





Agenda

		PAPERS
1.	Apologies	
2.	Minutes of last meeting	 Minutes 21 July 2021.doc
3.	Action Plan	 Renfrewshire Better Hearings Plan May 2
	Case Sampling of reports to be completed to assess quality, ensure they are multi-agency and provide sufficient information and justification for robust decision making - SCRA / SW <ul style="list-style-type: none"> Audit to be completed by SW & SCRA Autumn 2021 	
	Consider front page summary for reports and continue to implement the Hearing Preparation Guidelines – SW <ul style="list-style-type: none"> To be kept on the Agenda of Child's Plan Steering Group 	
	Update and Implement the Hearing Preparation Guidelines - SCRA / SW / Advocacy	 Guidance - Better Hearings - Renfrews
	Ensure reports provide sufficient information to implement new legislative provisions - SW / SCRA	
	Hearing reports submitted in good time to allow planning – SCRA / SW	
	New chairperson training to be considered to support and embed the Charter - CHS	
	New advocacy provision will be kept under review to monitor uptake and assess impact – SW / Advocacy	
	Attempt to gather some figures regarding the number of children attending hearings with advocacy representation - CHS	 Use of Child Advocacy Services in
	Initial feedback to be gathered via ongoing work with young people around The Promise - SW	
	Influence and Implementation new Sheriff Principal Practice Note – SCRA / Bar	
4.	Keeping number of attendees at a Hearing at a minimum	
5.	Quality assurance of referrals (in particular of referral screening groups)	

6.	Other ideas / what next...?	
	Date of next meeting	

		ACTIONS
1.	Present: Nicola Harkness; Andrew Mobbs; Jim Melrose; Michelle McCargo; Kevin Smith; Aine O'Byrne; Jane Scott; Ruth Wallace; Susan Clocherty; Karen Loney; Selwyn McAusland Apologies: Julie McTaggart; Derek Bramma; Pamela Wilson; Stuart Wilson	
2.	Minutes of last meeting - agreed	
3.	Action Plan	
	Case Sampling of reports to be completed to assess quality, ensure they are multi-agency and provide sufficient information and justification for robust decision making - SCRA / SW	<ul style="list-style-type: none"> SW to lead an audit of reports in the autumn and this issue will be covered – SCRA to be involved Chronologies – training still to be rolled out Child's Plan Steering Group to manage this Safeguarder reports are audited and quality assured by Children 1st
	Consider front page summary for reports and continue to implement the Hearing Preparation Guidelines – SW	<ul style="list-style-type: none"> still felt to be a positive idea worth considering further – Child's Plan Steering Group to manage this Michelle to contact East Dunbartonshire to see what progress they have made
	Update and Implement the Hearing Preparation Guidelines - SCRA / SW / Advocacy	<ul style="list-style-type: none"> Updated version of the Guidelines attached with links to information on new legislation SW to try to gauge staff feedback on helpfulness of the guidelines and identify any areas for improvement Staff (Advocacy Services in particular) also to be encouraged to use the post-hearing section to ensure understanding of the process and gather feedback Andrew and Kevin to liaise on setting up a training session for new social workers on Children's Hearings
	Ensure reports provide sufficient information to implement new legislative provisions - SW / SCRA	<ul style="list-style-type: none"> Processes have been put in place to ensure reports contain the information necessary for reporters and panel members to implement the new legislative provisions
	Hearing reports submitted in good time to allow planning – SCRA / SW	<ul style="list-style-type: none"> Collaboration between SCRA and SW seems to be achieving positive results
	New chairperson training to be considered to support and embed the Charter – CHS	<ul style="list-style-type: none"> CHS continue to work on this – hoped this will lay the ground rules and expectations for the management of the hearing, how views will be heard and what behaviours are expected from participants – this should also include management of those only entitled to attend part of the Hearing

