

Local authority Chief Executives  
Children's organisations Chief Executives

By e-mail

30 March 2011

Dear Sir/Madam

### **Children and Young People Reference Groups**

As you may know, the Children's Hearings (Scotland) Act 2011 was enacted on 6 January 2011. I will be in touch with local authorities in the near future with some detail about how this legislation will impact on local authorities and, in the meantime, I attach some general information that outlines some of the key changes to the children's hearings system.

The purpose of this letter is to obtain the help of local authorities in mapping out where children and young people's reference groups exist. As part of this legislation's passage through Parliament, MSPs and some partner groups had called for a statutory children and young people's reference group to be established by the Act. Parliament placed considerable emphasis on the National Convener having regular dialogue with children and young people. Ultimately, however, the Parliament decided against a statutory group on the basis that there are already groups like this in place who the National Convener can engage with – such as that established recently by SCRA.

In order to ensure that we have the full picture, I am requesting your assistance in advising me of any such groups you are aware of within your local authority area. It would also be helpful to understand what the purpose behind the creation of these groups is, the role they play locally and how membership is decided.

Finally, you may be interested to note that Bernadette Monaghan has been appointed as the first National Convener and will take up office on 1 April.

I would be grateful if you could please provide the requested information to Hazel Crawford by **close 29 April**. (e-mail: [hazel.crawford@scotland.gsi.gov.uk](mailto:hazel.crawford@scotland.gsi.gov.uk)) or to the address at Victoria Quay listed on the cover e-mail you will have received.

Many thanks in advance for your assistance.

Yours sincerely



**KIT WYETH**

Head of Children's Hearings Team

## KEY ELEMENTS OF THE CHILDREN'S HEARINGS (SCOTLAND) BILL

The reforms will strengthen and modernise the Children's Hearings system, focusing on improving outcomes for children and young people by addressing their needs and promoting their rights.

The Bill and wider reforms build on the Kilbrandon principles and link with the *Getting it right for every child* approach, thereby protecting the ethos of the existing Children's Hearings system. The Bill also maintains and supports locally recruited panel members who are best placed to make decisions for children in their community.

**The main structural elements of the Bill include:-**

- the creation of the role of the National Convener, who will, for the first time, act as a figurehead for panel members and ensure they are consistently supported to a high standard;
- a dedicated national body, Children’s Hearings Scotland (CHS). CHS will support the National Convener in the delivery of his/her functions associated with: the recruitment selection, training, retention and support of panel members. This will result in panel members being better equipped to determine the best possible outcomes for children in hearings no matter where in Scotland the child lives;
- the establishment of area support teams by the National Convener in collaboration with local authorities that will support the Hearings system at a local level – the Bill places a requirement on the National Convener to obtain the consent of (rather than consult) local authorities before establishing an area support team;
- allowing existing Ministerially appointed Children’s Panel Advisory Committee (CPAC) members to transfer across to the relevant area support team;
- giving each local authority the right to appoint a member of an area support team, in addition to the power to make further suggestions for appointment that the National Convener must consider whilst making clear that the majority of area support teams members must be National Convener rather than local authority appointees – in the same way as Ministerial appointees must be the majority on CPACs at present;
- requiring a member of the children’s panel to be a member of each area support team so as to enable them to carry out the kind of role that local panel chair’s currently do;
- making clear that area support teams rather than the National Convener will take responsibility for rota management;
- the creation of a national children’s panel instead; and,
- the creation of a national Safeguarder panel to improve consistency and standards and improve understanding within the system of the role.

## **The Bill strengthens and promotes children's rights putting the child at the centre of the hearings system by:-**

- providing for the development of an advocacy service, specifically for children in the hearings system, for the first time. It will ensure that children can access the support they need before, during and after a hearing – so not just in the hearing itself;
- including provisions which amend the Rehabilitation of Offenders Act to ensure that offence grounds accepted or established in children's hearings are no longer classed as a "conviction" but as an "alternative to prosecution" (ATP). These provisions ensure that all children who accept offence grounds or have them established, or have done so in the past, have the disposal treated as an ATP. Low level offences will no longer be disclosed automatically on disclosure certificates. A child or young person will know the implications of accepting relevant offence grounds that have disclosure implications before the grounds hearings;
- involving children in the appointment of both the National Convener and Principal Reporter of SCRA and in panel member training;
- providing the hearing with the power to withhold information provided by a child from a person when it considers that its release to that person would place the child's welfare at significant risk. This should allow children to feel safe and comfortable in expressing any views;
- ensuring the views of children are taken into account by clarifying in children's hearings rules that the views of the child must be conveyed to panel members in the papers prepared for a hearing. Provision is also included to place the chair of a children's hearing under a duty to ask the child who is the subject of the hearing whether the documents provided to the child prior to the hearing (such as social work reports) accurately reflect any views expressed by the child;
- replacing the "interim" legal representation scheme with a permanent scheme in order to ensure that those who need help, children and relevant persons, can participate effectively in a Hearing;
- introducing transparency to the decision making process around secure accommodation and providing a right of appeal against their decisions the child and relevant persons;
- including provision for a 'feedback loop' to permit the collection of information about the implementation of compulsory supervision orders in order to improve communication and understanding between local authorities and panel members, via the National Convener; and,
- strengthening the power of Hearings to hold local authorities to account concerning the implementation of decisions made by the hearing. Under the Bill, when a children's hearing directs the National Convener to apply for an order, the National Convener must comply. However, there will still be ample opportunity for the local authority to resolve the situation without court action being required.