

## CHS November Public Board Meeting

24 November 2020, 13:00 to 15:00

Teams

### Agenda

- 1. Declarations of interests**  
To consider any declarations of interest with regards to agenda items

Verbal  
Garry Coutts

 1 Agenda Nov 2020.pdf (2 pages)
- 2. Minutes of previous meeting**  
To approve the minutes of the previous meeting on 22nd September 2020

CHS-2021-30  
Garry Coutts

 2 CHS-2021-30 Draft Board Minutes.pdf (9 pages)
- 3. Matters arising**  
Seek assurance that matters from the previous meeting have been progressed

Verbal  
Garry Coutts
- 4. Action Log**  
To monitor progress against actions due and agree actions where required

CHS-2021-31  
Garry Coutts

 4 CHS-2021-31 Action Log.pdf (1 pages)
- 5. Chair update**  
For information and discussion

Verbal  
Garry Coutts
- 6. National Convener/ CEO update**  
For consideration and discussion

CHS-2021-32  
Elliot Jackson

 6 CHS-2021-32 NC update to NOV Board.pdf (3 pages)
- 7. Resilience and Recovery**  
For information and discussion

CHS-2021-33  
Carol Wassell

 7 CHS-2021-33 CHS Resilience Report Public Board.pdf (8 pages)

 7 CHS-2021-33 Appendix 1- Resilience Report.pdf (4 pages)
- 8. 2020/21 Financial Forecast Outturn**  
For consideration and approval

CHS-2021-34  
Ed Morrison

 8 CHS-2021-34 Forecast Outturn Board final.pdf (5 pages)

<b>9.</b>	<b>CHS 5 year Financial Plan - Update</b>		
	For consideration and approval		CHS-2021-35 Ed Morrison
	 9 CHS-2021-35 strategic financial plan 2021-26 - revised 141020.pdf	(15 pages)	
<b>10.</b>	<b>Scottish Government Framework Agreement</b>		
	For consideration and approval		CHS-2021-36 Lynne Harrison
	 10 CHS-2021-36 CHS - Framework Document 2020.pdf	(17 pages)	
<b>11.</b>	<b>Digital Programme</b>		
<b>11.1.</b>	<b>DDOC Update</b>		
	For consideration and discussion		Verbal Henry Robson
<b>11.2.</b>	<b>Digital Update</b>		
	For consideration and discussion		CHS-2021-37 Lynne Harrison
	 11 CHS-2021-37 Digital Programme Update.pdf	(3 pages)	
<b>12.</b>	<b>CHS Improvement Planning – outcomes from Oct Workshop</b>		
	For consideration and approval		CHS-2021-38 Carol Wassell
	 12 CHS-2021-38 CHS QI report.pdf	(4 pages)	
<b>13.</b>	<b>Panel Member Recruitment Virtual Programme Report</b>		
	For consideration and discussion		CHS-2021-39 Christine Mullen
	 13 CHS-2021-39 PM Recruitment November 2020.pdf	(6 pages)	
<b>14.</b>	<b>CHS L&amp;D Strategy</b>		
	For consideration and approval		CHS-2021-40 Christine Mullen
	 14 CHS-2021-40 Learning and Development Strategy paper.pdf	(13 pages)	
<b>15.</b>	<b>CHS Code of Conduct</b>		
	For consideration and approval		CHS-2021-41 Christine Mullen
	 15 CHS-2021-41 Volunteer Code of Conduct.pdf	(4 pages)	
<b>16.</b>	<b>CHS Complaints Policy</b>		
	For consideration and approval		CHS-2021-42 Lynne Harrison
	 16 CHS-2021-42 01 CHP coversheet.pdf	(3 pages)	
	 16 CHS-2021-42 02 App. 1 - Implementation plan for complaints handling procedure and community concern policy.pdf	(3 pages)	
	 16 CHS-2021-42 03 App. 3 - Community Concern Quick reference guide.pdf	(5 pages)	
	 16 CHS-2021-42 04 Complaint Handling Procedure Part 1.pdf	(6 pages)	

-  16 CHS-2021-42 05 Complaint Handling Procedure Part 2.pdf (13 pages)
-  16 CHS-2021-42 06 Complaint Handling Procedure Part 3.pdf (19 pages)
-  16 CHS-2021-42 07 Complaint Handling Procedure Part 4.pdf (5 pages)
-  16 CHS-2021-42 08 Complaint Handling Procedure Part 5.pdf (8 pages)

**17. OHOV Zine and Calls to Action**

For consideration and discussion

CHS-2021-43

Lynne Harrison

-  17 CHS-2021-43 OHOV Calls to Action.pdf (6 pages)

**18. Board Standing Orders – Annual Review**

For consideration and approval

CHS-2021-44

Lynne Harrison

-  18 CHS-2021-44 CHS Board Standing orders.pdf (8 pages)

**19. Biodiversity Report 2018 - 2020**

For consideration and approval

CHS-2021-45

Lynne Harrison

-  19 CHS-2021-45 Biodiversity Duty Report 2018-20 v2.1.pdf (6 pages)

**20. Children's Rights and Inclusion**

For consideration and approval

CHS-2021-46

Christine Mullen

-  20 CHS-2021-46 Children's Rights and Inclusion Strategy Final.pdf (21 pages)

**21. Governance Calendar 2021**

For noting

CHS-2021-47

Lynne Harrison

-  21 CHS-2021-47 Governance Calendar 2021.pdf (1 pages)

**22. Next meeting date: 26th January 2021**

For noting

## BOARD MEETING

### AGENDA

#### 3rd Meeting 2020/21

24<sup>th</sup> November 2020

The Board will meet 1.00 pm – 3.00pm virtually via Teams

Item	Topic	Lead Person	Paper Number	Purpose
1	Declarations of interests	Chair	Verbal	To consider any declarations of interests with regard to agenda items
2	Minutes of previous meeting	Chair	CHS-2021-30	To approve the minutes of the previous meeting on 22 <sup>nd</sup> September 2020
3	Matters arising	Chair	Verbal	Seek assurance that actions from the previous meeting have been progressed
4	Action log	Chair	CHS-2021-31	To monitor progress against actions due and agree action where required
5	Chair update	Chair	Verbal	For information & discussion
6	National Convener/ CEO update	EJ	CHS-2021-32	For consideration and discussion
7	Resilience and Recovery	CW	CHS-2021-33	For Information and discussion
8	2020/21 Financial Forecast Outturn	EM/LH	CHS-2021-34	For consideration and approval
9	CHS 5 Year financial Plan - Update	EM/LH	CHS-2021-35	For consideration and approval
10	Scottish Government Framework Agreement	LH	CHS-2021-36	For consideration and approval
11	Digital Programme: <ul style="list-style-type: none"> <li>DDOC Update</li> <li>Digital Update</li> </ul>	HR LH	Verbal CHS-2021-37	For consideration and discussion For consideration and discussion
12	CHS Improvement Planning – outcomes from Oct Workshop	CW	CHS-2021-38	For consideration and approval
13	Panel Member Recruitment Virtual Programme Report	CW	CHS-2021-39	For consideration and discussion
14	CHS L&D Strategy	CM	CHS-2021-40	For consideration and approval

15	CHS Code of Conduct	CM	CHS-2021-41	For consideration and approval
16	CHS Complaints Policy	LH	CHS-2021-42	For consideration and approval
17	OHOV Zine and Calls to Action	LH	CHS-2021-43	For consideration and discussion
18	Board Standing Orders – Annual Review	LH	CHS-2021-44	For consideration and approval
19	Biodiversity Report 2018 - 2020	LH	CHS-2021-45	For consideration and approval
20	Children’s Rights and Inclusion Strategy	CM	CHS-2021-46	For noting
21	Governance Calendar 2021	LH	CHS-2021-47	For noting

**Next meeting date: 26<sup>th</sup> January 2021**

## Minutes of the Board meeting of 22<sup>nd</sup> September 2020

The meeting started at 13.00 pm.

**Present:**

Garry Coutts (GC)	Chair
John Anderson (JA)	Board Member
Henry Robson (HR)	ARMC Chair/Board Member
Beth-Anne Logan (B-AL)	Board Member
Jo Derrick (JD)	RAC Chair/Board Member

**Also present:**

Elliot Jackson (EJ)	National Convener/Chief Executive (NC/CEO), CHS
Lynne Harrison (LH)	Head of Strategy/development & Depute Chief Executive (DCEO), CHS
Carol Wassell (CW)	Head of Area Support & Community Improvement, CHS
Ed Morrison (EM)	Director of Finance, CHS
Simone Ledraw (SL)	(minute taker), CHS

**Apologies:**

Barbara Neil (BN)	Board Member
Christine Mullen (CM)	Head of Practice and Learning, CHS

The following attended from 1 – 1.45 pm to take part in discussion about the impact of Covid-19 on Children’s Rights and decision making:

Maria Galli, Legal Office, Children and Young People Commissioner Scotland (CYPCS)  
 Claire Lightowler, Director, Children and Young People’s Centre for Justice (CYCJ)  
 Fiona Dyer, Depute Director, Children and Young People’s Centre for Justice (CYCJ)

Items	Actions / owner	Time-scales
<b>1 Declaration of interests</b>		
None.	N/A	N/A
The Chair welcomed everyone to the meeting.	N/A	N/A
<b>2 Presentation and discussion - Impact of Covid-19 on Children’s Rights and decision making</b>		
Claire Lightowler and Fiona Dyer spoke to the findings from the CYCJ ‘Spend Time With Us’ report. <a href="https://www.cycj.org.uk/resource/spend-time-with-me-children-and-young-peoples-experiences-of-covid-19-and-the-justice-system/">https://www.cycj.org.uk/resource/spend-time-with-me-children-and-young-peoples-experiences-of-covid-19-and-the-justice-system/</a> Maria Galli spoke to the CYPCS experience of the impact of Covid on children’s rights.		

	<p>The Board thanked guests for attending the meeting and sharing their research and perspective. The Board felt strongly the impact of the pandemic on young people and families, in particular in relation to digital poverty and delays in decision making. The discussion was informative and would be helpful in context of discussions regarding CHS and the hearings system Covid recovery planning.</p>	
<b>2</b>	<b>Minutes of previous meeting</b>	
	<p>The Board agreed to approve the minutes of its meeting on 23<sup>rd</sup> June 2020.</p>	<p>N/A</p>
<b>3</b>	<b>Matters arising</b>	
	<p>The Chair confirmed that there were no Matters Arising</p>	
<b>4</b>	<b>Action log</b>	
	<p>The Chair confirmed that all relevant items were on the Agenda for discussion.</p> <p>The Chair noted the Board was keen to understand latest developments from OHOV. LH highlighted that OHOV will be issuing a Zine which identifies their calls to action in the coming weeks. All Board members will be receiving a copy.</p>	
<b>5</b>	<b>Chair update</b>	
	<p>The Chair thanked the National Team for the continued work to keep the organisation running and ensuring the welfare of the community has been taken care of.</p> <p>The Chair reported that he had been part of numerous discussions with SG, Partners and Colleagues over the past weeks to discuss recovery planning. It is clear that this remains a difficult time for everyone and with more challenges ahead.</p> <p>The Chair reported that work was underway to recruit a Board member to replace JA when he retires in 2021 and also an additional member. The Chair noted his current term was due to end in April '21 but indications were this will be extended for a further year. This would be confirmed in due course.</p>	
<b>6</b>	<b>Chief Executive update</b>	
	<p>CEO thanked the Chair for his words of thanks and will ensure this is passed to the National Team.</p> <p>The CEO reported that the last quarter has consisted of continued response to COVID-19. Initially moving to virtual hearings which we mobilised within the first two to three weeks and then implementing the return to face to face hearings.</p>	

<p>The CEO highlighted:          The dedicated work planned with the Area Conveners in the spring of 2020 has been rescheduled as a consequence of our response to COVID. The work required to develop the skills, approaches and attitudes that will be needed across the organisation will be most effectively achieved through a phased approach. This will inevitably have areas of overlap but each phase lays a solid foundation for the increased levels of change that will come with the following one.</p> <ul style="list-style-type: none"> <li>• PHASE 1 – Consolidating the Current</li> <li>• PHASE 2 – Creating the Improvement Conditions and capacity</li> <li>• PHASE 3 – Learning, Adapting and Re-designing</li> <li>• PHASE 4 – Fit for the Future – delivering the ‘new normal’</li> </ul> <p><b>L&amp;D strategy</b>          Christine Mullen, Head of Practice Improvement and Learning is shaping a new learning and development strategy for the next 5-years. This crucial work links our ambitions for new and innovative learning, with the implementation of The Promise that takes advantage of our new digital infrastructure. The key strands of the strategy will be shared with the Board in November for their review and guidance.</p> <p><b>Feedback Loop</b>          The Board approved a revised approach to publishing feedback loop data at the June meeting, subject to discussions with the Scottish Government. The new approach moves away from collecting information from local authorities to instead report on a combination of readily accessible SCRA and CHS data focussed on the core requirement of the report as set out in the legislation. The Scottish Government are content to proceed on this basis and have offered support in briefing Ministers at the time of publication. It is our intention to published feedback loop reports for 16/17; 17/18/ and 18/19 early in the 2021.</p> <p><u>Board Discussion:</u></p> <ul style="list-style-type: none"> <li>- The Board welcomed the work being undertaken with Area Conveners. The Board recognised the key role these volunteer leaders play and in particular wished to acknowledge their significant contribution to responding to Covid-19 and supporting their local communities.</li> </ul> <p><b>Board decision:</b></p> <ol style="list-style-type: none"> <li>1. To note the NC/CEO update.</li> <li>2. Present L&amp;D Strategy Nov ‘20.</li> </ol>	<p>CM</p>	<p>Nov ‘20</p>
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7	<b>Resilience</b>	<p>CW spoke to the report shared.            CW highlighted a key focus has been on recovery planning, understanding how many hearings are needed between and now and a point in the future to ensure we have sufficient panel members to fulfil the hearings. Regular meetings are taking place locally and nationally with SCRA to understand the data.</p> <p><u>Board Discussion:</u></p> <ul style="list-style-type: none"> <li>- The Chair asked when the data would be fully available to enable understanding of capacity required. CW reported this was imminent.</li> <li>- The Board requested a more updated report with best estimates of numbers and assurance around our capacity to fulfil them once the data was available.</li> <li>- HR noted the National Panel would be helpful to manage geographic hot spots .</li> <li>- The Board asked on the status of Chromebook deployment. Have all the chrome books gone. LH reported that 100 have been sent out and 400 are on order, due end of October.</li> <li>- JA asked if the concept of payment to Panel Chairs had re-surfaced, an issue that has arisen many times previously. CW noted that The Promise had questioned the role of volunteers in the system and this would be considered in due course.</li> </ul> <p><b>The Board agreed—</b></p> <ol style="list-style-type: none"> <li>1. <b>To note the Resilience Report.</b></li> <li>2. <b>To receive an updated report once hearing data has been finalised</b></li> </ol>	CW	Oct 20
8	<b>2020/21 Financial Forecast Outturn</b>	<p>The HFR spoke to the Finance Report which had been previously circulated:</p> <ul style="list-style-type: none"> <li>- The report reflects the original funding and £500k additional GIA provided in year.</li> <li>- This is identified in the revised budget at 1.3</li> <li>- The detail in section 3.3 identifies staffing changes.</li> <li>- Section 3.4 identifies current forecast with 3.8 identifying areas of focus for potential underspend.</li> <li>- The table in 3.10 table shows detail around Capital expenditure. It was noted this was the last year of dedicated digital funding.</li> </ul> <p><u>Board Discussion:</u></p> <ul style="list-style-type: none"> <li>- The Board welcomed the report and noted plans in place for potential underspend.</li> </ul> <p><b>Decision:</b></p> <ol style="list-style-type: none"> <li>1. <b>The Board agreed to approve the Report.</b></li> </ol>		
9	<b>CHS 5 Year Financial Plan</b>			

	<p>LH and HoF spoke to the 5 year financial plan which had been previously circulated:</p> <ul style="list-style-type: none"> <li>- The plan covers 5 full years and reflects a modest increase in revenue.</li> <li>- The plan reflects the significant challenges around COVID, recovery planning and The Promise - reshaping the organisation to allow us to do things differently.</li> <li>- The Promise has questioned the role of the volunteer in the system and the strategy includes work to understand the volunteer model. The financial impact of this work could be significant.</li> <li>- It was noted that the new digital system currently represents the Minimum Viable Product and there is a need to continue to invest to build on and improve the system and provide support in term of devices.</li> </ul> <p><u>Board Discussion</u></p> <p>The Board thanked LH/HoF for a comprehensive report.</p> <ul style="list-style-type: none"> <li>- The Board asked Executives to sense check whether the figures were sufficient to meet the strategic deliverable aims.</li> <li>- The Board queried volunteer expenses remaining static. LH reported the figure represents a 25% uplift vs previous years but that this was not then anticipated to develop further, noting this was an area that has been consistently lower than budgeted despite campaigns to encourage take up.</li> <li>- The Board noted that in terms of the number of changes and role titles over the last year it would be useful to get an up to date staff plan.</li> </ul> <p><u>Decision:</u></p> <ol style="list-style-type: none"> <li>1. The Board agreed to approve the 5 year Financial Plan</li> <li>2. The Board asked for an updated organogram.</li> </ol>	LH	Oct 20
10	ARMC		
	<p><b>Audited Annual Accounts 2019/20</b></p> <p>HoF spoke to the Annual Report and Accounts which have been recommended for approval by ARMC.</p> <p>The HoF noted the audit has been completed in full, mitigations had been available due to Covid-19 however the team had been able to prepare and complete the full audit as required.</p> <p>The auditors have given an unqualified opinion of the accounts.</p> <p><u>Board discussion:</u></p> <ul style="list-style-type: none"> <li>- The Board welcomed the audit opinion.</li> <li>- The Board congratulated the staff team for completing the audit to full standard during challenging times.</li> </ul> <p><u>Decisions:</u></p> <ol style="list-style-type: none"> <li>1. The Board agreed to approve the Annual Report and Accounts</li> </ol>		