	New advocacy provision will be kept under review to monitor uptake and assess impact – SW / Advocacy	<ul style="list-style-type: none"> The multiagency Advocacy Group will continue to oversee this. National Outcome Framework for Advocacy should provide additional data SW to ensure an offer of advocacy is being made to every child – and to consider recording this, and the child's response, in the Child's Views Section of the Child's Plan CHS to ensure children asked if advocacy has been offered
	Attempt to gather some figures regarding the number of children attending hearings with advocacy representation - CHS	<ul style="list-style-type: none"> SCRA to carry out audit of advocacy provision at Children's Hearings over a short period SCRA and Advocacy Services to try to collate data to provide a clearer picture of current numbers of children attending hearings with advocacy support
	Initial feedback to be gathered via ongoing work with young people around The Promise – SW	<ul style="list-style-type: none"> Initial feedback to be gathered via Your Voice Your Way – this work is only just beginning To continue to assess other methods of gathering children's views and feedback – including through possible technological solutions – ideally on a multiagency basis – to be picked up in the wider Promise work
	Influence and Implementation new Sheriff Principal Practice Note – SCRA / Bar	<ul style="list-style-type: none"> No current significant issue re post-Covid backlog
4.	Keeping number of attendees at a Hearing at a minimum	<ul style="list-style-type: none"> This issue and its management should be covered by the CHS chair training mentioned above. This meeting will continue to assess the impact of this on Hearings and on partner agencies
5.	Quality assurance of referrals (in particular of referral screening groups) <ul style="list-style-type: none"> Agreed in light of other priorities to c/f at this point 	c/f
6.	Other ideas / what next...?	<ul style="list-style-type: none"> Health input to be arranged to panel members on Health Visitor Pathway and School Nursing provision Education input to be arranged for panel members
	Date of next meeting	

Renfrewshire Better Hearings Action Plan – May 2021

Area for Improvement 1: Ensure High Quality Information Is Provided To Children's Hearings					
Areas for improvement	Key Improvement Actions	Owned By	Timescale		Measures of Success
			Start	End	
Before the Hearing <ul style="list-style-type: none"> Quality assure reports provided for reporters and Children's Hearings. Communications and reports will be understood by children and young people Children's Views should always be available for Children's Hearings Information required to implement legislation to support sibling contact and participation will be available for Children's Hearings 	<ul style="list-style-type: none"> Case Sampling of reports to be completed to assess quality, ensure they are multi-agency and provide sufficient information and justification for robust decision making. Consider front page summary for reports and continue to implement the Hearing Preparation Guidelines Implement the Hearing Preparation Guidelines Ensure reports provide sufficient information to implement new legislative provisions. 	SCRA / SW (Nicola / Michelle) SW (Michelle) SW / Advocacy (Kevin / Julie) SW / SCRA (Michelle / Andrew)	May 2021 May 2021 May 2021 May 2021	Oct 2021 Oct 2021 Jul 2021 Jul 2021	<ul style="list-style-type: none"> Panel members will be better prepared for hearings and have all the information they require All agencies will share ownership of single report Children and families will better understand hearing paperwork Hearing paperwork will clearly and accurately reflect the child's views Hearing paperwork will clearly and accurately identify those with a sibling relationship to the child and assess their contact with the child
Area for Improvement 2: The Experience of Children and Young People Attending Hearings Will Be Improved.					
Areas for improvement	Key Improvement Actions	Owned By	Timescale		Measures of Success
			Start	End	
Before the Hearing <ul style="list-style-type: none"> Children will be prepared and understand the process Children's Hearings will be well planned 	<ul style="list-style-type: none"> Update and implement the Hearing Preparation Guidelines Hearing reports submitted in good time to allow planning 	SCRA / SW (Nicola / Andrew / Kevin) SCRA / SW (Nicola / Karen)	May 2021 May 2021	Jul 2021 Jul 2021	<ul style="list-style-type: none"> Children be less anxious and more engaged their Children's Hearing will be well prepared and planned
During the Hearing <ul style="list-style-type: none"> Hearings will be well managed and run on time. Children should feel able to participate in their own hearings and feel that their views are listened to. Children should feel like the most important person at their hearing Those attending hearings will support and encourage the participation of children and young people and ensure the atmosphere at the hearings remains calm and supportive Advocacy services will be available where appropriate 	<ul style="list-style-type: none"> New chairperson training to be considered to support and embed the Charter New advocacy provision will be kept under review to monitor uptake and assess impact. Attempt to gather some figures regarding the number of children attending hearings with advocacy representation 	CHS (Derek / Jim / Pam) SW / Advocacy Services (Michelle / Julie) CHS (Derek)	May 2021 May 2021	Jul 2021 May 2020 May 2020 Oct 2021 F	<ul style="list-style-type: none"> Fewer Hearings will overrun Hearing will be less acrimonious C & YP will report that their experience at Hearings has improved. Children and YP report that they feel their voices are really being heard by those involved in Children's Hearings Advocacy will be available to all children who wish to access it
After the Hearing <ul style="list-style-type: none"> Children and YP will understand the outcome of their hearing and know their rights Gathering feedback from children and young people about their experience of the Hearing process 	<ul style="list-style-type: none"> Implement the Hearing Preparation Guidelines Initial feedback to be gathered via ongoing work with young people around The Promise. 	SW (Kevin) SW (Ruth)	May 2021 May 2021	Jul 2021 Jul 2021	<ul style="list-style-type: none"> Children and YP will understand the outcomes of children's hearings and understand their rights. Children's views and ideas will influence further improvements
Area for Improvement 3: Delay in the Hearing process will be reduced.					
Areas for improvement	Key Improvement Actions	Owned By	Timescale		Measures of Success
			Start	End	
After the Hearing <ul style="list-style-type: none"> Minimising delay at proof and appeal 	<ul style="list-style-type: none"> Influence and Implementation new Sheriff Principal Practice Note 	SCRA (Andrew / Stuart)	May 2021	Dec 2021	<ul style="list-style-type: none"> The time between a grounds hearing and a hearing reaching a decision on established grounds will be reduced

