
To: Council

On: 24 September, 2015

Report by: Director of Finance and Resources

Heading: **Children's Hearings Scotland – Partnership Agreement with Renfrewshire Council**

1. Summary

- 1.1 The Council at its meeting held on 28 February, 2013 agreed a Partnership Agreement (the Agreement) with Children's Hearings Scotland (CHS) for the two-year period ending on 23 June, 2015.
- 1.2 The Agreement now requires to be renewed and the purpose of this report is to seek the Council's approval.
- 1.3 A copy of the proposed Agreement is appended to the report.

2. Recommendations

- 2.1 That the terms of the Partnership Agreement between Children's Hearings Scotland and the Council, as set out in the appendix to the report be agreed;
- 2.2 That it be delegated to the Head of Corporate Governance to approve the renewal of subsequent versions of the Agreement provided there are no material changes to the previously approved terms; and
- 2.3 That it be delegated to the Head of Corporate Governance to make the necessary arrangements for the annual Children's Panel and AST members' recognition event.

3. Background

3.1 As reported to the Council meeting on 28 February, 2013 the previous system of administration, management and support for Children's Panel members was replaced under the Children's Hearings (Scotland) Act 2011 by a new structure comprising CHS, the Renfrewshire Area Support Team (AST) (which replaced the Children's Panel Advisory Committee) and the Council.

3.2 The Agreement was made in terms of the 2011 Act for the support and administration requirements of the AST.

3.3 The Children and Young People (Scotland) Act 2014, in relation to administrative support by local authorities, amended the 2011 Act to require that

"a constituent authority must provide an area support team with such administrative support as the National Convener considers appropriate".

Administrative support means staff, property or other services which the National Convener considers are required to facilitate the carrying out by an AST of its functions.

3.4 In preparation for the Agreement's renewal, the National Convener attended a meeting in Renfrewshire and provided an overview of experiences CHS had with different ASTs throughout Scotland. He noted that there were evident variations in practice and the level of support offered by local authorities to ASTs and in the level of service volunteer AST members might expect to receive. There was discussion on the operation of the AST over the last two years in Renfrewshire and it was agreed that there were things that were working well and that both parties would wish to maintain and that there were areas that could be improved. The National Convener proposed that the Agreement be renewed to 24 June 2017 with the annual review process providing an opportunity for review in the interim.

3.5 In the main, the terms of the Agreement are not significantly different to that agreed in 2013. However, the National Convener has requested (a) that the Agreement include arrangements for working outside normal office hours. This would not be expected for the conduct of routine business but only in exceptional circumstances and the AST will provide advance notice of requirements for administrative support outwith normal office hours to allow arrangements to be put in place; and (b) that the Council contribute to a jointly-funded annual local recognition event for Children's Panel and AST members with contributions from both the Council and CHS being agreed in advance. These requests are considered to be acceptable.

- 3.6 To support the AST, CHS provides (a) continuity of funding for the purposes of the recruitment, appointment, training and assessment of Panel and AST members, advice, guidance and information to enable AST members to fulfil their responsibilities, payment of expenses for all volunteers, including panel members, payment of Protection of Vulnerable Groups (PVG) fees for all Panel and AST members; (b) support and training through a national system, provision of and training for the IT software package which assists in the day-to-day management of the Children's Panel and general support and advice for AST members; (c) encouraging the learning and development of ASTs through sharing of good practice and effective performance management; and (d) general support for the clerk and his colleagues supporting the AST.
- 3.7 The Council provides (a) a member of staff suitably trained, qualified and experienced to act as clerk of the AST carrying out administrative and secretarial support to the Area Convener and the e AST; organising AST meetings; assisting the Area Convener with performance of his duties, dealing with administration of expenses, and the provision of statistics and reports; (b) accommodation and office and support facilities to support functions of the AST as required.
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Implications of the Report

1. **Financial** - support to the AST will be met from within the current budget.
2. **HR & Organisational Development** - none
3. **Community Planning** – none
4. **Legal** - The Children and Young People (Scotland) Act 2014 requires that “a constituent authority must provide an area support team with such administrative support as the National Convener considers appropriate”.
5. **Property/Assets** - none
6. **Information Technology** - none
7. **Equality & Human Rights**
 - (a) 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. If required following implementation, the actual impact of the

recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health & Safety** - none
- 9. **Procurement** – none
- 10. **Risk** - none
- 11. **Privacy Impact** - none

Background papers: Note of meeting between Renfrewshire Council and National Convener

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Children's Hearings Scotland

Renfrewshire Council

Agreement

1. This Agreement is established between Children's Hearings Scotland (CHS) and Renfrewshire Council (the Council) under the terms of the Children's Hearings (Scotland) Act 2011, and relates to the support and administration requirements of the Renfrewshire Area Support Team, as defined by the Act.