<p><b>2. The CEO will sign the Letter of Representation</b></p> <p><b>ARMC Minute - August 20</b> HR spoke to the minute of the August Meeting.</p> <p><b>Decisions:</b></p> <p><b>1. The Board agreed to note the ARMC Minute</b></p>		
<p><b>11. RAC</b></p>		
<p><b>RAC Minute - August 20</b> JD spoke to the minute of the July Meeting. RAC of note the work of the layout of the operational plan and the support for staff and what a return might look like when that happens. JD reported RAC was particularly pleased that the Staff forum presented to the committee and there will be representation of the forum as part of the committee ongoing to allow us to hear their voice directly.</p> <p><u>Board Discussion:</u> The Board echoed RAC comments around the Staff Forum and the work that has been undertaken by the staff team. The Board congratulated the CEO on the success of the first 6 months of his leadership and noted the organisations performance was a testament to his commitment hard work and leadership skills.</p> <p><b>Decisions;</b></p> <p><b>1. The Board agreed to note the RAC Minute</b></p>		
<p><b>12. Quarter 2 Performance Report</b></p>		
<p>LH spoke to the Quarter 2 report that had previously been circulated. LH highlighted the additions to demonstrate new activity as a result of Covid LH sought the Board approval for the re-scoping of activity impacted by Covid and identified in the cover paper. The areas identified relate to specific digital or evaluation activities that it is not possible to undertake in the current virtual environment.</p> <p><u>Board Discussion</u></p> <ul style="list-style-type: none"> <li>- The Board thanked the staff team for a very positive performance report in challenging circumstance.</li> <li>- The Board recognised the need to push forward projects. The Board noted this did not reflect a de-valuing of their overall importance to CHS particularly around Quality Assurance and hearings experience.</li> <li>- The Board noted their desire to re-instate Observations as soon as it was possible to do so.</li> <li>- It was agreed to amend the language of the report to reflect this.</li> </ul>		

<p>- The Chair noted that he would like to consider the style of the report and reporting of KPI's in the annual report at a future meeting in line with audit recommendations</p> <p><b>Decision—</b>  <b>The Board agreed to note the contents of the report</b>  <b>The Board agreed to discuss reporting style at a future meeting</b></p>	<p>LH</p>	<p>March 21</p>
<p><b>13. Report on Appeals</b></p>		
<p>EJ spoke to the paper, which was the second annual report on appeals.</p> <p><u>Board Discussion</u>  The Board welcomed this second report and the Practice team looking into how appeals data can be better explored and understood.  The Board asked in relation to Point 6 – what would the alternative be.  point 6 what would be the alternative. CW confirmed the appeal would go to court and the Reporter concede the appeal</p> <p><b>1) Decision-</b>  <b>The Board agreed to approve the report.</b></p>		
<p><b>14. Digital Programme</b></p>		
<p><b>DDOC Report</b></p> <ul style="list-style-type: none"> <li>- HR reported that DDOC met on 25<sup>th</sup> August, and a detailed report had been circulated at ARMC.</li> <li>- The ARMC minute has a detailed update of status at the time and report from LH gives the latest CHS update.</li> <li>- HR reported that discussion took place on the status of the oversight committee. As CSAS is not fully implemented it was decided the oversight committee would continue in its current state for no longer than the end of the financial year</li> </ul> <p><b>Digital Report</b>  LH spoke to the paper shared:</p> <ul style="list-style-type: none"> <li>- CHS Community Hub is now fully launched. Approx. 1400 people have logged in to the new system which is very positive and in line with overall engagement levels.</li> <li>- Feedback on the system has been positive however not all elements are in use due to Covid impact.</li> <li>- There are challenges around rota management due to the current complexity of virtual/face to face/hybrid hearings.</li> <li>- We are working closely with SCRA and locally to get the best from the system we currently can in the current situation.</li> <li>- Internally business owners are still in place, internal CHS digital board will meet in the next few weeks, the delivery board will continue to meet for the foreseeable future.</li> </ul>		

	<ul style="list-style-type: none"> <li>- Due to COVID we have not yet got formal SLA's in place for support.</li> <li>- Lh noted she would like to formally thank the Scottish Tech Army for their support during the launch of the system. In the end we did not require the level of support anticipated but they remained very supportive and we will maintain a relationship with the group.</li> <li>- Deployment of initial 100 Chromebook devices is in train. The management portal is working well.</li> <li>- XMA have been very helpful in terms of problem solving and tech support to panel members. Final 400 going out towards the end of October.</li> </ul> <p><u>Board discussion</u> The Chair noted this was a comprehensive and positive report after several years of work and it is positive this has been rolled out without significant issues. The Chair asked regarding the status of the Digital Programme Director. EJ confirmed that he was delighted to report that the postholder is remaining in post to fully deliver the project.</p> <p><b>Decisions:</b> <b>1. The Board approved the report</b></p>		
<p><b>15.</b></p>	<p><b>CHS Impact Report 2019/20</b></p>		
	<p>LH spoke on the report which had previously been circulated.</p> <ul style="list-style-type: none"> <li>- This is an Annual report which is public facing to highlight the impact of the work we do.</li> <li>- The report shares the proposed text. This will be formatted prior to publication.</li> </ul> <p><u>Board Discussion</u> The Board welcomed the report, it's data focus and agreed it demonstrated organisational impact well.</p> <p><b>Decision-</b> <b>The Board agreed to approve the report for publication</b></p>		
<p><b>16</b></p>	<p><b>Connecting Our Community Overview</b></p>		
	<p>EJ spoke to the report which had been previously shared and reported that the Connecting our community programme, which had been moved online due to Covid had been very well received by the volunteer community and management team.</p> <p>The report highlighted the desire to keep the programme going and enhance it further through additional content and approaches.</p> <p><u>Board discussion</u></p> <ul style="list-style-type: none"> <li>- BAL asked what would you keep/change in taking the programme forward?</li> </ul>		

	<ul style="list-style-type: none"> <li>- EJ noted that the National/Local aspect of the sessions worked well. We will try new things once we get in to the work of the promise, exploring smaller work groups. CW is scoping out a planning session to test this model virtually.</li> <li>- LH noted that events covered multi ASTs and this had been welcomed.</li> <li>- The Board asked if the Board could be made aware of future dates so they may attend if diaries allow.</li> </ul> <p><b>Decision:</b></p> <p><b>1. The Board agreed to approve the Connecting Community strategy</b></p>		
<p><b>17.</b></p>	<p><b>CHS Learning Academy Prospectus 202/21</b></p>		
	<p>EJ spoke to the paper shared.</p> <ul style="list-style-type: none"> <li>- EJ noted this had been challenging given the impact of Covid.</li> <li>- The prospectus has been developed following a significant amount of consultation with AC's</li> <li>- It represents a dedicated online programme throughout 20/21 to support Panel Member and AST learning.</li> </ul> <p><u>Board discussion</u></p> <p>The Chair noted this was a tremendous piece of work to get this on line so quickly</p> <p>.</p> <p>The Chair encouraged Board members to complete some of the course options available.</p> <p><b>Decision:</b></p> <p><b>2. The Board agreed to approve the prospectus</b></p>		

**The next Board meeting will be on 24<sup>th</sup> November 2020**  
**The meeting closed at 15.00 pm**

**Children's Hearings Scotland Board Action Log**  
**Updated October 2020**

No.	Action(s)	Source	Target date	Owner	Status
1	Look to arrange a development session with OHOV Board in 2020	November 19	Before November 20	LH	Impacted by Covid, consider for Q4
2	To look at the creation of a child/young person friendly complaints policy once the policy has been finalised	November 19	September 20	LH	Awaiting completion of Complaints Policy, revised date March '21
3	To consider numbers put forward for the 2020 campaign when they become available	Jan 2020	Aug 2020	CM	January 21 (revised recruitment timeline)
4	To monitor the percentage of care experienced people who apply to ensure adequate support is provided if/when required.	Jan 2020	Oct 2020	CM	March 21 (revised recruitment timeline)
5	To compile and compare data around the percentage of observations across ASTs that give cause for concern to PPAs and which lead to recommendations.	Jan 2020	March 2020	CM	Impacted by Covid - March 2021
6	To provide a framework to build DDOC in to the Governance structure	June 2020	September 2020	EJ/LH	In line with expected end of transition to live - January 21
7	Review how we support children and families to ensure online security	June 2020	January 2021	EJ	Not Yet Due
8	Discussion around Performance Reporting and to agree format for 2021/22	Sep 20	March 21	LH	Not Yet Due
9	Issue updated staff organogram to Board	Sep 20	Oct 20	LH	Complete
10	Provide update on hearings recovery data to Board	Sep 20	Oct 20	CW	Complete



## Agenda Item 6: CHS-2021-32

### National Convener / Chief Executive update

#### 1. Introduction

- 1.1 The period between the last Board meeting in September to now, has seen the National Team and the CHS Community settle into what has become a new normal of working from home and trying to increase the number of Hearings. Staff and volunteer wellbeing remains paramount and supports that have been introduced are being recognised as helpful and valuable.
- 1.2 We continue to ramp up our recovery plans. The fast pace has remained and working with the CHS Community to keep them updated with the latest guidance; to seek their views on next steps; and of course, to keep them safe, has remained our top priority.
- 1.2 This agenda and reports for the November Board meeting demonstrates the breadth and volume of activity currently going on across the National team.

#### 2. Resilience and Recovery

- 2.1 The separate report presented to the Board for the November Board meeting carries significant detail on our resilience and recovery activities. I'd however like to highlight the two key areas of Panel Member engagement/retention and Panel Member recognition.

##### 2.2 Panel Member Engagement/Retention

- 2.2.1 All members of the National Team are working incredibly hard to maintain high-levels of communications and engagement with the CHS Community. Our Area Conveners report that the level of 'active' Panel Members who can sit on the three different modes of Hearings (virtual, blended or face to face) ranges from between 40% and 80%. This is a significant organisational risk for us as we move into the recovery phase where Hearing numbers will ramp up across Scotland from January 2021. Plans are advanced with Area Conveners for me to write to all Panel Members who haven't participated in any Hearings since March 2020, to encourage them to return to the rota by March 2021 – subject of course to the completion of mandatory training. We believe that there are approximately 600-700 Panel Members in this position. This work will could have a significant impact upon the numbers of trainees required as part of our 2021 Panel Member recruitment campaign.

##### 2.3 Panel Member Recognition

- 2.3.1 Area Conveners are working hard locally at looking at innovative ways in which to recognise the role and contribution of Panel Members throughout the pandemic. This work is part of a wider programme of recognition where we are also recording and publishing short bite-sized interviews with Neil Hunter, Principal Reporter/CEO at SCRA; Tom McNamara, Head of

Children's Hearings and Youth Justice at the Scottish Government and with Maree Todd MSP, Minister for Children and Young people. These interviews will focus upon their roles and experience of our collective response to the pandemic and their positive reflections of how Panel Members have contributed so effectively to the recovery plan.

### **3. Implementing The Promise**

- 3.1 Together with members of the Senior Team, I met with Fiona MacFarlane (Head of strategy and Governance) and Cat McCauley (Service Redesign) from the Promise Team in early November. This meeting was part of our agreed engagement plan to help shape and inform their plans that will be published early in the New Year.

The four key messages from the meeting where:

- Their immediate priority is to redesign 'family support' services. They want to invest in getting children and young people the support further upstream so that only the most vulnerable enter our system. They have invited us to participate in this work;
- The Hearings system is seen as the second priority along with Inspection and Regulation. They have encouraged us to continue with our quality assurance programme and to align as much as possible to The Promise as we can. They believe that any significant redesign of the Hearings system will take place within the next 3-years;
- They are completely supportive of our work around the recovery plan for the Children's Hearings System and can see where change has been made and where we may wish to use the learning to inform further innovation or redesign; and
- Finally, they have asked us to submit a short-two page document that they have developed on engagement that will allow us to outline how our future plans will align and integrate with The Promise.

### **4. Staff and Volunteer Well-Being**

- 4.1 A key focus for senior team colleagues and Area Conveners remains the wellbeing of our staff and volunteers. In relation to members of our National team, we are working closely with the Staff Forum to develop ideas and consider options to ensure that our staff remain connected, engaged and supported.
- 4.2 Area Conveners and their ASTs remain committed to contacting Panel Members through a planned programme of wellbeing check-in calls. Board members will also recall the online wellbeing service that we launched in the summer in partnership with Health Assured. Initial data shared with CHS points to a positive take-up of this service. The use of MS Teams locally as a platform for virtual engagement is also proving successful across Scotland. Online teams calls are now commonly used for AST meetings; Panel member training and recognition events and now for fun through using it to host local quizzes to encouraged greater connectedness.

#### 4. **Area Convener Appointments/Reappointments**

- 4.1 This year will see six Area Conveners leave CHS after long periods of service. These are Christine Love (Inverclyde); Karen Thomson (Highland and Moray); Judith Bell (Fife); Alan Geekie (West Dunbartonshire); Scott Leiper (Aberdeen City); and Jenny Ferguson (Argyle and Bute). All these colleagues have played a significant leadership role and contribution to the Children's Hearings System locally and nationally through the Area Convener Liaison Group.
- 4.2 After a robust recruitment and selection process, I am delighted to update the Board that I have made the following appointments - Maureen Quinn (Inverclyde); George Hogg (Highland and Moray); Ying Zhang (West Dunbartonshire); and Richard Reynolds (East Renfrewshire). Adverts for the Area Convener posts in Fife, Aberdeen and Argyle and Bute have gone to press this week.
- 4.3 I am also pleased to update that I have recently reappointed five Area Conveners for a further 3-years. These are Penny Simpson (South Lanarkshire); Pat Hastings (Edinburgh); Don Lawrie (Central and West Lothian); Jennifer Phillips (Glasgow) and Aileen Hemming (South East Scotland).

#### 5. **Priorities for Quarter 4 in the New Year**

- 5.1 The start of the New Year will herald a period of intensity as we work nationally and locally to achieve three core priorities. These are to:
1. Ensure that we continue to meet the demand for Panel Members to participate in an increased Hearing schedule;
  2. Retain as many Panel Members as possible through the development of pathways for their return to service;
  3. Recruit a broad and diverse group of new trainee Panel Members through an active and targeted recruitment campaign.

#### 6. **And Finally...**

- 6.1 I would like to pay tribute to the Panel Members for their support and commitment to undertaking Hearings. Virtual or blended Hearings can be difficult balancing the technological issues, with deep knowledge of the new guidance together with the skills necessary to engage the child or young person virtually.
- 6.2 I would also like to recognise our AST colleagues, and specifically the 22 Area Conveners across Scotland. Their commitment, leadership and support in ensuring that we continue to deliver a statutory service across Scotland through volunteers has been outstanding.

Elliot Jackson  
**National Convener**  
17 November 2020

## CHS Resilience and Recovery

<b>Accountable Officer:</b>	Head of Area Support and Community Improvement
<b>Report author:</b>	Carol Wassell
<b>Recommendation:</b>	To note the update
<b>Resources implications:</b>	N/A
<b>Equalities duties:</b>	Equalities Impact Assessment Required <b>Yes.</b>

### 1. Introduction

This paper provides an overview of the continuing organisational resilience response to the Covid-19 pandemic, updating progress since September 2020.

### 2. CHS Resilience Response:

#### 2.1 Resilience Management:

- The resilience group continue to meet on a weekly basis led by Carol Wassell and are responsible for crisis response, resilience wellbeing planning and communications, virtual, and face to face and hybrid hearings practice and management and resilience exit strategy development.
- CHS Senior Management Team (SMT) hold a fortnightly strategic resilience meeting with SCRA focused on hearings management and planning.
- CHS SMT hold a weekly meeting with Area Conveners to inform and sense check operational implementation and seek input to strategic decisions.
- An SMT member and practice lead attend a weekly meeting with Scottish Government (SG), COSLA, SCRA, Social Work Scotland, CELCIS and invited guests from across the sector to develop plans for recovery on a multi-agency basis. We have included other representation from CHS to address specific issues.
- CEO meets weekly with a group of senior leaders and SG to ensure multi-agency buy in planning
- Our Hearings, Our Voice (OHOV) are considering a proposal from CHS for how they can contribute to resilience planning so that the voice of lived experience is central to all we do
- In partnership with stakeholders, we have consulted on a draft multi-agency recovery strategy, amendments to which will be considered by the Covid SG planning group on the 27.10.20

## 2.2 Hearings Management:

We continue to meet demand in capacity of available panel members to attend virtual, hybrid and face to face hearings and are using the coronavirus legislative changes to ensure this remains the case.

Meetings have taken place with all ASTs between ACs, ASIPs, Rota Managers and Locality Reporter Managers (LRMs) to consider the local data that is now available which give specific detail of:

- the number of children whose orders expire month on month up until October 2021
- the number of children whose orders have been extended by using emergency legislation and require a hearing month on month
- the average number of hearings that have taken place per month during Covid restrictions, including urgent and emergency hearings.

This has allowed all ASTs to compare the number of hearing slots required for children and match it against the numbers of panel members available.

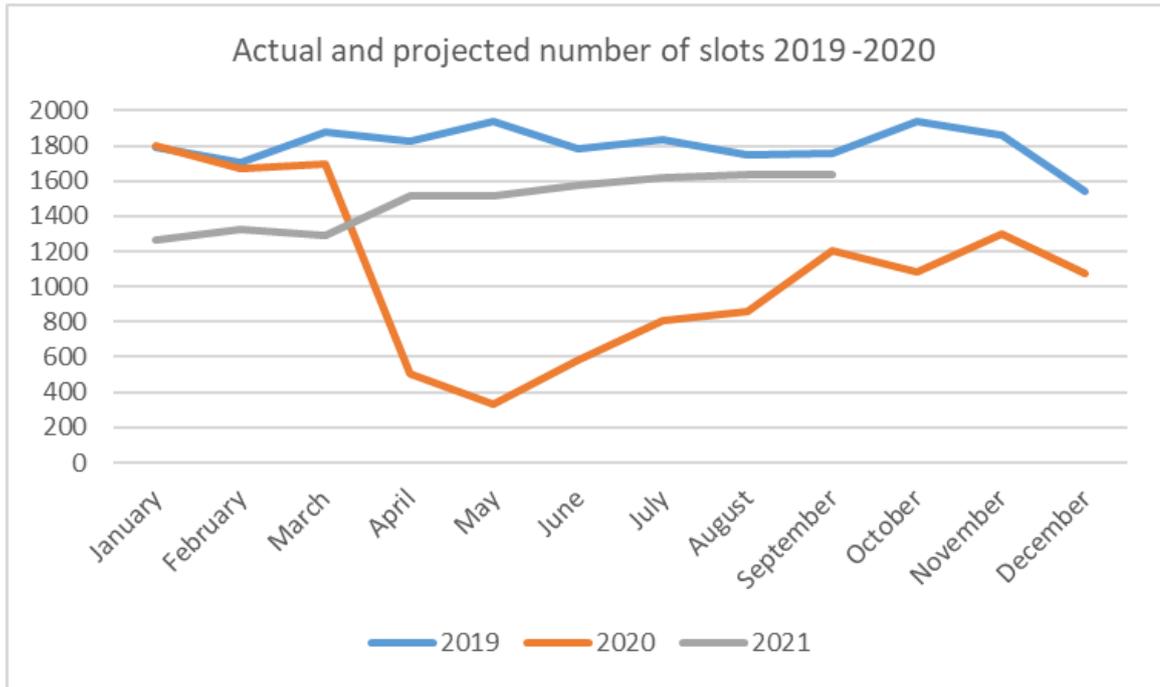
Up until December 2020 all 22 ASTs have capacity to meet the demand, and rotas have been agreed with LRMs up until December 2020. Locally, CHS and SCRA are in the process of agreeing rotas until the end of March now and over the next 2 weeks.