Guidelines on preparing children and young people for attending a Children's Hearing

It is vitally important that children/young people attending a Hearing are well prepared and understand the process and what is likely to happen. The attached Checklist provides a framework for professionals preparing children/young people for attending a Children's Hearing and these Guidelines are to help ensure it is used effectively.

Children/young people should understand that their Hearing is an opportunity for them to get changes made that will improve their lives. They need to be supported to be able to take part in the decisions that will be taken about them. No child should attend their Children's Hearing without an understanding of what may happen.

If you are preparing a child/young person for a Children's Hearing and you have any queries not answered in these Guidelines, please contact the reporter or the child's social worker.

Pre-Hearing Checklist

1. I have explained what a Children's Hearing is and the powers it has.

Ensure that the child/young person understands what a Children's Hearing is and what powers it has to make decisions that may impact on the child. Useful resources can be accessed on the "Children" or "Young People" pages on the [SCRA website](#) including [The Children's Hearing System factsheet](#) and [Going to a Hearing leaflet](#)

2. I have explained the layout of the local hearing rooms and offered a pre-hearing visit.

Explain the physical set up of the Hearing centre and what the waiting rooms and hearing room will be like. [Click here to see the Hearing Centre in Paisley](#) and [click here for 360 images](#).

During Covid19 restrictions many Hearings are likely to take place virtually rather than face-to-face. Information on Virtual Hearings can be found [here](#) and in this [leaflet](#). Please let the Reporter know as soon as possible if there is a reason the child or family would prefer to attend a virtual or a face-to-face hearing.

If it is the first time the child/young person is attending a face-to-face Hearing, make sure they know that they can visit the Hearing centre beforehand. You can arrange a pre-hearing visit by contacting the Reporter on 0131 244 8201. [Click here to view the pre-hearing visit film](#)

3. I have explained who is likely to be there and why

Ensure the child/young person knows that at a Children's Hearing there will be three Panel Members who have been trained to make decisions in the best interests of the child and that they are independent from social work and SCRA. Explain who else will be there and why they have been invited.

Remember to discuss all professionals and relevant persons likely to attend and to explain that all relevant persons have a right to bring both a representative and a legal representative.

