

# The Next Steps Towards Better Hearings



Children's Hearings  
Improvement Partnership



*The Children's Hearings Improvement Partnership - working together, sharing ideas  
and co-ordinating our efforts to improve services for children and young people.*

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## **Executive Summary**

Through reviewing what children and young people have said about their experiences of Children's Hearings and those of practitioners, this research aimed to:

*'Identify what makes a Hearing work well from a perspective of those involved and from this develop service standards for Children's Hearings'.*

Proposed Standards for Better Hearings have been developed from areas of consensus between children, young people and practitioners. The standards are written from the perspective of what children and young people should expect from their experience before, during and after their Hearings. Young people with experience of Hearings were consulted on the draft Standards and their feedback was used to revise and finalise the proposed Standards for Better Hearings.

### **Proposed Standards for Better Hearings**

These proposed Standards apply to all types of Hearings, including Pre-Hearing Panels. They are the Standards that you should expect to experience before, during and after your Hearing. All professionals and Panel Members involved in your Hearing will do everything they can to make sure that these happen.

#### ***Before the Hearing***

*Planning your Hearing – we will:*

- Let you know 15 days in advance where and when your Hearing will happen.
- Make sure you have all the papers you need for your Hearing 5 days before it.
- Ask if you would like to visit the Hearings Centre before you come for your Hearing.
- Listen to you about anything that could be done to make the Hearing better and do all we can to make sure this happens.
- Tell you who will be there and explain why they have been invited.
- Let you know that you can ask for a representative or advocate to support you and help you find one if you want to.
- Ask if you want to attend in person. If you don't we will ask what other ways you would like to give your views. We will discuss your attendance at the Hearing including how you would like to participate.
- 

*Reports and information for your Hearing – we will:*

- Ask for your views when writing reports and make sure that they are included.
- Make sure that the information we send you is clear and understandable.

- Focus on the current issues in your life in reports for your Hearing.
- Make sure that the professionals coming to your Hearing have shared information so that they are fully prepared.
- Respect your confidentiality by keeping your information safe and making sure those that only those who need to will see it.

### ***During the Hearing***

#### *Safety and privacy – we will:*

- Make sure you feel and are safe when you are in the Hearings Centre.

#### *Running the Hearing – we will:*

- Make sure that your Hearing will start and finish on time, or last only as long as necessary.
- Make sure the Chairperson of your Hearing explains at the very start why it is being held, how it will be run and who will speak when – so that this is clear to everyone. The Chairperson will ask everyone to explain who they are and why they are there.
- Discuss things during the Hearing that are currently important and relevant.
- Make sure all discussions are as short, clear and understandable as possible.

#### *Helping you give your views – we will:*

- Ask you how you would like to give your views (e.g. speaking to you first, speaking to the Panel Members alone or with a representative or advocate speaking for you) and make sure this happens. If you do not want to give your views we will respect that.
- Make sure that you are at the centre of your Hearing and that everyone else will respect that.

#### *Decisions – we will:*

- Clearly explain the decision made and what your rights are.
- Make decisions that are in your best interests, although you might not always agree with them.
- Make sure you have the chance to ask any questions and that these are answered.

### ***After the Hearing***

#### *Hearing's decision and what happens next – we will:*

- Make sure after your Hearing someone will answer any questions you have and explain what the decision means (such as - where you stay and how often you can see people who are important to you).

- Send you the written decision within 5 days and answer any questions you might have.
- Make sure the written decision is clear and understandable.
- Include the Hearing's decision in your Child's Plan and make sure your Plan properly reflects it.

*Your rights – we will*

- Provide a private space for you to speak to people after the Hearing.
- Explain your rights to disagree and challenge the decision (this is called an appeal) and how to do this.
- Explain your right to request another Hearing (this is called an early review) and how to do this.
- Help you to ask for another Hearing.
- Listen to you about what would make your next Hearing better and make sure this happens.

**Developing the proposed Standards for Better Hearings**

The basis of the proposed Standards comes from research which included: 1. A literature review on children and young people's views; 2. focus groups and interviews with social workers, Children's Reporters, Children's Panel Members, solicitors, Safeguarders, and Children's Rights Officers; and 3. consultation with young people.

There was a great deal of consensus between the views of children and young people and practitioners on what would make a 'better Hearing', and this is summarised below:

**Before the Hearing:**

<b><i>Children and young people want:</i></b>	<b><i>Practitioners want:</i></b>
adults they have a trusted relationship to help prepare and support them.	Sufficient time and information to prepare themselves and the child or young person for the Hearing.
Continuity of the professionals in their lives.	
Involved in preparation of reports about them and their Child Plans.	Sight of all reports and information that will be discussed in the Hearing.
Understand the information sent to them and about them, and have time to do this.	Notified of the Hearing well in advance, and be informed of why it is being held.
	Information to be provided in child-friendly formats.
Less information about them and their families repeated in reports and at different Hearings.	Reports to be written in plain English, to be concise, contain factual information, focus on the current circumstances of the child and

	family, contain less repetition and historic information, and to be about the individual child.
Know in advance who will be attending their Hearings and why.	Informed of who has been invited to the Hearing.
Have the privacy and confidentiality of information about them and their families respected.	
	SCRA to be more pro-active in offering pre-Hearing visits for children and young people.
	Hearings to be scheduled to reflect different types of Hearings and family circumstances, rather than standard times.
	Pre-Hearing Panels to take greater account of the views of professionals that a child or young people should be excused from attending a Hearing.

### During the Hearing:

<b><i>Children and young people want:</i></b>	<b><i>Practitioners want:</i></b>
Their right not to talk in the Hearing to be respected.	The child or young person to be given the opportunity to speak first and to always be offered the chance to speak to the Panel Members on their own.
Able to speak to the Panel Members first and their views considered before those of professionals or family members.	
Asked at the start of the Hearing how they would like to give their views and if they would like to be excused after giving them.	The child or young person to be offered a variety of ways to participate and present their views (including greater use of technology), and for this to be of their own choosing.
To have the option of attending their Hearing or providing their views in another way.	
To feel listened to.	
The minimum number of people present at the Hearings, and that these be those who they know.	Numbers in the Hearing to be kept to a minimum and for Panel Members to be more aware of who can be excused.
	A capable and strong Chair who can manage the Hearing and control any inappropriate behaviour or conflict.
Reports to focus on their current circumstances rather than historical information.	
Less use of jargon in reports and in Hearings.	
Hearings to start and finish on time, keep to the point, and for them not be kept waiting.	Hearing to start on time.
Protected from seeing those they do not	It to be easier to keep a child or young apart

want to at the Hearings Centre.	and away from those they do not want to see, or who have harmed them, at all times in the Hearings Centre.
Hearings and waiting rooms to provide a more relaxed and informal environment.	The Hearing environment to be less formal and more child-friendly.
Greater continuity of professionals and Panel Members at their Hearings.	Greater continuity of those involved in the Hearing
Supported throughout the Hearings process.	More children and young people to have representation from an advocate, Children's Rights Officer or legal representative.
Panel Members to explain their decisions to them in a way they understand.	
The most important person there.	The child or young person to be at the centre.
	Greater respect demonstrated for the professionalism of all practitioners in the Hearing.
	Improved technology available for writing decisions, copying, etc.

**After the Hearing:**

<b><i>Children and young people want:</i></b>	<b><i>Practitioners want:</i></b>
Letters sent to them with the Hearing's decision to be written in language they understand.	The child or young person to have support to help them understand their rights and what the Hearing's decisions means for them.
Informed of who they can contact after a Hearing for support or to answer their questions.	
Supported after the Hearing by someone they know and trust (e.g. social worker, Children's Rights Officer).	Time and a private place in the Hearings Centre to talk to the child or young person to explain the decision.
On-going contact with family members and if this is limited or not possible the reasons why to be explained to them.	

## 1. Introduction

The Tripartite Group of the Scottish Children's Reporter Administration (SCRA), Children's Hearing Scotland (CHS) and Social Work Scotland has challenged itself to improve the experience of children and families attending Children's Hearings. The discussion has focused around working towards a concept of 'Better Hearings' where there is greater personalisation to reflect and meet the needs and expectations of those attending.

The Tripartite Group believe there is a practitioner view of what works and what does not. There exists already considerable information from children and young people about their experiences of Hearings (discussed in Chapter 3). What is less known is what practitioners in the Hearings System believe makes a 'Better Hearing'.

This research, therefore, explores the views of key practitioners and links these with those of children and young people to identify areas of consensus. Its aim is to:

***'Identify what makes a Hearing work well from a perspective of those involved and from this develop service standards for Children's Hearings'.***

## 2. Methods

The research involved:

- Review of the existing literature
- Qualitative research with key practitioners in the Hearings System.
- Consultation with young people, with experience of Hearings, on the findings and draft standards

### 2.1 *Literature Review*

This reviewed evidence from research, surveys and consultations with children and young people since 2004. This was analysed thematically around the three key stages of Before, During and After the Hearing.

### 2.2 *Qualitative research with practitioners*

Focus groups and semi-structured telephone interviews were carried out with social workers, Children's Panel Members, solicitors/legal representatives, Children's Reporters, Safeguarders and Children's Rights Officers. Most participants were from Aberdeenshire (representing a rural area) and Glasgow (representing an urban area), and a few also had involvement in Hearings in other areas.

All participants gave their consent to take part in the research (Appendix 1). Focus groups and interviews were transcribed and analysed thematically.

Each focus group and interview covered the same topics:

#### Before the Hearing

- What do you need to best prepare you for a Hearing from your professional perspective/ role in the Hearing?
- What do you think works best in preparing a child or young person and their family for their Hearing?

#### During the Hearing

- What practical considerations could make Hearings work better?
- What works well in supporting a child or young person to participate in their Hearing?
- How can we best manage the views of others in the Hearing, particularly when there is disagreement between parties?

#### After the Hearing

- What should happen from your perspective after the Hearing – in terms of supporting the child or young person and their family?
- How can we make sure that children, young people and their parents better understand their rights and be able to exercise them?
- How should the Hearing’s decision (and measures) be best reflected within the Child’s Plan?

A total of 59 practitioners took part in the research.

Eleven focus groups were held involving a total of 52 participants (Table 1). Focus groups took place in SCRA’s offices in Glasgow and Aberdeen or in local authorities’ offices in Glasgow and Inverurie.

**Table 1. Focus Groups with practitioners**

Focus group	Who with	No. participants
1	Social workers	5
2	Reporters	4
3	Panel Members	7
4	Panel Members	4
5	Panel Members	6
6	Social workers	3
7	Solicitors	3
8	Safeguarders	4
9	Reporters	6
10	Panel Members	5
11	Children’s Rights Officers	5

In addition, five solicitors and one Children’s Rights Officer were interviewed. One Children’s Rights Officer provided her views in writing.

Focus groups and interviews were carried out between 16<sup>th</sup> November 2015 and 24<sup>th</sup> February 2016.

### 2.3 Consultation with children and young people

Young people involved with Aberlour Child Care Trust and Includem were asked for their views on the main research findings and the draft proposed Standards, and this consultation was facilitated by these organisations. Seventeen young people took part and their ages ranged from five to 21 years old with most being 13 to 16 years old. All had current or past involvement in the Hearings System. SCRA was not provided with any further information about these young people to ensure their anonymity.

### 3. Children’s and Young People’s Views – literature review

Over the past ten years, there have been a number of studies on children’s and young people’s views on the System. This review brings together the main messages from these studies, and is structured around the stages of: Before; During; and After the Hearing.

#### 3.1 Before the Hearing

##### 3.1.1 *First involvement in Children’s Hearings*

*“You dinnae know what it’s about when you are asked to come”*

Children and young people in the Children’s Parliament’s (2010) consultation on Hearings System Reform said that they first heard that they had to attend a Hearing when they were sent a letter, often unexpectedly. They spoke about needing someone to explain to them what was going to happen and why, and to go through the *“big massive bundle”* [of paper].

Young people in Aberdeenshire produced a guide on the meetings they have to go to, which is pertinent to Hearings. It stresses the importance of understanding *what* each meeting is for, *why* it is being held and *what* is to be decided at it. They also need to know *who* is to be invited to the meeting and *why*. And if they want someone to attend then every effort needs be made to ensure that that this happens and, if not, that this should be explained (Aberdeenshire Council, 2011).

Young people have raised that they never know who the Panel Members will be, and their anxiety about meeting three people who they do not know and who have a degree of control over their futures (Who Cares? Scotland, 2014).

