

Children (Scotland) Act changes

AST Promotion Toolkit

Version 1.0

25 May 2021



Contents

Timetable for implementation	3
Background for Area Support Teams	4
Local and national communications planner	5
Local engagement articles	9
Messaging for Area Support Teams to use within their local community	11
FAQ – sibling contact	12

Timetable for Implementation

Action Required	By When	By Whom
Partnership working <ul style="list-style-type: none"> Liaison with partner agencies to establish state of readiness with local authority areas . 	June – 26 th July 2021	<ul style="list-style-type: none"> National Team AC/ASIPS
Preparing the CHS community <ul style="list-style-type: none"> Local and national communications to complement/reinforce key messages around readiness and training (see planner below). 	June – 26 th July 2021	<ul style="list-style-type: none"> Local communications – AST National communications – Communications Team
Practice & Procedure Manual <ul style="list-style-type: none"> To be updated. 	By 30 th June 2021	<ul style="list-style-type: none"> CHS Practice Team
Training our community <ul style="list-style-type: none"> Development of training module to be hosted on LA website. PMS, particularly Chairs, to complete training in advance of sitting on Hearings post 26th July. 	Dates tbc – module to be available in advance of 26 th July. More info to be provided as soon as we have confirmation on the what and when.	<ul style="list-style-type: none"> Development of module – Learning Academy and National Training Lead Completion of training: to be managed by local ASTs, Learning Academy.
“Go Live”	26th July 2021	

Background for Area Support Teams

Changes to the law and practice to support the sibling (brothers and sisters) relationships of looked after children are being introduced on 26th July 2021. Children's hearings are key to the implementation of these important changes.

Legal changes

New legal duties will apply to local authorities and children's hearings from 26th July, accompanied by new rules for sibling participation in children's hearings.

In summary, these new laws are:

1. Children (Scotland) Act 2020

- Duty on local authorities to promote contact with siblings (s13)
- Duty on local authorities to ascertain the views of siblings (s13)
- Duty on Children's Hearings to consider contact with siblings (s14)
- Introduces new participation rights (s25)

2. The Looked After Children (Scotland) Amendment Regulations 2021

- Duty on local authorities to place siblings together or near each other

3. The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021

- Defines criteria for participation rights (Rule 2A)
- Duty on SCRA to facilitate attendance by telephone or video-link (Rule 20B)
- Broadens chairing Panel Members powers of exclusion (Rule 20D)
- Allows electronic signatures (Rule 98)
- Requires SCRA to share all hearing papers with the local authority, except those provided by the local authority) (Rule 26(7))
- Electronic-only attendance (Rule 20C and 44A)
- Ability to determine that person(s) attend only by electronic means (Rule 20C and 44A)

Local & National Communications Planner

It is important that our community is aware of and prepared for changes to the Act, including what training is required and when. This is where local and national communications become important.

We must have a consistent approach to our communications and consistent messaging, given the level of information we need to share with the community. Therefore, we have created an overview communications plan, which details what is going out to the community and when.

We would ask that you re-share national communications via your local Teams channels/local communications on a weekly basis.

National communications will be shared with Area Partners and Area Conveners on a weekly basis via the 'AST Operations' chat on Teams. They will comprise of blog pieces (video and written) and articles. Where 'local communications' are proposed on the schedule, we have prepared suggested copy for you to share (this copy has been prepared by the team in Central and West Lothian). Please see below.

Thank you and we appreciate your support!