To date the definition of children impacted has focused on:

- children whose orders have been extended and whose hearings have been postponed using the emergency legislation,
- children whose hearings have been deferred as families and children expressed a view that their preference was to wait until they were able to come back into a physical hearing space
- children for whom wellbeing concerns and thresholds of risk were assessed as being managed well enough to allow for a delay to arrange a hearing by the Reporter, using an agreed set of criteria.

We have accurate information that tells us month on month – up until the end of September 2021-

- how many children have CSOs that are due to expire
- how many children now require a hearing and for whom emergency legislation was previously used
- the average number of hearings that were necessary month on month to deal with other hearings, such as second and eighth working day hearings, emergency transfer of children from and to placements etc. This information is detailed in the chart below:



\* A hearing 'slot' is a discreet hearing session that is allocated to a family where there may be the circumstances of more than one child considered.

Addition information that will help us to be clearer about the numbers of children who may be unseen in terms of the impact of delay includes:

- children who are waiting for their first proof hearings at court and who have exceeded the National Standard timescale of 20 working days
- children who have had grounds for referral established at court and who are waiting for a hearing compared to this time last year (there is no agreed national standard)
- children who will require a hearing for grounds for referral and who have exceeded the waiting time set out in the national standard of 20 working days

We would also need to compare the percentage of children meeting the national standard timescales from previous years to get an accurate sense of the impact of Covid on delay, and which children may have a delay for other reasons. SCRA are currently working on projections for when each local authority will return to a position where no children have delay as a result of Covid 19.

We are meeting with SCRA weekly to secure this information. In addition to ensure that we have a plan to ensure we are tackling delay and impact we:

- have worked with partners to draft and drive the Covid SG multiagency strategy the implementation of which will be driven through the CHIP. This seeks to enlist the support of partner agencies in recovery. For instance, the Scottish Court Service is being asked to priorities court time for children's referrals
- are working with ASTs on recruitment and retention
- are launching our Improvement Programme that seeks to drive an improvement in the quality of children and carers experience of children's hearings and tackle drift and delay for whatever reason

- continue to work with SCRA to launch the Teams platforms which will increase capacity and quality of hearings
- re-establish PPAs who are skilled up to quality assure children’s hearings in the new operational environment of virtual and socially distanced hearings
- We are planning for a more structured process of availability of a ‘national panel’ where we would host the information of panel members who would be available to cover additional hearings in other areas, and make this accessible for rota managers.

ASIPs continue to report fortnightly to all ACs with data on panel member engagement. We are looking at how we streamline this process in light of more detailed data from SCRA that is complimentary and doesn’t lead to duplication.

We continue to use the emergency legislation to enable hearings to take place where circumstances do not allow for a mixed-gender Panel of three members to attend. Data on the use of these powers is reported to Scottish Government approximately every two months, and is accompanied by a supplementary data report that is available through the Children’s Hearings Improvement Partnership (CHIP) website. For the first three reporting periods, the numbers of the use of the powers are given below:

Reporting Period	# working days in reporting period	Count of Hearings Using the powers	Hearings with 2 Panel Members	Hearings with Single Gender Panel
7/4 to 20/5	32	6	5	1
21/5 to 15/7	40	30	22	18
16/7 to 13/9	42	26	18	11

The total of the hearings with two Panel Members and hearings with single gender Panel does not add up to the count of hearings as there will be some overlap between those two categories; a hearing with a panel that is made up of two Panel Members and they are both the same gender makes use of both provisions simultaneously and will therefore appear in both categories.

The data for the fourth reporting period, 14/9-15/11 are still being collected at the time of the production of this paper.

### 2.3 Legislation and Practice

The CHS practice team continue to keep all guidance under review. SCRA’s move to the Team platform is now planned to take place in January. There has been a delay in testing the new platform due to issues within SCRA but we aim to start this work by November.

Grampian and Central and West Lothian are lined up to do this, and it will be done with SCRA in a mock hearing environment. Learning from this testing will enable improvement during the role out of the platform nationally.

- Within CHS we are looking to ensure that the gains made by the use of Teams and the skills that have been developed in the community will be recognised

and as simple a process as possible will be available for PM's participation in using the platform for hearings

- Coronavirus Guidance will be updated to reflect the new mode of working using Teams

## 2.4 Partnership Working

In addition to the partnership working outlined at 2.1,

- Local arrangements are working well to co-produce local plans for recovery that supplement the national position with regular meetings between ACs, ASIPs, LRMs and Clerks to manage and plan for capacity and demand to hold hearings
- We continue to sit on the cross cutting strategy group to implement bringing 16 and 17 year olds into the Children's Hearings system

## 2.5 CHSLA

- The CHS Learning Academy Prospectus for Autumn 2020 is being delivered virtually with minimal face to face training for a very small group who cannot access training any other way
- Immediate national training plans remain to:
  - Covid proof all plans as far as possible
  - Keep people learning and moving through their CHS journey
  - Ensure that learning equips people appropriately for their role and that any learning is assessed to retain quality
  - The following groups remain the priority for training:
    - Those required to complete Management of Hearings training – to increase the number of available hearing chairs
    - The existing Panel Member community – Refresher learning following leave of absence
    - PPAs - Quality Assurance training to support return to observations
    - AST members involved in Recruitment and selection of new Panel Members (looking ahead to 2021)
    - Redesign of pre service training for 2021 recruits. Redesign takes account of current and longer term environment i.e. Covid restrictions. CHS strategic outlook themes and the Promise underpinned by the voice and contribution of people with lived experience
    - Anyone needing to complete Hearings in Lockdown to be familiar with virtual hearings and emergency legislation
- We continue to host Learning and Development Co-ordinator Forums online.

## 2.6 Volunteer Wellbeing and Engagement:

- Our Covid communication is issued fortnightly through Teams to all volunteers and staff, updating guidance on current restrictions and the impact on hearings.

We also sign post news from OHOV, The Promise team and any other information that is felt to be promoting knowledge, practice and values.

- 100 Chromebook are now used by panel members that we have provided, and a further 400 are anticipated to be delivered by mid-November. The original date for delivery of the end of October has had to be pushed back because of the pressure of demand on suppliers.
- We are looking to increase the overall number of devices that will be available to the community.
- We continue to hold an online meeting with the ACs weekly where business is discussed, National Convenor messages are clarified and leadership development takes place.
- Health Assured are reporting on progress on 29<sup>th</sup> October 2020.

#### 2.7 National Team:

- Productivity and engagement remains high and we are not seeing significant absence from work or people's ability to deliver their work as a result of Coronavirus
- Twice weekly team huddles are well attended and the opportunity for discussion on a variety of strategic and operational issues is welcomed
- Our guidance on remote working remains unchanged, that Thistle House is not officially open for business and that if they can do so, staff should work from home. We will review this in January, and as a matter of priority subject to new public health guidance

### 3. Resilience Response Challenges

Our challenges are unchanged. A new way of working has embedded itself across CHS. Staff and volunteers are now using virtual ways of working as business as usual. We still have challenges however, and as lockdown restrictions move into a new phase with 5 tiers, we will need to remain flexible and alert to the following:

#### 3.1 Protecting children's rights:

Feedback from the Children's Commissioner and Scottish Government in relation to our Covid SG recovery strategy, and the focus we have brought to priorities in resilience and recovery planning has been positive. Our thinking about and protection of children's rights has been noted as a visible thread through our work.

We remain alert to what we can learn from publications, research and direct feedback to meet this challenge.

The temporary suspension of the PPA function due to Coronavirus is being tackled and engagement is underway to get PPAs back in hearings to quality assure decision making. This involves additional training of PPAs to perform in a digital environment through a programme delivered via CHSLA, an increase in capacity of space to attend virtual and face to face hearings, and robust communication through the Microsoft Teams PPA channel and the PPA forum on Teams. A pilot is underway in two areas to smooth the way for full return of PPAs across Scotland.

### 3.2 Hearing Scheduling:

Point 2.2 sets out the strategy for having robust data to inform our decision making so we can be satisfied that due rigour is applied to increasing demand for hearing and having sufficient capacity.

- This data is complex and resources are at capacity at SCRA due to the concurrent roll out of CSAS, which while business critical and important to give robust management information as we go forward, is resource intensive and is an additional pressure in an already challenged system.
- To address the issue of capacity of Panel Members we continue to roll out Chromebooks being available. The high national demand for devices out with CHS, has led to some delay in some devices being delivered on time and we continue to address this within available resources.

## **4. Forward Planning**

4.1 The majority of hearings are currently taking place virtually although there has been considerable increase in the number of hearings that are held face to face. SCRA has put significant effort and resource into remodelling buildings and sanitation activity to allow this to happen.

A third of all hearings currently have some element of face to face interaction by participants. It is likely that for the short term this will remain the case.

- We are working to improve the quality of virtual hearings by moving to Teams and reintroducing the PPA quality assurance function
- The CHSLA continue to promote and monitor take up of the 'Hearings in Lockdown' training module for all panel members.

### 4.2 CHS Community Recruitment

Work on all aspects of our 2021 Panel Member recruitment continues apace. Key points are as follows:

- The campaign will commence in January 21 and is looking to secure the biggest cohort of any campaign in the last 10-years (Numbers to be confirmed on 1 November 2020);
- The selection aspect of the campaign will move solely online
- There will be no face to face information evenings, but instead we will produce a new information video with a wide cast of volunteers and young people;
- There will be no group work activities for this campaign. We will focus on the online interview to select Panel members. All interviewers will have to undergo mandatory training. Some may only need refresher training on the 'virtual aspect'
- We remain committed to the participation of young people in the selection of trainees across all 22 areas across Scotland. Sessions are being held with or ASTs on how to achieve this in early November.

The 2020 / 2021 Time table for Panel Member recruitment is as follows and we are working with CHSLA to bring forward the timescales within which new Panel members first sit on hearings

**Appendix 1**

<b>Dateline Version 1</b>	<b>Delayed Recruitment</b>
Late 2020	Expressions of Interest alerted Trail promotional info
Friday 15 January 2021 - Monday 15 February 2021	Recruitment Campaign 4 weeks plus weekend
Wednesday 17 February - Monday 1 March 2021	Shortlisting and selection
Wednesday 3 March 2021 Monday 29 March 2021	Interviewing & Group Sessions
Wednesday 31 March 2021	Confirmation as Trainee
29 March – 19 April (local two weeks variations)	Spring holidays
AST dependent - throughout April	Local Welcome Sessions
	Scottish Elections - Thursday 6 May 2021
Monday 3 May 2021 - Monday 14 June 2021	Pre-Service Training - blended online & face to face
Monday 28 June 2021	Recommendations & final checks
Monday 2 August 2021	Appointment
Monday 16 August 2021	Inclusion on Rota

We continue to run AST recruitment in alongside our Panel Member recruitment plans.

**5. Summary**

Ask the board to note and agree the content of this report.

**Appendix 1****COVID 19 Group. Multi-agency Partnership Engagement and Implementation Strategy 2020-21**

This document sets out what all agencies need to do, working together to support children and families referred to the children's hearing system, both collectively and individually, to make the Multi-Agency National COVID -19 Recovery Plan, as endorsed by the Strategic CHIP Group on \_\_\_\_\_, a reality.

Embarking on this journey to recovery will not be easy given the current constraints wrought by the pandemic. A plan is needed to cover the next six months. Regular review of progress will be built in to the plan. This will aid system recovery and ensure that improvement activity is aligned with the Promise.

It remains essential that we:

- place the voice of children and their rights firmly at the centre of decision-making,
- provide timely support for engagement in hearings and
- enhance the experience of participation in the hearing system.

We need to work with urgency and realism in progressing recovery of the Hearings system. The timetable must be practicable and sustainable for all partners to hearing-related activity. Striking this balance will be a sensitive matter, requiring determined teamwork and a listening approach while acknowledging the variation in demands, available resources and current and short term pressures on the system in different parts of the country.

Innovation and practice improvement will continue to emerge from robust multi-agency working and practitioner understanding of roles and responsibilities at every level. We have solid foundations to build upon, for example, in the form of Better Hearings groups, CPCs and Children's Services Planning arrangements which have enabled the setting of agreed local priorities while respecting individual statutory duties and upholding the rights of children and their families.

Elliot Jackson, National Convenor of the Children's Panel and CEO of CHS and Neil Hunter, Principal Reporter and CEO of SCRA and local authority Chief Executives represented by SOLACE have agreed to lead delivery of the plan and enable the following actions to aid recovery :

*To note the recovery planning being put in place for the hearing system and support the need to work together locally to advance and deliver recovery*

*Local Authority Chief Executives to consider within their own Localities whether there are high quality, child- friendly accommodation options available that can host Children's Hearings during the current physical distancing constraints and add to our overall local capacity.*

*Consider what we can do together to recover better and mainstream improvements such as:*

- *streamlined Social Work reports for hearings*
- *provide personalised approaches to supporting children, young people and families before, during and after hearings*
- *improved long term access to helpful, meaningful digital tools for children, young people and families to aid participation in decision making*

*Support local joint approaches to workforce learning and development to ensure that our workforce, including volunteer panel members have the required digital skills, competence and confidence to optimise the use of current and future platforms and technologies for quality hearing as well as an*

**Appendix 1**

*improved ability to directly and proactively support children, young people and their families to maximise the opportunities of wider choice and enablement*

*To work differently to enhance recovery capacity – for example by exploring flexible working to enable evening and weekend hearings.*

These build on the foundations of the national Better Hearings programme and associated standards, which have the full commitment and agreement of all CHIP partners.

We are asking each agency partner with a part to play in enhancing families’ experience of hearings to pool effort and resources to enable implementation:

**To progress the Recovery plan all system partners are asked to do the following:**

1. Inter-agency collaboration is fundamental to recovery. Inter-agency understanding is key to plans that are realistic and sustainable for all partners. Investment in local partnerships will provide the confidence and context for development and delivery of innovation.
2. All agencies, and in particular local authorities, Police Scotland and Education Scotland, are encouraged/should commit to review existing referrals processes; ensuring alignment with the CHIP Guidance on Referral to the Reporter. <https://www.chip-partnership.co.uk/wp-content/uploads/2016/02/Guidance-on-Referral-to-Reporter-.pdf>
3. Continued focus on and delivery of the Better Hearings standards across Scotland, through our existing local partnership arrangements.
4. From the start of 2021, the Scottish Courts and Tribunals Service (SCTS) will prioritise children’s referral proceedings across all six Sheriffdoms.
5. Scottish Government will provide practical support and consider requests for financial support for the testing, development and implementation of innovative practices that assist recovery of the Hearings system, protect children’s rights and in so doing fit well with realisation of the Promise.
6. Early and Effective Intervention (EEI) processes and approved projects should be sufficiently and sustainably resourced.
7. Partners in each local area should work together to align and synchronise complimentary technologies, and to support children and families to connect to virtual Hearings.
8. Every participant should work in partnership to ensure effective and lawful streamlining of information submitted to Children’s Hearings. Information shared should be proportionate and necessary for the purpose of making decisions in children’s best interests.

In line with the above actions it is anticipated that areas for local exploration will include:

Exploration	Benefits
Working with the Promise Team to align our recovery planning with the Promise	National buy in and support for recovery planning that respects the rights of children and people with lived experience and includes them in our planning
The use of one digital platform for hearings and exploration of the availability of a digital platform that is easily accessible to all agencies, children and their families, across a local authority area	<ul style="list-style-type: none"> <li>▪ Easier input for children and families to decision-making</li> <li>▪ Assist rapid multi-agency discussion and decision-making</li> <li>▪ Avoid delay</li> <li>▪ Eliminate digital divide</li> </ul>

**Appendix 1**

<p>Explore the ways in which multi and single agency information is gathered and presented for children’s hearings e.g. the use of a simplified report format for hearing; inclusion of child friendly summaries/CSOs</p>	<ul style="list-style-type: none"> <li>▪ Ensure reports reflect the views of children</li> <li>▪ Ensure reports reflect the views of siblings</li> <li>▪ Support sound decision-making</li> <li>▪ Provide readily understandable reports for children and young people, minimising unnecessary historical information.</li> </ul>
<p>Consider single agency referral procedures; assess current practice and refresh where necessary</p>	<ul style="list-style-type: none"> <li>▪ Supports are available at the right time for children and families</li> <li>▪ Appropriate referrals are made in a timely fashion to address care and protection needs and</li> </ul>
<p>Assess local multi-agency processes for the early screening of referrals/put in place a local multi-agency screening protocol</p>	<ul style="list-style-type: none"> <li>▪ Consistency of referral practice</li> <li>▪ Early consideration of supports for families</li> </ul>
<p>Review local authority EEI processes/develop a framework to support multi-agency EEI screening</p>	<ul style="list-style-type: none"> <li>▪ Early supports for children</li> <li>▪ Swift resolution for victims</li> </ul>
<p>Develop bespoke approaches to supporting children, young people and families before, during and after hearings</p>	<ul style="list-style-type: none"> <li>▪ Provide responsive and timely support for children and families throughout the hearing process</li> </ul>
<p>Continue to improve access to digital tools for children, young people and families</p>	<ul style="list-style-type: none"> <li>▪ Increase participation in decision making</li> </ul>
<p>Support local joint approaches to workforce learning and development</p>	<ul style="list-style-type: none"> <li>▪ Ensure our workforce, including volunteer panel members, have the skills, competence and confidence to make evidence-based decisions to improve the lives of children including in the context of the current global pandemic</li> </ul>

**Governance and Oversight of Progress**

- Oversight of this work will lie with the \_\_\_\_\_ CHIP Group.
- Quarterly update reports will be considered by the Strategic CHIP Group, will link into the proposed quarterly baseline review for the plan and act as a regular invitation for CHIP partners to provide suggestions on the plan's content.
- A short monthly bulletin will update the Strategic CHIP group on key issues raised and resolved in that period, and look forward to the succeeding month.

