


Keeping the Promise in Renfrewshire's Children's Hearings

Wednesday 29th November 2023

Minutes

		ACTIONS
1.	<p>In Attendance – Nicola Harkness, Andrew Mobbs, Kevin Smith, Brian Gallagher, Randal McTaggart, Maura Kearney, Maurice Gilligan, Selwyn Mccausland, Aine O'Byrne</p> <p>Apologies – Michelle McCargo, Emma Henry, Jim Melrose, Donald Walker, Ruth Wallace, Derek Brama, Mo Quinn</p>	
2.	Minutes of last meeting - agreed	
3.	<p>The Promise – HSWG Report</p> <ul style="list-style-type: none"> - Awaiting feedback from Scottish Government – due by end of the year - Ministerial visit – 15/11/2023 – Natalie Don, Minister for Children, Young People and Keeping the Promise. 	
4.	<p>The Promise Deferred Hearing Project</p> <ul style="list-style-type: none"> - Bumpy start - operational group set up to manage roll-out and encourage/support participation – “champions” identified for each social work team who have done great work raising awareness of the new processes and supporting understanding of the aims and benefits of the project – engagement now much more positive - Initial focus on Renfrew Area Team and the Kinship Care Team – then rolled out to Johnstone Area Team, Children with Disabilities Team and the Pre and Post Birth Team. Great support from Children's Services Admin Team. Will start now to complete roll-out to Paisley Area Teams, Whole Systems and Throughcare. - Too early to measure impact – c/f to next meeting – measure deferred hearings / spreadsheet recording number of cases when date or time changed. - The Project is also embedding use of the Hearing Preparation Guidelines and Checklist – to support preparation and understanding of children and young people attending hearings and also to support SCRA in effective planning and scheduling of Hearings (as is the focus on ensuring Hearing reports are submitted in good time). Checklist to be reviewed once further embedded in practice. Already acknowledge areas that may need refined, e.g. availability of support for transport to hearings / paid travel expenses. <p>Other initiatives</p> <ul style="list-style-type: none"> - Email Reminder Project – already in operation - Offer of electronic papers for children and families – in planning stage - QR code on SCRA correspondence to children signposting to advocacy (from receipt of referral?) – in planning stage 	<ul style="list-style-type: none"> - Monitoring of implementation of the Project to continue - Measurement of impact of the Project to begin in the new year - Multi-agency operational working group (using Promise Keepers?) to be set up in the new year to assess the operational effectiveness of Hearing Preparation Guidelines and Checklist - Discussion with advocacy providers to take place before introduction

5.	<p>Children (Care and Justice) (Scotland) Bill</p> <ul style="list-style-type: none"> - Overview attached - Stage 2 of Bill to be considered 6 Feb 2024. Proposed Amendments to the legislation will be known by the End of January.  <p>Children's Care and Justice Bill_0001.pdf</p>	
6.	<p>Bairns Hoose</p> <p>This is up and running. The North Strathclyde Partnership has been awarded Pathfinder status. An overview and more info can be found at:- Next steps for Bairns' Hoose - gov.scot (www.gov.scot)</p> <p>SCRA & Renfrewshire's Children Services continue to be key members of the Partnership, ensuring child witnesses and victims continue to receive a high level, promise compliant service</p>	
7.	<p>Police Referrals to SCRA</p> <ul style="list-style-type: none"> - When compared to the national picture the numbers of Police referrals to SCRA in Renfrewshire are high - SCRA have carried out an audit of police referrals which confirmed that Police referrals are broadly in line with National Referral Guidance (and that decision making in the locality is in line with national thresholds). 	<ul style="list-style-type: none"> - Joint Training session to be arrange between SCRA and the Police Concern Hub to ensure a shared understanding of the National Referral Guidance (in particular with regards to children already subject to CSOs)
8.	<p>Chronologies</p> <ul style="list-style-type: none"> - Chronologies are not currently automatically included in Hearing papers – but reporters have discretion to include them if they feel it appropriate to do so - staff have attended multi-agency GIRFEC relaunch sessions where there was a focus on chronologies and social workers have also attended skills sessions training - Social work also currently working on a test of change around using a chronology summary note for chronologies as part of review reports requested by SCRA. This is small scale and at an early stage. - SCRA will continue to provide support for training and can extend test of change when appropriate. 	<ul style="list-style-type: none"> - To be kept under review
9.	<p>Sheriff Principal Practice Note</p> <ul style="list-style-type: none"> - Now completed - Sitting with the Sheriff Principal to confirm a commencement date. - There are key benefits to getting cases progressed – Reporters will just need to ensure Sheriffs implement its terms to prevent drift. Sheriff Principal has indicated compliance with the Practice Note will be monitored. - Possible increase in front loading by Reporters likely to have an impact on partners. Training to be delivered once implemented 	
10.	<p>Action Plan</p> <p>Agreed to move from a formal Action Plan to Actions identified at each meeting.</p>	