For younger children [Click here to view Barnardo's hearing avatars](#) For older young people [Click here to view videos explaining the roles of the professionals at the Hearing.](#)

Ensure the child/young person knows who their "relevant persons" are (i.e. the parent/s and/or person/s who have or have recently had significant involvement in the upbringing of the child or young person). If they/you are unsure who the relevant persons are, please contact the Reporter or the social worker for clarification. [Click here for more information about "relevant persons"](#)

Ensure all siblings and any persons with an ongoing sibling type relationship with whom the child has live have been identified and contact assessments completed for each of them. Ensure the child/young person understands which of these individuals may have a right to participate in the Hearings and why. [Click here for more information on siblings and participation individuals](#)

4. I have explained the type of hearing and the decisions that could be made.

Explain what type of Hearing the child/young person will be attending. Is it, for example a grounds or a review hearing, and why is it being held? Refer to the hearing notification to identify the type of Hearing (if you are unsure discuss with the reporter) and explain to the child/young person the purpose of this hearing.

Explain the possible decisions this specific Hearing could make – for example whether a CSO or ICSSO is necessary; where the child will live; whether there needs to be measures about contact with family members; whether a Safeguarder is needed – again, if you are unsure about this speak with a reporter. Explain that the Panel Members will hear from everyone present including the child/young person and consider all the reports before making a decision.

5. I have explained the multi-agency recommendations and the reasons for them.

All children should be aware of and helped to understand what is being recommended by the Local Authority (typically via their Social Worker) at their Hearing. Make sure you know the Local Authority's recommendation before speaking to the child/young person and ensure the child/young person understands the recommendation and the reasons for it.

6. If the child is over 12 I have gone through the child's plan

Children who are capable of understanding their reports (usually identified to be children over 12) have a right to see their reports. It is important that they are supported in reading and understanding the content of reports not only the recommendations. Be alert to children receiving copies of reports for the first time, general when they become 12, even if they have been attending Children's Hearings for some time.

7. Grounds Hearing - I have gone through the statement of grounds to ensure the child understands them (depending on age of child) and explained how these will be dealt with at the hearing

If it is a Grounds Hearing make sure that the child/young person has received, read and understood the Grounds for Referral (to their age and maturity). Grounds will usually be sent to children aged from 8.

Explain that the child/young person and the relevant persons will need to either accept or not accept (e.g. answer yes or no) the grounds at the hearing: statements of fact first then the overarching ground for referral – it is also possible to respond that you do not understand. Amendments may be made if everyone is in agreement and the amendments do not undermine the ground for referral. The grounds may be put to the child/young person separate from the relevant person(s) if the presence of the relevant person(s) would make it harder for them to respond to the grounds. They would need to ask for this at the start of the Hearing.

Explain if the child or relevant person(s) do not accept, or do not understand, the grounds it is likely the hearing will send the case to the sheriff for proof. Very occasionally, if compulsory measures of supervision are not felt to be necessary, the hearing may discharge the case.

If there are offence grounds, it is very important that the child/young person understands the implications for them under the Rehabilitation of Offenders' Act. This is a complex area and it is not appropriate for Reporters or Hearings to attempt to explain the details. If a child or young person requires further information on the implications for them, it would be better if an appointment were made for them to see a solicitor.

8. I have explained the child's right, and obligation to attend and requested a PHP if excusal is to be considered.

Emphasise to the child/young person the Hearing is about them, that they are the most important person in the room and the Panel want to hear their views. They have not only a right but an obligation to attend and should normally attend unless excused.

A Children's Hearing may excuse the child from attending if satisfied that the attendance of the child at the hearing would place the child's physical, mental or moral welfare at risk, or taking account of the child's age and maturity, that the child would not be capable of understanding what happens at the hearing or that part of the hearing.