##### 3.1.2 *Information provided before the Children’s Hearing*

The Children’s Hearings (Scotland) Act 2011 (the 2011 Act)<sup>1</sup> and the The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013<sup>2</sup> state that children aged 12 years or over are considered to have sufficient age and maturity to receive their Hearings Papers<sup>3</sup>. SCRA’s 2015 national survey found

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<sup>1</sup> Section 27(4) Children’s Hearings (Scotland) Act 2011

<sup>2</sup> Rule 18 The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013

<sup>3</sup> There was support for statutory access to Hearings Papers being ‘fettered’ according to the age and stage of the child or young person and when Papers are provided, that this be done in an appropriate way (including verbally) (Scottish Government, 2012).

that 82% of young people received – or recalled receiving – their Hearings Papers; it was 84% in 2016. This means that a significant minority are not receiving information they should (Kurlus and Henderson, 2015; SCRA 2016a).

In 2004, the Council on Tribunals found that reports were not always received until the Hearing, causing delays whilst Panel Members and the family read them. Late reports continue to cause delays with recent SCRA research finding that the reason that a third of Advice Hearings had to be continued was because of late or no reports (Henderson *et al*, 2015). Also young people believe that Panel Members do not always read the paperwork before the Hearing, and that sometimes they have to wait for them to do this (Children's Parliament, 2010).

Questions have been raised over how much information in Hearings Papers is too much, concerns around historical information being reiterated unnecessarily, and the accessibility of information (Children's Parliament, 2010; Whitehead *et al*, 2009, 2011; Aberdeenshire Council, 2011; Hanson, 2013; Homes *et al*, 2014; Montgomery, 2014; Kurlus and Henderson, 2015):

*"There is lots of paper, a big booklet; it tells you what you have done in the past. I hate it"* (child, 10 years, Children's Parliament, 2010)

*"I just, like, give it [Hearing papers] to my mum to read...I don't, like, understand it...it's just, like, adult stuff and I don't really pay attention when it's adult stuff"* (young person, 13 years; Whitehead *et al*, 2011)

*"Don't make them so long...Don't bring up the past so much"* (young person, 12 years; Aberdeenshire Council, 2011)

Young people have said that it is important that they have time to read reports and have someone to go over them with them. They've suggested that reports should be shorter so that they can better understand them, and that they include everything that will be discussed so that there are no shocks or surprises. They would also like to get the chance to write down their views before any meeting; be made aware of who will get copies and be asked who they want them shared with; and told beforehand of any other professionals who may be able to help or support them, such as Children's Rights Officers (Aberdeenshire Council, 2011).

SCRA sends out the 'All About Me' form to children and young people coming to Hearings to provide their views. An SCRA survey found that only 28% of young people and 56% of children had completed the 'All About Me' form; and 36% of young people and 33% of children had not received it (Kurlus and Henderson, 2015; SCRA 2016a). Another study found that not all looked after young people had seen

the 'All About Me' form, and that some viewed it as “pointless” and “babyish” (Montgomery, 2014).

### 3.1.3 Relationships with professionals

As part of the Scottish Parliament's Inquiry into decision making on whether to take children into care, the Education and Culture Committee met with young people from Who Cares? Scotland and care leavers. Both groups stressed the need for strong and trusting relationships between the child in care and the professionals involved in their life, and in particular their social worker (Scottish Parliament, 2013a; 2013b). Young people have explained the importance of having a relationship of trust with the person whom they give their views to (Cossar, *et al*, 2014; Hanson *et al*, 2016).

In a consultation on the Children and Young People (Scotland) Bill, young people discussed their experiences of being taken into care and how they want to feel better supported (Who Cares? Scotland, 2012). Young people have also said they want to be better prepared and communicated with (Creegan *et al*, 2006), and to meaningfully participate in their Hearing they must have a strong relationship with an adult whom they can trust and with whom they feel: “confident, comfortable and valued” (Scottish Executive, 2006). This was echoed by Elsley and colleagues (2013): “...a significant proportion of the evidence emphasises the importance of having trusted adults help children and young people speak out”.

*“If you know them or can build a relationship with someone...then you can talk to them and tell them your views and they can support you later on [when talking to other adults]” (young person, Scottish Executive, 2006)*

*“Talk to someone you know or have met before, not a stranger because you need to trust them and feel comfortable otherwise you won't be confident enough to say what you think” (young person, Scottish Executive, 2006)*

*“It would be good if you were told more about it and what happens and people know about it” (young person, Creegan *et al*, 2006)*

Social workers have an important influence on children and young people's experiences of Hearings as they are often the main professional in their lives and can be involved in providing advocacy support (Creegan *et al*, 2006). Those in care have said that social workers should have a greater role in explaining everything to them, including what to expect from being taken into care and Hearings proceedings (Scottish Parliament, 2013b).

Montgomery (2012) found that it: “...clear from the research that children and young people are asking for the same social worker so they can form a trusting relationship with them, and who can explain what their options are and still take the child/young

*person's views on board and present them to the Children's Hearing". More recent research found that: "...young people continue to place a great value on the creation and maintenance of a trusting and consistently supportive relationship with the key professionals in their lives as being critical to moving forward positively..." (Cook, 2015).*

#### *3.1.4 Professional continuity*

Continuity of professionals can provide reassurance to young people (and their families) that only those who are actively involved in their lives are privy to information about them (Whitehead *et al*, 2009). Confidentiality is a concern and young people feel strongly that they:

*"wouldn't like a lot of different people sharing information unless it was really necessary" (young person, Scottish Executive, 2006)*

They want to know who is sharing what information about them and with whom, and that this should only be with their explicit permission (Scottish Executive, 2006).

Evidence provided to the Education and Culture Committee by young people in care and care leavers said that there should be consistency in social workers as having to keep repeating their histories is exasperating and leaves them feeling unimportant (Scottish Parliament, 2013a; 2013b).

*"I don't get why, when...your social worker is off or away, why don't they just let you wait for them to come back before your next appointment? They make you go and meet someone else, who doesn't know you and who, most of the time, doesn't seem that interested because they won't be working with you again anyway..." (young person; Cook, 2015).*

Continuity of professionals would also would also benefit multi-agency communication:

*"Nah man, none of them talk to each other...the police, the courts, the social...you end up having to tell them all the same things. And worse than that, one of them tells you one thing is gonna happen, something else does, but you never see them again to ask them about it!" (young person; Cook, 2015).*

#### *3.1.5 Involvement in writing reports and care planning*

Young people want to be involved in the preparation of *all* reports for their Hearings so that their views are being adequately and accurately reflected by *all* agencies

(Montgomery, 2014). But a consultation with young people found that 28% of participants were not involved in developing their Plans:

*“I’d like to do more with my care plan. Staff don’t go through mines with me regularly”*; and

*“young people should drive the Care Plan and professionals should help with strategies”* (young people, Who Cares? Scotland, 2012).

It has been suggested that the process of producing the Child’s Plan should include how to help the child effectively participate in their Hearings (Hobbs, 2015) – whilst this was about learning disabled children and young people it is worth consideration for all children and young people.

### 3.1.6 Summary – before the Hearing

#### **Children and young people want to:**

Have adults they have a trusted relationship to help prepare and support them.

Have continuity of the professionals in their lives.

Be involved in preparation of reports about them and their Child Plans.

Understand the information sent to them and about them, and have time to do this.

Have less information about them and their families repeated in reports and at different Hearings.

Have the privacy and confidentiality of information about them and their families respected.

Know in advance who will be attending their Hearings and why.

Provide their views in a way appropriate to them.

## 3.2 During the Hearing

Young people feel strongly that they should be involved in decisions affecting their welfare (Who Cares? Scotland, 2012). This is reflected in legislation, section 27 of the Children’s Hearings (Scotland) Act 2011 states that:

*“The children’s hearing or the sheriff must, so far as practicable and taking account of the age and maturity of the child—*

*(a) give the child an opportunity to indicate whether the child wishes to express the child’s views,*

*(b) if the child wishes to do so, give the child an opportunity to express them, and*

*(c) have regard to any views expressed by the child.”*

A 2006 consultation with children and young people found that they: *“...did not feel able to express their views and wishes at the panel, nor did they feel like their views were valued by the panel. The main inhibiting factors for children and young people related to facing large numbers of unknown adults and feelings of worthlessness”* (Scottish Executive, 2006).

More recent research with young people on improving youth justice, found that attending Hearings was a mostly negative experience - they felt: *“...judged, ignored, not listened to, sometimes barely even addressed when in the room, and talked about being excluded from the process and not understanding it”*, describing: *“...an environment where they felt alone, unsupported and sometimes judged, by the ‘strangers on the other side of the table’”* (Cook, 2015).

### 3.2.1 Timing of Hearings

Young people have reported that Hearings always start late and they have to wait for a long time (Who Cares? Scotland, 2011), and recommended that meetings should be held on time, be kept as short as possible and *“stick to the point”* (Aberdeenshire Council, 2011).

Who Cares? Scotland (2014) have raised concerns about young people having to attend during school hours: *‘In relation to missing school to attend a hearing they spoke about the message this can give to young people who are already struggling to engage with school: that their education is not as important. They also spoke about how difficult it can be to return to school later that day, struggling to switch off from the discussions had at the Hearing and to answer the questions posed by other pupils. This experience only acts to enhance the stigma they face too – in their view.’* In SCRA’s 2015 and 2016 national surveys, 90% of young people said they would prefer to come to Hearings on a weekday (Kurlus *et al*, 2015; SCRA, 2016a).

### 3.2.2 Physical environment

The Council on Tribunals recommended that all proceedings be private and not overheard, even when there are raised voices (2004). SCRA’s Modern Apprentices’ inspections showed that not all Hearings rooms were sound-proof. They also found that waiting rooms were not always private, particularly those in Outreach Centres (Collins and Montgomery 2011; Murphy *et al*, 2013).

Children and young people (and parents and carers) find coming into a room of three Panel Members sitting formally in a row causes them anxiety at an already stressful time (Creegan *et al*, 2006; Whitehead *et al*, 2009; Children’s Parliament, 2010). SCRA’s Modern Apprentices have also suggested that this practice be curtailed (Collins and Montgomery, 2011).

SCRA's Modern Apprentices' inspections recommended improvements, particularly that Hearings (and waiting) rooms be more welcoming and colourful (Collins and Montgomery 2011; Murphy, *et al*, 2013).

*"Children's Hearings should be held in a more friendly place where it is not so formal, it would make you feel more comfortable"* (young person, Scottish Executive, 2006).

A 'new look' Hearings room in Glasgow has recently been piloted (Figure 1). This room has comfortable seating, more colour, toys and no "big table" separating the Panel Members from others. The pilot's evaluation found that 94% of young people, parents and carers felt that the new look room made them feel more relaxed and able to participate, and 80% said the room made the Hearing better in comparison to the standard room (SCRA, 2016b). However, a focus group of young people in the Western Isles found that they prefer to have the Hearings room set up with a "big table" as the Hearing is a formal process. Instead they would like waiting rooms to be more relaxing, with the whole Hearings suite painted in calming pastel colours to help reduce anxiety (Murray, unpublished).

**Figure 1. Glasgow pilot Hearings Room – before and after**

***Before – it was a ‘standard’ Hearings Room***



***After – the ‘new look’ Hearings Room***



The physical set-up of some Hearings Centres can cause problems in keeping children and adults separated from those they do not wish to see and/or who present a risk to them. Outreach Centres, in particular, are not always equipped for this and it can result in their *“bumping into them”* in corridors or waiting rooms (Whitehead *et al*, 2009). There is research that suggests that children and young people should not be required to attend Hearings in person, therefore avoiding this problem. It would also help prevent them being present during upsetting discussions or confrontational behaviour (Whitehead *et al*, 2009; Who Cares? Scotland, 2011; Montgomery, 2014).

### 3.2.3 Numbers of people in Hearings

For a long time children and young people have been saying there are:

*“...too many people in the room, it’s not good”* (young person, Scottish Executive, 2006).

They would prefer the number of people in their Hearings to be limited to only those who are strictly necessary (Creegan *et al*, 2006; Whitehead *et al*, 2009; Children’s Parliament, 2010; Aberdeenshire Council, 2011; Montgomery, 2014), and who they know (McKenna, 2013). The Council on Tribunals (2004) reported that the number of people in the room was an impediment to children’s participation. Young people in care and care leavers have also made it clear that: *“...there are too many people at Hearings, creating an intimidating and stuffy atmosphere...the best Hearings occurred where they were listened to and the number of people in the room was reduced”* (Scottish Parliament, 2013a). Parents too have said that less people in a Hearing would help them participate (Whitehead *et al*, 2009).

### 3.2.4 Professionals in attendance

Children and young people value continuity in the professionals attending their Hearings. The delayed allocation of social workers was identified as an issue by the Council of Tribunals back in 2004. More recently young people have commented on ‘stand in’ social workers who arrive for the Hearing having sometimes never met the family (Creegan *et al*, 2006; Whitehead *et al*, 2009; 2011). Whilst occasionally this will be inevitable (e.g. due to staff absence), ‘stand in’ social workers and other professionals should only be considered as a last resort:

*“I dinnae think that’s right, eh? ‘Cos they dinnae ken nowt about you...nowt...”* (Andrew, 16 years; Whitehead *et al*, 2011).