11.	<p>AOCB</p> <p>Successful social work / panel member liaison event held 20/11/2023</p> <p>Information sessions on safeguarders to be rolled out next year. Recognition that role needs to be better understood by key partner agencies especially in context of possible legislative change.</p> <p>There was some discussion regarding Non-Instructed Advocacy. For information SCRA's written position on advocacy is attached: although noted additional discussions to supplement the note have taken place.</p> <div data-bbox="308 551 362 613" data-label="Image"> </div> <p>PRACTICE NOTE - Advocacy Services.pdf</p>	
	<p>Date of next meeting – 28 February 2024</p>	

Children's Care & Justice Bill 2023

Raising age of referral to Reporter

- Up to 18 for all children
- This means that all offence referrals must be jointly reported – with the presumption that the offence will be referred to SCRA
- Anticipated additional 4-5K children per year, resulting in up to 3.5K additional Hearings p/a (for offence and non-offence)
- Approx £6.7m for additional SW resources to meet this demand
- Has implications for how EEI and Diversion will continue to be used
- Also a commitment to further review the ACR (to 14yo)

Victims

- If more harmful offending is dealt with via SCRA, how are victims supported? Eg:
 - Information about outcomes
 - Information about conditions – particularly if it relates to them
 - Information about returning home from care/secure
 - Support to recover – who best to provide this?
 - Opportunity for restorative justice
- Possible new conditions on CSO restricting a child from a place or a person
- Possible extension of MRC criteria to include risk of psychological harm – and 'de-coupling' it from only as an alternative to secure care

Post-18 support

- Considering placing a duty on LA to provide voluntary support for 12 months after a CSO is terminated simply due to turning 18

Children in custody / Court

- All under 18s treated as children if in police custody – higher bar for admission
- Maximising alternatives – duty to get Advice for all summary cases
- Allowing for HSB and Driving offences to be remitted – court still deals with disqualification / registration
- Providing child friendly environment / process/ personnel – Youth Courts

Secure / Polmont

- Possible addition to secure criteria of psychological harm
- Aim to have no under 18s in Polmont by the end of 2024
- This will require change in legislation to allow a sheriff to remand/sentence a young person to secure even if they're not on a CSO
- All secure criminal admission = care leaver
- SG to fund all secure remands as well as secure sentences (£4m p/a)
- Allowing over 18s to remain in secure care if nearing the end of their sentence

1. SECTION 122

Section 122 of the Children's (Hearings (Scotland) Act 2011 deals with children's advocacy services. It came into force in full on 21 November 2020.

Section 122(2) requires the chair of any children's hearing to inform the referred child of the availability of children's advocacy services unless the chair, taking account of the age and maturity of the child, considers it would not be appropriate to do so.

In practical terms:

- The duty applies only if the child is present at the hearing.
- If the child is accompanied at the hearing by an advocacy worker there is no expectation that the chair will inform the child of the availability of advocacy services.
- The requirement is for the chair to inform the child that advocacy services are available. Chairs are likely to do this by asking the child if anyone has already spoken to them about advocacy and if they know they can have an advocacy worker.
- It is not necessary for the chair to elicit a response from the child as to whether the child wants to seek advocacy support, though the chair may give the child the opportunity to do so.
- A hearing may choose to defer in order to enable the child to seek advocacy support. The hearing is not obliged to defer and the hearing should take into account all the relevant circumstances before deciding to do so.

The Scottish Government has made provision for the availability of children's advocacy services. The Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 ([here](#)) require children's advocacy workers funded through this route to act in accordance with the National Practice Model for Advocacy within the Children's Hearings System ([here](#)). The Regulations also set out training requirements for children's advocacy workers.