Not complete



in progress



WHAT	WHERE	WHO	CONTENT/ISSUER	w/c 31.05	w/c 07.06	w/c 14.06	w/c 21.06	w/c 28.06	w/c 05.07	w/c 12.07	w/c 19.07	w/c 26.07
National communication	* May newsletter	CHS community	Content: LF/NH Issuer: LF & NH - National channels									
local communication	* via local Teams channels/meetings	AST specific	Content: HO & LF Issuer: ACs									

WHAT	WHERE	WHO	CONTENT/ISSUER	w/c 31.05	w/c 07.06	w/c 14.06	w/c 21.06	w/c 28.06	w/c 05.07	w/c 12.07	w/c 19.07	w/c 26.07
National communication	* Teams - news feed * Teams – via local teams channels	CHS community	Content: LF/NH Issuer: LF & NH - National channels / ACs - local channels									
Local communication	* via local Teams channels/meetings	AST specific	Content: HO & LF Issuer: ACs									
National communication – likely to be a filmed piece to camera promoting training and PPM updates	* Teams - news feed * Teams – via local teams channels	CHS community	Content: LF/NH Issuer: LF & NH - National channels / ACs - local channels									
Learning Academy training email (date tbc)	* via email (tbc)	Those who are required to undertake training (tbc)	Content: Learning Academy Issuer: Learning Academy									
National communication	* Teams - news feed * Teams – via local teams channels	CHS community	Content: LF, AF, & MJ/CM Issuer: LF & NH - National channels / ACs - local channels									

WHAT	WHERE	WHO	CONTENT/ISSUER	w/c 31.05	w/c 07.06	w/c 14.06	w/c 21.06	w/c 28.06	w/c 05.07	w/c 12.07	w/c 19.07	w/c 26.07
Four week countdown - change 1 'Place a duty on local authorities to take steps to promote contact between a child in care and their brothers and/or sisters, as well as a duty to ascertain the views of brothers and/or sisters before making decisions'	* Teams - Practice and Policy channel * Teams – via local teams channels	CHS community	Content: NH, AF Issuer: AF & NH - National channels / ACs - local channels									
Three week countdown - change 2 'Place a duty on decision-makers (Panel Members and Sheriffs) when making, varying or continuing a Compulsory Supervision Order to consider contact with brothers and/or sisters and relevant persons the child is not living with'	* Teams - Practice and Policy channel * Teams – via local teams channels	CHS community	Content: NH, AF Issuer: AF & NH - National channels / ACs - local channels									
Two week countdown - change 3 'Give brothers and sisters greater opportunities to participate in hearings'	* Teams - Practice and Policy channel * Teams – via local teams channels	CHS community	Content: NH, AF Issuer: AF & NH - National channels / ACs - local channels									

WHAT	WHERE	WHO	CONTENT/ISSUER	w/c 31.05	w/c 07.06	w/c 14.06	w/c 21.06	w/c 28.06	w/c 05.07	w/c 12.07	w/c 19.07	w/c 26.07
One week countdown - change 4 'Give children and young people of all ages more opportunities to give their views in the way they choose'	* Teams - Practice and Policy channel * Teams – via local teams channels	CHS community	Content: NH, AF Issuer: AF & NH - National channels / ACs - local channels									

Local Communications Articles/Engagement Articles

These articles have been prepared by the team at Central & West Lothian for use on local Teams channels/in local communications. Outlined in the planner above are the suggested dates for use of these articles, to complement and support engagement with changes to the Children (Scotland) Act at a local level.

DATE	COMMUNICATION
For use w/c 7 th June	<p>1. local communication</p> <p>Let's start a conversation about maintaining sibling relationships</p> <p>On 26th July 2021, changes brought in by the Children (Scotland) Act 2020 welcome into force that place an emphasis on the importance of sibling – brother and sister – relationships.</p> <p>The decisions you make in hearings can have a huge impact on the lives of infants, children and young people who are separated from their brothers and sisters. Click here to read Sylvia Douglas, co-chair of the Independent Care Review's Edges of Care working group, personal experience and the importance of sibling relationships.</p> <p>Did you know that:</p> <ul style="list-style-type: none"> • for every 10 children in care, eight (80%) of them will have brothers and sisters and of those brothers and sisters, six will also be in care; • for looked after children, with brothers and sisters, figures suggest that as many as seven in 10 (70%) become estranged; and • even if we cannot keep the family group together in one placement, just having brothers and sisters together for some period of time, is better than not having them together at all. <p>Let us know your thoughts by:-</p> <ul style="list-style-type: none"> ➤ posting a reply on teams ➤ get in touch with [local contacts to be added] <p>To find out more about this subject matter, further information is available on the Stand up for Sibling website: www.standupforsiblings.co.uk.</p>