*“My social worker...she kens everything about me...I prefer my social worker to be at my Hearings instead of, like, other people that I’ve never even met”* (Mal, 12 years; Whitehead *et al*, 2011).

Young people are unhappy that professionals they only see very occasionally are at their Hearings and that they are able to express opinions on them. Only professionals who can take action and help them should be there (Children's Parliament, 2010). They accept that some professionals with whom they have irregular and/or infrequent contact with may submit a report for the Hearing, but this should not mean that they attend (Aberdeenshire Council, 2011).

Children and young people can be confused over the different professionals in Hearings (Creegan *et al*, 2006; Ormston and Marryat, 2009; Who Cares? Scotland, 2011). Therefore, as an absolute minimum, everyone should be introduced and their roles explained to the child at the start to help them understand (Aberdeenshire Council, 2011).

### 3.2.5 Panel Member continuity

Care leavers have raised concerns about lack of Panel Member continuity (Scottish Parliament, 2013a). In 2004, this was raised by the Council on Tribunals which found that not having continuity of Panel Members means parties continually going through a process: *"...afresh in potentially harrowing circumstances and before a Hearing which, concernedly, may arrive at a different result"* but cautioned that there should also be a careful balance between the continuity and the need for fresh views.

In the GIRFEC consultation, young people said that having different Panel Members for each Hearing was intimidating:

*"...because you are facing three strangers who sit and stare at you and talk about you"* (Scottish Executive, 2006).

Parents and carers too have made the case for having some form of Panel Member continuity - it would be beneficial to proceedings to be able to: *"...quite literally, pick up where you left off at the previous Hearing"* - because of familiarity with the child's circumstances (Whitehead *et al*, 2009). Young people find it nerve-wracking how much control Panel Members have over them without actually knowing them (Who Cares? Scotland, 2011).

Young people know that the Panel Members are the decision makers in the Hearing, and that some form of continuity would put them more at ease and help them to participate:

*"...each time that you'd come you'd feel...you wouldn't feel scared or that..."*  
(male, 10 years; Whitehead *et al*, 2009)

If Panel Member continuity is not possible, young people have suggested it would be helpful if they could meet the Panel Members before their Hearing (Who Cares? Scotland, 2011).

### 3.2.6 *Giving their views*

A number of studies have found that young people want to speak to the Panel Members first before the Hearing starts (Whitehead *et al*, 2009; Who Cares? Scotland, 2011; Montgomery, 2014). Also that any written information the young person has provided be discussed before the views of professionals and other adults (Aberdeenshire Council, 2011). They have also made it clear that they have a right not to talk and that this should be respected (Creegan *et al*, 2006; Homes *et al*, 2014).

Young people in care and care leavers have explained how they often felt inhibited speaking with their family present (Scottish Parliament, 2013a; 2013b). Others have said how important it is for them to be asked at the start of the meeting how they would like to give their views, including if they would like to speak in front of everyone present or just some of them (Aberdeenshire Council, 2011).

Whilst the child or young person is able to speak to the Panel Members alone, there is a requirement that the substance of this be disclosed to those at the Hearing<sup>4</sup>. To avoid this, children have suggested having the opportunity of speaking to an adult (e.g. someone they are working with, an advocate, etc.) before the Hearing who would then attend and present their views - the others in the room would then be aware of what was said, but the child would not be face-to-face with them (Children's Parliament, 2010).

Young people have said it would be better if some adults (e.g. parents they do not wish to see, professionals with whom they have limited involvement) gave their views early in the meeting and then left. They would also like the choice over who can stay for the whole meeting and, if this cannot be done, then it explained why (Aberdeenshire Council, 2011)<sup>5</sup>.

Young people feel that their views should be equal to, if not more important, than those of everyone else in the Hearing (Whitehead *et al*, 2011). Children have described their Hearings as being rushed; of them being interrupted when speaking to give adults more time to talk; and feeling that adults' views were more important than theirs (Children's Parliament, 2010):

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<sup>4</sup> Section 76(3) & 77(3) Children's Hearings (Scotland) Act 2011

<sup>5</sup> It should be noted in this context that the Hearing Chair: "...can sanction an arrangement whereby parts only of the Hearing take place in the presence of particular individuals" (Norrie, 2013).

*“...I would like to talk more when I have a point to make but I always have to wait until the end when all the adults have spoken first”* (female, age 16, Who Cares? Scotland, 2011)

Even if they do give their views, young people do not always feel that they are listened to, and that the Panel Members have already made their decision (McKenna, 2013):

*“They don’t care what you say, they don’t listen to you anyway, they just do what they want to do”* (young person, Scottish Executive, 2006)

*“Why is it that, when you’re going through panels or the courts, or anything where decisions are getting made about you, your life, you’re never listened to...”* (young person; Cook, 2015).

*“...[giving my views is] a waste of time as it makes no difference to decisions”* (young person, Children’s Parliament, 2010)

*“...I speak but there’s no point in wasting my breath”* (young person, Creegan et al, 2006).

In SCRA’s 2016 national survey, 33% of children said they had things they wanted to say at their Hearing and, of those who attended their previous Hearing, 45% said they had spoken. Of the young people who had been to a Hearing before, 76% said they had given their views during the Hearing and, of those, 74% felt that they had been listened to by the Panel Members (SCRA, 2016a).

Williams and colleagues (2012) found that disabled young people, in particular, lack opportunities to express their views in decisions affecting them. Those with profound learning disabilities may face significant impediments in giving their views to Hearings (especially in absence of a trusted and supportive professional) and in their capacity to give instruction to a legal representative. The National Autistic Society has called for all legal representatives and advocates, who are appointed to represent children, being trained in autism and autistic-spectrum disorders (Scottish Government, 2012).

### 3.2.7 *Child-centred*

One of the founding principles of the Hearings System is that it is child-centred:

*“Adults should have to listen to what children think and then, when making decisions, remember what the young person said. But that’s not really enough, the person who is receiving help should have a say in the help that they get”* (young person, Scottish Executive, 2006)

The child or young person should be:

*“...the most important person there”* (young person, Scottish Executive, 2006).

Children and young people want to feel comfortable and confident at their Hearings, be supported throughout the process, and not be judged by professionals, Panel Members and others (Montgomery, 2012; 2014; Homes *et al*, 2014). Feedback from young people, suggests this is not always how they feel:

*“Well, I was in this panel and there were just three of them sat there judging me, talking about who I was and what would happen to me as if I wasn’t even there”* (young person; Cook, 2015).

*“Getting judged, you feel like they are looking at you like you are nothing, you feel that you are being judged”* (young person, Scottish Executive, 2006)

The repetitive nature of discussion can imply to young people that Panel Members are not listening:

*“...They’re meant to read my Having Your Say sheet [now called ‘All About Me’], but I don’t know if they do, they don’t do anything about it. They just keep asking again cos they weren’t listening...”* (Melanie, aged 15; Creegan *et al*, 2006)

In 2011, Who Cares? Scotland asked young people whether they had participated in their Hearings, and 69% felt they had in some way. There were 24% who found it difficult to say what they really wanted, and 19% said that they were either not listened to or ‘talked over’ by adults in the room. SCRA’s 2016 national survey found that 77% of young people who attended their previous Hearing felt like they were the most important person there (SCRA, 2016a).

A consultation by the Scottish Youth Parliament (2012) concluded that young people were not sure who was ultimately responsible for upholding their general rights and challenging any violations, and Elsley and colleagues (2013) found low awareness among children and young people on the United Nations Convention on the Rights of the Child. Young people are also unaware of their rights in the Hearings System (Whitehead *et al*, 2009; Homes *et al*, 2014), meaning they felt disengaged and disempowered (Cook, 2015).

*“I didn’t have a clue what it was. I knew it was some kind of panel; I thought it was court or something but it could have been a school meeting for all I knew”* (Clair, 15; Children’s Parliament, 2010)

### 3.2.8 Representation

There is recognition of the need for improved and consistent advocacy support for those attending Hearings (Scottish Government, 2012). Also, under the Mental Health (Care & Treatment) Scotland Act 2003, anyone with a mental disorder is entitled to an independent advocate on decisions affecting their welfare, which may apply to some children and young people (and their parents) in the System.

An advocate or Children's Rights Worker is very important in helping children and young people speak out (Elsley *et al*, 2013). Yet some studies have found that most young people do not have this support (Creegan *et al*, 2006; Elsley, 2013) and they can be confused about what support an advocate can provide (Scottish Parliament, 2013b)

Children and young people do not always want another 'stranger' representing them at Hearings for representations sake – they want someone they are familiar with and have a supportive relationship with (Creegan *et al*, 2006). They value advocates who they believe provide support and good advice alongside listening to their views (Who Cares? Scotland, 2012; Griesbach and Waterton, 2016):

*"[Advocate] was easy to talk to. She listened to me and told people how I felt"*  
(male, aged 14; Griesbach and Waterton, 2016)

The support of an advocate clearly helps children and young people feel more confident before, during and after their Hearings (Who Cares? Scotland, 2012; Griesbach and Waterton, 2016). However, young people do not always fully understand the roles of those representing them. Ormston & Marryat found that some young people were not sure why their legal representative was present (2009). And whilst a Safeguarder can be appointed by the Hearing to establish what is in the best interests of the child, some young people have said they would have preferred an advocate to represent their views (Scottish Executive, 2006).

### 3.2.9 Summary – During the Hearing

#### **Children and young people want:**

Have the option of attending their Hearing or providing their views in another way.  
Their right not to talk in the Hearing to be respected.

To speak to the Panel Members first and their views considered before those of professionals or family members.

To be asked at the start of the Hearing how they would like to give their views and if they would like to be excused after giving them.

To feel listened to.

Have the minimum number of people present at the Hearings, and that these be those who they know.

Reports to focus on their current circumstances rather than historical information.

For there to be less use of jargon in reports and in Hearings.

Their Hearings to start and finish on time, keep to the point, and for them not be kept waiting.

Protected from seeing those they do not want to at the Hearings Centre.

Hearings and waiting rooms to provide a more relaxed and informal environment.

Greater continuity of professionals and Panel Members at their Hearings.

Supported throughout the Hearings process.

The most important person at their Hearing.

### 3.3 After the Hearing

#### 3.3.1 Understanding the Hearing's decision

Children and young people generally understand that the Hearings System is there to help them and improve their lives (McKenna, 2013). They are able to reflect that sometimes the decisions made might not have been what they wanted, but were in their best interests (Whitehead *et al*, 2009; 2011).

Young people have said that the Hearing's decision is not properly explained to them (Homes *et al*, 2014). It is Panel Members explanation as to *why* they made the decision and how long the interventions will last that has been found to be lacking (Children's Parliament, 2010; Montgomery, 2012; Whitehead *et al*, 2011; Homes *et al*, 2014). Creegan and colleagues (2006) suggested that a young person's feelings of dissatisfaction with a decision is possibly down to their experience of the Hearing and not fully understanding what has been decided and why, rather than the decision itself.

*"It's hard when they agree something you don't agree with. We should have a longer talk. I want it explained to me so I can understand why they agreed it"* (Callum, 10, Children's Parliament, 2010)

*"...like, if the decision's not what I wanted them I feel like they haven't really listened to me..."* (Chloe, 15 years; Whitehead *et al*, 2011)

Young people have also said that they think they should be able to ask questions about the decision at the time it is being made (Homes *et al*, 2014).

These issues could be overcome by the Panel Members making sure that the child or young person genuinely understands what has been decided and why. Young people are sent a copy of the Hearing's decision and reasons, but they find this paperwork difficult to understand. They have also commented that the written decision and reasons do not always reflect what they thought had happened during the Hearing, being focused on negative aspects of the discussion rather than positive. Because of this, children and young people need to have someone they trust to explain what is happening or is going to happen (Children's Parliament, 2010).

### *3.3.2 Support to understand what happens next*

Children and young people are often left confused over what is going to happen and what it means (Whitehead *et al*, 2011; Montgomery, 2012). They have sometimes left their Hearing without knowing what had been decided (Children's Parliament, 2010), partly because they were not interested at the time (Who Cares? Scotland, 2011). They see little point in appealing the decision and feel resigned to it, even in instances where they do not agree (Creegan *et al*, 2006).

It has been suggested that social workers could provide better support post-Hearing to help young people understand the decision and its implications (Homes *et al*, 2014). Young people feel they should have the time and space to speak to family members after, as well as an opportunity to speak to their social worker to ask questions. They would also like to be informed of who they can contact after - such as the Reporter or Children's Rights Officer (Aberdeenshire Council, 2011).

### *3.3.3 Responsibility for implementing Hearings' decisions*

Parents and carers have said that the outcome of the Hearing is often a reassurance to them that services "*kept their end of the bargain*", instead of it being their responsibility to find and access support (Whitehead *et al*, 2009). Young people would like to know that someone will make sure that if people agree to do things at a meeting that they will carry it through (Aberdeenshire Council, 2011). They can be confused over who is responsible for implementing the decision and tend to learn this through experience or from professionals who they are involved with (Whitehead *et al*, 2011).

