ways in which the methods of consultation, engagement, participation, co-design and co-production can be used to improve our everyday work and practice.

People with lived experience of the hearings system have helped us identify six 'pillars of inclusion' that are considered essential in reaching the three outcomes described above.

Children feel able to share their views openly, freely and honestly.

Children know that their views are given real weight and listened to in decision-making about their lives.

Children feel empowered and have ownership of their rights.



As an organisation we will take a rights based approach to everything we do and we will embed Children's Rights and Wellbeing Impact Assessments (CRWIA) in our working practices to assess how our work impacts on children and young people and their rights.

#### *The Promise*

In February 2019, the Independent Care Review published its findings in 'The Promise' report. This articulates a vision for Scotland's care system that looks the voice of lived experience as a key influence and places rights at its centre. The findings were welcomed by the National Convener and it was made clear that CHS intends to take its responsibility for transformational change seriously:

"The [Independent Care Review](#) has been the most incredible journey. A genuine root and branch review with the voice of care experienced children and young people at its heart. I'm so grateful to everyone who has shared their experiences and helped to shape these recommendations. Panel Members are committed to improving outcome every day for infants, children, young people and their families. They are always listening, always learning and dedicated to improving their practice.

I welcome the commitment to retain the Kilbrandon principles. We will now look in depth at each of the areas highlighted by The Promise which relate to the children's hearing system. We recognise the opportunity for change and will work with our volunteers, children and

young people to build solutions and deliver The Plan. We're committed to delivering The Promise."

*What CHS will do next to progress children's rights*

How we will progress children's rights over the next three years is presented in the tables below. These reflect commitments we have already made in our *Corporate Plan 2020-23* and in our *Children's Rights and Inclusion Strategy*. We have identified how each of these relates to the UNCRC clusters. [Note: to be completed]

We have begun to work on our Quality Improvement Programme and this will identify the tasks and actions required to embed our six pillars of inclusion and assess how well we are doing. As part of this work, we are developing specific measurable targets and, while these have yet to be finalised, we have included some of these in our broad aims presented in the Next Steps table below. [Note: to be completed]

We know we need to improve the way in which we measure our performance in progressing children's rights. There is currently no nationally agreed indicators to monitor UNCRC implementation and we would welcome the opportunity to work with our partners on how these might be developed.

From Corporate Plan 2020-23 We will...	Alignment to Clusters							
	i	ii	iii	iv	v	vi	vii	vii i
<b>THEME 1: BETTER PROTECT AND UPHELD THE RIGHTS OF CHILDREN</b>								
Ensure that our volunteers are trained in children’s rights and understand how to enable them								
Ensure that children and young people are able to participate fully in our work								
Use data and feedback to our approach to rights, and how they are exercised in hearings, under review								
Introduce a framework for measuring our progress on children’s rights and the realisation of UNCRC within our work								
Learn from, and work with, partners to adopt best practice in our rights work								
Train our staff in children’s rights an how to embed them in our work								
<b>THEME 2: DELIVER CONSISTENTLY HIGH QUALITY HEARINGS</b>								
Work with partners to increase the influence children and young people can have on hearings. We want this to lead to the delivery of co-designed hearings.								
Rationalise, and better use, the system of standards, codes and competencies in which we operate								
Start to work with our partners to ensure that hearings are run with processes that do not cause delays or disruption								
Undertake work focused on demonstrating and cementing acceptable hearings behaviors and conduct								
Explore how hearings can work more effectively with the families of infants, children and young people								
Ensure we promote dignity in hearings by understanding the impact of stigma in hearings and identifying ways to avoid this								
<b>THEME 3: CONTINUE TO BUILD AN EFFECTIVE AND EMPATHIC PANEL THAT IS WELL SUPPORTED</b>								
Begin our journey to fully embedding throughout our work an awareness of the impact of trauma								

Actively seek to increase the number of Panel members with lived experience of the hearings system and strive for greater diversity of the Children's Panel								
Continue to develop the training offered through the CHS Learning Academy to ensure Panel Members feel confident in their skills and abilities								
Introduce a new approach to supporting Panel Members wellbeing								
Connect, include, celebrate and explore how to better support, our volunteer community by rolling out a new engagement programme								
Contribute actively to any national review of the role of volunteer decision makers as suggested by the Independent care review								
<b>THEME 4: BE WELL INFORMED AND INFLUENTIAL IN OUR ENVIRONMENT AND COMMUNITIES</b>								
Introduce and embed a new digital system that will allow us to record and review data								
Ensure that our changing environment and developing knowledge is having an impact internally – by using it to train our staff and volunteers.								
Ensure our staff and volunteer leaders are trained to understand improvement and implementation science								
Actively seek opportunities to engage more closely with research about the hearings system, care and child development								
Introduce systems that allow our work to be influenced by lived experience of hearings at all levels								
Engage actively in our strategic and operational environment – taking leadership spaces where we can to drive positive change.								