DRAFT

## Finance Report: 2020/21 forecast outturn

<b>Accountable Director:</b>	Director of Finance
<b>Report author:</b>	Ross Mackenzie
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	Equalities Impact Assessment Required
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### 1 Background, summary and recommendation

- 1.1 The revenue grant in aid (GiA) allocation for CHS for 2020/21 is £5.004m, comprising £4.629m original resource plus in-year support from Sponsor Team, of which £0.375m is forecast as revenue. The Board approved a revenue budget of £4.688m in March 2020, anticipating £59k of carried-forward resource underspend from 2019/20. Of the in-year support of £0.375m, £0.335m has been allocated to budget lines, resulting in a total revenue budget of £5.023m.
- 1.2 SCRA's organisational recovery bid to Scottish Government (SG) includes £60k to facilitate digital training. It was previously anticipated that this would transfer to CHS as part of the Spring Budget Review (SBR), but this will now be put into the wider resource budget to support CSAS+ activity.
- 1.3 The capital GiA allocation for CHS for 2020/21 is £175k, comprising £50k original resource plus £125k in-year support from Sponsor Team. This excludes carry forward of around £80k.
- 1.4 The revenue underspend forecast below is £376k. Following a review of priorities and what SMT sees as mission-critical to supporting and enabling volunteers and the Hearings System in light of the pandemic, SMT are considering provision of devices to enable the 2021 trainee cohort to efficiently undertake online pre-service training and facilitate their ability to join the panel and actively support the recovery plan. If determined appropriate, this would go to Sponsor Team for approval regards budget reallocation, in time for the SBR in the first week in December.
- 1.5 The Board is also asked to note the revenue, capital and digital funding positions.

### 2 2020/21 Revenue Forecast

- 2.1 The Variance YTD (Year To Date) underspend has mostly arisen from the impact of coronavirus and the rescheduling of the panel member recruitment campaign to January 2021.
- 2.2 The forecast **staffing** spend continues to reflect previous decisions around recruitment to new posts, vacancies and absences. These include the Digital Technical Lead, Independent Reports Lead, Business Support Assistants, Children's Rights and Inclusion Coordinator, Data Evidence Lead and Programme Manager. Although the decisions are mostly in-year or self-funding, the Depute Chief Executive (DCE) has identified that around £95k may be required in 2021/22 to enable ongoing staffing support to support continued covid response and recovery.

2.3 Staff **training, travel and subsistence** (T&S) are anticipated to be underspent due to coronavirus. Around 9 months' T&S costs anticipated to be saved at this point, partly offset by planned spend on leadership development and project management training to support the CHS improvement programme.

#### Finance Report as at 31 October 2020

	Actual YTD Period 7	Variance YTD Period 7	2020/21 Annual Budget	2020/21 Forecast	2020/21 Forecast Variance	2020/21 Forecast Variance
	£000	£000	£000	£000	£000	%
Staff	1,057	+11	1,803	1,951	+148	+8.2
Board	34	+9	50	50	+0	+0.0
Training, travel and subsistence	18	-33	99	79	-20	-19.9
Property	29	-24	107	107	+0	+0.0
Other Operating Costs	33	+12	70	63	-7	-10.4
ICT Costs	231	+51	350	335	-15	-4.4
Corporate Costs	16	-5	98	161	+63	+65.0
Panel and AST Expenses	8	-327	669	321	-348	-52.1
Panel and AST Training	418	-102	1,272	1,010	-262	-20.6
Support for hearings	9	-100	202	120	-82	-40.8
Volunteer recruitment	0	-191	207	282	+75	+36.2
PVGs	1	-4	30	30	+0	+0.0
AST Devolved Funding	1	-32	66	171	+105	+159.1
Income	0	+0	0	-33	-33	-
<b>Total</b>	<b>1,855</b>	<b>-735</b>	<b>5,023</b>	<b>4,647</b>	<b>-376</b>	<b>-7.5</b>

2.4 Aside from the annual SCOTS charge (£35k), small corporate software spends (£21k) and website hosting charges (£30k), the **ICT** forecast comprises:

- £63k, predicted legacy costs for MS Azure and O365 licences
- £64k, a half-year of Enterprise Agreement costs, and
- £122k, a half-year of cost-sharing the Leidos Support Contract, development licensing and hosting with SCRA.

2.5 **Corporate costs** includes 15 shared service drawdown days from SCRA (£5k) and consultancy (£8k).

2.6 The scale of **Panel and AST expenses** underspend, arising from coronavirus, depends heavily on the timing of the resumption of physical Hearings, but around 6 months' volunteer expenses are anticipated to be saved at this point, notwithstanding the costs of addressing the backlog.

2.7 The **Panel and AST training** budget included around £339k to cover the cost of venue hires, volunteer overnight accommodation and other costs arising from Change Control Notices (CCNs). With minimal face to face training currently, and no pre-service training before April, savings of around £300k are likely. This is notwithstanding measures to support the move to online learning of the CHSLA prospectus. Mitigating this underspend are plans to

secure the support of the SG Healthcare Improvement team to support improvement activity and development; development of e learning modules to include MS Teams, the Hearing Information Pack (HIP) and materials to support virtual recruitment activity including films to attract and support potential applicants and materials to support trainee induction and on boarding.

2.8 The **Support for Hearings** budget included:

- £44k for local multi-agency events;
- £50k for the Connecting the Community initiative;
- £85k provision for Independent Reports; and
- £21k for Participation and Engagement.

The local multi-agency events are now expected to comprise two 2-day events of around £10k each. Connecting the Community has been scaled back to £10k following a move to virtual implementation. 6 months' savings are now anticipated on Independent Reports (£42k).

2.9 The panel member **recruitment** budget is still anticipated to be spent out with the financial year. Additional provision (£75k) has now been made for an Information Evening video, increased media buying provision to support attracting a high volume of applicants and external support for virtual welcome evenings in order to support local teams.

2.10 Opportunities for ASTs to spend **devolved funding** directly are more restricted this year. However, recognition is a key priority to demonstrate appreciation for all CHS's volunteers which ASTs are taking forward locally (£90k) alongside facilitated local improvement events in clusters (£30k).

2.11 Senior team members continue to meet with SG Sponsor team every month to review the impact of covid-19 on finance and resources.

2.12 The £0.375m in-year revenue funding was initially requested to recruit to a Digital Support Lead, offer pastoral support to volunteers, additional digital project support costs, leadership support and development and volunteer training for trauma-informed training. The first four of these continue to progress, with the net underspend of £376k principally arising from non-recurring savings due to the lockdown earlier this year and the gradual return to face-to-face Hearings and training.

2.13 There are a number of options around the £376k underspend reported above:

- i. capital purchase of devices to support recovery;
- ii. further revenue spend projects to allow responses to changing Covid landscape;
- iii. Sponsor Team may agree to a modest carry-forward to ease 2021/22 pressures;
- iv. the underspend is returned to SG;
- v. a combination of all four of the above.

Regards (iii), SG Finance has indicated that the government-wide position on revenue is extremely challenging, however SMT will pursue discussions with Sponsor Team on this option. Regards (ii), SG Finance has also confirmed that revenue projects should not be undertaken unless they are mission-critical: SMT is of the view that it needs to be in a

position to respond to changes in the covid landscape, including the impact of new lockdowns.

Following the Board meeting, options (i)-(iii) will be discussed with Sponsor Team and SG Finance. At this stage SMT's preferred option is (i), a transfer of the in-year revenue resource (£0.375m as stated in paragraph 1.1) to capital, as detailed further in section 3.

### 3 2020/21 Capital Forecast

3.1 CHS's original capital resource, including £80k carry-forward, was £130k. The £125k additional resource referred to in 1.3 gave a total of £255k available resource. The September Board report advised that this was allocated as follows:

- £40k, devices for volunteers (phase 1 pilot)
- £140k, devices for volunteers (phase 2)
- £5k, devices for staff
- £20k spend on Thistle House to maximise virtual connection and interaction once staff and training begins to return to the office.

The remaining £50k was unallocated, with SMT planning to deploy the unallocated spend on further technology for Thistle House, in order to maximise virtual connection and interaction once staff and training begins to return to the office, and on accelerating the volunteer devices rollout if feasible.

	Actual YTD Period 7	2020/21 Budget	2020/21 Forecast	2020/21 Variance
	£000	£000	£000	£000
<b>Within current funding</b>				
Devices for volunteers (Phase 1 pilot)	36	40	36	(4)
Devices for volunteers (Phase 2)	0	140	140	0
Devices for staff	0	5	5	0
Thistle House technology	0	20	20	0
Unallocated	0	50	50	0
	<b>36</b>	<b>255</b>	<b>251</b>	<b>(4)</b>
<b>Additional commitments</b>				
Community devices (PPAs and Panel Members)		140	140	0
Devices for staff (tablets, SCOTS refresh)		26	26	0
7 Non-SCOTS devices (SCIL and PowerBI)		4	4	0
		170	170	0
<b>Grand total</b>	<b>36</b>	<b>425</b>	<b>421</b>	<b>(4)</b>

3.2 Since September the Board have approved additional spend on community devices to support 2020/21 recruitment activity (£140k) and SMT approved small purchases for national team technology refresh. In budgetary terms this requires transfer of funding from revenue to capital. This would reduce the revenue underspend from £376k to £206k.

- 3.4 **Chromebooks for pre-service trainees** are under consideration to support a fully online pre-service training requirement and enable fast deployment to virtual hearings to support recovery plans. Current estimates indicate that 750 devices may be required for this year's trainee intake. The Business Case would address the risks of scaling up the current device estate, identifying any recurring revenue budget implications arising from the management of this estate. A Business Case would be submitted to the Board for offline approval subject to discussion with Scottish Government about utilising remaining revenue underspend or securing additional capital funding.

#### 4 Digital Programme

- 4.1 The allocation of Digital funding is below.

	<b>Budget 2020/21 £000</b>	<b>Forecast 2020/21 £000</b>	<b>Variance 2020/21 £000</b>
CSAS Development	135	135	1
Transition Costs	192	192	0
Support Costs	257	257	(1)
Licence Costs	293	293	0
Hosting Costs	85	85	0
Contingency	181	181	0
Organisation contributions	(147)	(147)	0
Internal Costs	96	96	0
Agency staff costs	28	28	0
<b>Sub-total</b>	<b>1,120</b>	<b>1,120</b>	<b>0</b>
<b>Additional in year funding</b>			
CSAS Core Development	75	75	0
Digitizing hearing room capacity	140	140	0
Improving connectivity	125	125	0
Digital training	60	60	0
<b>Total</b>	<b>1,520</b>	<b>1,520</b>	<b>0</b>

- 4.2 The Digital funding, excluding carry forward, is £1m, of which £250k is revenue and £750k is capital. Sponsor Team and Scottish Government Finance have been advised that allocations of £750k revenue and £250k capital are likely to be required due largely to the longer period of dual systems running in 2020/21.
- 4.3 The available budget includes £120k carry forward from 2019/20. The initial forecast submitted by the Programme Director confirms spend is on track for this year. The table reflects the new projects funded from the additional £400k in year grant provided by the Scottish Government.

#### 5 Conclusion

- 5.1 The Board is asked to approve in principal the development of a Business Case to purchase devices for pre-service trainees to support recovery plans. The Board is also asked to note the revenue, capital and digital funding positions.

**CHS 5 Year Strategic Financial Plan 2020/21 – 2025/26 – Revised - Cover Note**

**Accountable Officer:** Elliot Jackson, NC/CEO  
**Report author:** Lynne Harrison/Ed Morrison  
**Recommendation:** To approve the revised 5 year strategic Financial Plan  
**Resource Implications:** Resources Required  
**Equalities duties:** Equality Impact Assessment Required /NO

**1. Introduction / Purpose:**

In line with the Scottish Government spending review cycle, CHS has prepared an updated 5 year strategic financial plan outlining the projected resources required to support the organisations strategic vision and direction to:

1. Better Protect and Uphold the rights of children
2. Deliver consistently high quality hearings
3. Continue to build an effective, empathetic panel that is well supported
4. Be well informed and influential in our environment and communities

This paper identifies the forecast the resources required from 2020/21 – 2024/25, aligns CHS’ strategic ambitions to resources and identifies the requirement for both capital and revenue resources over the period. The paper also reflects the impact of Covid on current operations and this as move forward into recovery.

The plan was approved at the September 2020 Board meeting. Further to approval the CHS Management Team have engaged with and received feedback from Scottish Government with regards to budget forecast and expectations for 2021/22 which has resulted in the following revisions identified in Table 2. The fully revised plan is identified in Appendix 1:

**Table 1: Original Projection**

	<b>2020/21 Revised</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
	<b>‘000</b>	<b>‘000</b>	<b>‘000</b>	<b>‘000</b>	<b>‘000</b>	<b>‘000</b>
<b>Staff</b>	1,803	2,122	2,208	2,297	2,390	2,390
<b>Vol Training</b>	1,272	1,214	1,264	1,214	1,214	1,214
<b>Vol Expenses</b>	669	669	669	669	669	669
<b>Vol Recruitment</b>	207	182	307	200	200	200
<b>Vol Support</b>	315	366	274	282	290	290
<b>Vol Support IT</b>	350	443	456	470	484	484
<b>Corporate</b>	300	282	284	286	288	288
<b>Property</b>	107	108	109	110	111	111
<b>Revenue Total</b>	<b>5,023</b>	<b>5,386</b>	<b>5,571</b>	<b>5,528</b>	<b>5,646</b>	<b>5,646</b>
<b>Capital</b>	175	570	570	570	620	620
<b>Total</b>	<b>5,198</b>	<b>5,956</b>	<b>6,141</b>	<b>6,098</b>	<b>6,266</b>	<b>6,266</b>

In anticipation of the impact of Covid expenditure on availability of SG finances, Table 2 identifies a revised projection based on an assumption of flat cash in 2021/22.

**Table 2 – Revised Projection**

	<b>2020/21 Revised</b>	<b>2021/22 Revised</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>
<b>Staff</b>	1,803	2,122	2,208	2,297	2,390	2,390
<b>Vol Training</b>	1,272	1,014	1,264	1,214	1,214	1,214
<b>Vol Expenses</b>	669	619	669	669	669	669
<b>Vol Recruitment</b>	207	182	307	200	200	200
<b>Vol Support</b>	315	266	374	282	290	290
<b>Vol Support IT</b>	350	443	456	470	484	484
<b>Corporate</b>	300	282	284	286	288	288
<b>Property</b>	107	108	109	110	111	111
<b>Revenue Total</b>	<b>5,023</b>	<b>5,036</b>	<b>5,671</b>	<b>5,528</b>	<b>5,646</b>	<b>5,646</b>
<b>Capital</b>	175	300	570	570	620	620
<b>Total</b>	<b>5,198</b>	<b>5,336</b>	<b>6,241</b>	<b>6,098</b>	<b>6,266</b>	<b>6,266</b>

The revised 2021/22 figures are achieved as follows:

- Forecast of £200k savings from volunteer training available through bringing increased content online. Writing off savings will prevent their re-investment in the volunteer training programme to both develop additional training to meet the requirements of The Promise and improve the online learning experience for volunteers.
- A 50k reduction in volunteer expenses in anticipation of increased virtual local learning and events and residual impact of covid on attendance at Face to Face hearings.
- A reduction of £100k, identified to enable research into the volunteer model (see Section 8 of the Financial Plan).
- A reduction of £270k capital expenditure through reducing the planned supply of devices to 100 to the volunteer community in 2021/22.

We will continue to engage with Scottish Government to determine budget positions for 2021/22 and to monitor and utilise our resources carefully and creatively over the course to ensure best value and the delivery of outcomes that will improve the life chances of children and young people.

## **2. Recommendation**

The board are asked to approve CHS' revised 5 year strategic Financial Plan 2020/21-2025/26.



## **CHS 5 Year Strategic Financial Plan 2020/21 – 2025/26 - Revised**

### **1. Introduction**

- 1.1 In line with the Scottish Government spending review cycle, CHS has prepared an updated 5 year strategic financial plan outlining the projected resources required to support the organisations strategic vision and direction and how this will meet the Scottish Government Programme for Government objectives of Wellbeing and Impact of Child Poverty.
- 1.2 In 2019 the Independent Review of Care reported its findings – The Promise. This identified requirement for transformational change of Scotland’s approach to Care and will have a significant and lasting impact on the Children’s Hearings System. The scale and detail of the change is the most significant reform since Kilbrandon in the 1960’s. CHS will play an active role in influencing, development and testing of these plans, however the detailed shape and impact of these plans. CHS have reflected The Promise findings through our strategic planning and identified resource requirements for the anticipated change required, however the full ongoing impact for CHS is currently not yet known and as the work of The Promise develops further investment may be required to meet change requirements.
- 1.3 CHS has launched an ambitious strategic outlook and Corporate and Business Plan for 2021 – 24. This plan is based on a reform agenda and scaffolded around 4 key themes which the Board has discussed and evolved during strategic workshops and development sessions in 2019:
  1. Better Protect and Uphold the rights of children
  2. Deliver consistently high quality hearings
  3. Continue to build an effective, empathetic panel that is well supported
  4. Be well informed and influential in our environment and communities
- 1.4 CHS believe the only way to ensure we achieve the ambitions for transformational change in the hearings system is to create and implement a high performing Improvement culture throughout CHS. We will adopt new ways of working alongside our volunteer community, embrace tests of change and utilise data and evidence to inform our decision making, influence partners and deliver improvement. This will require investment in new skills and expertise alongside training of our current staff and community to enable an expert National Team with a stable staffing complement to deliver reform. This detail is linked directly to our strategic outlook 2020-23.

- 1.5 The 5 year strategic financial plan identifies the resource requirements required to support delivery against these 4 strategic themes and our ambitions that in doing so CHS:
1. Occupies an influential leadership space that promotes Children’s Rights, the Hearings system and shapes National policy and practice with partners
  2. Embraces technology to deliver a modern participative approach to hearings
  3. Supports a diverse volunteer community, with substantial representation from those with lived experience of care
  4. Provides sector leading support to volunteers to enable them to make life changing decisions that ensures Scotland is the best place to grow up .
- 1.6 Whilst the plan endeavours to capture the investment required to enable the anticipated organisational responses that will be required by The Promise team, as their work unfolds there may be additional requirements that have not been factored into resource requirements. Should these arise, resource requirements will be discussed with SG colleagues and if required, appropriate business cases submitted.