### *3.3.4 Contact*

A lot of the confusion over what happens after the Hearing seems to stem from concerns around what it means for contact with family members (Whitehead *et al*, 2011; Montgomery, 2012): "*...a main concern for children and young people is not getting to see their family. There needs to be more of a priority to let children and young people get contact with their brothers, sisters, parents and any other family*

*members they had frequent contact with*". Contact with siblings was a major worry for young people, and restrictions on family contact were often the cause of upset (Scottish Parliament, 2013b). Spending more time with their friends, family and siblings would greatly enhance young people's care experience, so where contact cannot take place or is limited, for whatever reason, it must be properly explained (Who Cares? Scotland, 2012).

### 3.2.5 Summary – After the Hearing

#### **Children and young people want:**

Panel Members to explain their decisions to them in a way they understand.  
Letters sent to them with the Hearing's decision to be written in language they understand.  
Informed of who they can contact after a Hearing for support or to answer their questions.  
Supported after the Hearing by someone they know and trust (e.g. social worker, Children's Rights Officer).  
On-going contact with family members and if this is limited or not possible for the reasons why to be explained to them.

## 3.4 Conclusions

There are clear and consistent messages on what children and young people want and need to improve their Hearings experience:

*"Positive experiences [in participating in decision-making] were more likely when: there is a culture of honesty and respect; everyone understands why it is important for children and young people to participate; extra support is provided; children and young people can take part in ways that suit them and are optional; and children and young people are supported"* (Elsley et al, 2013)

*"Hearings needed to do more to demonstrate that they were listening to young people and being responsive to their needs and wishes"* (Scottish Executive, 2004)

*"...[young people] want to be asked what they feel, think and want and they should be listened to...They deserve to be communicated to properly, included in their care planning, supported and prepared for their care experience and to understand what is happening to them and why"* (Who Cares? Scotland, 2012)

Despite this evidence base - *“nothing seems to change”*. Young people should feel they are listened to and respected, be able to trust those who are there to help them including that their information will remain confidential (Montgomery, 2012).

*“...it is always done to me, not with me, and if you tell me what to do I will tell you ‘no’. But if you treat me with respect I will respect you back”* (care leaver, Scottish Parliament, 2013a).

Hearings can be intimidating and scary to children and young people (Scottish Executive, 2004; 2006; Whitehead *et al*, 2009; 2011). Young people have spoken about the Hearings process causing them stress (Scottish Parliament, 2013a; Homes *et al*, 2014). Children have told how they and family members can get upset in the Hearing, and sometimes that others can become angry and shout (Children’s Parliament, 2010).

*“I was at hearings from the age of 7 and refused to go to any more because I found the environment horrible and invasive.”* (young person, Who Cares? Scotland, 2014)

Young people have described feeling unable to fully express their views, of being judged and dismissed (Scottish Government, 2012), shy, under pressure, and unable to disagree with what others have said (Creegan *et al*, 2006; Whitehead *et al*, 2011). The System should be more child-friendly and child-centred; and that Hearings should be less formal and more flexible to individuals’ needs (Scottish Parliament, 2013a; 2013b)

## 4. Practitioners' views – focus groups and interviews

This chapter presents the findings of the focus groups and interviews with practitioners and, like the literature review (Chapter 3), is structured around the stages of Before, During and After the Hearing.

### 4.1 Before the Hearing

#### 4.1.1 Preparation

The consensus was that preparation is essential to a good Hearing and this happens when all practitioners are organised, and had enough time and information in advance.

Social workers and legal representatives said they sometimes lack time to prepare as thoroughly as they would like. For social workers this was often due to heavy workloads and inadequate time to produce reports. For legal representatives it was from not getting information timeously because of the way they are appointed and ability to get Hearings papers. Safeguarders, Children's Rights Officers and legal representatives said they do not always get adequate notification of Hearings.

Social workers and Panel Members were frustrated by delays to the start of Hearings caused by legal representatives consulting with their clients (whether parents or young people). Legal representatives said that they do try and meet with the young person in advance but sometimes they are not notified and/or appointed early enough, particularly when the young person is in secure accommodation and/or it is an emergency Hearing. It would do their client a disservice to go into a Hearing without having consulted with them, they suggested that:

*“...it would be better if we could get the Hearing Papers from the Reporter before instruction from the child so we have knowledge of the case before and can talk to the child about it”* (legal representative)

Reporters, Panel Members and legal representatives stressed how much they rely on the information from other practitioners, particularly social work reports. For Panel Members late reports mean that they can't prepare properly and can result in Hearings being delayed or continued.

Safeguarders and legal representatives felt that they “*come in somewhere down the line*” (often after one or more Hearings) and just have to “*try to do what you can*”. It would help Safeguarders if they knew why a previous Safeguarder was no longer

involved in the case, particularly where this was because of familial conflict and/or pressure from legal representatives. Safeguarders also want to know when there may be risk from the person they will be dealing with. This would help them know how best to make contact and try to establish a rapport with the family. They only get this information if they specifically ask the Reporter.

Social workers said not having other practitioners' reports (e.g. Safeguarders), or communications between the family and Reporter, can affect their preparation:

*"These can catch you off guard during the Hearing if you're unaware of them. This can result in you becoming defensive during the Hearing as it's all a bit of a surprise...it would be good to see all of the information prior to the Hearing so there's no conflict of interest and we [practitioners] can put on a united front for families..."* (social worker)

*"Social work don't get the Safeguarders report. This means we're walking in blind to a Hearing which is not good for our preparation, nor is it good for us preparing the child. If we're following GIRFEC we should all be privy to the same information"* (social worker)

Safeguarders also felt that social workers should be sent copies of their reports before Hearings:

*"It's only fair to let them [social workers] know what you are saying"* (Safeguarder)

They suggested that there needs to be a process so this can be done legitimately and there are no surprises in the Hearing for either the child, family or other practitioners.

All said they would like to know in advance who has been invited to the Hearing and for it to be clear what type it is (e.g. grounds, local authority review, etc.). Social workers suggested that where a multi-agency report has been produced, other professionals who contributed to it should also be invited to attend.

Reporters said it is beneficial if social work keep them up-to-date about family's situation, particularly the dynamics of relationships and possible areas of conflict that could arise in the Hearing. This helps them manage the family's arrival at the Hearings Centre and prepare for any potential risks.

Legal representatives emphasised the importance of multi-agency working before the Hearing, and being able to directly contact the social worker (and other practitioners, such as an advocate). After receiving instruction and meeting/speaking with the child, their first task is to speak to the social worker about

their recommendations. Safeguarders wanted to be confident that the social worker has discussed all options with the child so that anything they report or say in the Hearing does not come as a surprise. Both Safeguarders and legal representatives find such communication difficult as they do not always get contact details for social workers and other practitioners.

#### 4.1.2 *Preparing children and families*

All believed that having the time to prepare the family is essential for a good Hearing. Family members are then fully aware of what will be discussed and possible outcomes, and this makes the Hearing less likely to be contentious and adversarial. Panel Members and Reporters emphasised the pivotal role of social workers in preparing the child and family. Social workers stressed that they need enough time with the child and family to go through the content of the reports, their recommendations and the possible outcomes of the Hearing – to: *“basically prepare for all eventualities”*.

*“It’s good if everyone going into the Hearing knows what they’re going in for and what everyone is wanting out of the Hearing – when this happens there’s always less animosity”* (social worker)

But they do not always have enough time to do this:

*“It’s so rushed we’re not really having the time to sit and go through reports with families, especially where the relationship is strained as this can take the ‘sting out the tail’ of the content of the report due to be discussed at the Hearing. And this type of preparation makes the Hearing less antagonistic”* (social worker)

Safeguarders said they always try and explain their independence so that the child and family fully understand their role. Where the child is old enough and capable of understanding, Safeguarders try to go through their recommendations and explain what might happen at the Hearing.

Children’s Rights Officers need as much time as possible to prepare the child, particularly if they do not know them. They are very much guided by the child as to what help and support they require - for example, gathering information, going through reports, getting their views to present before or during the Hearing, whether they want to attend the Hearing, and if they have additional support needs and need special adjustments. Their role is very flexible and personalised to the child or young person:

*“Timescales are an issue if you don’t know the child and need to get to know them...Need to develop a relationship with the child to help them emotionally with attending a Hearing and their anxiety about it” (Children’s Rights Officer)*

Preparing the young person was also something legal representatives see as part of their role. They explained how when they meet with them (if this is possible) they make sure they are capable of giving instruction, consider whether they might need an advocate or Children’s Rights Officer, establish what adjustments might be required to support them (e.g. disabilities, language barriers), that they understand their rights, and go through the paperwork and explain the “jargon”. However, they raised that there are barriers to effective legal representation – namely the system through which they are appointed and funded. At present their appointment is often last minute and/or the funding process is quite protracted which can mean they cannot commit to the case until that has been resolved.

Safeguarders also highlighted the way in which they are appointed can leave them with little time to prepare, particularly in cases where they are appointed by the court. Children’s Rights Officers said they are often only notified by the family of a Hearing and suggested that a protocol be developed where SCRA notifies them and, when appointed, they have an open channel of communication with the Reporter.

Some Panel Members, social workers and legal representatives suggested that teachers (especially guidance teachers) could have a key role in preparing the child, such as where there is a difficult relationship between the child, family and social worker.

#### *4.1.3 SCRA information*

Pre-Hearing visits were considered useful to show the child what to expect at a Hearing, especially if it is their first one. Social workers said they sometimes set a room up locally to show children going to their first Hearing what it will look like and to explain how the process works. Children’s Rights Officers commented on how useful pre-Hearing visits had been when they had used them. However, whilst Panel Members, social workers and legal representatives acknowledged this would be helpful there was a lack of awareness of the availability of pre-Hearing visits and on the occasions that Children’s Rights Officers had made use them, they had had to ask rather than SCRA offering it to the young person. In fact, some Reporters were not aware that SCRA offers pre-Hearing visits to children and young people.

Social workers found SCRA’s suite of leaflets helpful in preparing children and families, although they said they have to print them from SCRA’s website rather than families being sent them direct. Children’s Rights Officers also said that the information SCRA produces is helpful, particularly the ‘Coming to a Hearing’ DVD and the ‘Chloe’ and ‘Billy’ suite of materials for children. Panel Members suggested

that there should be parent specific materials to help them support their child(ren) in the Hearings process. The consensus was that, although helpful, SCRA's information materials are not well promoted by SCRA and are therefore underutilised.

#### 4.1.4 Written information – reports

Of key importance is the provision of clear and concise reports from all agencies involved. However, some Panel Members commented that: *“some of what's included in reports is just padding rather than good information and fact”*, and both Panel Members and Reporters noted that there could be a lot of repetition (particularly in the new multi-agency reports). Legal representatives, Reporters and Panel Members gave examples of simple errors within reports and suggested that there should be no (or limited) electronic copying and pasting between siblings' reports and/or previous reports, correct tenses used so they can assess whether statements are current or historic, and the correct gender and names used throughout. Panel Members, Safeguarders, legal representatives and Reporters also said that social work reports can be difficult to understand, are complex and often unnecessarily long:

*“How can a child or family understand these reports if us Panel Members struggle with them?”* (Panel Member)

The consensus was for all information for the Hearing to be child-friendly, including letters from SCRA. Practitioners in previous research also noted that formal notifications and Hearings Papers were not consistently provided in easy read formats (McGhee and Hunter, 2011).

Panel Members find that school reports tend to be shorter, concise and much easier to read. The multi-agency report should mean that education are involved in writing it and in care planning, however, they find there can be a gap in information about the child's involvement in education. They also raised issues with getting school reports during school holidays.

Panel Members, Reporters and legal representatives agreed that what they need is factual information on current circumstances. Panel Members and Reporters would like reports to be written in chronological order, have a full and accurate chronology, and a clear and detailed Care Plan for each child covering current circumstances and future supports. They would prefer reports to be written by the child/family's allocated social worker and not by someone in an administrative or temporary role, unless this is completely unavoidable (e.g. through sickness absence).

Panel Members were concerned that reports for sibling groups often do not distinguish between individual children and read as a familial report rather than on

the circumstances and needs of each child. They would like to see separate reports for each sibling, the reports better structured so the generic family information is included in one section with the remainder of the report on the individual child; or a family report with an addendum for each child.

Social workers explained difficulties caused by different working practices and formats of reports used. This can lead to confusion, repetition and inaccuracies. They suggested that there should be one format of social work report that would suit all purposes (e.g. Hearings, LAAC Reviews, etc.). Some were unsure about what information under the Act 2011 they are required to provide and suggested it would be helpful if the Reporter could give guidance on what is required for different types of Hearings (e.g. Pre-Hearing Panels (PHP's)).