For use w/c 21st
June 2021

2. Local communication

Let's start a conversation about maintaining sibling relationships

The Children (Scotland) Act recognises that the bond between brothers and sisters can be a powerful one and once enacted, it will place a duty on Panel Members to consider contact between a child and their siblings when making, varying or continuing a Compulsory Supervision Order. This duty will come into place on 26th of July.

This week, hear first-hand about the profound and lasting impact experienced by children and young people when separated from their brothers and sisters, from our newly appointed Children's Rights and Inclusion Coordinator, Laura Beveridge.

[link to video – the video is not ready yet and will be shared prior to 21st June 2021, on the 'AST operations' chat on Teams]

We know that conversations about contact can be highly contentious and that the main focus of contact is usually, but not always, considered between the child or young person and parents. We also know that it can be challenging for Panel Members when dealing with contact between brothers and sisters with, for example, a lack of information within social work reports.

Discussion about contact with brothers and sisters should not be a new concept to you, yet failure to do so can be life changing for those young people who are separated from their brothers or sisters.

So the ask of you is simple.

We would ask you to consider sibling contact in hearings where children and young people have been placed in care apart from their brothers and sisters, where it is **appropriate** for you to do so. In the words of Laura Beveridge, we are asking you to "be brave" in your questioning.

Our Area Support Team will also be working proactively with our partner agencies, in particular social work, to highlight the need for information on brothers and sisters to be contained within reports (something which might already be happening!) and to ask social work colleagues to come along prepared to answer your questions.

To find out more about this subject matter, further information is available on the Stand up for Sibling website, link below: www.standupforsiblings.co.uk.

Messaging for ASTs to use within their local community

Note - this document has been prepared to support you in communicating with members of your local area about the upcoming changes. As we move forward with the changes and more updates are announced e.g. practice and policy updates and/or training dates, we will update this document and recirculate.

- The Children (Scotland) Act 2020 was passed in August 2020 in response to calls for change from The Promise and groups such as Stand Up for Siblings, as well as a number of legal challenges.
- Some of the change required within the Act will come into play on 26 July this year. This will have an impact on our role within the children's hearings system.
- These changes within the Children (Scotland) Act 2020 bring our legislation into line with United Nations Convention on the Rights of the Child (UNCRC) requirements, and you will note below that there is a considerable emphasis placed on relationships being maintained between brothers and sisters through contact.
- More specifically, the changes within the Act:
 - Place a duty on local authorities to take steps to promote contact between a child in care and their brothers and/or sisters, as well as a duty to ascertain the views of brothers and/or sisters before making decisions;
 - Place a duty on decision-makers (Panel Members and Sheriffs) when making, varying or continuing a Compulsory Supervision Order to consider contact with brothers and/or sisters and relevant persons the child is not living with;
 - Give brothers and sisters greater opportunities to participate in hearings;
 - Give children and young people of all ages more opportunities to give their views in the way they choose.
- We are and have been speaking to our partners across the hearings system to understand how we can work together to implement these changes before 26 July. This work is ongoing.
- Our Practice and Learning Team is in the process of reflecting these changes in our Practice and Procedure Manual, and, in conjunction with our CHS Learning Academy colleagues, we are exploring what new and continued training will be required to ensure that Panel Members feel fully supported to implement these changes in hearings effectively.
- We will of course continue to keep in touch with you about any changes that directly affect you via your Area Support Team and communications channels (Teams, the monthly newsletters and email where necessary).

FAQ - Sibling contact

1. When will changes to the Children (Scotland) Act 2020 come into force?

It is anticipated that changes will come into effect in 26 July 2021.

