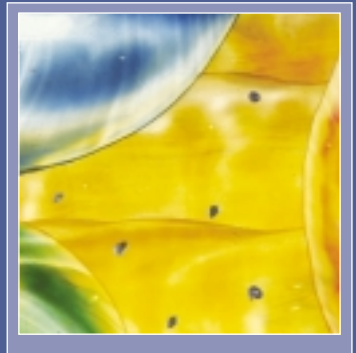
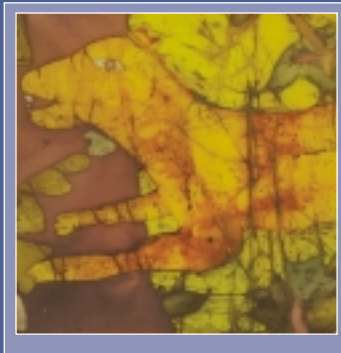


getting it right   
for every child

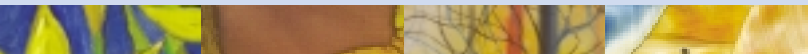


Summary Report on the Responses to  
The Phase One Consultation on the  
Review of the Children's Hearings System

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SCOTTISH EXECUTIVE



## INTRODUCTION

This report presents the findings from a major consultation exercise conducted by the Scottish Executive into the Children's Hearings system in Scotland. In April 2004 the Scottish Executive published a consultation pack entitled *Getting it right for every child* as part of the first phase of the review of the Children's Hearings system.

The first phase of the review was designed to seek views on the principles and objectives of the Hearings system as well as a number of key issues facing the system. A second phase of the review will involve further consultation on any detailed changes in structures or legislation that are necessary to develop and improve the Children's Hearings system.

## THE CONSULTATION PROCESS

The consultation process comprised a number of elements including a series of events involving Ministers and Scottish Executive officials in various parts of Scotland. Written responses to the consultation document were also invited from individuals and organisations.

The closing date for receipt of written or online responses was the 21st of July 2004. By this date 732 completed responses had been received. 541 of these responses came from individuals, representing 75% of the total responses received. 70% of individual respondents who submitted a written response said that they had some direct involvement in the Children's Hearings system. 58% of respondents said they had been involved as a volunteer and from the analysis of the written responses it would appear that most of these responses came from Panel members. Almost 10% of respondents said they had been involved in the Hearings system as a professional.

As part of the consultation process the Scottish Executive organised 13 'road show' events in different locations throughout Scotland. Over 800 people in total attended these events. A substantial majority of the participants at these events were professionals and a further 18% were Children's Panel or Children's Panel Advisory Committee members. Over three-quarters of participants said they had been present at a Children's Hearing in some capacity.

The Scottish Executive also organised a specific event for young people in order to get their views about the Children's Hearings system. This event was attended by over 50 young people from across Scotland.

## ANALYSIS OF RESPONSES

The analysis of the consultation responses involved a combination of qualitative and quantitative methods. The quantitative analysis aims to show the proportion of respondents that were supportive or otherwise of the suggestions made in the consultation document. As the majority of questions were open questions some degree of judgement was required in organising material and coding for the quantitative analysis.

It is important to emphasise that the quantitative information gives a basic overview of the majority of issues raised in response to each question, and an indication of the levels of support for some of the suggestions made in the consultation pack. It cannot, however, reflect all of the detailed issues that respondents raised or reflect the reasons they gave for their views. These views were then explored in more depth through the qualitative analysis presented in this report.

## KEY FINDINGS

### Principles, Objectives and Outcomes

- The vast majority of respondents agreed that the principles and objectives outlined in the consultation pack were right. There was particularly strong support for maintaining the principle of a child centred system and ensuring that meeting the needs of children is the system's main objective.
- A significant number of respondents felt that the objectives outlined in the consultation pack needed to be more focused and explicitly linked to delivering effective outcomes for children.
- The vast majority of respondents felt strongly that the Children's Hearings system should remain focused on meeting the needs of individual children rather than balancing these with the needs of family members and the wider community.
- Respondents generally agreed that there was a need for better evaluation of the impact of interventions on children who have been part of the Children's Hearings system.
- There was strong support for giving the Children's Services Inspection System a role in evaluating the effectiveness of the Children's Hearings system. However, a number of respondents said there needed to be more clarity about the roles of different bodies in auditing and evaluating the Hearings system.