One simple change suggested by Panel Members was that all reports for the Hearing are clearly dated so they can assess their relevance in terms of the age of the information. Some felt strongly that any written information provided without a date and any reports older than eight weeks should not be accepted by the Hearing. When Hearings have been continued, updated reports can be required. Panel Members and legal representatives said how important it is that original reports are included in Hearings papers when there are supplementary reports.

Where the Hearing is for an early review, Panel Members would like a short explanation from the person requesting it (i.e. parent, child, social work) on the reasons why. Whilst this is most likely given when the early review is requested, they find it's often not in Hearings papers.

#### *4.1.5 Written information – grounds*

Panel Members said that they can find it difficult to understand the way grounds are written by the Reporter. They appreciate that it is a legal document and it is unavoidable that it is written using legal terminology, however, this can be at odds with the child-centred ethos of the System. Social workers and legal representatives said this was something they had to prepare the young person for. They go through the Statements of Fact with the young person (where appropriate) and explain why it is written the way it is and what each statement means in plain English.

In an ideal world, some Panel Members felt that an advocate should be appointed before the Hearing to go through the grounds with the child and family. This could make Hearings less contentious and distressing particularly for families where there is mistrust of social work.

#### *4.1.6 Scheduling of Hearings*

There was strong consensus that Hearings could be better scheduled by SCRA.

Safeguarders, Panel Members and social workers argued that the current system of scheduling Hearings is not adequate nor in the best interests of the child. It was raised that SCRA should know which cases will require little or significant discussion and schedule these accordingly instead of providing for the usual one hour slot. This could allow longer slots for sibling groups and complex or contentious cases.

Panel Members highlighted that there are no other tribunal systems that are limited to one hour per case and felt strongly that they need more time, including time to write up their decisions and reasons. They suggested that two Hearings slots per session would be better than three; unless the Reporter is sure the Hearings will be relatively quick. Reporters agreed that scheduling of Hearings could be better.

Panel Members emphasised how important it was that everybody – including the family – arrive on time. Reporters said that better management of the Hearing would minimise delays to subsequent ones, and that Panel Members should be more mindful of those waiting. Social workers would appreciate an idea of how long the delay might be so they can take the child away for refreshments rather than them sitting anxiously in the waiting room. Panel Members and legal representatives were concerned that some children may have to stay in waiting rooms with people they may not have a good relationship with.

Some Panel Members said having Hearings start at 9.30am can be difficult for both themselves and the family and it would be better if the first session started at 10am, particularly in rural areas where public transport can be an issue. In some areas, social workers and Reporters discuss when to schedule a Hearing to arrange a suitable time for the social worker and the family, and this is valued by social work.

Panel Members, Safeguarders and social workers felt that the timings of Hearings can be a concern when the child has to miss school, which could result in them being stigmatised by their peers. Some Reporters felt that this should not be a major problem as Hearings usually only take place annually.

#### *4.1.7 Excusing the child or young person from attending the Hearing*

There were conflicting views on the excusal of children and young people from Hearings. Panel Members felt strongly that children and young people should attend as this lets them speak to them directly. Although they suggested that babies and very young children should automatically be excused, they were worried about:

*“...large numbers of kids are excused. I’ve seen so many Hearings now where there is a contentious Hearing where the child is excused”.* (Panel Member)

Panel Members did not feel that just because a Hearing is contentious should mean the child should not attend. However, all other practitioners cited the distressing nature of some Hearings, alongside difficult relationships, that often result in proceedings becoming adversarial. Safeguarders stressed that even if the child is not in the Hearings room but is present in the building they can sometimes still hear what is going on and see their parent(s) behaviour when the Hearing is finished.

Children's Rights Officers, Safeguarders and social workers emphasised their concerns over Panel Members being reluctant to excuse children from attending Hearings:

*"New legislation offers more dispensation but it is Panel Members who are insisting that children attend and do not understand the real distress it causes the child and that they do already have the child's views"* (Children's Rights Officer)

However, Panel Members felt that for most PHPs they are provided with "sketchy" information. When the social worker does not attend the PHP they can feel unable to excuse the child(ren) as they do not have enough information. Children's Rights Officers said that they do provide information to SCRA for PHPs, which include the child's views on whether or not they want to attend the Hearing, but feel that this information is not being passed on to PHPs.

Social workers reported finding PHPs frustrating. They said that Panel Members are very reluctant to dispense with the child's attendance even in cases where the child's welfare could be at risk or where the child has settled into a new family and has had little or no contact with their birth family for some time. They questioned whether the value of making the child attend the Hearing outweighed the potential for harm:

*"...we are really having to try and fight to get this [the child excused] to happen at PHPs. Panel Member's don't seem to want to dispose of the child's attendance...we are the ones with a duty of care. Anything happens to that child then it's on our heads, not the Panel Members'...[they] think we're asking for the child to be disposed of attending just to be awkward, but we really aren't. We care about the children and we want what's in their best interests"* (social worker)

*"Panel Members should be more flexible in regards the child's attendance. There are different ways the child can represent their views than personally attending the Hearing, even older kids. Just because they're older doesn't mean that they don't find it distressing and there is not enough consideration of that. They should be considering the emotional impact on the child and they need to understand this better. Their physical attendance at the Hearing is not always critical or essential"* (social worker)

Social workers explained how their request for a child's excusal is based on their knowledge of the child and family and do not feel that Panel Members always appreciate this. They could understand why Panel Members want to see and speak to the child, but felt that they should be more understanding of their professional opinion. Legal representatives supported social workers' view and suggested that children do not need to physically attend the Hearing and should be able to contribute in other ways of their own choosing. Safeguarders agreed saying that Panel Members "*have got a thing about seeing kids*", they should appreciate the contact other practitioners have had with the family and understand that they are all acting in the child's best interests.

*"Should be recognition across agencies that part of a child giving their views is how they do this – should give the child as many options as possible. Give the child the chance to participate without coming to the Hearing Centre"*  
(Reporter)

This participation vs. protection debate is not new and was discussed in some detail by Scotland's first Commissioner for Children and Young People, Kathleen Marshall in her book '*Children's Rights in the Balance: The Participation-Protection Debate*' (Marshall, 1997).

#### 4.1.8 Training

All agreed that good quality training is essential and most felt that their formal training was sufficient. There was support for more observation/shadowing of other professional roles, attending joint training and informal networking. This would increase familiarity with others' roles and improve professional trust and respect. Social workers suggested that Panel Members visit social work offices, contact centres and residential units so they know what is available locally and what it means when they make their decisions. Panel Members too said how important it was for them to understand the social worker's role.

#### 3.1.9 Summary – before the Hearing

##### **Practitioners want:**

Notified of the Hearing well in advance, and be informed of why it is being held.  
Have sight of all reports and information that will be discussed in the Hearing.  
Be informed of who has been invited to the Hearing.  
Have sufficient time and information to prepare themselves and the child or young person for the Hearing.

Reports to be written in plain English, to be concise, contain factual information, focus on the current circumstances of the child and family, contain less repetition and historic information, and to be about the individual child.

Information to be provided in child-friendly formats.

SCRA to be more pro-active in offering pre-Hearing visits for children and young people.

Hearings to be scheduled to reflect different types of Hearings and family circumstances, rather than standard times.

Pre-Hearing Panels to take greater account of the views of professionals that a child or young people should be excused from attending a Hearing.

## **4.2 During the Hearing**

### *4.2.1 Location*

Panel Members and legal representatives emphasised the difficulty for families from remote and rural areas in attending Hearings, particularly where public transport is patchy. Practitioners felt that SCRA should be utilising local venues (such as schools) for Hearings in these areas to limit the impact of travel. They did acknowledge that this may mean use of venues that are not so well suited to Hearings.

### *4.2.2 Safety and limiting harm*

Social workers and Panel Members were clear that when the child expressed that they did not want a parent there, the child should be kept separate from them at all times and should not have to come face to face with them in the Hearing or waiting rooms. Panel Members emphasised the importance on keeping “*warring parents*” apart to avoid stress and upset for the child, with the Hearing split if necessary so mum and dad are not in the same room. However, social workers’ experience was that staggered or split Hearings do not work, and even in cases where the parent(s) and/or child(ren) are being kept apart that this can still be a scary time for the child as they know that their parent(s) are in the building and they might inadvertently see them (e.g. in the hallway or through windows). Children’s Rights Officers gave examples where just getting the child in the front door and off the street can result in them seeing people they do not want to see.

Children’s Rights Officers explained how the waiting room is often a difficult place for children, who are likely at that point to be very anxious. Social workers and Children’s Rights Officers would always request separate waiting rooms where this was needed, but acknowledged that sometimes (particularly for Outreach Centres) this was not possible.

Social workers saw this as a particular issue for children who are in long-term foster placements who may see themselves as part of another family. Legal representatives were concerned for children attending Hearings where they may have to face someone who has abused them. In terms of what would be in the best interests of these children, both social workers and legal representatives were very clear that these children should not be attending Hearings in person.

If parent(s) and/or children are to be kept apart, Panel Members and social workers stressed that the Reporter must consider this when scheduling Hearings. An alternative solution was suggested:

*“Why can’t the Panel Members move from room to room rather than us all trying to negotiate children not bumping into parents, etc? Why is the onus on the family to come and go? Why not the Panel Members?”* (social worker)

Social workers raised concerns about safety and security, especially where parent(s) are volatile, aggressive and/or abusive. They gave examples of requests for police presence at Hearings which did not materialise and they are left to face people whom they know may pose a risk to themselves and/or others – not only in the Hearing itself but in the waiting room. In some cases they should not have to sit in the same room with families as it can be intimidating and leaves them feeling vulnerable. This was noted as a particular risk in Outreach Centres that have no separate waiting rooms.

#### *4.2.3 Physical environment*

The general consensus was, that given the reasons why children and families are at Hearings, there is little that can be done to aid participation by way of décor. However, there was broad agreement that a less formal environment would make people feel more comfortable and that waiting rooms should have facilities which would provide a distraction (e.g. toys, radio, TV, refreshments).

Legal representatives and Children’s Rights Officers advised that the layout of most Hearing Rooms (with three Panel Members sitting in a row behind a table) can seem confrontational to children and young people. It also sets up proceedings to be more adversarial than necessary. Panel Members tended to agree that Hearings could still be very “court-like”, suggesting some of this formality should be removed. Social workers were of the view that it is how the set-up of the room impacts on the child or young person that is important. There was praise for the new look Hearings room in Glasgow (Figure 1):

*[Hearings] “...work a lot better, they flow better. It’s much more child centred and child focussed. Find the child has more of a voice in there – which is*

*amazing, just by changing the environment” and that it “...makes the child the centre of proceedings”. (social workers)*

Social workers felt that Panel Members and Reporters should be more proactively considering the physical environment and where the child sits in relation to others in the room. They suggested that parent(s)' legal representatives should not be given prominent positions in the Hearings room and instead could sit behind their clients.

#### *4.2.4 Managing the number of people in Hearings*

The need to minimise numbers in Hearings was raised by all. Panel Members stressed that having too many people in a Hearing *“...can be really scary for young people”*. Legal representatives said that children and parents often question the number of people in Hearings and that a more *“meaningful dialogue”* can be had with the child with fewer people present:

*“...going into a crowded room with a vulnerable child – would question how helpful it is to put them in this situation. This would not happen at a criminal case at court where the young person would be dealt with as a vulnerable witness with possibly special measures used” (legal representative)*

Panel Members' view was that the 2011 Act has made this situation worse as it is now common to have a legal representative and someone to provide support for both parent(s), as well as other practitioners. Reporters too said legislation was *“tying their hands”* in managing numbers. Safeguarders highlighted when both parents have legal representatives the child often *“disappears”* and *“gets lost”* in proceedings.

Panel Members said that *“If there's lots of people in the Hearing we should be asking why they're all there and we shouldn't be scared of asking people to leave”*. But this was not the experience of social workers, Safeguarders and legal representatives who said it rarely happened:

*“I've never seen a Chair ask people to leave a Hearing because there are too many people present, but in some cases they should. It should only be the absolute essential people in that room, not mum's boyfriend, etc.” (social worker)*

Most Panel Members in this research, did not know who they could ask to leave and there was confusion about who should be present. Reporters felt that that Panel Members should be more aware that they can exclude parents and/or their legal representatives if they are causing problems.