## **2. Challenging Operating Context**

- 2.1 The impact of Covid-19 in 2020/21 to the hearings system has been significant. Activities required for resilience response and recovery planning including the implementation of virtual hearings has delayed some of the reform and staffing ambitions previously identified for action in 2020/21. These have also necessitated the rapid procurement of technology to support Panel Members digital engagement and participation in virtual hearings.
- 2.2 The impact on current operations is significant and challenging;
- Panel Member engagement is down by approx. 50%, volunteers impacted by Covid through family circumstance; childcare; employment or access to technology.
  - Panel Member availability is restricted also through impact of restrictions on our older community, in particular over 70’s who are currently prevented from attending face to face hearings due to the health risk of Covid.
  - Virtual hearings have been adopted. This has required significant training for our community, adoption of new technology and provision of devices to enable effective participation.
  - The quality assurance remit of our Panel Practice Advisers has been paused, due to the limitations of the virtual tools on offer
  - Panel Members are suffering fatigue as virtual hearings can be challenging and intense.
  - Area Conveners and AST volunteers, working alongside Area Support and Improvement Partners have been undertaking significant intense activity to resource hearings, liaise with local partners to support system activity; identify and secure face to face venues to support recovery; influence CHS resilience

response and support their local volunteer communities. This has represented a significant uplift in their hours of volunteering.

- Driving an organisational response to a global pandemic through volunteers is unsustainable. The potential impact of this is discussed in Section 6.

- 2.3 The financial impact of Covid-19 on CHS' operations is being closely monitored including through ongoing monthly meetings with the SG sponsor team. Whilst in year savings are anticipated through e.g. reduction in volunteer expense claims or cost of face to face training, it is anticipated that these will be recycled to support CHS resilience activity such as developing robust online alternatives to training including pre-service.
- 2.4 In year savings in areas such as volunteer expenses may in fact be pushed as increased costs into 2021/22 as we expect to see an uplift in hearing activity both due to recovery planning but also from a potential uplift in referrals due to the impact of lockdown on children and families across Scotland. The economic impact of Covid on our volunteer community cannot be underestimated, this is likely to result in increased claims from those who in the past have chosen not to claim as part of their volunteer contribution.
- 2.5 Due to the impact on our volunteer community we have invested £10k in expert wellbeing support through a third party to ensure they have fast and direct access to support services including confidential counselling. This is anticipated to be an ongoing annual investment in line with the Scottish Government's commitment to wellbeing.
- 2.6 Virtual hearings and online digital systems remain a necessity for recovery – likely to remain until at least November '21. Ensuring participation will require sustained Capital investment to enable a wider pool of virtual panel members equipped with appropriate skills and technology to support effective participation.
- 2.7 As we move into the winter months, there remains ongoing uncertainty surrounding the impact of Covid-19 on current and future societal norms and Hearings System operational requirements. CHS recognise that this coupled with uncertainties around the impact of Scottish Government Covid-19 support packages on their broader financial envelope will require close monitoring and flexibility in financial and strategic planning as we move forward.

### **3. Summary**

- 3.1 Our 5-year financial strategy has been written through the identified reform lens and in cognisance of the impact of Covid-19 in 2020/21 and seeks support and ongoing funding to shape our service to meet the likely changes required.
- 3.2 In cognisance of these factors and the current GIA allocation levels, identified additional resource needs have been articulated as fixed term resources. It must be

recognised that although this promotes financial flexibility, this is significantly challenging for recruitment and retention. Resource decisions will continue to be achieved through internal governance arrangements of budget challenge and review and through establishment business cases approved by Senior Management.

**Projected Resource Requirements:**

3.3 The following table shows the approved budget for 2020/21 and the projected budget requirements for the following 5 years. The 5 year plan forecasts consolidation of 2020/21 additional in year funding in future years baseline GIA to be allocated between revenue and capital dependent on requirements.

	<b>2020/21 Revised</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>
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<b>Vol Support</b>	315	366	274	282	290	290
<b>Vol Support IT</b>	350	443	456	470	484	484
<b>Corporate</b>	300	282	284	286	288	288
<b>Property</b>	107	108	109	110	111	111
<b>Revenue Total</b>	<b>5,023</b>	<b>5,386</b>	<b>5,571</b>	<b>5,528</b>	<b>5,646</b>	<b>5,646</b>
<b>Capital</b>	175	570	570	570	620	620
<b>Total</b>	<b>5,198</b>	<b>5,956</b>	<b>6,141</b>	<b>6,098</b>	<b>6,266</b>	<b>6,266</b>

3.4 The table in 3.3 identified expenditure to meet CHS' strategic aims. In anticipation of the impact of Covid expenditure on availability of SG finances, the below identified a revised projection based on an assumption of flat cash in 2021/22.

	<b>2020/21 Revised</b>	<b>2021/22 Revised</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>	<b>'000</b>
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<b>Revenue Total</b>	<b>5,023</b>	<b>5,036</b>	<b>5,671</b>	<b>5,528</b>	<b>5,646</b>	<b>5,646</b>
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- 3.5 The revised 2021/22 figures are achieved as follows:
- Forecast of £200k savings from volunteer training available through bringing increased content online. Writing off savings will prevent their re-investment in the volunteer training programme to both develop additional training to meet the requirements of The Promise and improve the online learning experience for volunteers.
  - A 50k reduction in volunteer expenses in anticipation of increased virtual local learning and events and residual impact of covid on attendance at Face to Face hearings.
  - A reduction of £100k, identified to enable research into the volunteer model (see Section 8).
  - A reduction of £270k capital expenditure through reducing the planned supply of devices to 100 to the volunteer community in 2021/22.
- 3.6 Opportunities to bring forward project activity impacted into 2020/21 will be actively pursued, in particular digital device provision, however this will be dependent on financial resource available and organisational capacity given Covid recovery priorities.
- 3.7 Given the scale and complexity, the project most at risk of not being able to be undertaken earlier is the volunteer model research, hence this requirement has been identified as a future need in 2022/23.
- 3.8 Given the potential non-recurring savings in 2020/21 due to the impact of the initial lockdown on activities, and SG's acknowledgement that the Hearings recovery plan will require funding in the first half of 2021/22 that might be challenging to meet from within flat cash resource, CHS will discuss with SG whether such potential in year underspend could be utilised to support activity in 2021/22. Moreover in the event that funding becomes available CHS will ensure we are in apposition to bring forward objectives that have been paused to meet budget requirements.

#### **4. Better protect and Uphold the Rights of Children and be well informed and influential in our environment and communities**

- 4.1 The next 5-years are an important time for CHS and the Children's Hearings system as a whole. Through working with The Independent Review of Care and now The Promise team, we are well placed to play a key driving role in some of the likely reforms that the 'whole system' in general will undergo. Covid-19 response and recovery planning enables a unique opportunity to work with partners and The Promise team to look to bring forward possible tests of change in line with CHS' reform ambitions. CHS will actively reach out to partners to drive and pursue these opportunities.
- 4.2 The impact of Covid-19 has required significant and expedient changes to the operation of the hearings system in 2020/21. These changes would not have been possible without the strategic and operational influence of the Area Support and

Improvement Partner (ASIP) roles working alongside Area Conveners locally. This has demonstrated that when appropriate resources are in place there is a capacity and appetite for significant change within the CHS community.

- 4.3 CHS are embracing improvement methodology to inform, implement and evaluate change in our work. The implementation of the ASIP roles and the Senior Management role of Head of Area Support and Community Improvement embeds improvement principles across the organisation. Initial work with CELCIS has already been undertaken in 2019/20 to identify improvement aims and upskill the organisation in improvement methodology. Although paused due to Covid-19, this work has now been re-started. CHS have also been successful in enrolling 4 (?) staff are in the SCiL cohort for 2020/21.
- 4.4 Successful improvement requires programme planning, data and evidence. The successful launch in 2020/21 of the new CHS Digital System will for the first time enable CHS to capture robust internal management information to support our improvement journey. There is currently limited organisational capacity and expertise to support improvement programme planning and data analysis and this is an identified resource need moving forward. CHS have restructured current vacancies to enable a short fixed term Data and Evidence post to be created during 2020/21 to support current digital and rights based improvement activity.
- 4.5 CHS makes an invaluable and appropriate contribution to the National Performance Framework where Scotland is the best place to grow up. CHS wants to be in the best position to satisfy the step change expectations voiced by care experienced children and young people of what they need from their hearing; embrace the lessons of evidence-based practice; and be informed by societal and scientific developments - now and in the future.
- 4.6 The UNCRC will now be fully incorporated into Scots law. The Hearings System, founded upon Kilbrandon principles, is an inherently rights based system, however we must ensure these rights are enacted fairly and consistently in hearings and across the wider system. CHS has launched an ambitious Rights and Inclusion Strategy to embed this work internally and established a Rights and Inclusion Officer (fixed term) role to drive this work forward, but more broadly we want to use our organisational capacity to further amplify the voices of those with lived experience and influence reform.
- 4.7 CHS therefore requires an organisational structure and skill base that can:
  1. Consistently lead and implement change and improvement across the CHS community.
  2. Influence and collaborate with partners to support change and drive improvements in the wider system.
  3. Implement organisational and technical investments in children's hearings provision including implementing enhanced local resources.
  4. Shift organisational culture to that of a rights based, learning organisation who are recognised externally as experts in our field.

5. Are digitally and technologically enabled

4.8 Staffing costs to deliver ambition include an increase of 4FTE staffing to widen expertise and capacity to deliver CHS' ambitions; increases to cover pay award, progression and superannuation costs over the 5 year period.

**5. CHS Embraces technology to deliver a modern participative approach to deliver consistent high quality hearings**

5.1 Scottish Government have invested in the digital future of the hearings system by enabling development of a joint digital platform for CHS and SCRA which CHS has launched in 2020/21. This system will improve outcomes through enabling capture of national and local management information that can be used to measure quality, inform policy and drive improvement.

5.2 The impact of Covid-19 has confirmed the importance of access to secure, robust digital systems for the ongoing operation of the hearings system.

5.3 The system has already proved invaluable to CHS' Covid-19 resilience response; in supporting and improving the volunteer experience during lockdown through the use of Microsoft Teams enabling simple and effective virtual connectivity and engagement and providing proof of concept for the stability of Teams as a platform for virtual hearings. As take up of the functional services increases, the system will aid sustainability by enabling volunteers across all our volunteering roles, to carry out their roles more effectively and efficiently.

5.4 To continue to build on this investment, resource of £250k/pa has been identified to support the ongoing support, maintenance and development of the new CSAS platform and CHS Community Hub. This programmes of work will continue to operate through the successful model that has delivered the platform; joint working relationships with SCRA, leadership of the Digital Programme Director and oversight of the Digital Assurance Office.

5.5 The future Hearings System is reliant on the ongoing use of digital tools to support both virtual hearings and the safe and sustained panel paper accessibility. This will require our panel community to be enabled with the digital tools and skills to contribute.

5.6 During 2019/20 and in 2020/21 significant investment has been targeted to upskilling our community digitally in readiness to accept our new digital systems. This effort has proved successful with the launch of the CHS Community Hub digital services and the ability of a cohort of our panel community to quickly embrace virtual hearings and associated technology.

- 5.7 Compensation to volunteers towards costs associated with accessing CHS digital systems has been formally ruled out by HMRC. Provision of devices therefore remains the only route to enable digital take up of our volunteer community.
- 5.8 A model for the fully managed provision of devices to enable functioning of the hearing system is being piloted in 2020/21 to 500 Panel members to support virtual hearing activity. This pilot will be evaluated to determine the success of both the implementation model and impact on Panel member participation. Assuming successful, the device provision model is planned to be expanded.
- 5.9 Capital costs of £320k/pa have therefore been identified to support provision of 800 fully managed devices per year to our community. CHS will work with Scottish Government and the relevant digital assurance agencies in shaping and implementing digital projects supported by the development of appropriate business cases for approval.
- 5.10 Provision of devices at this level of investment will result in complete resourcing of our community (at current levels) in 2024/25. This will require expectation setting to our community by the National Team. It is recognised some of our community may not require a device, having access to their own, however after communication of the 500 pilot we are now operating a waiting list as demand has been high. The level of provision will be kept under review. This investment actively tackles the Scottish Governments commitment to tackling digital poverty. Ensuring the provision of devices as we increase the diversity of our volunteer community to increase those younger and with lived experience.
- 5.11 Community Survey 2019 results identified a 5% drop vs 2017 (81% vs 86%) in agreement that there is an acceptable balance between volunteering and private life and a drop of 5% (78% vs 83%) that AST members have an acceptable workload. Access to devices for these key roles will fully support access to our new digital systems will reduce the time taken to undertake such roles and in addition will derive significant Management Information (observations, Training, Concerns/Complaints etc.) that will help identify and drive organisational improvement.
- 5.12 To deliver against objectives, this platform cannot remain static. CHS will require ongoing financial support to ensure future development of the digital programme for the hearing system to continue to build on and enhance current development. Further, new development will be required to support wellbeing and enable children and young people and families voices to be better and more consistently heard through engaging in more innovative ways with the hearing system.
- 5.13 Resource requirements to deliver this ambition include:
1. £320k per annum capital from 2021/22 to support digital take up amongst volunteers. This is based on provision of 800 devices per annum (3000 total volunteer community) to initially provisioning our community and ongoing managing a replacement programme. This assumes a successful pilot in 2020/21 and is in place of previously identified £186 pa revenue; £50k pa Capital

and cyclical £75k capital investment for an expense model and provision of devices to AST members. A Business Case will be submitted to the Board and Scottish Government in due course.

2. £250k pa from 2021/22 to support ongoing investment in the CSAS platform (5% of gross expenditure).

**6. CHS Continues to build a diverse, effective, empathetic panel that is well supported with substantial representation from those with lived experience of care:**

- 6.1 CHS wants to satisfy the step change expectations voiced by care experienced children and young people of what they need from their hearing; embrace the lessons of evidence-based practice; and be informed by societal and scientific developments.
- 6.2 We need a more diverse panel community who are enriched by greater presence of young people (<30) and those with lived experience. We recognise that to fulfil this ambition this will require bespoke recruitment activity and importantly that these groups will require additional consistent specialist support to safely and successfully complete pre-service training and contribute as an effective Panel Member.
- 6.3 The impact of Covid-19 on Panel Member availability has been significant; impact to home or work having an impact on the ability of individuals to commit to volunteering. Currently there are approx. 1100 active Panel Members. Whilst to date there has not been a significant impact on volunteer resignations this may evolve through the latter of 2020/21. In addition the impact of Covid-19 on businesses is and will continue to be significant which may in turn impact on willingness to release employees for the Children's Panel commitments. Longer term we are working to reduce the number of hearings however due to recovery planning this is not likely to be visible through 2022/23.
- 6.4 These combined factors may result in a need for greater recruitment and/or a greater number of serving Panel Members which may impact learning and development costs (pre-service) and ongoing expenses costs. As this risk has not yet been realised, this is not currently quantifiable and may be offset by the restructure of pre-service to a blended online/face to face model.
- 6.5 The impact of a no deal Brexit on ability to recruit volunteers is likely to be small, however will be closely monitored.
- 6.6 Resource requirements:
  1. Following a projected 3 year run of the current 'Values' campaign, an investment of £125k in 2022/23 to enable a planned creative refresh of the overall recruitment campaign.
  2. The provision of technology covered at 2.9.
  3. Annual investment of 10k to support Panel wellbeing.

4. £50k pa Investment in provision of an extended programme of training and support for young and lived experience trainees.

**7. CHS provides sector leading support to volunteers to enable them to make life changing decisions that ensures Scotland is the best place to grow up:**

- 7.1 As identified in 2.2, volunteer engagement due to the impact of covid is at record low levels; approx. 50% non-engagement of Panel members and our Panel Practice Advisors Quality Assurance activity paused since Mid March '20.
- 7.2 Following absence since March '20 and the significant changes to hearings operations and requirements, significant support will be required to re-engage those volunteers who are able to return to volunteering. This will include elements of re-training, pastoral/wellbeing support to re-integrate back into local AST communities and the return to what will be intensive period of activity for the hearings system as we strive forward in our recovery phase – which by latest predictions will run until November '21.
- 7.3 It is highly likely that not all volunteers may choose or be able to return. This may require increased numbers for recruitment in January 2020.
- 7.4 We need a more diverse community to meet the expectations of our children and young people but in addition to better enable a resilient and sustainable community as we move forward. A more diverse community will require more expert (trauma responsive) and consistent levels of support to both become Panel Members and be sustained in their role. This is likely to require a mandatory training model for all 3000 members of the CHS community.
- 7.5 The CHS Learning Academy (CHSLA), which was launched in January 2019, continues to deliver with a broad prospectus offering the CHS community and our partners, high quality learning. Our core focus remains upon improving outcomes and the hearings experiences; enabling an informed Panel community delivering consistent high quality decisions; and linking with partners across the hearing system to improve knowledge and understanding of best practice across the sector. The contract for provision for Learning Academy will be due for re-negotiation in 2020/21. This will also provide further opportunity for CHS together with the Scottish Government to consider the strategic direction of travel to ensure that the 'CHS Learning Academy' becomes a true resource for all partners in the sector.
- 7.6 The CHSLA will play a pivotal role in achieving the ambitions for change we have identified. To meet our ambitions, expectations of The Promise and upcoming legislative change such as 17/18 year olds within the hearings system, we need a range of expert Panel Members who have both breadth and depth of knowledge and skills in a range of topics including: Trauma, Rights, Neurodiversity, Legislation, Child and Adult development.

