

To: Education and Children's Services Policy Board

On: Thursday 24 August 2023

Report by: Chief Social Work Officer

Heading: Hearings Systems Working Group – Final Report

1. Summary

- 1.1. The Children's Hearing System was introduced under the Social Work (Scotland) Act 1968. It is a unique system with no other jurisdiction across the world having a similar model. Whilst there have been some changes in the legislative framework since 1968, the fundamental model of children's hearing has remained the same.
 - 1.2. During the period of the Independent Care Review many of those who participated shared their experience of involvement, both positive and negative, in the hearing system. A consistent message was the hearing system is complex and confusing, didn't make sense to children and families and could be traumatic for those children and families involved with it.
 - 1.3. The Hearings System Working Group (HSWG) was established in August 2021, with Sheriff David Mackie as the chairperson to review and make recommendations in relation to the Children's Hearing System in Scotland. The HSWG published its final report on 25 May 2023. The report contains 97 recommendations for change and improvement to the current children's hearing system. The Scottish Government is considering its response to the recommendations.
 - 1.4. This report highlights the major thematic areas where major changes are proposed by the HSWG.
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2. Recommendations

It is recommended that the education and children policy board notes the content of this report and agrees that a further report is presented to the board when the Scottish Government present its response.

3. Background

- 3.1. The Children's Hearings System is unique with Scotland the only country in the world to operate the model. It was introduced following the Kilbrandon Report which led to the passing of the Social Work Scotland (Act) 1968. When the children's hearing system was established the majority of children referred to it were those who had been involved in offending and a smaller minority referred for concerns over their welfare and protection. Over the years the balance of reasons for referrals has changed dramatically with most children referred to the children's hearing being for welfare and protection grounds.
- 3.2. At the core of the children's hearing system is the role of the Children's Reporter and the members of the children panel. Children can be referred to the Children's Reporter for a range of concerns. Following investigation of these concerns grounds of referral are prepared by the Children's Reporter and presented to a children's hearing.
- 3.3. The children's hearing consists of three members of the public who meet with the child, their parent(s) and a social worker to discuss the grounds of referral and to agree a plan to support the child and family. The child can be made the subject of a compulsory supervision requirement. If a compulsory supervision is put in place by the children's hearing, a social worker is assigned to the child to work with them and their family to address the concerns for which the child was referred.
- 3.4. During the period of the independent care review many care experienced children, young people and adults shared their experience of involvement in the children's hearing system. The positives and negatives were balanced, however it was clear that to deliver the Promise in Scotland there was a need to undertake reform of the children's hearing system.
- 3.5. In August 2021 the HSWG was established with Sheriff David Mackie as the chair. The HSWG is a partnership between Children's Hearing Scotland, the Scottish Children's Reporters Administration, and the Promise. The voice of children and young people involved with the hearing system was central to the HSWG through the participation of the Our Hearings Our Voice. Our Hearings Our Voices are an independent board of young people aged 8 to 18 who have direct experience of the children's hearing system.
- 3.6. As the HSWG undertook their review they linked with a range of public bodies and organisations including COSLA, SOLACE, Police Scotland, Social Work Scotland, providers of advocacy services for children and young people, the legal profession and third sector organisations providing safeguarding work.
- 3.7. The HSWG published its report, Hearings for Children, with 97 recommendations on 25 May 2023. The report is over 300 pages long and contains an explanation behind each of the recommendations. The recommendations generally are policy changes, practice improvements or

legislative changes. The HSWG has indicated that it believes the Scottish Government must accept all of the recommendations and not to adopt a pick and mix approach.

3.8. The HSWG makes recommendations in relation to:

- The provision of early and ongoing support to children and their families including formal models to divert children from children's hearings where possible.
- Workforce planning in relation the recruitment and retention of social work staff to ensure consistency of support for children and families.
- The need to address child poverty as one of the drivers for children coming to the attention of services.
- The shift in practice from adversarial children's hearings to hearing which are built on awareness of trauma on children and their families and inquisitorial in nature.
- Changes to the composition of children's hearings from three voluntary members to a qualified and salaried professional chairperson and two trained and skilled panel members paid at a daily rate.
- Improvements to advocacy support and importance of the voice of the child and their family.
- The reasons children are referred to the children's hearing and how these are written to be rights based rather than current deficit model.
- Policy and legislative changes.

3.9. The HSWG has indicated that whilst indicating they expect the Scottish Government to accept and implement all of the recommendations, some can be taken forward immediately. Officers are currently reviewing the HSWG report to identify where immediate changes to practice can be made in Renfrewshire to improve the experience of children and their families involved with the hearing system.

Implications of this report

1. Financial Implications

The recommendations could have significant financial implications if they are adopted in full by the Scottish Government. Once the Scottish Government responds to the recommendations from the HSWG, it will be possible to advise elected members of any financial implications for Renfrewshire.

2. HR and Organisational Development Implications

Any changes will have an impact on the role of the social worker in discharging the responsibilities for the local authority within the children's hearing system. Once the Scottish Government responds to the

recommendations of the HSWG it will be possible to advise elected members of implications for Renfrewshire's staffing model and training of staff.

3. Community Plan/Council Plan Implications

None

4. Legal Implications

There is no clarity on how the Scottish Government will respond to the recommendations however it is likely that there will be a need for legislative changes.

5. Property/Assets Implications

None.

6. Information Technology Implications

None.

7. Equality and Human Rights Implications

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only.

8. Health and Safety Implications

None.

9. Procurement Implications

None.

10. Risk Implications

None.

11. Privacy Impact

None.

12. COSLA Policy Position

None.

13. Climate Risk

None.

List of Background Papers

None

Children's Services

JCTLG

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