Children's Rights Officers gave examples when they had been asked to leave resulting in young people having no one to represent them. They argued that those who are representing the child directly should not be asked to leave if the Hearing is to remain child-centred. Similarly, Reporters said that key practitioners should not be excused to keep numbers down; they suggested that, for example, teachers should be present throughout:

*"they [teachers] are so good at pitching in where there are emotional concerns about the child. They have an unparalleled level of information about the child and more than the social worker". (Reporter)*

#### 4.2.5 Conflict management

Reporters felt that Panel Members can be too tolerant of conflict in Hearings and there should be zero tolerance on bad language and abusive behaviour. This was a real concern for social workers who gave examples of Hearings where parents had been allowed to vent their frustrations and anger towards them. Panel Members by providing a forum gives validation to such views and behaviour and can result in Hearings becoming argumentative and the social worker left feeling unsupported and undervalued. Social workers emphasised that taking on board parental complaints was not the responsibility of Panel Members and should not be part of Hearings discussions. Instead they should be directed to the appropriate complaints process, and it is not:

*[Panel Members]' "...place to pass judgement on our [social workers] performance". (social worker)*

Social workers felt that in Hearings where parent(s) get distressed or upset often Panel Members err towards excessive sympathy. Whilst understanding the difficulty in managing such emotional conflict, they find this can derail the Hearing and change the dynamic, particularly if the parent(s) has a legal representative present.

*"...we are all there to safeguard the interests of the child, no matter how difficult the parents' circumstances are" (social worker)*

A view shared by all and aptly summarised by a Safeguarder – it's *"about seeing the child at the centre"*.

The consensus was that a confident and competent Chair is essential and one who:

- controls the number of people present;
- outlines the ground rules and expectations of how the Hearing will work at the outset and holds everyone in the room to those rules;
- is able to structure the Hearing;

- is comfortable with all the different professionals in the room (including legal representatives);
- can control conflict and manage disagreement;
- does not engage in arguments;
- enables everyone to have their say without it getting “*out of hand*”, “*going off on tangents*”, or overrunning; and
- will ensure that everyone in the room is mindful of the child’s presence.

*“Chair needs to be direct with parents and sometimes professionals and take control...They should be setting boundaries and ground rules at the very start and be able to ask people to leave if they do not adhere to these and cause disruption”* (social worker)

Panel Members also felt that a good Chair does not “*hog*” the Hearing and allows everyone to speak rather than dominating discussions. Some also felt that the Chair should not be involved in questioning, instead listening and taking an overview, and leave the questioning to the other two Panel Members.

Social workers said that it takes a very assertive Chair to control some practitioners (particularly legal representatives acting on parent(s)’ behalf). There was some consensus among Panel Members and social workers that not all Panel Members are suited to Chairing. Legal representatives too stressed that some Panel Members are better at Chairing than others and that the ability of the Chair has a significant impact on how the Hearing runs. They suggested that the Chair should allow breaks in lengthy Hearings and/or those that get very argumentative and/or emotive rather than just “*powering on*”.

Whilst controlling conflict is mainly down to an effective Chair, social workers also felt that they have a responsibility to intervene if parents overstep boundaries and say or do something inappropriate. Safeguarders found that parent(s) legal representatives gave examples when legal representatives were able to calm their clients down: “*parents respond to solicitors...can take [it] from a solicitor not others*”.

To help control conflict, social workers suggested that there should be clearly defined roles and responsibilities in a Hearing when things “*blow up*”, advising that there is no clear policy on who should be the one to say “*enough is enough*” which leaves everyone hoping that someone else will step in. Reporters echoed this, saying that too often it falls to them to control conflict. Legal representatives observed that Reporters are good at controlling conflict and that social workers are good at removing the child when Hearings get heated.

#### 4.2.6 Practitioner continuity

All felt that some form of practitioner continuity would benefit the child and the System more generally.

Social workers - Continuity of social worker in Hearings is important for the relationship they have established with the child and family and being able to provide the best possible information to the Hearing. In cases where the allocated social worker is unable to attend, Reporters asked that their senior should be there rather than the duty social worker.

Panel Members - Social workers, Safeguarders and legal representatives suggested that Panel Member continuity would be a benefit:

*“Continuity of Panel Members can be helpful...not going over everything again. It helps with the idea that it is a series of Hearings, it should flow, it is the history of a child in a System where decisions should build on each other...”* (Safeguarder)

*“...one Hearing may be continued as the Panel feel a Safeguarder report is necessary then you get to the next Hearing and they start all over again and pay little attention to the Safeguarder report. Seems to cause delay and is a waste of resources as the next set of Panel members don't see the Safeguarder report as important”* (social worker)

Legal representatives - stressed the importance of consistency in a child's legal representation. They said that Reporters try hard to ensure this but it is not facilitated or supported in the way SLAB allocates legal representatives. Furthermore, SLAB funding covers up to and including the day of the substantive decision, and not after which makes an on-going relationship with the child difficult. Legal representatives suggested that changes to how SLAB allocates cases and funding could have significant benefits to children, including better protection of their rights and ability to participate.

Reporters - Safeguarders discussed how they can be affected by a lack of Reporter continuity, as this can make it difficult to discuss the case before the Hearing. Panel Members would prefer if it is the same Reporter who does Hearings for a child. Reporters valued continuity in their cases and would like to have more 'ownership' of them.

Research on care proceedings in England also raised the importance of practitioner continuity: *“It might be expected that extensive professional attention would help with the accumulation of knowledge about a case, but the reality was that this possibility was dissipated because of the surprising lack of continuity in the lawyers, judges and social workers involved...accepted as normal despite the fact that the children's welfare was supposed to be the main focus...”* (Masson, 2012).

#### 4.2.7 Confidentiality

Legal representatives stressed the importance of privacy for the child and confidentiality of their information. Panel Members, Children's Rights Officers and legal representatives said some practitioners should not stay for the whole Hearing (e.g. teachers, Home Start workers) – saying they do not need to know all the details to be discussed and it is inappropriate for them to hear such sensitive and confidential information about a family.

Social workers highlighted cases where some children have been unhappy at their information being shared with parent(s) who although have parental rights have not exercised their parental responsibilities:

*"...older children should be able to say who can and cannot get their information and who does and does not attend their Hearing". (social worker)*

Children's Rights Officers asked whether it was appropriate that all young people 12 years and over get the Hearing Papers, not just because of the distressing nature of some of the information but also because not all will store the information securely. The information is very sensitive and young people might not be as careful with it as they might wish they had been in hindsight.

#### 4.2.8 Child's views

The consensus was that the process of garnering the child's views both before and during the Hearing is not effective. However, there was general agreement that Panel Members do listen to the child's views.

Technology could be better utilised to enhance children's participation, particularly in more contentious and difficult cases. Panel Members and Children's Rights Officers suggested the use of Skype for children and young people who otherwise would not attend their Hearings or when they are particularly worried and anxious. Some participants (with the exception of Panel Members and Reporters) should be able to videoconference into a Hearing if timing or location was an issue:

*"...be more flexible and imaginative with technology to help people participate, particularly when they are far away, anxious or in custody. There's huge cost implications in making everyone physically attend Hearings" (social worker)*

Legal representatives and Safeguarders suggested that more consideration should be given to obtaining the child's views through videoconferencing and/or tape recording, emphasising that children should be treated as vulnerable witnesses. They argued that in court there would be special measures put in place to enable the

child to present their views, and questioned why they are not afforded the same rights in a Hearing.

Social workers emphasised that children need to be given the time and opportunity to say what they want before, during and after the Hearing, in a way that suits them. Children's Rights Officers advised that it is difficult, due to time constraints, for the child to put their views in writing before the Hearing and suggested more needs to be done to encourage this, beyond the provision of the 'All About Me' form:

*"a range of ways to give their views...not getting hung up on the 'All About Me' form...[the] form does not let young people say what they want".* (Children's Rights Officer)

Others questioned how often the views in the 'All About Me' form were those of the child. Reporters gave examples where the language used was clearly not the child's and how there is no way to be sure that the views were the child's. Social workers said that the 'All About Me' forms were not always being sent to children and are rarely completed when they are. Safeguarders found it is often brought to the Hearing on the day and treated almost *"an afterthought"*. Legal representatives questioned its use in comparison to other methods:

*"...ideally put something in writing to the Hearing in advance so that a Panel have not just read the social work report but have a clear idea of what the young person [wants]..."* (legal representative)

Social workers, Children's Rights Officers and legal representatives valued Panel Members speaking to the child alone and suggested it be offered to all children and young people. Panel Members were very aware of the importance of being careful when explaining the substance of what the child has said to other parties in the Hearing. Children's Rights Officers suggested that, after speaking to the child alone, the Panel Members discuss with them what information they will divulge when other parties re-enter the Hearing. This issue is not new, Griffiths and Kandel (2006) also noted the dilemma of balancing the autonomy and rights of the child and the rights of the parent(s) when it comes to disclosing this information: *"The room-clearing provision goes to the vexed heart of a system in which children's participation is crucial but perennially difficult to obtain"*. [Under the 2011 Act<sup>6</sup>, the Hearing has the ability to withhold any information about the child or about the child's case from a person (including relevant persons) if disclosure of that information would be likely to cause significant harm to the child.]

Panel Members acknowledged that some are better at talking to children and young people and *"get on their level"*. Social workers, Reporters and legal representatives

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<sup>6</sup> Section 178(1) Children's Hearings (Scotland) Act 2011

agreed that more Panel Members who are able to talk to children are needed. Social workers advised that where a Panel Member has managed to get a child to open up it is important that others do not interrupt and let the child speak, and if they are interrupted that it is controlled by the Chair. Reporters stressed that Panel Members should not pursue trying to get the views of children where it is obvious that they do not want to talk – as this is their right too.

Social workers suggested that the Hearing should always take time to confirm the child's understanding and if they have anything to add. Some Panel Members said that they do always go back to the child after everyone in the Hearing has spoken to check that they understand.

#### *4.2.9 Delays to decision making*

Panel Members emphasised the importance of making substantive decisions; they do not want to continue Hearings as they want to give the child and the family resolution.

Panel Members felt that opportunities were lost through the 2011 Act – namely that grounds Hearings should not be held for children who are unable to understand because of their age or where they lack capacity to understand. These cases should be referred directly for proof which would reduce delay in substantive decision making and uncertainty for the child and family.

Panel Members, legal representatives and social workers gave examples of Hearings being continued for parent(s) to get legal representation or having to be continued because the parent(s) legal representative did not attend, causing unnecessary and distressing delay:

*“It’s not good for the child to come back in three weeks for substantive decisions to be made just because mum’s legal rep didn’t attend. That’s losing the ethos of the System. It’s about what’s best for the child”* (social worker)

#### *4.2.10 Representation for children and young people*

Legal representatives - explained that they bring independence and are there for the child to help them understand the legal complexities and to represent their views:

*“[It’s] really positive when young people are legally represented...makes them feel more empowered, someone just listening to them...”* (Reporter)

*“...they need to know that I’m on their side as a solicitor and I’m there for them...it’s good that they get legal assistance and get support in the Hearing”* (legal representative)

They suggested that more needs to be done make young people aware that a legal representation may be an option and for this right to be extended to all young people as the current system: “...doesn’t account for people who are in difficult situations and who have differences of opinion [in Hearings]” (legal representative).

Panel Members and social workers spoke a lot about legal representatives, although this was more about those representing parent(s). Issues raised included: that some legal representatives behave in a confrontational manner towards other practitioners; they can treat the Hearing more like court rather than a tribunal for a child; and their presence can make the Hearing focus on their client (the parent) rather than the child. Social workers felt that Panel Members need to be more assertive with legal representatives’ when they interrupt or take over Hearings. They suggested that there should be a Code of Conduct for legal representatives in Hearings and that, if necessary, complaints should be made to the Bar about their conduct.

Safeguarders - Panel Members and social workers commented on the variable quality of Safeguarders’ reports and practice. Social workers said that whilst they valued the independence that the Safeguarders can bring, they question the weight their reports are given in a Hearing against the social work report – which has been produced after many interactions with a child and family and usually with multi-agency input. Safeguarders tended to agree that disproportionate weight is given to their reports and urged Panel Members to place greater emphasis on information from practitioners who are more involved in the child’s life.

Advocates and Children’s Rights Officers – their input in Hearings was highly valued, especially when parent(s) have legal representatives as otherwise the voice of the child can be silent. Social workers commented on how Children’s Rights Officers can help elicit children’s views in Hearings where there may be a mistrust of social work. Although all spoke highly of the work of Children’s Rights Officers it was clear from discussions that this service is under-resourced. Children’s Rights Officers would like their service to be available to all children and young people rather than just those who are looked after and accommodated.

*[Children’s Rights Officers are] “instrumental and should be more involved with the Hearings process”. (Reporter)*

It was questioned how often children are aware that they are entitled to services such as advocates and Children’s Rights Officers. Legal representatives suggested that this might be helped by the new Named Person<sup>7</sup> role who could advise children on services available to them.