- 7.7 Committing the time and effort to achieving this level of expertise and skill will take not only significant organisational resource but is a significant ask of a volunteer and it remains to be determined if this is sustainable moving forward, as identified in Section 6.
- 7.8 For young people with limited work or life experience or those that have lived experience of care wishing to become Panel Members, we propose a sustained programme of on-boarding and support to prepare them to undertake and successfully complete pre-service training. This will be developed under the umbrella of the CHS Learning Academy and encompass a breadth of training and support to enable individuals to develop the skills and abilities they will require to complete pre-service training and become effective Panel Members.
- 7.9 Individual hearings can be difficult and complex and Panel Members can be exposed to a significant number of hearings every year. For all volunteers but particularly those with lived experience of care, access to expert and consistent support is required to ensure volunteer wellbeing and resilience. In 2020/21 and in recognition of the additional impact of Covid-19 on our community, CHS invested £10k to secure the support of Health Assured to provide an annual assistance package for all our volunteers. This has been well received and whilst it will be kept under review is likely to be an ongoing need. This will be coupled with proactive engagement with AST members who will provide ongoing operational support & advice.
- 7.10 The Community Survey in 2019 identified an increase in volunteers who feel they are 'out of pocket as a result of volunteering' (22% vs 16% 2017) with only 56% stating the process of claiming is easy and straightforward. The financial impact of Covid-19 has also been significant for some individuals, there may be an increase in volunteers claiming expenses who have previously chosen not to do so. We will be actively promoting the online expenses service to our volunteers to encourage expenses to be claimed. We have projected an increase in volunteer expense costs of 25% vs 2019/20 claimed levels from 2020/21 which we anticipate will sustain at this level moving forward.
- 7.11 Resource requirements to deliver this ambition include:
1. An ongoing investment of 30k pa from 2021/22 to reflect anticipated uplift in mandatory training requirements to meet delivery of The Promise. This will be delivered online wherever possible.
  2. From 2021/22, a 50k annual investment to support new young/lived experienced Panel members to take up the role and ongoing provide consistent and high quality trauma informed support to enable them to safely contribute in the long term.
  3. Annual 10k investment in a Volunteer wellbeing programme.
  4. The provision of technology covered at 2.9.
  5. Large scale change management events with CHS community and partners to enable the Promise change implementation
  6. We have factored a 25% increase in Expenses costs from 2020/21

## **8. The Volunteer Model**

- 8.1 The Independent Review of Care Report – The Promise, provides a question of whether a volunteer model remains fit for purpose for the children’s hearing system. CHS is committed to keeping The Promise and has identified that this will be explored as part of our journey through our 2020 – 23 Strategic Outlook. This will require a detailed research and analysis of the requirements and expectations of Children’s Panel Members in the post Care Review context, significant exploration of alternative models, scenario planning, tests of change and considered decision making. This will require injection of investment at key points, likely to be in the region of 100k.
- 8.2 Should it be identified that the volunteer proposition or aspects of it are no longer viable this will have a significant and long term impact on the operation of the organisation, including consideration of the impact on Quality Assurance approaches, also currently conducted through a volunteer model and the overall financial resources required for operation. It is not currently possible to determine the scale of these so they have not currently been factored into the 5 year plan, however it is important to identify this may be a significant future need which will require significant engagement with SG colleagues and of which more detail can be articulated in due course.
- 8.3 Given the impact if funding is not available we will seek to secure additional resource through a bid to The Promise partnership.

## **9. Risks**

- 9.1 Financial risks are identified as:
  1. No consolidation of additional in year 2020/21 funding;
  2. The continuation of one year Grant In Aid funding agreements from Scottish Government, inhibiting organisational ability to meet The Promise; and
  3. Continued uncertainty on the impact of Covid-19 on hearing system operation including Panel Member retention and availability.
  4. Implementation of The Promise and change requirements of the Children’s Hearing System, which may require additional, unplanned, investment.
  5. Sourcing of funding to support digital take up amongst our volunteer community (devices).

## **10. Savings and Efficiencies**

- 10.1 We will continue to actively seek opportunities for savings across the period, including:
  1. Following successful transition into new premises in Thistle House, CHS utilised internal training and meeting room facilities (instead of private estate) for forums, meetings and training (including CHSLA activity).

2. Use of virtual and online tools to support engagement and learning and development where appropriate, reducing face to face interaction to focus on skills development.
3. Staffing costs will be closely monitored and opportunities for savings managed throughout the period to meet an annual 3.55% savings target.
4. Management of IT costs during transition from old to new systems in 2020/21 will be actively managed to minimise costs of running old and new systems in parallel. The budget from 2021/22 is based on the running costs of the new systems.

## **11. Conclusion**

- 11.1 In recognition of the size of the planned reforms for the hearings system this 5 year plan reflects a modest average revenue growth of 2.5% per year.
- 11.2 As this paper identifies, the next few years will be challenging for the Hearing System and CHS as we move from Covid resilience response to hearings systems recover and begin to implement our 2020-23 strategic ambitions and commitment to The Promise.
- 11.3 CHS do not view recovery and transformation as sequential; through recovery there will be opportunities to bring forward test of change to advance and inform our change journey. We will both pursue these and embrace them.
- 11.4 There remains high levels of uncertainty both in terms of the ongoing impact of Covid but in addition the impact of the implementation that the Promise may have on the structure and operation of CHS and the Hearing System, particularly for our volunteer community.
- 11.5 We will continue to monitor and utilise our resources carefully and creatively over the course to ensure best value and the delivery of outcomes that will improve the life chances of children and young people.
- 11.6 There may be further requests for information, in particular to support the Governments budget planning for next year, and SMT will respond to these and keep Board members informed.

## CHS Scottish Government Framework Document

**Accountable SMT member:** Lynne Harrison, Head of Strategy, Development and DCE  
**Report author:** Lynne Harrison, Head of Strategy, Development and DCE  
**Resources implications:** Within available resources  
**Purpose:** For Approval  
**Equalities duties:** Equalities Impact Assessment Required

Yes?                       No

### 1. Background

- 1.2 As a Non-departmental public body and under the terms of the Scottish Public Finance Manual, CHS is required to abide by the terms of a Framework Document (Appendix I) which sets out the terms of operation of CHS.
- 1.3 The Framework document is required to be reviewed annually. The document was fully reviewed in 2019.
- 1.4 CHS have in 2020/21 taken responsibility for the administration of Independent Reports for the hearing system, including the recruitment and appointment of Independent Report Writers.
- 1.5 To reflect this it is proposed the following text, developed in partnership with the Scottish Government Sponsor team, is inserted into the document at Section 5, Page 3.

#### Independent Reports

Rule 61(1)(b) of The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013 (‘the 2013 Rules’) enables a children’s hearing to require the Reporter to obtain any report they consider necessary for the hearing’s decision. This can include any report on a specified matter – usually referred to as an ‘independent report’, although ‘independent’ is not explicitly referred to in the Rules. The Reporter will direct any requests to CHS.

CHS will put in place arrangements to respond to requests made for ‘independent reports’ including sourcing a report writer, ensuring that the submitted report is done within agreed timescales and to standards specified at the outset of the process. CHS will put in arrangements for payment and provide regular quarterly updates to Scottish Government. Scottish Government will ensure sufficient ‘grant-in-aid’ is made available.

CHS will continue to review the provision of ‘independent reports’ to hearings to ensure effective operation of the process. Including ensuring:

- a credible and stringent process for recruitment with a diverse pool of report writers

- regulation of the provision of reports
- setting timescales, standards and commissioning procedures
- transparency and control of costs.

The last significant review of the Framework Document was undertaken in 2018 and its tri-annual review by Scottish Government is due by March '21. We will pick up this work with Sponsor Team and a revised document will be presented for Board approval in March.

## **2. Recommendation**

2.1 To approve the Framework Document.

**CHILDREN'S HEARINGS SCOTLAND**  
**FRAMEWORK DOCUMENT**

**Introduction**

1. This Framework Document has been drawn up by the Scottish Government (SG) in consultation with Children's Hearings Scotland (the NDPB). It sets out the broad framework within which the NDPB will operate and defines key roles and responsibilities which underpin the relationship between the NDPB and the SG. While this document does not confer any legal powers or responsibilities, it forms a key part of the accountability and governance framework and should be reviewed and updated as necessary, and at least every 2-3 years. Any proposals to amend the Framework Document either by the SG or NDPB will be taken forward in consultation and in the light of SG priorities and policy aims. Any question regarding the interpretation of the document shall be determined by the SG after consultation with the NDPB. Legislative provisions shall take precedence over any part of the document.

2. References to the NDPB include any subsidiaries and joint ventures owned or controlled by the NDPB. The NDPB shall not establish subsidiaries or enter into joint ventures without the express approval of the SG.

3. Copies of the document shall be placed in the Scottish Parliament Reference Centre. It shall also be published on the SG and the NDPB websites.

**Purpose**

4. The NDPB is to contribute to the achievement of the SG's primary purpose of increasing sustainable economic growth by aligning its aims and objectives with the Programme for Government, Scotland's Economic Strategy and National Performance Framework.

5. CHS's key functions, duties and powers are set out in the Children's Hearings (Scotland) Act 2011 ("the Act") (in particular sections 2, 3, 12, 13, 24 and Schedules 1, 2 and 4). The key statutory functions are to:

facilitate the performance by the National Convener of his or her statutory functions in relation to children's panel members and Area Support Teams.

CHS's own functions include:-

- A duty to assist and facilitate the carrying out of the National Convener's functions without directing or guiding the NC (sections 11 and 12 of the Act);
- a duty to comply with any direction given to CHS by Scottish Ministers in relation to their carrying out of its functions (section 13) and also a duty to comply with other persons in relation to the performance of their duties under the Act (section 183);
- a duty to, in agreement with Scottish Ministers, appoint the National Convener (other than the first appointment) and a power to reappoint a person as the National Convener. Furthermore, CHS has a duty to involve people under 21 in the appointment and any reappointment process. Additionally, CHS has the power to determine the terms and conditions applicable to the National Convener role with the approval of Scottish Ministers (schedule 1 paragraph 8 to the Act).
- a power to pay allowances and expenses, determined by Scottish Ministers, to anyone carrying out a delegated function of the National Convener (schedule 1 paragraph 10 to the Act).
- CHS and area support teams have a power to determine their own procedures and quorum (and those of any of their sub-committees) under schedule 1 paragraph 17 to the Act.
- Schedule 1 paragraph 23 places a duty on CHS to prepare an annual report and submit it to the Scottish Ministers after the end of each financial year.

Independent Reports

Rule 61(1)(b) of The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ('the 2013 Rules') enables a children's hearing to require the Reporter to

obtain any report they consider necessary for the hearing's decision. This can include any report on a specified matter – usually referred to as an 'independent report', although 'independent' is not explicitly referred to in the Rules. The Reporter will direct any requests to CHS.

CHS will put in place arrangements to respond to requests made for 'independent reports' including sourcing a report writer, ensuring that the submitted report is done within agreed timescales and to standards specified at the outset of the process. CHS will put in arrangements for payment and provide regular quarterly updates to Scottish Government. Scottish Government will ensure sufficient 'grant-in-aid' is made available.

CHS will continue to review the provision of 'independent reports' to hearings to ensure effective operation of the process. Including ensuring:

- a credible and stringent process for recruitment with a diverse pool of report writers
- regulation of the provision of reports
- setting timescales, standards and commissioning procedures
- transparency and control of costs.

6. CHS's strategic aims and objectives, as agreed by the Scottish Ministers, are as follows:

The Scottish Government's overarching purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable growth. CHS is required to work collaboratively with all relevant partners and agencies to achieve the overarching Government's purpose through the National Performance Framework and contribution towards relevant National Outcomes.

CHS aims are to pursue with care and creativity the best interests of children and young people who are, or may be, referred to children's hearings; to work collaboratively with, lead and influence partner agencies in the Children's Hearings system to improve delivery and outcomes for children.

CHS will support the National Convener in strengthening the Children's Hearings system by: increasing the capacity of the Children's Panel through improved and consistent recruitment, selection, training and continuing support of panel members, thereby re-asserting the independence of children's panel members as key decision makers.

The Scottish Ministers have approved the following key objectives for CHS:

- to inform and implement national policy initiatives to support vulnerable children, their families and communities;
- to improve outcomes for children by working more effectively with partners in an integrated hearings system;
- to optimise the quality of panel decision-making and to work with partners to realise the best possible outcomes for children in the hearings system;
- to make the hearings experience more accessible and responsive to children and their families; and
- to create and maintain organisational excellence by investing in staff and infrastructure.

The key performance targets relating to these objectives are to be set out in CHS's corporate and operational plans.

### **Relationship between Scottish Government and CHS**

7. Effective strategic engagement between the SG and CHS is essential in order that they work together as effectively as possible to maintain and improve public services and deliver improved outcomes. Both the SG and CHS will take all necessary steps to ensure that their relationship is developed and supported in line with the jointly agreed principles set out in the statement on ['Strategic Engagement between the Scottish Government and Scotland's NDPBs'](#). Fundamental to achieving this will be full and honest engagement and co-operation at Accountability meetings, held at least 4 times per year between SG and CHS.

***[This section can also detail, if appropriate, any specific arrangements or commitments that are in place to support effective strategic engagement unless that is already covered under the sections on roles of the SG Director and Deputy Director and Sponsor unit]***

## **Governance and accountability**

### **Legal origins of powers and duties**

8. CHS is established under the Children's Hearings (Scotland) Act 2011. CHS does not carry out its functions on behalf of the Crown.

### **Ministerial responsibilities**

9. The Scottish Ministers are ultimately accountable to the Scottish Parliament for the activities of the NDPB and its use of resources. They are not, however, responsible for day to day operational matters and founding legislation prevents them from directing the NDPB in relation to specific statutory functions. Their responsibilities include:

- agreeing the NDPB's strategic aims and objectives and key targets as part of the corporate planning process
- agreeing the budget and the associated grant in aid requirement to be paid to the NDPB, and securing the necessary Parliamentary approval
- carrying out responsibilities specified in the founding legislation such as appointments to the NDPB's board, approving the terms and conditions of board members, and appointment of the National Convener/Chief Executive.
- other matters such as approving the NDPB's Chief Executive and staff pay remit in line with SG [Pay Policy](#) and laying the Accounts (together with the Annual Report) before the Parliament

### **NDPB Board Responsibilities**

10. The NDPB board, including the Chair, normally consists of non-executives appointed by the Scottish Ministers in line with the Code of Practice for Ministerial Public Appointments in Scotland. The role of the Board is to provide leadership, direction, support and guidance to ensure the Body delivers and is committed to delivering its functions effectively and efficiently and in accordance with the aims, policies and priorities of the Scottish Ministers. It has corporate responsibility, under the leadership of the Chair, for the following:

- taking forward the strategic aims and objectives for the body agreed by the Scottish Ministers
- determining the steps needed to deal with changes which are likely to impact on the strategic aims and objectives of the NDPB or on the attainability of its operational targets
- promoting the efficient, economic and effective use of staff and other resources by the NDPB consistent with the principles of [Best Value](#), including, where appropriate, participation in [shared services](#) arrangements
- ensuring that effective arrangements are in place to provide assurance on risk management, governance and internal control. (The board must set up an [audit committee](#) chaired by a non-executive member to provide independent advice and assurance on the effectiveness of the internal control and risk management systems)
- (in reaching decisions) taking into account relevant guidance issued by the Scottish Ministers
- approving the annual accounts and ensuring Scottish Ministers are provided with the annual report and accounts to be laid before the Scottish Parliament. The chief executive as the Accountable Officer of the public body is responsible for signing the accounts and ultimately responsible to the Scottish Parliament for their actions
- ensuring that the board receives and reviews regular financial information concerning the management and performance of the NDPB and is informed in a timely manner about any concerns regarding the activities of the NDPB

- appointing [with the approval of the Scottish Ministers] the NDPB chief executive, following appropriate approval of the chief executive's remuneration package in line with SG [Pay Policy for Senior Appointments](#) and, in consultation with the SG, setting appropriate performance objectives which give due weight to the proper management and use of resources within the stewardship of the NDPB and the delivery of outcomes
- demonstrating high standards of corporate governance at all times, including openness and transparency in its decision making.

Further guidance on how the board should discharge its duties is provided in appointment letters and in [On Board – A Guide for Members of Statutory Boards](#).

### **The Chair's Responsibilities**

11. The Chair is accountable to the Scottish Ministers and, in common with any individual with responsibility for devolved functions, may also be held to account by the Scottish Parliament. Communications between the NDPB board and the Scottish Ministers should normally be through the Chair. He or she is responsible for ensuring that the NDPB's policies and actions support the Scottish Ministers' wider strategic policies and that its affairs are conducted with probity.

12. In leading the Board the Chair must ensure that:

- the work of the Board is subject to regular self-assessment and that the Board is working effectively
- the Board, in accordance with recognised good practice in corporate governance, is diverse both in terms of relevant skills, experience and knowledge appropriate to directing the NDPB business, and in terms of protected characteristics under the Equality Act
- the Board members are fully briefed on terms of appointment, duties, rights and responsibilities
- he or she, together with the other Board members, receives appropriate induction training, including on financial management and reporting requirements and, as appropriate, on any differences that may exist between private and public sector practice
- succession planning takes place to ensure that the Board is diverse and effective, and the Scottish Ministers are advised of the NDPB needs when Board vacancies arise
- there is a Code of Conduct for Board members in place, approved by the Scottish Ministers.

13. The Chair assesses the performance of individual Board members on a continuous basis and undertakes a formal appraisal at least annually. The Chair, in consultation with the Board as a whole, is also responsible for undertaking an annual appraisal of the performance of the National Convener/Chief Executive.

### **Individual Board Members' Responsibilities**

14. Individual Board members should act in accordance with the responsibilities of the Board as a whole and comply at all times with the Code of Conduct adopted by the NDPB and with the rules relating to the use of public funds and to conflicts of interest. (In this context "public funds" means not only any funds provided to the NDPB by the Scottish Ministers, but also any other funds falling within the stewardship of the NDPB, including trading and investment income, gifts, bequests and donations.) General guidance on Board members' responsibilities is summarised in their appointment letters and is also provided in [On Board](#).

### **NDPB Chief Executive responsibilities**

15. The Chief Executive of CHS is employed and appointed by the Board with the approval of the Scottish Ministers. He/she is the Board's principal adviser on the discharge of its functions and is accountable to the Board. His/her role is to provide operational leadership to the NDPB and ensure that the Board's aims and objectives are met and the NDPB's functions are delivered and targets met through effective and properly controlled executive action. His/her general responsibilities include the

performance, management and staffing of the NDPB. General guidance on the role and responsibilities of the Chief Executive is contained in [On Board](#). Specific responsibilities to the Board include:

- advising the Board on the discharge of its responsibilities - as set out in this document, in the founding legislation and in any other relevant instructions and guidance issued by or on behalf of the Scottish Ministers - and implementing the decisions of the Board
- ensuring that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions, and that appropriate financial appraisal and evaluation techniques, consistent with the [Appraisal and Evaluation](#) section of the [Scottish Public Finance Manual](#) (SPFM), are followed
- ensuring that the NDPB adheres, where appropriate, to the SG's [Programme and Project Management \(PPM\) Principles](#)
- having robust performance and risk management arrangements - consistent with the [Risk Management](#) section of the SPFM - in place that support the achievement of the NDPB's aims and objectives and that facilitate comprehensive reporting to the board, the SG and the wider public
- ensuring that adequate systems of internal control are maintained by the NDPB, including effective measures against fraud and theft consistent with the [Fraud](#) section of the SPFM
- establishing appropriate documented internal delegated authority arrangements consistent with the [Delegated Authority](#) section of the SPFM
- advising the Board on the performance of the NDPB compared with its aim[s] and objectives
- preparing the NDPB's Corporate and Business Plans, in the light of the strategic aims and objectives agreed by the Scottish Ministers
- ensuring effective relationships with SG officials
- ensuring that timely forecasts and monitoring information on performance and finance are provided to the SG; that the SG is notified promptly if over or under spends are likely and that corrective action is taken; and that any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to the SG in a timely fashion
- ensuring staff pay proposals are in line with SG [Pay Policy](#) and submitted in time and the necessary approvals obtained prior to implementing any annual award.