From our Children's Rights and Inclusion Strategy	i	ii	iii	iv	v	vi	vii	vii i
IEWS								
SCOTLAND'S CHILDREN AND YOUNG HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
Children will have lots of ways to express their views which our Panel Members will be trained in how to understand and listen to in a communication friendly environment								
We will support children's right to representation in helping them to share their views								

We encourage all children where possible to attend their hearings. If they feel unable to attend, they will be supported to still have their views shared								
We are committed to understanding the views of all children and will work with partners in learning how best to incorporate the views of children under the age of 5 years using a range of different methods								
THE CHILDREN'S HEARING SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SERVE								
We will make sure that children and people with lived experience are included in developing, shaping, delivering and reviewing the work and values of Children's Hearings Scotland								
People with lived experience of the hearings system will be included in all volunteer and staff recruitment. We recognise the invaluable experience that these individuals can bring to improving the children's hearing system for the better.								
CHOICE								
SCOTLAND'S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
Our hearings work for children, giving the choice for children to be included in deciding where and when their hearing takes place that is suitable and meets their needs								
Children will have the choice to be included in all aspects of the children's hearings system, not just the hearing itself, and they will be supported and encouraged to do this with equality and respect. They can choose if and how they want to use and bring their lived experience								
WE ARE PROUD OF SCOTLAND'S UNIQUE CHILDREN'S HEARING SYSTEM								
We embrace the range of inclusion that can be possible in a hearing, and for children who choose to, can have the opportunity to co-design their own hearing								
We will work with partners in creating a way forward in co-designing hearings and if needed, appropriate and with evidence, we will challenge legislation to enable change								
We will ensure children's choice of how they share their views can be possible by working with partners on the logistics of the hearings space that will allow, for example, technology to be accessible if children want to express their views that way.								
We will support the increase of advocacy that is available for children attending hearings and ensure children are aware of this choice for them								
RELATIONSHIPS								

CHILDREN'S HEARINGS SCOTLAND UNDERSTAND THE IMPORTANCE OF RELATIONSHIPS FOR CHILDREN WHICH ARE BASED ON RESPECT, HONESTY AND TRUST								
Panel Members are trained in how to listen and include children, recognising the challenges some children may face with communication and in recovering from trauma. They will embed a children's rights and child-centred approach during the child's hearing.								
We recognise the purpose and importance of having some of the same Panel Members at future hearings and will strive to achieve this by working with partners to provide this choice for children								
We will clearly demonstrate and promote positive behaviours and expectations of Panel Members through our code of conduct, ensuring children feel safe and empowered within their own hearing.								
We will work with partners to ensure everyone attending a child's hearing understands how they should behave positively including family members and carers.								
THE CHILDREN'S HEARING SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SEEK TO SERVE								
We will ensure that children and people with lived experience of the hearings system feel empowered and connected to exert their influence using their personal experiences to improve the hearing's journeys for others through ongoing relationships with us								
COMMUNICATION								
THE INCLUSION OF CHILDREN THROUGH THEIR HEARINGS JOURNEY IS CLEARLY VISIBLE THROUGH OUR CORE VALUE								
The inclusion and participation of children and people with lived experience of the hearings system must be the golden thread running through all everyday operational business at CHS. This will be supported by our Children's Rights and Inclusion Coordinator								
All language used throughout the hearings process is accessible, communication friendly, and easily understood. Where this is not possible, everything is explained to the child in a developmentally appropriate manner. We will work closely with Scottish Children's Reporters Administration (SCRA) in making this happen.								
Everyone involved in the hearings journey with children and people with lived experience understand and respect their preferred pronouns.								
THE CHILDREN'S HEARING SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SEEK TO SERVE								
There are clear expectations and boundaries across Children's Hearings Scotland and Area Support Team (AST) activity so that children and people with lived experience know what they can expect from our organisation in all situations.								

ACTION								
WE ARE PROUD OF SCOTLAND'S UNIQUE CHILDREN'S HEARING SYSTEM								
We will report to Scottish Government on how we realise children's rights in the work we do. We will explicitly demonstrate the ways in which various Articles of the UNCRC are supported until there is no longer a need, with a children's rights-based approach being embedded in everyday practice and throughout training.								
In line with our values, all action within CHS relating to our Corporate Plan, Annual Business Plans and strategy documents will also illustrate the development of our inclusive work with children, across organisational work, AST operations, and Panel Member interactions with children in their own hearings.								
CHS with our colleagues in the CHS Learning Academy will provide training for all staff and volunteers ensuring a children's rights-based approach and inclusive practice is used in making sure children are able to share their views including those children with any communication needs								
SCOTLAND'S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
We will make it clear for children on the roles, responsibilities and expectations of all the different people who attend the child's hearing.								
Feedback loops to monitor, review and evaluate each 'pillar of inclusion' will exist and collate the information, data and views recorded in different ways, to continually improve what and how we do it.								
SPACE								
SCOTLAND'S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
During the hearings journey, children are offered timely, safe and inclusive physical and psychological spaces to ensure they have their views shared and their needs met								
THE CHILDREN'S HEARING SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SEEK TO SERVE								
We will have people with lived experience of children's hearings with specific roles within our ASTs. In creating this space for people to occupy, we can continue to have lived experience at the centre in all we do.								
Children are included in shaping and influencing the spaces that children occupy, whilst never deviating from the experience of those people who have attended children's hearings. This will be supported by the work of our National Panel of Advisors within CHS.								