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<sup>7</sup> Children and Young People (Scotland) Act 2014

#### 4.2.11 Professional relationships

A lot was said about relationships between practitioners in a Hearing and the impact that it can have. All stressed the importance of behaving professionally and having respect for others:

*“Fractious Hearings can have litigious comments. Professionals should always be respected and we should make sure they are during the Hearing and not tolerate abusiveness towards anyone. If there’s an issue with any report then this should be brought up with the professional after the Hearing – or before if possible – or a complaint should be made to the relevant body. There’s no place in the Hearing for professionals or any of those involved in the System to behave unprofessionally towards another”* (Panel Member).

However, despite this, some did not feel valued or respected by others in the Hearing setting. Reporters and social workers described incidences where they felt that others (particularly Panel Members and legal representatives) were unnecessarily argumentative with them and were dismissive of their opinions. Social workers felt unfairly criticised and questioned unduly harshly in Hearings - undermining their professional opinion in front of children and their families.

*[social workers] “are not always treated as if they are proper professionals but most are professional in their approach and in the efforts they have made ... issue about Panel Member’s level of trust of social workers”.* (Safeguarder)

Social workers felt that Panel Members – and sometimes other practitioners – often do not recognise the *“long involved emotional journey”* that they have with the child and family and the amount of preparation that they do before a Hearing. They said it feels as if Panel Members place other practitioners such as Safeguarders, health and education professionals in higher esteem and value their input more. On the other hand, legal representatives said that Panel Members sometimes appear reluctant to challenge social workers. Panel Members stressed that they highly value social workers’ contributions and did acknowledge that there is a definite friction in the Panel Member/social worker relationship. Social workers said this distrust leaves them feeling unappreciated, disrespected and can have serious implications on their relationship with the family.

*“a pre-conceived disrespect for social work even before the Hearing, which doesn’t set up the Hearing well”* (social worker)

Legal representatives felt there is a palpable resistance to their profession in Hearings and that other practitioners see them as: *“getting in the way”*. Their perception is that Panel Members do not value their contribution, with examples

given of when derogatory comments had been made about them in Hearings. They believed this stems from a lack of understanding about their role in representing the young person:

*“I would really value a mechanism for Panel Members to know that legal reps are part of the process and should not be viewed negatively. We are not the bad guys”* (legal representative)

*“Legal reps have a formal role in the process and have a right to be in the Hearing, and a child has the right to representation”* (legal representative)

Children’s Rights Officers and Safeguarders also raised concerns about Panel Members’ understanding of their roles:

*“Panel Members have got to get better at understanding that Children’s Rights Officers are there to represent the views of the child or young person and not give their own views”.* (Children’s Rights Officer)

Safeguarders gave examples of when they have been appointed by the court, that Panel Members questioned why they were at the Hearing – this was in front of the family and they felt it diminished their credibility with them.

#### *4.2.12 Hearings’ decision and reasons*

Practitioners agreed that, by the time the Panel Members are making their decision, most children and families are no longer listening, have “switched off” and just want to leave:

*“Young people don’t take in much of the decision...Often people are quite shell-shocked”* (legal representative)

*“...[they] take nothing in ... are just relieved at getting out the room ... As Panel Members are giving their decision, the family are getting their coats on...”* (Reporter)

*“Child has usually switched off by then. At this stage the child is very focussed: Am I going back to secure? Am I going home? Will I see my mum?”* (legal representative)

Panel Members felt that, at this point, children and their families do not necessarily understand nor care what the CSO is, and instead are only interested in how this impacts on their lives and: *“are trying to come to grips with the decision”.*

All felt that presentation of the decision is too long, protracted and convoluted and difficult for children and young people to understand:

*[the language used is] “too formal, formulaic and verbatim”* (legal representative)

Panel Members said that it: *“feels like you’re reading a script”*, and suggested that some parts of the decision should not be read out, for example, the ‘implementing authority’ and the timescale of the CSO. They questioned the value of giving this type of information at a point where the child and family are likely no longer engaged in the process and simply want the Hearing to end. Other practitioners questioned if it was necessary for all three of the Panel Members to each give their decision. [It should be noted that the legislation and guidance on Hearings does not stipulate that all three Panel Members must each give their decisions and reasons.]

Social workers and legal representatives said that Panel Members were good at explaining the appeals process and the right for the child and/or relevant person(s) to request an early review. However, all questioned how much of this information is absorbed by the child or young person:

*“The appeals bit at the end doesn’t work. It’s all thrown out at the end and it’s too much after the Hearing. It’s really wordy and full of legal jargon”* (Panel Member)

Social workers and legal representatives suggested that instead Panel Members could give a simple statement advising the child and family to speak to the Reporter and/or providing them with a leaflet to explain their rights. Panel Members and Reporters felt that other practitioners (e.g. advocates, Children’s Rights Officers, legal representatives) could also assist the child and family with understanding their rights to appeal and early review.

Social workers appreciated the difficulty of the decisions that Panel Members make and wondered if it would be better if they could discuss amongst themselves first:

*“There is nowhere for Panel Members to go to discuss between themselves. A jury gets to go away and decide and discuss ... Panel Members have to synthesise a lot of information, some of which can be unexpected, and it’s very emotional for everyone in the room. It is difficult to have to make a decision in that situation”* (social worker)

This could be beneficial, they argued, when Panel members do not agree and have to come to a majority decision which can be especially difficult for a child and family.

#### 4.2.13 Writing Hearings’ decisions and reasons

Panel Members discussed how they find using the Hearings laptops makes it take longer to write up their decisions and reasons at the end. The consensus amongst Reporters and Panel Members was this was more efficient when this was done by hand, and was less likely to delay subsequent Hearings.

Panel Members suggested improvements to the Report of Proceedings form so that each decision and the reasons are grouped together to make it more user-friendly and easier to type. Reporters and Panel Members asked that more laptops be provided:

*“as you’re often waiting on someone to finish their notes before starting yours. It can take hours, particularly where people aren’t good typists. A laptop each means we could all do it at the same time, drastically reducing time”.* (Panel Member)

Reporters and Panel Members said that the laptops and printers used in Hearings are old and out of date. And that some Hearings venues do not have a scanner and/or copier so if someone brings a letter or All About Me form on the day it can’t be copied to give to everyone at the Hearing.

Legal representatives and Children’s Rights Officers suggested that the language in the decision and reasons was difficult for young people to understand and that plain English should be used rather than legal terminology and jargon. Children’s Rights Officers suggested the use of a template with an alternative child-friendly format for the Hearing decision including: where do I live; who can I see; who can I not see; when and how much can I see them; etc. Regardless of the language, practitioners stressed the importance of the written decisions and reasons being sent quickly so there is enough time for the family to seek advice if they wish to appeal.

#### 4.2.14 Summary – during the Hearing

##### **Practitioners want:**

The child or young person to be at the centre of the Hearing.

The Hearing environment to be less formal and more child-friendly.

Numbers in the Hearing to be kept to a minimum and for Panel Members to be more aware of who can be excused.

It to be easier to keep a child or young person apart and away from those they do not want to see or who have harmed them, at all times in the Hearings Centre.

Greater respect demonstrated for the professionalism of all practitioners in the Hearing.

A capable and strong Chair who can manage the Hearing and control any inappropriate behaviour or conflict.

The child or young person to be given the opportunity to speak first and to always be offered the chance to speak to the Panel Members on their own.

The child or young person to be offered a variety of ways to participate and present their views, and for this to be of their own choosing.

A greater use of technology to allow the child to provide their views.

More children and young people to have representation from an advocate, Children's Rights Officer or legal representative.

Greater continuity of professionals in a child's life (e.g. social worker, representative, etc.) and those involved in the Hearing (e.g. Panel Members, Reporters, etc.)

Improved technology available for writing decisions, copying, etc.

The Hearing to start on time.

## **4.3 After the Hearing**

### *4.3.1 Supporting the child and family*

Panel Members felt that someone should sit down with the child and family immediately after the Hearing to ensure that they all understand the decision and their rights. And there is no shortage of those who are willing to do this - with Reporters, legal representatives, social workers and Children's Rights Officers all saying that they see this as part of their role.

Social workers described how they spend a great deal of time with children and families after Hearings. This does not always happen immediately after, but ideally (and in most cases) in the few days following the Hearing. However, where the social worker's relationship with the family has broken down or if a duty social worker has attended the Hearing this can be more difficult.

Children's Rights Officers said they are very much guided by the young person and their needs after the Hearing and that sometimes it is best to leave this conversation for a day or two to allow the information to sink in and the situation to settle down. They will also always prepare a report for the young person which includes an explanation of the decision.

All practitioners try to speak with the child and family immediately after the Hearing, although time pressures can limit the extent to which this can happen. Social workers and legal representatives found that the lack of private space in Hearings Centres is a problem. They would like to have access to a room post-Hearing to debrief with the young person and/or family. Instead, they often have to do this in the reception area or car park. Discussing the outcome of the Hearing and its

consequences in such public places is not appropriate, particularly if the young person or parent(s) are distressed.

#### 4.3.2 Appeals and reviews

It was noted that the timescale to appeal is very tight. Part of the reason why social workers try to visit children and families within a few days of the Hearing is so they can explain the appeals process - particularly if the decision was unexpected and/or against the wishes of the child and/or family. Legal representatives also said that they write to the young person after the Hearing explaining what has happened, outline their rights and to determine their future involvement (e.g. if they wish to appeal).

Legal representatives questioned the fairness of the right to request an early review of a Hearing:

*“Inherent unfairness that social work can ask for a review at any time. Can bring back to a Hearing quickly if they don’t agree with the decision and by getting different Panel Members and/or presenting different information to get a different decision. This is an abuse of the process ... But parents and young people get very little time to appeal and have to wait three months if they get a decision they don’t agree with”* (legal representative)

Children’s Rights Officers also raised this where a young person does not want the level of contact the Hearing has decided.

#### 4.3.3 Implementing Hearings decisions

The importance of professionals working together to support the child and family and to implement the Hearing decision alongside the Care Plan was stressed. However, social workers said that sometimes the decision cannot be implemented. Examples were given of when they had advised Hearings that their decisions could not be implemented due to resource constraints or availability only to be told: *“that’s not our problem”*. They felt that Panel Members do not always understand how resources can impact on service provision.

Reporters said that the Child’s Plan *“puts flesh on the bones of the decision”*. Social workers described how following a Hearing the Child’s Plan is altered to reflect the decision and any changes in the CSO, and the discussion between practitioners to ensure the decision can be implemented effectively:

*“[We] have a conversation after to discuss the practicalities of the decision and how to put it into the Child’s Plan and specify how we can support them in timings of contact, transport, etc.”* (social worker)

*[include] "...detail of what we are trying to do in the Child's Plan within the confines of the CSO" (social worker)*

Contact is an area of concern, particularly where the child does not agree with the contact conditions. Panel Members said that sometimes the interpretation of the contact condition in the CSO is taken as "gospel" by social work and adhered to rigidly when, in fact, it should be taken as the minimum amount. Children's Rights Officers highlighted the child's difficulty in understanding the concept of 'minimum' levels of contact, and how this can be difficult to explain when resources do not allow more frequent contact.

#### *4.3.4 Summary – after the Hearing*

##### **Practitioners want:**

To have time and a private place in the Hearings Centre to talk to the child or young person to explain the Hearing's decision.

The child or young person to have support to help them understand their rights and what the Hearing's decision means for them.

## **4.4 Conclusions**

Practitioners involved in the Hearings System were all positive about how it works, how it can improve outcomes for children and young people, and make positive differences in the lives of their families. They also had clear views on what improvements could be made to make Hearings better for practitioners and children and their families. Preparation before the Hearing is key – if this part of the process is carried out effectively by all involved then the Hearing itself and what happens after should be more straightforward.

The Chair is pivotal to a well-managed and effective Hearing, and there was widespread acknowledgement that not all Panel Members are suited to this role. There was also agreement that some Panel Members are better at speaking to children and young people than others. Therefore, Panel Members must be aware of and use their own and their colleagues' strengths in the Hearing setting, and be aware of their own limitations.

All identified delay – at all stages – as an aspect of the System that should be examined and limited. For example: the time scheduled for the Hearing to occur so all practitioners (and the family) can prepare and for the child to have a Pre-Hearing visit should they wish; an appropriate amount of time scheduled for the Hearing; the

Hearing starting (and finishing) on time; and the decision and reasons issued timeously. In cases where the grounds are likely to go to proof due to the child's inability to understand, there is a need to re-consider the legislative requirement that a Hearing be held first.

It was evident that there are some issues with professional relationships and understanding of roles, and this has been noted before (Gadda *et al*, 2015). Whilst there was consensus that all practitioners should be respected and valued in the Hearing, many examples were provided where this did not happen. But there was real appetite and enthusiasm that these barriers be addressed.

An important area of consensus (except by Panel Members) was that it is not necessary for as many children and young people to attend Hearings in person. They should instead be provided with a variety of ways of providing their views and participating, preferably of their own choosing. Technology offers some solutions, however, greater availability of representation for children and young people would also enable more of them to have a better experience. Research conducted over a decade ago also stressed the: “...*the ‘fine balance’ required between ensuring that children have the option of being involved and that they are not overburdened by the responsibilities of decision-making*” (Tisdall *et al*, 2002).