2. OPERATION OF ADVOCACY SERVICES

Reporters and support staff are to take the following approach in relation to the operation of advocacy services:

Referral to an advocacy service

- SCRA is fully supportive of the provision of children's advocacy services and has played a key role in developing an information leaflet, setting up a website on

advocacy services for hearings¹, a link to which is on our website, and adding information to hearing notifications - all of which support a child to understand the availability of advocacy services and how to contact them.

- The reporter is not to refer a child to an advocacy service but may ensure the child knows where to access relevant information². Those directly involved with the child are appropriately placed to offer support to the child in relation to referral.

Instruction

- The child must be capable of instructing the advocacy worker in order for the advocacy worker to act as a representative of the child. It is understood that Children's Advocacy Services generally regard children from the age of 5 as potentially being capable of instructing an advocacy worker.
- The reporter is to be satisfied that an advocacy worker is instructed by the child only if the advocacy worker informs the reporter in writing that they are instructed by the child³. This may be by email - provided it comes from a cjsm account or the email address can be verified from the website for children's hearings advocacy support⁴ - or otherwise by letter containing the letterhead of the Advocacy Service. If the reporter is in any doubt about whether the advocacy worker is properly instructed by the child the reporter is to seek a mandate.

Information from the reporter

- It is expected that advocacy workers will operate with information provided to them by the child or on occasion, if additional information is required, by discussion with professionals involved directly with the child.
- However, where an advocacy worker is instructed by the child, the reporter may inform the advocacy worker of the date, time and place of the children's hearing, using the standard letter for instructed representatives (solicitors and advocacy workers)⁵.
- No other information about the hearing is to be provided⁶ nor is any request for written information for consideration by the hearing to be made. It is for the child to decide whether they want their advocacy worker to attend the hearing or provide any information in writing. If an instructed advocacy worker provides written information for consideration by the hearing, the reporter is to include this in the hearing papers⁷.
- The usual approach to providing papers to the child applies. Where the child would not be capable of understanding the papers the reporter is not to provide them.

¹ <https://www.hearings-advocacy.com/>

² If a hearing directs the reporter under rule 61(1)(f) or (g) to refer the child to an advocacy service, the reporter must comply with this, and explain to the advocacy service that the referral is being made following a direction by the hearing to do so. The reporter should provide the child's name and contact details to the advocacy service and the likely timescale for the next hearing (not the date).

³ The advocacy worker must make clear that the instruction comes from the child, not anyone else.

⁴ <https://www.hearings-advocacy.com/>

⁵ The letter [here](#) is available on CSAS and Connect and includes the date, time and place of the hearing and makes reference to providing written information for the hearing if the child they are representing wishes them to do so. (Where the advocacy worker's attendance would be virtual, a separate version of the letter is available.)

⁶ This applies even if the advocacy worker has a mandate from the child.

⁷ Such information will be covered by rule 26.

Advocacy support for those with or seeking participation rights (participation individuals)

- Under the Scottish Government provision, the organisations funded for the national advocacy scheme may provide a service for individuals with participation rights, or who are seeking such rights, and who are aged under 18. The approach set out above in relation for the referred child is to be applied to such individuals (participation individuals).
- The reporter may provide the date, time and place of a hearing to the advocacy worker only if the individual instructing them already has participation rights or the matter of whether they meet the participation criteria or section 132A criteria has been referred to the particular hearing (or PHP).

Non-instructed advocacy

- On occasion, advocacy workers who have not been instructed by the child have been funded through the Scottish Government provision.
- An advocacy worker who is not being instructed by the child cannot be treated as a representative of the child.
- If there is a non-instructed advocacy worker, the same approach applies as for other persons involved with a child. In particular:
 - The reporter may include in hearing papers information provided by a non-instructed advocacy worker only if the reporter assesses the information to be material/relevant for the hearing.
 - The reporter may invite a non-instructed advocacy worker to attend the hearing only if the reporter considers their attendance would assist the hearing in its decision-making.
 - The reporter may request information from a non-instructed advocacy worker if the advocacy worker appears likely to have relevant/material information.
- As the role of non-instructed advocacy for children's hearings is to some extent unclear, the reporter is to consult with their Senior Practitioner and the Practice Team before inviting a non-instructed advocacy worker to provide information or to attend a hearing.
- If a non-instructed advocacy worker seeks to attend a hearing, whether invited by the reporter or not, it will be for the chair of the hearing to decide whether, and if so when, to allow them to attend.
- It will be for the hearing to decide what weight to attach to any information a non-instructed advocacy worker provides.