If it is considered that a child/young person should not attend a Pre-Hearing Panel (PHP) can be requested and arranged. A PHP takes the form of a Children's Hearing with Panel Members and the Reporter but will not have a full discussion of the case, it will only focus on the purpose of the request. The child can give their views on the request in person or in writing [Click here to see the "Your Views" sheet](#)

Anyone with a right to attend a hearing can now request to attend by electronic means. [Click here to see "Briefing Sheet for Social Workers"](#)

While Covid-19 restrictions remain, a PHP is not needed to excuse a child from their hearing, as the obligation to attend has been removed automatically. You should however continue to encourage a child to attend to give their views and participate in the decisions being made.

9. I have considered, and where appropriate offered, advocacy support and explained the child's right to bring a representative and/or legal rep.

Make sure the child/ young person knows they have a right to take along a representative or an Advocacy worker and a solicitor to support them at the Hearing. Help them to think about who that might be.

Explain to the child/young person the role of an Advocacy worker and how they might support the child/young person before during and after the Hearing. The Referral Pathway for Advocacy Services in Renfrewshire is attached [here](#). If a young person is not initially keen this can be revisited at a later date and advocacy should always be promoted and discussed.

A child may also instruct a Legal representative and should be entitled to legal aid to fund this. The Scottish Legal Aid Board can help find a lawyer in your area, their number is 0131 226 7061 , and their website is www.slab.org.uk. The Scottish Child Law Centre also provides free legal advice to children and young people. They can be contacted on their Freephone number on 0800 328 8970, emailed at enquiries@sclc.org.uk or visit their website at www.sclc.org.uk

10. I have sought and recorded the child's views and explored how best the child might be able to participate in the Hearing

Emphasise to the child/young person the Hearing is about them, that they are the most important person in the room and the Panel want to hear their views. Explain that their views are important and will be listened to. It is also important to explain that the Hearing is obliged to make a decision that is in the best interests of the child/young person, which isn't necessarily the same thing that the child/young person wants.

Explain there are many different ways to provide their views ahead of the Hearing. The child/young person should be encouraged to fill in the "All About Me" form. Links to the forms are below.

[click here](#)
12 and over

A form titled "All about me" with a pink cloud icon. It contains instructions and three numbered questions for a child to write their answers to.

[click here](#)
11 and under

A form titled "All about me" with a colorful cartoon character icon. It contains instructions and three numbered questions for a child to write their answers to, using smiley face icons for responses.

Suggest they write down what they want to say beforehand or get someone else to write down what they want to say. Help them to work out what is best for them. It is helpful if the views of a child/young person can be included in their own words.

Discuss what might be the best way to share these views with the Hearing. Explain that it might be possible for them to speak to the panel members on their own or with their representative or another trusted person if this would be helpful. However, remind them that the gist of anything discussed will still need to be shared with the larger group.

Discuss whether they might wish to be excused from part(s) of their Hearing and how to indicate and request this. In certain circumstances it may be possible for young people to participate in their Hearing through video link if available. This will generally be where there is a good reason to not attend in person or electronic attendance will enhance effective participation. If there are other barriers to the child's participation e.g. special needs /autism consider what measure can be put in place to mitigate this.

11. I have ensured the child understand their rights.

Share the [Going to a Children's Hearing - Your Rights leaflet](#) and ensure the child understands their rights and any limitations that might be placed on these there is also a short video animation you can view [here](#). For example, it will ultimately be for the panel members to decide who should be permitted to attend the Hearing and if any Hearing should be continued. Although children/young people can ask to speak to the panel members on their own relevant persons also have a right to attend and, if they are unwilling to leave voluntarily, can only be excluded if the panel members are satisfied the presence of the relevant person is preventing the hearing from obtaining the views of the child, or is causing, or is likely to cause, significant distress to the child; and that after any exclusion has ended the hearing must explain to the relevant person what has taken place in their absence (s. 76).

12. I have considered any hearing management or health and safety risks and let SCRA know if special arrangements need to be made.

Ensure you have discussed and assessed any hearing management or health and safety risks. Let SCRA know if special arrangements need to be made e.g. if a police presence or separate waiting rooms is required. Do parties require to arrive or leave separately? How do they intend to travel to Hearing Centre?

Please assist them to arrange travel if required. Are there any specific dates or times that should be avoided as something important is happening, for example a special trip, exams or prelims?