#### **NDPB Accountable Officer responsibilities**

16. The Principal Accountable Officer for the Scottish Administration (the Permanent Secretary of the SG) will designate the Chief Executive as the Accountable Officer for the NDPB. Accountable Officers are personally answerable to the Scottish Parliament for the exercise of their functions, as set out in the [Memorandum to Accountable Officers for Other Public Bodies](#). These include:

- ensuring the propriety and regularity of the NDPB's finances and that there are sound and effective arrangements for internal control and risk management
- ensuring that the resources of the public body are used economically, efficiently and effectively, and that arrangements are in place to secure Best Value and deliver Value for Money for the public sector as a whole
- ensuring compliance with relevant guidance issued by the Scottish Ministers, in particular the SPFM and SG [Pay Policy](#)
- signing the Annual Accounts and associated governance statements

- a statutory duty to obtain written authority from the Board/Chair before taking any action which they considered would be inconsistent with the proper performance of the Accountable Officer functions. The Accountable Officer should also notify the relevant Portfolio Accountable Officer.

17. It is incumbent on the Chief Executive to combine his/her Accountable Officer responsibilities to the Scottish Parliament with his/her wider responsibilities to the board. The Board/Chair should be fully aware of, and have regard to, the Accountable Officer responsibilities placed upon the chief Executive, including the statutory duty described above.

#### **Portfolio Accountable Officer responsibilities**

18. The Principal Accountable Officer for the Scottish Administration will designate the Director-General for Learning and Justice as the Accountable Officer for the SG portfolio budget for the NDPB. The responsibilities of a Portfolio Accountable Officer are set out in detail in the [Memorandum to Accountable Officers for Parts of the Scottish Administration](#). He/she is personally answerable to the Scottish Parliament for ensuring that:

- the financial and other management controls applied by the SG are appropriate and sufficient to safeguard public funds and, more generally that those being applied by the NDPB conform to the requirements both of propriety and of good financial management
- the key roles and responsibilities which underpin the relationship between the SG and the NDPB are set out in a framework document - and that this document is regularly reviewed
- effective relationships are in place at Director and Deputy Director level between the SG and the NDPB in accordance with the strategic engagement principles
- there is effective continuous assessment and appraisal of the performance of the chair of the NDPB, in line with the requirements of the Code of Practice for Ministerial Public Appointments in Scotland.

#### **Scottish Government Director and Deputy Director**

19. The Director for Children and Families and Deputy Director for Care and Justice have responsibility for overseeing and ensuring effective relationships between the SG and CHS, which support alignment of the NDPB's business to the SG's Purpose and National Outcomes and high performance by the NDPB. They will work closely with the NDPB Chief Executive and be answerable to the Portfolio Accountable Officer for maintaining and developing positive relationships with CHS characterised by openness, trust, respect and mutual support. They will be supported by a Sponsor Unit in discharging these functions. The Director/Deputy Director shall be responsible for assessing the performance of the NDPB Chair at least annually.

#### **Sponsor Unit responsibilities**

Sponsor Unit for the NDPB is the Children's Hearings Team. It is the normal point of contact for the NDPB in dealing with the SG. The Unit, under the direction of the Director/Deputy Director, is the primary source of advice to the Scottish Ministers on the discharge of their responsibilities in respect of the NDPB and undertakes the responsibilities of the Portfolio Accountable Officer on his/her behalf.

Specific responsibilities include:

- discharging sponsorship responsibilities in line with the principles and framework set out in the document '[Strategic Engagement between the Scottish Government and Scotland's NDPBs](#)' and ensuring that sponsorship is suitably flexible, proportionate and responsive to the needs of the Scottish Ministers and the NDPB
- provision of support to National Convener/Chief Executive and CHS staff in the execution of their duties, as and when required;
- ensuring that appointments to the NDPB board are made timeously and, where appropriate, in accordance with the [Code of Practice for Ministerial Appointments to Public Bodies](#) in Scotland

- proportionate monitoring of the NDPB's activities through an adequate and timely flow of appropriate information, agreed with the NDPB, on performance, budgeting, control and risk management
- addressing in a timely manner any significant problems arising in the NDPB, alerting the Portfolio Accountable Officer and the responsible Minister(s) where considered appropriate
- ensuring that the objectives of the NDPB and the risks to them are properly and appropriately taken into account in the SG's risk assessment and management systems
- informing the NDPB of relevant SG policy in a timely manner.

#### **Internal audit**

21. The NDPB shall:

- establish and maintain arrangements for internal audit in accordance with the [Public Sector Internal Audit Standards](#) and the [Internal Audit](#) section of the SPFM
- set up an Audit Committee of its Board, in accordance with the [Audit Committees](#) section of the SPFM, to advise both the board and the chief executive in his/her capacity as the NDPB Accountable Officer
- forward timeously to the SG the audit charter, strategy, periodic audit plans and annual audit assurance report, including the NDPB Head of Internal Audit opinion on risk management, control and governance and other relevant reports as requested
- keep records of, and prepare and forward timeously to the SG an annual report on fraud and theft suffered by the NDPB and notify the SG at the earliest opportunity of any unusual or major incidents.

22. The SG's Internal Audit Directorate has a right of access to all documents held by the NDPB internal auditor, including where the service is contracted out. The SG has a right of access to all NDPB records and personnel for any purpose.

#### **External audit**

23. The Auditor General for Scotland (AGS) audits, or appoints auditors to audit, the NDPB's Annual Accounts and passes them to the Scottish Ministers who shall lay them before the Scottish Parliament, together with the auditor's report and any report prepared by the AGS. For the purpose of audit the auditors have a statutory right of access to documents and information held by relevant persons. The NDPB shall instruct its auditors to send copies of all management reports (and correspondence relating to those reports) and responses to the SG.

24. The AGS, or examiners appointed by the AGS, may carry out examinations into the economy, efficiency and effectiveness with which the NDPB has used its resources in discharging its functions. The AGS may also carry out examinations into the arrangements made by the NDPB to secure Best Value. For the purpose of these examinations the examiners have a statutory right of access to documents and information held by relevant persons. In addition, the NDPB shall provide, in contracts and any conditions to grants, for the AGS to exercise such access to documents held by contractors and sub-contractors and grant recipients as may be required for these examinations; and shall use its best endeavours to secure access for the AGS to any other documents required by the AGS which are held by other bodies.

#### **Annual Report and Accounts**

25. The NDPB must publish an Annual Report of its activities together with its audited accounts after the end of each financial year. The Annual Report must cover the activities of any corporate, subsidiary or joint ventures under the control of the NDPB. It should comply with the Government [Financial Reporting Manual](#) (FReM) and outline the NDPB's main activities and performance against agreed objectives and targets for the previous financial year.

26. The Accounts must be prepared in accordance with relevant statutes and the specific accounts direction (including compliance with the FReM) and other relevant guidance issued by the Scottish Ministers (**see Appendix 1**). Any financial objectives or targets set by the Scottish Ministers should be reported on in the accounts and will therefore be within the scope of the audit. Any subsidiary or joint venture owned or controlled by the NDPB shall be consolidated in its accounts in accordance with International Financial Reporting Standards as adapted and interpreted for the public sector context.

27. The draft Report should be submitted to the SG for comment, and the draft Accounts for information, at least 6 weeks before the proposed laying date and in advance of full Board approval. The final version should be available for laying before the Scottish Parliament by the Scottish Ministers by 31 October. Whilst the statutory date for laying and publishing accounts audited by the AGS is by 31 December, following the close of the previous financial year, there is an expectation on the part of the Scottish Ministers that Accounts will be laid and published as early as possible. The Accounts must not be laid before they have been formally sent by the AGS to the Scottish Ministers and must not be published before they have been laid. The NDPB shall be responsible for the publication of the Annual Report and Accounts.

## **Management responsibilities**

### **Corporate and Business Plans**

28. The NDPB must ensure that a Corporate Plan, agreed with the Scottish Ministers, is in place and published on the NDPB's website. The NDPB shall agree with the SG the issues to be addressed in the Plan and the timetable for its preparation and review. The finalised plan shall reflect the NDPB's strategic aims and objectives as agreed by the Scottish Ministers, indicative budgets and any priorities set by the Scottish Ministers. It shall demonstrate how the NDPB contributes to the achievement of the SG's primary purpose of increasing sustainable economic growth and alignment with the SG's [National Performance Framework](#) (NPF). The Corporate Plan for the NDPB should include:

- the purpose and principal aims of the NDPB
- an analysis of the environment in which the NDPB operates
- key objectives and associated key performance targets for the period of the plan, the strategy for achieving those objectives and how these will contribute towards the achievement of the SG's primary purpose and alignment with the NPF
- indicators against which performance can be judged
- details of planned efficiencies, describing how the NDPB proposes to achieve better value for money, including through collaboration and shared services
- other matters as agreed between the SG and the NDPB.

29. The Corporate Plan should inform the development of a separate Business Plan for each financial year. The Business Plan for the NDPB should include key targets and milestones for the year immediately ahead, aligned to the NPF, and be linked to budgeting information so that, where possible, resources allocated to achieve specific objectives can be identified. A copy of the NDPB's Business Plan should be provided to the Sponsor Unit prior to the start of the relevant financial year.

### **Budget management**

30. Each year, in the light of decisions by the Scottish Ministers on the allocation of budgets for the forthcoming financial year, the SG will send to the NDPB a formal statement of its budgetary provision, and a note of any related matters and details of the budget monitoring information required by the SG. The terms of that letter, referred to as the Budget Allocation and Monitoring letter, should be viewed as complementing the content of this document. The monthly monitoring is the primary means of in-year budgetary control across the SG. As such bodies must comply with the format and timing of the monitoring together with any requests for further information. The statement of budgetary provision will set out the budget within the classifications of resource Departmental Expenditure Limits (RDEL), capital DEL (CDEL) and Ring-fenced (non-cash) (RfDEL). The NDPB will inform the sponsor unit at the earliest

opportunity if a requirement for Annually Managed Expenditure (AME) budget is identified. The SG should also be advised in the event that estimated net expenditure is forecast to be lower than budget provision. Transfers of budgetary provision between the different classifications require the prior approval of the SG Finance Directorate. Any proposals for such transfers should therefore be submitted to the sponsor unit. Transfers of provision within the classifications may be undertaken without reference to the SG, subject to any constraints on specific areas of expenditure e.g. the approved pay remit.

31. If the trading and other resource income realised (including profit or loss on disposal of non-current assets) – scored as negative RDEL, or the net book value of disposals of non-current assets – scored as negative CDEL is less than included in the agreed budget the NDPB shall, unless otherwise agreed with the SG, ensure a corresponding reduction in its gross expenditure. (The extent to which the NDPB exceeds agreed budgets shall normally be met by a corresponding reduction in the budgets for the following financial year.) If income realised is more than included in the agreed budgets the NDPB must consult and obtain the prior approval of the SG before using any excess to fund additional expenditure or to meet existing pressures. Failure to obtain prior approval for the use of excess income to fund additional expenditure may result in corresponding reductions in budgets for the following financial year. The only exception is where the income is from gifts, bequests and donations but this must be spent within the same financial year as the receipt, otherwise additional budget allocation will be required. In any event, income from all sources and all planned expenditure should be reflected in the monthly budget monitoring statement.

### **Cash management**

32. Any [grant in aid](#) (i.e. the cash provided to the NDPB by the SG to support the allocated budget) for the year in question must be authorised by the Scottish Parliament in the annual Budget Act. Grant in aid will normally be paid in monthly instalments on the basis of updated profiles and information on unrestricted cash reserves. Payment will not be made in advance of need, as determined by the level of unrestricted cash reserves and planned expenditure. Unrestricted cash reserves held during the course of the year should be kept to the minimum level consistent with the efficient operation of the NDPB - and the level of funds required to meet any relevant liabilities at the year-end. Grant in aid not drawn down by the end of the financial year shall lapse. Grant in aid shall not be paid into any restricted reserve held by the NDPB.

33. The banking arrangements adopted by the NDPB must comply with the [Banking](#) section of the SPFM.

### **Risk management**

34. The NDPB shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of generally recognised best practice in corporate governance, and develop an approach to risk management consistent with the [Risk Management](#) section of the SPFM. Reporting arrangements should ensure that the Sponsor Unit is made aware of relevant risks and how they are being managed. The NDPB audit committee is also required, at the earliest opportunity, to notify the relevant SG Audit and Risk Committee if it considers that it has identified a significant problem which may have wider implications.

### **Counter fraud arrangements**

35. The NDPB should adopt and implement policies and practices to safeguard itself against fraud and theft, in accordance with the [Fraud](#) section of the SPFM. Application of these processes must be monitored actively, supported by a fraud action plan and robust reporting arrangements. This includes the establishment of avenues to report any suspicions of fraud.

### **Performance management**

36. The NDPB shall operate management information and accounting systems that enable it to review, in a timely and effective manner, its financial and non-financial performance against the strategic aims, objectives, targets and milestones set out in the corporate and business plans. The results of such reviews should be reported on a regular basis to the NDPB Board and copied to the SG. The SG shall assess the NDPB's performance, proportionately, on a continuous basis and hold a formal

review meeting at least twice a year. The responsible Cabinet Secretary/Scottish Minister shall meet the NDPB chair at least once a year.

### **NDPB staff management**

#### *Broad responsibilities for NDPB staff*

37. The NDPB will have responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities toward its staff are to ensure that:

- HR policies, practices and systems comply with employment and equalities legislation, and standards expected of public sector employers
- the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness (subject to the SG [Pay Policy for Staff Pay Remits](#))
- the performance of its staff at all levels is satisfactorily appraised and the NDPB's performance measurement systems are reviewed from time to time
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the NDPB's objectives
- proper consultation with staff takes place on key issues affecting them
- adequate grievance and disciplinary procedures are in place
- effective whistle-blowing policy and procedures consistent with the Public Interest Disclosure Act 1998 are in place
- a code of conduct for staff is in place based on the Model Code for Staff of Executive NDPBs

#### *Pay and conditions of service*

38. The NDPB will comply with SG Pay Policy in relation to staff and the Chief Executive. The NDPB shall submit to the SG for approval (normally annually unless a multi-year deal has been agreed) a pay remit in line with the SG [Pay Policy for Staff Pay Remits](#) and negotiate a pay settlement within the terms of the approved remit. Payment of salaries should also comply with the [Tax Planning and Tax Avoidance](#) section of the SPFM. Proposals on non-salary rewards must comply with the guidance in the [Non-Salary Rewards](#) section of the SPFM. Where applicable, the NDPB will also seek appropriate approval under the SG [Pay Policy for Senior Appointments](#) for the Chief Executive's remuneration package prior to appointment, annually or when a new appointment or change to the remuneration package is being proposed.

#### *Pensions, redundancy and compensation*

39. Superannuation arrangements for the NDPB staff are subject to the approval of the SG. NDPB staff shall normally be eligible for a pension provided by [its own scheme][state second pension][PCSPS][LGPS][other]. Staff may opt out of the occupational pension scheme provided by the NDPB, but the employers' contribution to any personal pension arrangement, including stakeholder pension, shall normally be limited to the national insurance rebate level. [Note that there is an exception for NDPBs covered by the PCSPS partnership arrangement, and for PCSPS by-analogy versions.]

40. Any proposal by the NDPB to move from existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the SG. Proposals on compensation payments must comply with the [Settlement Agreements, Severance, Early Retirement and Redundancy Terms](#) section of the SPFM. This includes referral to the SG of any proposed severance scheme (for example, a scheme for voluntary exit), business case for a settlement agreement being considered for an individual, or proposal to make any other compensation payment. In all instances, a body should engage with the SG prior to proceeding with proposed severance options, and prior to making any offer either orally or in writing.

## Asset and property management

41. The NDPB shall maintain an accurate and up-to-date record of its current and non-current assets consistent with the [Property: Acquisition, Disposal & Management](#) section of the SPFM. 'Non-current' assets should be disposed of in accordance with the SPFM. The SG's Property Division should be consulted about relevant proposed disposals of property that the NDPB holds for operational purposes (rather than investment) at the earliest opportunity so it may be advertised internally. An [Internal Advertisement](#) form must be completed and submitted at least one month prior to property being advertised on the open market. Any proposal to acquire land, buildings or other rights in property for accommodation / operational purposes should comply with the SPFM. The NDPB is also subject to the [SG Asset Management Policy](#), including the requirement for acquisition of a new lease, continuation of an existing lease, decision not to exercise a break option in a lease or purchase of property for accommodation / operational purposes, to be approved in advance by Scottish Ministers. The Property Controls Team should be consulted as early as possible in this process. All assets (property, plant and equipment) are to be properly recorded and updated as necessary by the NDPB on the Cabinet Office [electronic Property Information Mapping System](#) (e-PIMS). *[If the NDPB is not required to report data annually to Parliament, in accordance with section 76 of the Climate Change (Scotland) Act 2009, the business area can use other robust property asset management systems.]*

## Specific financial provisions

*[Many of the provisions included in this section - and other sections - of the Framework document highlight specific requirements in the SPFM that are considered of particular relevance to NDPBs. It should be noted however that guidance in the SPFM should always be considered in its entirety as and when relevant issues arise.]*

## Delegated authorities

42. The NDPB's specific delegated financial authorities - as agreed in consultation between the NDPB and the SG - are set out in the attached **Appendix 2**. The NDPB shall obtain the SG's prior written approval before entering into any undertaking to incur any expenditure that falls outside these delegations. The NDPB shall also comply with any requirements for prior SG approval included in the SPFM and/or this document. Prior SG approval must always be obtained before incurring expenditure for any purpose that is or might be considered novel, contentious or repercussive or which has or could have significant future cost implications.

## Income generation

43. The NDPB shall seek to optimise income - grant in aid does not qualify as income - from all sources, including from the [European Union](#), and ensure that the SG is kept informed. Novel or contentious proposals for new sources of income or methods of fundraising must be approved by the SG. Fees or charges for any services supplied by the NDPB shall be determined in accordance with the [Fees & Charges](#) section of the SPFM.