Background

2. The 2011 Act makes a number of changes to the children's hearings system ("the System") to help ensure that the System is nationally consistent and locally delivered, to ensure that all hearings are child and young person centred and that they make effective, evidence based decisions.
3. The 2011 Act provides for:
 - a new position of National Convener to provide leadership, support and coherence for panel members across Scotland;
 - the establishment of CHS, a new dedicated national body which will provide coherent and consistent support for panel members across Scotland, and support for the National Convener in the exercise of his/her responsibilities;
 - the establishment of a national Children's Panel to replace the existing 32 local Panels;
 - the establishment of Area Support Teams (ASTs) on a collaborative basis between local authorities and CHS to take local responsibility for the recruitment, selection, training, retention, support and deployment of panel members, and the operation of the System in local areas;
 - appointments to ASTs to be made by the National Convener, key among these will be the Area Convener who will provide leadership and direction to the AST and ensure that it fulfils its responsibilities.
4. The Council undertakes to support the operation of the Renfrewshire AST, panel members and the System as set out in this Agreement.
5. ASTs will:
 - Uphold the CHS vision, mission and values
 - Work within the CHS national standards at local level
 - Carry out functions on behalf of the National Convener to support members of the Children's Panel who sit on hearings in their local area

- Work with local authorities, the Scottish Children's Reporter Administration (SCRA) and all relevant partners towards continual improvement across the Children's Hearings System.
6. ASTs will have responsibility for panel member recruitment, selection, induction and practice observation, for rota management and for supporting panel members at local level. They will report regularly to the National Convener to share information about trends, issues, problems and best practice, so that the quality of practice across Scotland improves. AST members will act as ambassadors for the Children's Panel and represent it to other organisations and employers locally.

Purpose of the Agreement

7. The purpose of this Agreement is to record the commitment of CHS and the Council to support:
- the System in Scotland, and the national children's panel and underpinning framework of standards, in line with the terms of this Agreement
 - administration of the Renfrewshire AST by the Council through the provision of the services of an AST clerk, and his or her team, and adequate accommodation, office and administration support required for the effective operation of the Renfrewshire AST
 - the national children's panel within the Renfrewshire AST area through the Council providing accommodation, administrative support and resources which will assist the AST and CHS with recruitment and retention of sufficient panel and AST members at the area level.
 - the System in the Renfrewshire AST area by CHS providing continuity of funding, effective support to ASTs, partner engagement and consultation, and information, advice and guidance in line with agreed national standards
8. **This Agreement is intended to underpin a shared commitment to the System by establishing a clear, uniform understanding across Scotland of the services to be provided for the support and administration of ASTs, and to clarify the commitment of the parties involved to the provision of these services.**

Duration

9. This Agreement shall commence on the 24 June 2015 **and unless the Parties agree otherwise, shall subsist until 30 June 2017.** The Parties shall review this Agreement annually to agree the services to be provided during the following year.

Principles

10. The System, as revised under the terms of the 2011 Act, is based on well-established principles which place the child at the centre of our concerns, requiring the operation of

the System to be fair and responsive and to be administered effectively and efficiently. Eight standards for the operation of the System have been set out in a national standards framework (the National Standards):

1. Children are at the centre of everything we do
 2. Panel members are well equipped and supported to undertake their role
 3. Panel member practice is consistent across Scotland
 4. Every children's hearing is managed fairly and effectively
 5. Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person
 6. AST members are well equipped and supported to undertake their role
 7. Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful
 8. Functions, roles and responsibilities are clearly defined and understood within the System
11. It is acknowledged that these standards will only be achieved through a shared commitment by the National Convener, CHS, Renfrewshire AST, panel members and local authority partners. The effective operation of the Renfrewshire AST is central to the achievement of these standards, and in this regard, the contribution by the Renfrewshire AST clerk and his/her team is of critical importance.

Service Commitment

Services to support the Renfrewshire AST

12. CHS will provide:
- i) Continuity of funding in relation to
 - a. the recruitment, appointment, training and assessment of Renfrewshire panel members
 - b. the recruitment, appointment, training and assessment of Renfrewshire AST members
 - c. the advice, guidance and information required to enable Renfrewshire AST members to fulfil their responsibilities
 - d. the payment of expenses for all volunteers including panel members, the Area Convener and Renfrewshire AST members in accordance with the national scheme of expenses to be prepared and updated from time to time by CHS
 - e. the payment of Protection of Vulnerable Groups (PVG) fees for all panel members and AST members.
 - ii) Support and training through

- a. the development of a national training curriculum and delivery to Renfrewshire AST members and panel members
 - b. localised delivery of training including support and funding to the Renfrewshire AST training team
 - c. delivery of Panelpal and CHIRP training for the Renfrewshire AST Clerk and relevant members of their team
 - d. ensuring the National Convener's duty to provide legal and procedural advice for children's hearings is fulfilled and Renfrewshire AST members have the information they require to effectively support the work of panel members
 - e. fielding day-to-day enquiries from Renfrewshire AST and providing advice on the role of Renfrewshire AST members and on any panel member issues that the AST is unable to deal with.
 - f. guiding and monitoring the day to day work of Renfrewshire AST to make sure that it is in accordance with the National Standards.
 - g. creating systems for the exchange of ideas, learning and best practice between ASTs
- iii) The learning and development of ASTs through sharing of good practice and effective performance management including
- a. supporting the National Convener in annual assessment of ASTs and sharing with the Council any issues arising from the annual reporting process
 - b. providing training, advice and support to AST members in the assessment process
 - c. establishing systems for analysing the activities, performance and impact of ASTs and sharing this information with all relevant partners including the local authority
- iv) Support the clerks and their teams through the AST and CHS networks to be established
- v) Other ad hoc and incidental support as agreed with the Council