From our Quality Improvement Programme We will ensure...	i	ii	iii	iv	v	vi	vii	viii
[To be completed]								



## **Agenda Item 17**

### **CHS-2021-61**

<b>Accountable Director:</b>	Lynne Harrison, Head of Strategy and Development, Deputy CEO
<b>Report author:</b>	Rachel Kavish Wheatley, Business Support Lead
<b>Recommendation:</b>	To approve
<b>Resources implications:</b>	None
<b>Equalities duties:</b>	Equalities Impact Assessment Required: Yes / <b>No</b> Equalities Impact Assessment Carried out: Yes / <b>No</b>

### **Background**

1. Following the Internal Audit of Corporate Governance, BDO recommended the production of an annual Work Plan for the Board in order to support effective and timely contributions.
2. The attached annual work plan identifies Board activity in line with the Board Standing Orders.

### **Recommendations**

3. The Board is asked to approve its 2020/21 Work Plan for immediate implementation



## Agenda Item 17

CHS-2021-61

### Children's Hearings Scotland

#### Board Work Plan 2021

##### 1. *Public Board Meeting – 05 (26 January 2021)*

###### Corporate

- Financial Forecast Outturn
- Business Corporate Parenting Plan (Draft)
- Q3 Performance Report*

###### Policy/ governance

- UNCRC Report (Draft)
- RAC Annual Report
- ARMC Annual Effectiveness Review

##### 2. *Board Strategy Weekend (26-27 February 2021)*

##### 3. *Public Board meeting - 06 (23 March 2021)*

###### Corporate

- Financial Forecast Outturn
- Budget approval 2021/22
- Business Corporate Parenting Plan 2020-2021 (Approval)
- Pay Award 2021-22
- Gender Pay Report
- Equalities outcomes reporting
- Financial Regulations
- Accounting Policies
- Q4 performance Report

###### Policy/ governance

- UNCRC Report (Approval)
- ARMC/RAC Annual Work Plans
- Board Review of own effectiveness

##### 4. *Public Board Meeting – 01 (22 June 2021)*

###### Corporate

- Financial Forecast Outturn
- Q1 Performance Report

###### Policy/ governance

- ARMC Annual Report

5. *Public Board Meeting – 02 (21 September 2021)*

Corporate

Financial Forecast Outturn  
5 Year Financial Plan  
Q2 Performance Report  
Annual Report  
Annual Accounts  
CHSLA Prospectus

Policy/ Governance

Impact Report  
Feedback Loop  
Annual Review of Appeals

6. *Board Strategy Day (12 October 2021)*

7. *Public Board Meeting 03 (23 November 2021)*

Corporate

Financial Forecast Outturn  
5 Year Financial Plan Update

Policy/ Governance

Board Standing Orders  
Governance Plan 2021-22  
Rights and Inclusion Strategy Annual Report  
Biodiversity Report

<b>Board Work Plan</b>	<b>26/01/21</b>	<b>26&amp;27/02/21 Strategy</b>	<b>23/03/21</b>	<b>22/06/21</b>	<b>21/09/21</b>	<b>12/10/21 Strategy</b>	<b>23/11/21</b>
<b>RAC</b>							
Annual Report	<input type="checkbox"/>						
Annual Work Plan			<input type="checkbox"/>				
<b>ARMC</b>							
Annual Report				<input type="checkbox"/>			
Annual Work Plan			<input type="checkbox"/>				
<b>Policy/Governance</b>							
UNCRC Report 2017-2020 (triannual report cycle - next report 2020-2023 for approval 2024)	<input type="checkbox"/> Draft		<input type="checkbox"/> Final				
Accounting Policies			<input type="checkbox"/>				
Gender Pay Report			<input type="checkbox"/>				
Equalities Outcome Report			<input type="checkbox"/>				
Impact Report					<input type="checkbox"/>		
Feedback Loop					<input type="checkbox"/>		
Annual review of appeals					<input type="checkbox"/>		
Rights and Inclusion Strategy							<input type="checkbox"/>
<b>Corporate</b>							
Pay Award Review			<input type="checkbox"/>				
Business Corporate Parenting Plan	<input type="checkbox"/> Draft		<input type="checkbox"/> Final				
CHS Financial Regulations Review			<input type="checkbox"/>				
Financial Forecast Outturn	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
CHS 5 Year Financial Plan - update	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Quarterly Reports	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Annual Accounts				<input type="checkbox"/>			
Annual Report				<input type="checkbox"/>			
<b>Other</b>							
CHSLA Prospectus					<input type="checkbox"/>		

Governance & Board Work Plan							<input type="checkbox"/>
Board Standing Orders Review							<input type="checkbox"/>