2. What has brought about these legislative changes?

The need for legislative changes has been brought about by:

- Extensive lobbying from Who Cares? Scotland;;
- Compelling research provided by Stand Up for Siblings
- Evidence gathered from people with lived experience during the Care Review consultations;
- High profile appeals against the decision of a children's hearing.

3. What duties does this Act introduce?

The Act introduces new duties on local authorities to place brothers and sisters together or near each other, to promote contact between brothers and sisters and to seek the views of siblings before making a decision about their brother or sister.

It also introduces new participation rights for brothers and sisters when a children's hearing is considering making a decision which would affect their contact, and places a duty on Panel Members and Sheriffs to consider contact between siblings and relevant persons when making decisions.

How this will work in practice, has still to be worked through and further guidance on this will be issued, once it becomes available.

4. Should we consider contact with brothers/sisters at every children's hearing?

Absolutely. If the child or young person who is the subject of the children's hearing has been placed away from home and separated from a brother(s) and/or sister(s), contact should always be considered.

5. Why is consideration of brother/sister contact important?

Often the main focus of contact discussions in children's hearing is ensuring contact is maintained with parents, and contact with a brother(s) and/or sister(s) can be overlooked.

However, if you can look 20 years down the line, the most important person in that child or young person's life might not necessary be a parent, but given the opportunity could be their brother or sister.

6. Should Panel Members defer the children's hearing if information is not available to make a decision around sibling contact?

Any decision to defer must take into account the impact of delay on the child's welfare and the individual circumstances of each child. It should never be an automatic decision.

Similar to the new advocacy arrangements, the decision to defer a children's hearings **always** has to be in the best interests of the child.

7. Should Panel Members record consideration of contact with brothers and sisters within the Record of Proceedings?

Yes, similar to Panel Members recording consideration of the views of the child, it is seen as best practice to record that the Panel considered contact with the important people in the child's life, including brothers and sisters.

8. What supports will be provided to me prior to the introduction of the legislation?

We are currently working on updated practice guidance. Training from the CHS Learning Academy will be provided in advance of go live. You will be notified of this via email and on Teams.

9. Interested in finding out more?

The following resources are available to Panel Members:

- Contact Module located on the Learning Academy website - www.chsacademy.org.uk: [Log in to the site](#)
- Online Practice and Procedure Manual - [\(2\) Practice and policy \(Community Team\) | Microsoft Teams](#)
- Stand up for Siblings Website - [Stand Up For Siblings | Standing Up For Siblings](#)
- Children's (Scotland) Act 2020 [Children \(Scotland\) Act 2020 \(legislation.gov.uk\)](#)

Thought provoking quotes

On the introduction of the new legislation to promote brother/sister relationships:-

"The Young People will say - it's about time"

Quote from Stirling Champs Board Co-ordinator.

Top Tip

If you lack the confidence to start the discussion around contact with brothers/ sisters – we recommend that you use the time in the pre-hearing discussion to agree how this could be approached, who will raise the issue and strategies for defusing any conflict should this arise.

"I think this is critical, no matter how hard a subject is to discuss at times."

Panel Member

BBC File on 4 Podcast

"When we used to live together, we used to go outside, we were never apart, we were inseparable - like twins."

That stopped when we were taken into care. It's hard as we always looked out for each other.

When asked if they miss each other:-

"Every part of my body is with him/ my heart is with him."

Question Received by Panel Member

Does this mean that the Brother or Sister invited to the Hearing will have Relevant Person Status?

No. Any individual who has Relevant Person status must be deemed a relevant person at a PHP. The new legislation only provides "participatory" rights for brothers and/or sisters which means they will be advised of when the hearing will take place, and their views will be taken into account.

"After reading the recent information, I now appreciate the positive impact maintaining such contacts with a child or young person can be."

Panel Member

YouTube - Portobello Learning Festival 2018

"When I was 13, me and my siblings were all moved into care permanently. I never saw them from that day, from looking after them everyday, for about 16/17 months – this happens a lot, is common practice & needs to be worked on, big time!! "

Chris Kilkenny, individual with lived experience of care