13. The Council will provide:

- i) A member of staff who is suitably trained, qualified and experienced, to act as the clerk of the Renfrewshire AST and specifically to
 - a. provide general administrative and secretarial support to the Area Convener and the Renfrewshire AST
 - b. organise Renfrewshire AST meetings, including accommodation, agendas, preparation of reports , including financial reports, and minute taking

- c. make administrative arrangements enabling the Area Convener to assess Renfrewshire AST members
 - d. assist the Area Convener with the preparation of reports to the National Convener and the Renfrewshire AST annual report
 - e. ensure the collection, analysis, reporting and return (where required) of information required for performance and monitoring purposes
 - f. maintain a database of panel member workload and allocation to inform local training and recruitment strategies
 - g. provide administrative support to the panel representatives in the preparation of the panel member rota
 - h. liaise with the Area Convener and panel representatives who will put in place arrangements to manage changes to the rota and procedures to ensure that panel members and panel representatives can contact each other out with normal office hours and that panel members are available for emergency hearings and at short notice when required.
 - i. maintain up to date records of panel member availability
 - j. work with the Area Convener and Renfrewshire AST colleagues to ensure the availability of sufficient panel members
 - k. check and process claims for the payment of panel member allowances in keeping with the national scheme of expenses
 - l. work with appropriate CHS staff to prepare expenses budgets and devolved funding plans and make quarterly reports of expenditure in order to reclaim funding from CHS
 - m. respond to telephone and other enquiries in relation to the Renfrewshire AST or the national children's panel
 - n. support the panel member recruitment and selection and reappointment processes
- ii) Accommodation and office support and facilities appropriate to support the functions of the Renfrewshire AST including
- a. office support for Renfrewshire AST meetings
 - b. take all reasonable steps to provide meeting space for Renfrewshire AST meetings both during the day and in the evening if required. If accommodation is needed in the evening the Council will require a minimum of 14 days' advance notice of this
 - c. minute taking and secretarial support for Renfrewshire AST meetings and events, with an expectation that these will usually take place within normal office hours, Monday to Friday. Working outside normal office hours will not be expected for the conduct of routine business but only in exceptional circumstances. The AST will provide a minimum of 14 days' advance notice of requirements for administrative support outwith normal

office hours to allow flexible working arrangements to be agreed for supporting Council staff.

- d. take all reasonable steps to provide meeting and seminar facilities for local panel member events organised by the Renfrewshire AST, for example training sessions and information evenings for prospective panel members.
- e. contribute to a jointly-funded annual local recognition event for panel members and AST members. Contributions from both the Council and CHS will be agreed in advance.

iii) Secure IT and office support systems required to allow the clerk and other relevant Council staff to support the proper functioning of the Renfrewshire AST

iv) Other ad hoc and incidental support as agreed in advance with CHS

Structure, Personnel and Administration

- 14. The names, job titles and contact details of key personnel will be submitted without delay to the National Convener by the clerk.
- 15. The Area Convener and Renfrewshire AST members will determine any sub-committee arrangements with local partners and will ensure relevant parties are aware of such arrangements.
- 16. The clerk will also provide the National Convener with a specification of the AST sub committee structure once determined.

Disagreements and Conflicts

- 17. CHS and the Council agree that when disagreements and conflicts arise about the operation of the AST all efforts will be made to achieve resolution as quickly and expeditiously as possible by the Area Convener and the senior nominated Council representative. When an issue arises where resolution is not achieved locally, the matter shall be referred to the National Convener and the Chief Executive of the Council.

General

- 18. In agreeing to work together to support the System and Renfrewshire AST as set out in this Agreement, both CHS and the Council acknowledge and will comply with their respective obligations, including but not limited to the following:
 - a. the Freedom of Information (Scotland) Act 2002;
 - b. the Data Protection Act 1998, and

c. the Equality Act 2010

19. Neither CHS nor the Council shall disclose to any person any confidential information relating to the other party except in the proper course of its duties.
20. Neither CHS nor the Council shall issue any publicity (including press announcements) relating to or otherwise reveal or make public any financial or other confidential information in connection with the services provided or the terms of this Agreement without the prior written consent of the other. Neither party will knowingly commit or permit any of its employees, agents or subcontractors to commit any act which might prejudice or damage the reputation of the other.
21. Each Party shall have Employers Liability and Public Liability insurance to cover their respective duties under this Agreement. The level of cover shall be in compliance with all relevant statutory requirements.

Signed on behalf of Renfrewshire Council

Democratic Services Manager

Date

Signed on behalf of Children's Hearings Scotland

National Convener

Date