Post-Hearing Checklist

1. I have explained the decision and what this means

Explain that the child/young person can speak to their social worker or the reporter after the Hearing if there's anything they don't understand or they need any clarification regarding what the decisions will mean for them.

Make sure the child/young person knows that they will be sent the decisions and reasons in writing and that if they have any further questions they can ask their social worker or contact the Reporter.

2. I have explained rights of appeal and review

Make sure the child/young person is aware of their rights of appeal and how they can be supported to appeal their decision if they feel it is not justified. If an order is made, continued or varied ensure the child/young person knows they can request a review Hearing to reconsider their CSO after 3 months.

3. I have sought feedback

Gather the views of the child/young person about how they feel the Children's Hearing worked for them. What went well? What could have been done better? What was especially difficult? How might we do things differently to improve their experience?

We are continuing to work on a technological solution to gather and collate these views (possibly an App), but meantime please attempt to gather feedback and share any areas for improvement with the relevant professional or agency.

Better Hearings in Renfrewshire



Pre-Hearing Checklist

	initials	date
1. I have explained what a Children's Hearing is and the powers it has		
2. I have explained the difference between F2F and Virtual Hearings, the layout of the local hearing rooms and offered a pre-hearing visit		
3. I have explained who is likely to be there and why		
4. I have explained the type of hearing and the decisions that could be made		
5. I have explained the multi-agency recommendations and the reasons for them		
6. If the child is over 12 I have gone through the child's plan		
7. Grounds Hearing - I have gone through the statement of grounds to ensure the child understand them (depending on age of child) and explained how these will be dealt with at the hearing		
8. I have explained the child's right, and obligation to attend and requested a PHP if excusal is to be considered.		
9. I have considered, and where appropriate offered, advocacy support and explained the child's right to bring a representative and/or legal rep.		
10. I have sought and recorded the child's views and explored how best the child might be able to participate in the Hearing		
11. I have ensured the child understand their rights.		
12. I have considered any health and safety risks and let SCRA know if special arrangements need to be made.		

Completed (date) _____ by (signed) _____

Better Hearings in Renfrewshire



Post-Hearing Checklist

	initials	date
1. I have explained the decision and what this means		
2. I have explained rights of appeal and review		
3. I have sought feedback		

Completed (date) _____ by (signed) _____

Use of Child Advocacy Services in Children's Hearings: Renfrewshire

September 2021

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 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.

At the Better Hearings meeting of 28th July 2021 it was agreed that SCRA would undertake a short sampling exercise of advocacy use by children within Hearings. The purpose of the exercise was to gain a better understanding of the use of independent child advocacy services in Hearings to help inform future discussions.

Accordingly, between 9th August and 27th August 2021 inclusive, the Reporter who was in each Hearing completed a sampling tool and the results have subsequently been analysed. This report provides the detail of the analysis.

Sample Size

During the sample period, there were 60 individual child cases at Children's Hearings. This sample size covered the spectrum of the Hearing modes available and can be broken down as follows:-

Hearing Mode	Number of Hearings
Face-to Face	33
Virtual only	23
Face-to-Face/ Virtual blend	4

For the blended Hearings 2 were with expected attendance of the child virtually and 2 in-person giving a 35:25 Face-to-Face: Virtual Split (58% Face to Face: 42% Virtual).

The age range of the children was also recorded and broken down as follows:-

Age Profile	No. of Children
Under 5	11
5-12	27
12-16	15
16-18	7

Attendance of Children

Of the 60 Hearings, children were absent for 73% of their cases, present only on 16 occasions (approx. 27%):-

Type of Attendance	Number Attending
Present – In person	9
Present – Virtually	7
Absent	44

This can be analysed further to say that children were in attendance 26% (9/35) of their face-to-face Hearings and 28% of virtual Hearings (7/25).

It should be noted that during this sample period there was no obligation on children, or indeed relevant persons, to attend the Hearings due to the current Coronavirus provision. These provisions are set to continue until at least March 2022 (unlike other Children's Hearing Coronavirus provisions).