Nevertheless, despite the issues identified, what was abundantly clear from all participants was that they are very child-focussed and want to ensure that children and young people get the best possible outcomes from their Hearings.

## 5. Proposed Standards for ‘Better Hearings’

### 5.1 Areas of consensus between children and young people and practitioners

Draft proposed Standards for Better Hearings were developed from areas of consensus between children, young people and practitioners. The proposed Standards are written from the perspective of what children and young people should expect from their experience before, during and after their Hearings.

There was a great deal of consensus between the views of children and young people and practitioners on what would make a ‘better Hearing’, and this is summarised below:

#### Before the Hearing:

<b><i>Children and young people want:</i></b>	<b><i>Practitioners want:</i></b>
Adults they have a trusted relationship to help prepare and support them.	Sufficient time and information to prepare themselves and the child or young person for the Hearing.
Continuity of the professionals in their lives.	
Involved in preparation of reports about them and their Child Plans.	Sight of all reports and information that will be discussed in the Hearing.
Understand the information sent to them and about them, and have time to do this.	Notified of the Hearing well in advance, and be informed of why it is being held.
	Information to be provided in child-friendly formats.
Less information about them and their families repeated in reports and at different Hearings.	Reports to be written in plain English, to be concise, contain factual information, focus on the current circumstances of the child and family, contain less repetition and historic information, and to be about the individual child.
Know in advance who will be attending their Hearings and why.	Informed of who has been invited to the Hearing.
Have the privacy and confidentiality of information about them and their families respected.	
	SCRA to be more pro-active in offering pre-Hearing visits for children and young people.
	Hearings to be scheduled to reflect different types of Hearings and family circumstances, rather than standard times.
	Pre-Hearing Panels to take greater account of the views of professionals that a child or

	young people should be excused from attending a Hearing.
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**During the Hearing:**

<b><i>Children and young people want:</i></b>	<b><i>Practitioners want:</i></b>
Their right not to talk in the Hearing to be respected.	The child or young person to be given the opportunity to speak first and to always be offered the chance to speak to the Panel Members on their own.
Able to speak to the Panel Members first and their views considered before those of professionals or family members.	
Asked at the start of the Hearing how they would like to give their views and if they would like to be excused after giving them.	The child or young person to be offered a variety of ways to participate and present their views (including greater use of technology), and for this to be of their own choosing.
To have the option of attending their Hearing or providing their views in another way.	
To feel listened to.	
The minimum number of people present at the Hearings, and that these be those who they know.	Numbers in the Hearing to be kept to a minimum and for Panel Members to be more aware of who can be excused.
	A capable and strong Chair who can manage the Hearing and control any inappropriate behaviour or conflict.
Reports to focus on their current circumstances rather than historical information.	
Less use of jargon in reports and in Hearings.	
Hearings to start and finish on time, keep to the point, and for them not be kept waiting.	Hearing to start on time.
Protected from seeing those they do not want to at the Hearings Centre.	It to be easier to keep a child or young person apart and away from those they do not want to see, or who have harmed them, at all times in the Hearings Centre.
Hearings and waiting rooms to provide a more relaxed and informal environment.	The Hearing environment to be less formal and more child-friendly.
Greater continuity of professionals and Panel Members at their Hearings.	Greater continuity of those involved in the Hearing
Supported throughout the Hearings process.	More children and young people to have representation from an advocate, Children's Rights Officer or legal representative.
Panel Members to explain their decisions to them in a way they understand.	
The most important person there.	
	Greater respect demonstrated for the

	professionalism of all practitioners in the Hearing.
	Improved technology available for writing decisions, copying, etc.

**After the Hearing:**

<b><i>Children and young people want:</i></b>	<b><i>Practitioners want:</i></b>
Letters sent to them with the Hearing's decision to be written in language they understand.	The child or young person to have support to help them understand their rights and what the Hearing's decisions means for them.
Informed of who they can contact after a Hearing for support or to answer their questions.	
Supported after the Hearing by someone they know and trust (e.g. social worker, Children's Rights Officer).	Time and a private place in the Hearings Centre to talk to the child or young person to explain the decision.
On-going contact with family members and if this is limited or not possible the reasons why to be explained to them.	

**5.2 Feedback from children and young people on the draft proposed Standards**

Feedback from 17 children and young people was used to finalise the proposed Standards. They also provided more general comments on their experiences of Hearings.

*5.2.1 Proposed standards*

The comments below are those made by 17 children and young people. They very much reflect the research findings and the draft Standards.

*Before the Hearing*

- No past issues in reports about my family
- Do I need to be there?

*During the Hearing*

- Don't have lots of people in the room
- Unsure of some of the professionals who attended.
- Ask the child first about how things are going instead of the social worker
- Not having to attend
- Give written answers to Panel Members' questions

- Have at least one Panel Member who has attended my Hearing before so they know me
- Don't like speaking to random people who don't know me. Don't like talking to strangers.
- Panel Members who let me away with things, stay out of trouble, not going over old stuff.
- Speaking to Panel Members on my own. I like to say how I feel.
- Panel make individual decision without discussing between themselves. Maybe have a recess before final decision so panel can discuss between themselves in light of any new information.

#### *After the Hearing*

- Have a better debrief by social worker after the panel instead of standing in the corridor. Would have been better if we went to a private room.

One young person involved with Aberlour made an overall comment on the proposed standards:

*'I feel it is a fair and just Charter, I feel that the paper work is understandable to an extent. It might not be as easy for other young people to understand.'*

#### *5.2.2 Experiences of Hearings*

Children and young people also described their experiences of Hearings:

Of the 16 young people involved with Includem, six didn't know what a Supervision Order was or why they were on one. The other 10 knew what a Supervision Order was and eight commented it was to keep them safe and that social workers have the care of them. One said it stops them getting a custodial sentence.

Two young people commented that they attend Hearings due to their involvement with the police, two that this was due to family issues and care, and three because the social worker told them to. The other nine mentioned it was due to their behaviours mostly at home, school and community.

Nine of the 16 young people agreed with the decisions from the Hearing and understood why the decisions were being made mostly to keep the them safe and out of trouble. One young person didn't agree with decisions made; two said it can be a little confusing at times to understand what Panel Members are feeding back; and three didn't really understand the decisions being made.

Fourteen of the 16 young people commented that they feel listened to during the Hearing and two of those like speaking to the Panel Members on their own which helps. Two young people don't feel listened to at their Hearings

#### *5.2.3 Likes and dislikes feedback*

##### Dislikes:

- Speaking to random people who don't know me and they decide what's best for me
- Panel Members are scary; don't like the Panel Members; don't like talking to strangers
- Dislike everything about them
- Past issues being in reports about my family; keep going over the past; makes me think I'm getting taken away; can be stressful for me.
- By the time the panel was coming to an end he was ready to leave and at times was "switching off" and not listening to what was being said.
- The legal statement read out by the chairperson was lost because of the uncertainty/nervous of what was happening.

Likes:

- Makes me understand my situation better and the seriousness of this
- They look out for young people; I like how I can say how I feel; I like the Panel Members; speaking to them on my own; they tell me what's right and wrong in my life.
- My experience of a Hearing was formal but positive. Beforehand I was nervous and concerned about my future.
- I felt my views were positively taken into account.

*Who supports them before and after Hearings*

Feedback was that social workers, Includem, family members, lawyer, Reporter and Who Cares? Scotland all discuss the Hearing with them before and after their it. Two others commented that no-one talks to them before or after the Hearing.

### **5.3 Proposed Standards for Better Hearings**

These proposed Standards apply to all types of Hearings, including Pre-Hearing Panels. They are the standards that you should expect to experience before, during and after your Hearing. All professionals and Panel Members involved in your Hearing will do everything they can to make sure that these happen.

#### ***Before the Hearing***

*Planning your Hearing – we will:*

- Let you know 15 days in advance where and when your Hearing will happen<sup>8</sup>.
- Make sure you have all the papers you need for your Hearing 5 days before it<sup>8</sup>.
- As if you would like to visit the Hearings Centre before you come for your Hearing.
- Listen to you about any anything that could be done to make the Hearing better and do all we can to make sure this happens.

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<sup>8</sup> Blueprint for the Processing of Children's Hearings Cases. Inter-agency Code of Practice and National Standards. Scottish Executive (2001)

- Tell you who will be there and explain why they have been invited.
- Let you know that you can ask for a representative or advocate to support you at the Hearing and help you find one if you want to.
- Ask whether you want to attend in person. If you don't we will ask what other ways you would like to give your views. You have a right to attend your Hearing, and you also have a right not to attend.

*Reports and information for your Hearing – we will:*

- Ask for your views when writing reports and make sure that they are included.
- Make sure that the information we send you is clear and understandable.
- Focus on the current issues in your life in reports for your Hearing.
- Make sure that the professionals coming to your Hearing have shared information so that they are fully prepared and can best support you.
- Respect your confidentiality by keeping your information safe and making sure those that only those who need to will see it.

***During the Hearing***

*Safety and privacy – we will:*

- Make sure you feel and are safe when you are in the Hearings Centre.
- Provide a private space if you ask for one.

*Running the Hearing – we will:*

- Make sure that your Hearing will start and finish on time, or last only as long as necessary.
- Make sure the Chairperson of your Hearing explains at the very start why it is being held, how it will be run and who will speak when – so that this is clear to everyone. The Chairperson will ask everyone to explain who they are and why they are there.
- Discuss things during the Hearing that are currently important and relevant.
- Make sure all discussions during the Hearing are as short, clear and understandable as possible.

*Helping you give your views – we will:*

- Ask you how you would like to give your views in the Hearing (e.g. speaking to you first, speaking to the Panel Members alone or with a representative or advocate speaking for you) and make sure this happens. If you do not want to give your views we will respect that.
- Make sure that you are at the centre of your Hearing and everyone else will respect that.

*Decisions – we will:*

- Clearly explain the decisions made and what your rights are.

- Make decisions that are in your best interests, although you might not always agree with them.
- Make sure you have the chance to ask any questions and that these are answered.

### ***After the Hearing***

#### *Hearing's decision and what happens next – we will:*

- Make sure that straight after your Hearing someone will answer any questions you have and explain what the decision means (e.g. where you stay and how often you can see people who are important to you).
- Send you the written decision within 5 days and answer any questions you might have.
- Make sure the written decision is clear and understandable.
- Include the Hearing's decision in your Child's Plan and make sure your Plan properly reflects it.

#### *Your rights – we will:*

- Provide a private space for you to speak to people after the Hearing.
- Explain your rights to disagree and challenge the decision (this is called an appeal) and how to do this.
- Explain your right to request another Hearing (this is called an early review) and how to do this.
- Help you to ask for another Hearing.
- Listen to you about what would make your next Hearing better and make sure this happens.

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**Consent Form for participating in the research study:**

**The next steps towards 'Better Hearings'**

The aim of this research is to produce recognised standards of practice for the Children's Hearings System. The research findings and practice standards will be presented to the Children's Hearings Improvement Partnership for approval and implementation. It is planned that the research report will be published in May 2016.

The study has been developed with the Tripartite Group which comprises of SCRA, Social Work Scotland, and Children's Hearing's Scotland.

The research seeks the views of key professionals to find out what makes a Children Hearing work well from their perspectives, and to link these with the views of children and young people.

Each Focus Group discussion or interview will take no more than 90 minutes. The discussion or interview will be noted in writing and transcribed at a later date.

There are no known risks in participating in the focus group or interview. You are not obliged to answer any questions that you find objectionable or which make you feel uncomfortable.

You can opt out of the focus group or interview at any time. If you change your mind later, contact the SCRA Research Team and your contribution will be removed from the transcript.

Transcripts will be held in a secure folder in SCRA's system which is only accessible to SCRA's Research Team. All information will remain confidential and will be anonymous when reported.

Your signature below confirms that your participation is voluntary and that you are free to withdraw at any time; and that your contribution to the research will remain anonymous.

Please contact SCRA (as below) if you have any questions, concerns or complaints about the research procedures.

- Gillian Henderson, Information & Research Manager – [Gillian.henderson@scra.gsi.gov.uk](mailto:Gillian.henderson@scra.gsi.gov.uk)
- Gordon Brechin, Locality Reporter Manager, Glasgow Locality – [Gordon.brechin@scra.gsi.gov.uk](mailto:Gordon.brechin@scra.gsi.gov.uk)

I have read this Consent Form and I have had any questions answered to my satisfaction; the SCRA research team will keep a copy of this agreement for their records – and I may have a copy if I wish.

NAME:	SIGNATURE:	DATE:
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Produced by  
Indiya Kurlus, Gillian Henderson and Gordon Brechin (SCRA)  
on behalf of The Children's Hearings Improvement Partnership (CHIP), October 2016