### How the System Operates

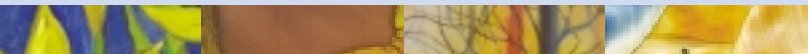
- There was strong support amongst respondents for maintaining the current system where all children and young people, regardless of whether they have been referred on care and protection grounds or offending grounds, come before a Hearing made up of generalist Panel members. There was very little support for establishing specialised Hearings to deal with specific problems or issues.
- A large majority of respondents were against having some Panel members specialise in hearing particular types of cases.
- There was a strong view, particularly amongst existing Panel members, that having specialist Panel members could present practical problems arranging Hearings leading to delays and could potentially result in children's wider needs being overlooked. However, a minority of respondents felt that specialisation would help in dealing with complex or particularly challenging cases.
- There were mixed views amongst respondents about how the Children's Hearings system should work with existing child protection procedures. There was general agreement that there needed to be more integration and co-ordination but different views about how this could be achieved in practice.

## Relationship with Parents and Families

- There is some evidence to suggest that many respondents felt that the new system of Parenting Orders introduced by the Antisocial Behaviour etc. (Scotland) Act will increase the ability of Hearings to influence the behaviour of parents. However, a substantial number of respondents felt that it was too early to say whether or not Parenting Orders would be effective.
- There were mixed views about whether Hearings should be given more influence over parents. Some respondents felt that Hearings did need to have more influence but others felt that any measures that involved an element of compulsion would undermine the principles of the Hearing's system.
- A majority of respondents were against moving towards a system of family hearings where the needs of siblings and parents would be considered alongside those of the child who had been referred to the Hearings system.
- A large number of respondents called for more resources to be allocated to family support projects and initiatives. There was also strong support for making more use of family mediation or family conferencing services and for these services to be better resourced.

## Links with Local Communities

- The vast majority of respondents felt that recruiting local people remained the best way of involving local communities in the Children's Hearings system. However, many respondents said that greater effort was required to ensure that the composition of Panels reflected the diversity of local communities.
- While some respondents expressed concerns about confidentiality, there was general agreement that more information about outcomes from the Children's Hearings system should be made available to local communities.
- Many respondents expressed concerns about the relative lack of involvement of young people in the Children's Hearings system. They suggested that more concerted efforts needed to be made to recruit more young people as well as involving them in the training of Panel members.



## Issues for Phase 2 of the Review

The second phase of the review will consider any detailed changes that may be necessary in order to ensure that the system has the capacity, resources and procedures that will allow it to achieve its aims and objectives. The analysis of responses to the first phase of the review suggested a number of areas that may need to be considered in greater depth during Phase 2. These key issues included:-

- The need for additional resources, both for the system itself and for those agencies, such as Social Work Departments, that are expected to implement Hearings decisions.
- The need to remove some of the institutional, procedural and cultural barriers to joint working that sometimes prevent an integrated response to the needs of children.
- The need for more effective arrangements for the recruitment and retention of Panel members, including broadening the type of people recruited and recruiting more young people.
- Ensuring that adequate arrangements are in place with regards to the training, development and support for Panel members.
- The role Children's Hearings can play in providing support, influence and direction to parents and families without undermining the fundamental principle of focusing on the needs of individual children.
- A number of respondents also suggested specific procedural or process related changes that could be considered as part of Phase 2 of the review. These included:-
  - Changing the grounds for referral to a Children's Hearing.
  - The development of family group hearings as an integral part of the system.
  - The introduction of 'fast track' procedures for certain cases.
  - Streamlining the process when grounds for referral are accepted by the parents but the child is too young to understand the grounds.