Offer of Advocacy

During the sample period Reporters were asked to record the response during the Hearing as to whether the child has been offered advocacy services prior to the Children's Hearing taking place. On occasion the responses were initially unclear and further investigation became necessary. The results as recorded by the Reporter were-

Offer of Advocacy	Number of responses
Offered & Accepted	22
Offered & Rejected	12
Not offered	26

Where a reason for no offer of independent advocacy support having been made during the Hearing was given this was recorded on the sampling tool. This information has not been separately verified. Some of the reasons that were identified and relevant for the purpose of the report included-

- In 11 cases the child was considered too young (under 5);
- In 2 cases the child was considered unable to instruct an advocate due to their disabilities;
- In 1 case the social worker considered it inappropriate to offer the child (aged 8) advocacy as she had too much going on in life and additional person would complicate matters;
- In 1 case the social worker knew the child would use other supports so didn't offer advocacy in addition to those supports;
- In 4 cases the Hearing was deferred and the issue of advocacy did not arise at the point decision made – there were 10 cases including these cases where the Reporter noted the Hearing members failed to discuss advocacy services for the child at any point in Hearing.

On one occasion it was noted that during the Hearing the child (13 year old) mother said she only found out about option of advocacy the week before the Hearing and thought child did not need this (recorded as offered – rejected). In this case the Children's Hearing stated that child has a right to decide upon their own advocacy provision and it was unclear as to whether the child has been spoken to independently about advocacy. The Hearing requested the local Children's Services Department to review this as a matter of urgency.

Advocacy Worker Presence

During the sample period Reporters were asked to record whether there was an advocacy worker present at the Hearings after advocacy services had been accepted.

Offer of Advocacy	Number of responses
Worker Present following acceptance of Advocacy	18
Worker Absent following acceptance of Advocacy	4

Of the 4 occasions where no advocate was present 2 had written views submitted in advance, 2 did not.

There were two occasions where an advocate was involved, the child was present but the advocate was not in attendance. Of those two cases one the child was able to speak for themselves and on the other it was one of the two cases where written submissions were available to the Hearing in advance.

There was one occasion not included above where the child attended with other support workers: Includem & RADAR – the Hearing however did not enquire in relation to the child having been offered advocacy support.

On a separate occasion there was an advocate was allowed to be present although the child had decided he did not want advocacy services any more.

Written Submissions of Views

During the sample period Reporters were asked to record whether the panel had any written or audio/video submissions from the child outlining their views regardless of whether they had any advocacy workers:-

Availability	Number of responses
Written or Video Submission Available to Hearing	9
No written or video Submission Available to Hearing	51

In the 9 cases where written or video submission were available the child was only also present on 2 occasions.

There were 22 children who had accepted advocacy services – meaning 13 cases had advocacy workers but no written submissions (59%) for consideration by the Hearing for the start of the Hearing.

SCRA Update on Advocacy

“Non-instructed advocacy” has come up in discussions, and in particularly during a sessions run by Children 1st. SCRA’s position is that all advocacy support at Children’s Hearings must be instructed advocacy and ‘non-instructed’ advocates should not be allowed into Hearings. SCRA is issuing an updated practice note to all Reporters which will also include confirmation that the reporter may give date/time/place of a Hearing to an advocacy worker we know is instructed. Criteria will be set for what is necessary before we can be satisfied they are instructed. Reporters will also be reminded of their role in ensuring Hearing Members comply with the requirements of section 122 of the 2011 Act.

Separately, following SCRA has lodged an appeal to the Sheriff Appeal Court against a decision made by a Sheriff in Glasgow. The Sheriff considered that the chair's failure to inform the children (who were not present) of advocacy services to be a material procedural irregularity. As at the time of writing this report SCRA is awaiting a copy of the stated case (as the Sheriff did not issue a note) and will update Reporters in due course on the case progress. SCRA continues to work with CHS regarding compliance with the statutory provision within Children’s Hearings.

Andrew Neil Mobbs
Senior Practitioner
SCRA (North Strathclyde)