Advocacy worker at a hearing

- Within the hearing an advocacy worker who has been instructed by the child or a participation individual to attend will be a representative (non-legal) of the child or individual.
- The usual provisions about attendance of a representative apply. The instructed advocacy worker for the referred child is to be enabled to attend the hearing at the start (whether or not the child is attending).

- The instructed advocacy worker for a participation individual is to be enabled to attend, along with the individual, at the point during the hearing determined by the chair⁸.
- The reporter is to ensure that the hearing receptionist is aware of when an advocacy worker for the child or a participation individual is not instructed.
- If a non-instructed advocacy worker wishes to attend a hearing, it is for the chair to decide whether, and if so when, to allow them to attend. They are not to be enabled to attend at the start of the hearing.
- The reporter is to record the attendance of an advocacy worker in the record of proceedings in the 'Other Persons Present' box, selecting the designation 'Child Advocate'. If the advocacy worker is non-instructed, or is an advocacy worker for a participation individual rather than the referred child, the reporter is to record this after the name of the advocacy worker by adding 'non-instructed' and/or 'PI' as appropriate.

3. ADDITIONAL ACTIONS

SCRA continues to look at appropriate ways to promote the availability of advocacy services and support their update by children.

We consider that social workers play the key role in advising the child well in advance of a hearing of the availability of advocacy support.

4. CHILDREN'S ADVOCACY SERVICE PROVIDERS

The contracted service providers are listed on the hearings advocacy website. They are also noted in the following table for ease of reference. On occasion advocacy services may be available to a child outwith the contract.

Area	Primary Provider	Alternate Provider
Aberdeen City	Who Cares? Scotland	Advocacy Service Aberdeen
Aberdeenshire	Who Cares? Scotland	Advocacy Service Aberdeen
Angus	Angus Independent Advocacy	Who Cares? Scotland
Argyll & Bute	Who Cares? Scotland	Partners in Advocacy
Clackmannanshire	Who Cares? Scotland	Barnardo's
Dumfries & Galloway	Barnardo's	Who Cares? Scotland
Dundee	Partners in Advocacy	Who Cares? Scotland
East Ayrshire	East Ayrshire Advocacy Services	Who Cares? Scotland
East Dunbartonshire	Partners in Advocacy	Who Cares? Scotland
East Lothian	CAPS Independent Advocacy	Partners in Advocacy
East Renfrewshire	Partners in Advocacy	Who Cares? Scotland
Edinburgh, City of	Partners in Advocacy	CAPS Independent Advocacy
Falkirk	Who Cares? Scotland	Barnardo's
Fife	Barnardo's	Who Cares? Scotland
Glasgow	Barnardo's	Partners in Advocacy

⁸ Note that a representative of a participation individual has a right to attend the hearing only while the participation individual attends. However the chair may allow attendance in the absence of the participation individual.

Highland	Who Cares? Scotland	Partners in Advocacy
Inverclyde	Partners in Advocacy	Who Cares? Scotland
Midlothian	CAPS Independent Advocacy	Partners in Advocacy
Moray	Who Cares? Scotland	Partners in Advocacy
North Ayrshire	Barnardo's	Who Cares? Scotland
North Lanarkshire	Who Cares? Scotland	Barnardo's
Orkney	Who Cares? Scotland	Partners in Advocacy
Perth & Kinross	Independent Advocacy Perth & Kinross	Who Cares? Scotland
Renfrewshire	Who Cares? Scotland	Barnardo's
Scottish Borders	Borders Independent Advocacy Services	CAPS Independent Advocacy
Shetland	Who Cares? Scotland	Partners in Advocacy
South Ayrshire	Barnardo's	Who Cares? Scotland
South Lanarkshire	Partners in Advocacy	Who Cares? Scotland
Stirling	Who Cares? Scotland	Barnardo's
West Dunbartonshire	Partners in Advocacy	Who Cares? Scotland
West Lothian	Who Cares? Scotland	Barnardo's
Western Isles (Eilean Siar)	Advocacy Western Isles	Who Cares? Scotland