44. Gifts, bequests or donations received by the NDPB score as income and should be provided for in the agreed resource DEL and capital DEL budgets, updated as necessary in consultation with the SG. However, the NDPB should be able to demonstrate that expenditure funded by gifts etc is additional to expenditure normally supported by grant in aid (i.e. SG core funding) or by trading and other income. Before accepting such gifts etc the NDPB shall consider if there are any associated costs in doing so or any conflicts of interests arising. The NDPB shall keep a written record of any such gifts etc and what happened to them.

## Financial investments

45. Unless covered by a specific delegated authority the NDPB shall not make any financial investments without the prior approval of the SG. That would include equity shares in ventures which further the objectives of the NDPB. The NDPB shall not invest in any venture of a speculative nature.

## Borrowing

46. Borrowing cannot be used to increase the NDPB's spending power. All borrowing by the NDPB - excluding agreed overdrafts - shall be from the Scottish Ministers in accordance with guidance in the [Borrowing, Lending & Investment](#) section of the SPFM.

#### **Lease arrangements**

47. Unless covered by a specific delegated authority the NDPB shall not enter into any finance, property or accommodation related lease arrangement – including the extension of an existing lease or the non-exercise of a tenant's lease break - without the SG's prior approval. Before entering/continuing such arrangements, the NDPB must be able to demonstrate that the lease offers better value for money than purchase and that all options of sharing existing public sector space have been explored. Non-property/ accommodation related operating leases are subject to a specific delegated authority. The NDPB must have capital DEL provision for finance leases and other transactions which are in substance borrowing.

#### **Tax arrangements**

48. Non-standard tax management arrangements should always be regarded as novel and/or contentious and must therefore be approved in advance by the SG. Relevant guidance is provided in the [Tax Planning and Tax Avoidance](#) section of the SPFM. The NDPB must comply with all relevant rules on taxation, including VAT. All individuals who would qualify as employees for tax purposes should be paid through the payroll system with tax deducted at source. It is the responsibility of the NDPB to observe VAT legislation and recover input tax where it is entitled to do so. The implications of VAT in relation to procurement and shared services should be considered at an early stage to ensure that financial efficiency is achieved. The NDPB must also ensure that it accounts properly for any output tax on sales or disposals.

#### **Lending and guarantees**

49. Any lending by the NDPB must adhere to the guidance in the [Borrowing, Lending & Investment](#) section of the SPFM on undertaking due diligence and seeking to establish a security. Unless covered by a specific delegated limit the NDPB shall not, without the SG's prior approval, lend money, charge any asset, give any guarantee or indemnity or letter of comfort, or incur any other contingent liability (as defined in the [Contingent Liabilities](#) section of the SPFM), whether or not in a legally binding form. Guarantees, indemnities and letters of comfort of a standard type given in the normal course of business are excluded from this requirement.

#### **Third party grants**

50. Unless covered by a specific delegated authority the NDPB shall not, without the SG's prior agreement, provide grant funding to a third party. Such funding would be subject to the guidance in the [State Aid](#) section of the SPFM. Guidance on a framework for the control of third party grants is provided as an [annex](#) to the Grant & Grant in Aid section of the SPFM.

#### **Impairments, provisions and write-offs**

51. Assets should be recorded on the balance sheet at the appropriate valuation basis in accordance with the FReM. Where an asset - and that includes investments - suffers impairment it is important that the prospective impairment and background is communicated to the SG at the earliest possible point in the financial year to determine the implications for the NDPB's budget. Similarly any significant movement in existing provisions or the creation of new provisions should be discussed in advance with the SG. Write-off of bad debt and/or losses scores against the NDPB's resource DEL budget classification and is subject to a specific delegated limit.

#### **Insurance**

52. *[Where the SG decides that the NDPB should be subject to the self-insurance policy.]* The NDPB is subject to the SG policy of self-insurance. Commercial insurance must however be taken out where there is a legal requirement to do so and may also be taken out in the circumstances described

in the [Insurance](#) section of the SPFM - where required with the prior approval of the SG. In the event of uninsured losses being incurred the SG shall consider, on a case by case basis, whether or not it should make any additional resources available to the NDPB. The SG will provide the NDPB with a Certificate of Exemption for Employer's Liability Insurance.

### **Procurement and payment**

53. The NDPB's procurement policies shall reflect relevant guidance in the [Procurement](#) section of the SPFM and relevant guidance issued by the SG's Procurement and Commercial Directorate. Procurement should be undertaken by appropriately trained and authorised staff and treated as a key component of achieving the NDPB's objectives consistent with the principles of [Value for Money](#), the highest professional standards and any legal requirements. All external consultancy contracts over the value of £100,000 or any proposal to award a contract without competition (non-competitive action) over the value of £100,000 must be endorsed in advance by the Chief Executive.

54. Any major investment programmes or projects undertaken by the NDPB shall be subject to the guidance in the [Major Investment Projects](#) section of the SPFM and is also subject to a specific delegated authority. The Sponsor Unit must be kept informed of progress on such programmes and projects and Ministers must be alerted to any developments that could undermine their viability. ICT investment plans must be reported to the SG's Office of the Chief Information Officer.

55. The NDPB shall pay all matured and properly authorised invoices relating to transactions with suppliers in accordance with the [Expenditure and Payments](#) section of the SPFM and in doing so shall seek wherever possible and appropriate to meet the SG's target for the payment of invoices within 10 working days of their receipt.

### **Gifts made, special payments and losses**

56. Unless covered by a specific delegated authority the NDPB shall not, without the SG's prior approval, make gifts or special payments or write-off of losses. Special payments and losses are subject the guidance in the [Losses and Special Payments](#) section of the SPFM. Gifts by management to staff are subject to the guidance in the [Non-Salary Rewards](#) section of the SPFM.

### **Clawback**

57. Where the NDPB has financed expenditure on assets by a third party, the NDPB shall make appropriate arrangements to ensure that any such assets above an agreed value are not disposed of by the third party without the NDPB's prior consent. The NDPB shall put in place arrangements sufficient to secure the repayment of its due share of the proceeds - or an appropriate proportion of them if the NDPB contributed less than the whole cost of acquisition or improvement. The NDPB shall also ensure that if assets financed by the NDPB cease to be used by the third party for the intended purpose an appropriate proportion of the value of the asset shall be repaid to the NDPB.

### **State Aid**

58. State aid is a European Commission term which refers to forms of public assistance, given to undertakings on a discretionary basis, which has the potential to distort competition and affect trade between Member States of the European Union. Any activity that the NDPB undertakes itself, or funds other bodies to undertake, that can be offered on a commercial market for goods and services is subject to state aid rules. A state aid assessment is therefore required prior to disbursing any funding and would be subject to the guidance in the state aid section of the SPFM.

### **Board Expenses**

59. Remuneration (daily fees), allowances and expenses paid to Board members [and any pension arrangements] must comply with the SG [Pay Policy for Senior Appointments](#) and any specific guidance on such matters issued by the Scottish Ministers.

## APPENDIX 1



### CHILDREN'S HEARINGS SCOTLAND

#### DIRECTION BY THE SCOTTISH MINISTERS

1. The Scottish Ministers, in pursuance of Schedule 1 of the Children's Hearing Scotland Act (2011), hereby give the following direction.
2. The statement of accounts for the financial year ended 31 March 2018, and subsequent years, shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FReM) which is in force for the year for which the statement of accounts are prepared.
3. The accounts shall be prepared so as to give a true and fair view of the income and expenditure and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
4. This direction shall be reproduced as an appendix to the statement of accounts.



DONALD HENDERSON

A member of the staff of the Scottish Ministers

Dated 21 March 2018

## APPENDIX 2

### CHILDREN'S HEARINGS SCOTLAND FRAMEWORK DOCUMENT SPECIFIC DELEGATED FINANCIAL AUTHORITIES

	<b>Delegated Limit</b>
Cash Loss, but excluding overpayments of salaries, wages, pensions and allowances	£1,000 in individual circumstances, annual aggregate limit of £5,000
Cash loss arising out of theft, fraud, arson or gross carelessness; includes cash equivalents e.g. stamps	£1,000 in individual circumstances, annual aggregate limit of £5,000
Stores and equipment losses arising out of theft, fraud, arson or gross carelessness; or through events such as fire, weather or accident	£1,000 in individual circumstances, annual aggregate limit of £5,000
Compensation payment for loss or damage to personal property whilst on duty	£1,000 in individual circumstances, annual aggregate limit of £5,000
Personal injuries (employees)	Nil

## Digital Update

<b>Accountable Director:</b>	Head of Strategy, Development and DCE
<b>Report author:</b>	Head of Strategy, Development and DCE
<b>Resources implications:</b>	Within available resources
<b>Actions:</b>	For Board review and comment
<b>Equalities duties:</b>	Equalities Impact Assessment Required

Yes

No

This provides an update on CHS Digital programme Activity to end October 20.

In the past month there have been 1500 active users in the Community portal. Overall the system is performing well and is stable. Transition to live of the MVP has identified a small number of bugs which Leidos have responded to and have been or are in the process of being addressed. As this is the Minimum Viable Product (MVP), as is expected live use has identified a number of development improvements that have been added to the backlog.

### Community Hub Services:

All services are live and functioning, virtual Observations are being piloted in Tayside and Fife and this will enable this service to be fully tested for the first time since launch. Key areas to highlight:

#### HIP/ROP

As SCRA have come upstream, the ROP has been tested in the live system in Central in Face to Face hearings and has been positively received, being straightforward to navigate and complete. Testing is being expanded across Aberdeen City/Shire and South East Scotland and will progress through ASTs as SCRA transition to live continues.

Digital HIP testing has taken place in small scale in in Central & West Lothian. A DRAFT user guide is in place to support testing but will be enhanced based on feedback and further developed into an online module, also covering ROP completion. Initial feedback is positive and we are working with SCRA to widen the pilot within the AST to cover differing local authorities and enable further functional testing (swaps/notifications etc). Opportunities to test the chromebook and the HIP will be taken where possible during the pilot phase.

#### Reporting

We are now looking to how we can utilise Power BI to enable management information reporting from the system and are linking in with the SCRA digital team to determine how this can be progressed. Elite training have been identified and secured to deliver bespoke Power BI training to support the digital team and business owners to develop skills and knowledge of this tool.

### Digital Devices:

Following approval of the CHS business cases to provide 500 chromebook devices to Panel members to support virtual hearings activity and test the procurement and supply model, the initial 100 devices have now been issued. 400 have now arrived at the warehouse and are being set up for distribution in batches of 100. The customer/supplier relationship is working well and XMA are providing pro-active support to the team and direct to volunteers. The management portal works well and is enabling use of devices to be tracked, resulting in the opportunity to move devices on if they are being under-utilised.

Following the decision to move the panel member recruitment campaign fully online the Board have approved the purchase of an additional 400 devices to support PPAs in recruitment and virtual observations and to further support Panel Members and hearings recovery planning. 200 are anticipated to be deployed in November, timings for the deployment of the additional 200 are likely to be in early 2021.

**Governance:**

As approved by SMT and the Board in June 20 the internal CHS Digital Board (Appendix I) is being implemented with the first meeting this week to agree Terms of Reference and to review the current backlog requirements and prioritisation.

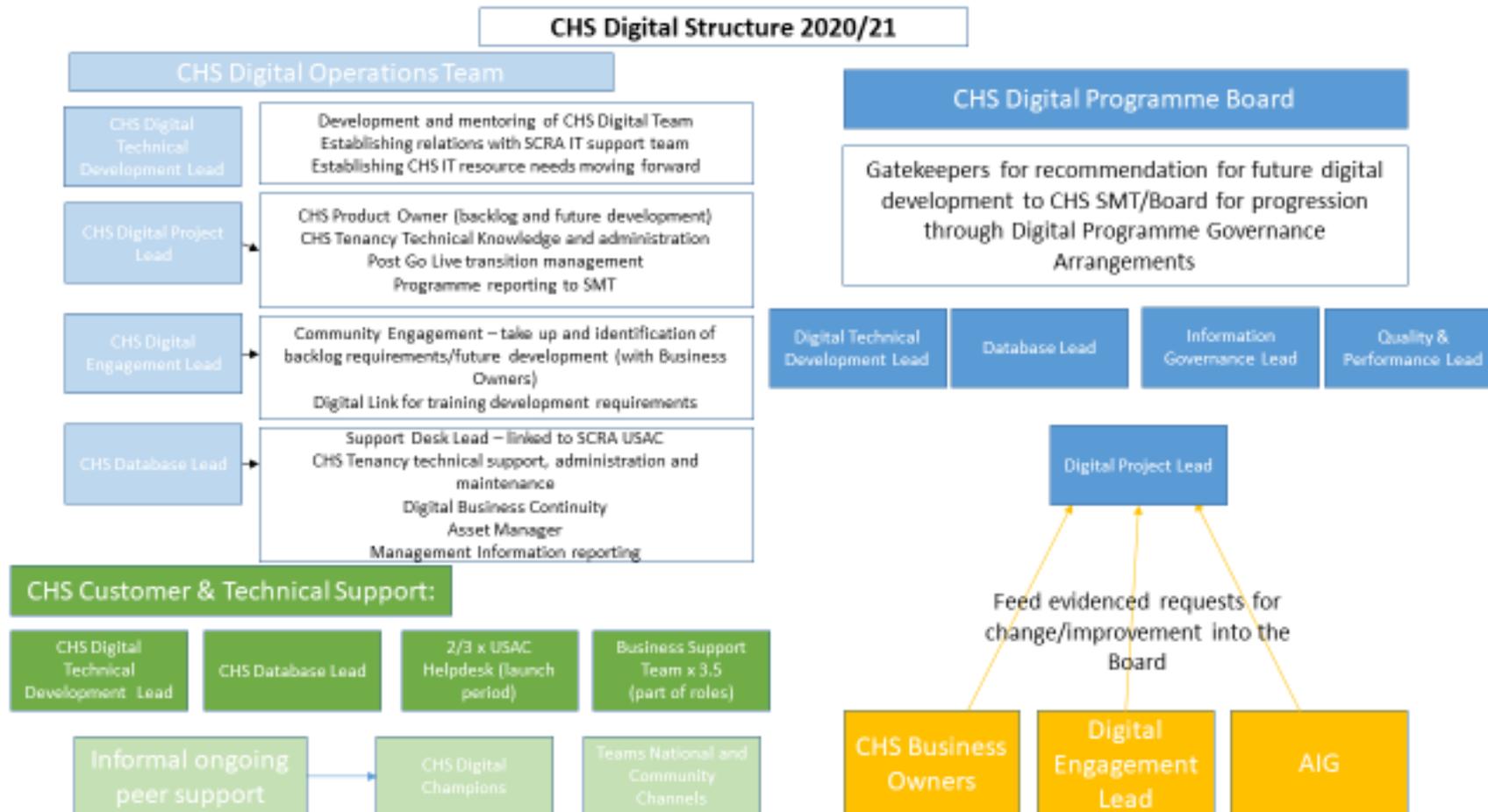
The Digital Delivery Board considered overall digital governance at its November meeting. The principles of a joint Digital Board and internal organisational governance arrangements were discussed, however scope and membership of the Joint Board has yet to be finalised. It was discussed that a change control board should be considered to enable the governance of technical changes, in particular those where dependencies (functional or technical) would likely impact across CHS/SCRA platform or services.

**Development**

A 4 sprint development programme through to end 20/21 has been agreed to support Covid recovery, including the integration of virtual tools with the CSAS platform, support virtual rota scheduling and digital onboarding.

**Recommendations:**

The Board is asked to consider and discuss the digital update



## CHS Improvement Planning – outcomes from Oct Workshop

Head of Area Support and Community Improvement

**Accountable Officer:**

**Report author:** Carol Wassell

**Recommendation:** To note the update

**Resources implications:** N/A

**Equalities duties:** Equalities Impact Assessment Required **Yes**

### 1. Introduction

This paper provides an overview of the Outputs from the Quality Improvement planning days held on the 20<sup>th</sup> and 21<sup>st</sup> October

### 2. CHS Quality Improvement Programme:

**2.1** The CHS Quality Improvement programme seeks to delivery on the aspirations of our corporate outlook and Children’s Rights and Inclusion Strategy, which have both incorporated the findings of the Independent Care Review. Using the Scottish Government’s [three step improvement framework for improvement to public services](#) we set out to deliver specific measurable aims that could be agreed across the national team and by Area Convenors by the end of the two days.

**2.2** On the 20<sup>th</sup> and 21<sup>st</sup> October we held a two day online event attended by 20 Area Convenors and most of the National Team. Supported by Lux Events to host the event on line, CELCIS delivered 2 days of teaching the [Model for Improvement](#) and supported groups working on the four themes of the CHS Corporate Plan.

**2.3** Each of the break out groups was facilitated by a national team member who received a package of support before and after the event in hosting effective online facilitation from [The Lens](#), an organisation that seeks to embed innovation and improvement in organisations by building internal capacity. It is envisaged that the trained facilitators will now form a core group that will support online facilitation in the future and share their learning widely.

**2.4** As well as agreeing in principle the outline of aims that align to the 4 themes of the corporate plan, a focus of the day was to create the conditions by which attendees understood the purpose of the programme and could get behind and support the aims. The after event evaluation told us that...: Given the feedback from the CHS national team and local volunteer leadership it would appear we achieved that with this group.

### **3. Outputs:**

**3.1** Working on suggested aims over the two days, the 8 groups developed the following (refined by the AIG on the 11<sup>th</sup> November). The particular area of the Promise that the aim aligns to is in brackets at the end of each aim. It should be noted that the aims can be cross cutting of the Promise themes and our own corporate plan themes. At this point dates for achieving aims are based on our aspirations. We need to understand our current state, provide a baseline of where we are now, and use that to set achievable, stretching, but realistic timescales and percentages based on this information. They are hosted where they are deemed to fit best:

#### **THEME 1: BETTER PROTECT AND UPHOLD THE RIGHTS OF CHILDREN**

**AIM 1:** By 31<sup>st</sup> December 2021, Panel Members' written reasons for their decisions will include the child's views about the plan presented to the hearing and how these have been taken in to account in xx% of records of proceedings (Voice, Care)

**AIM 2:** By 31<sup>st</sup> December 2021, xx% children and young people will agree that they had the opportunity to say what they wanted to in their hearing (Voice)

**Aim 3:** By 31<sup>st</sup> December 2021, xx% of children and young people will agree that they understand what the decision made in a hearing means for them and their family (Voice, Care)

#### **THEME 2: DELIVER CONSISTENTLY HIGH-QUALITY HEARINGS**

**AIM 1:** By 31<sup>st</sup> December 2021 xx% of children and young people will be offered a choice in how they participate in their own hearing (face to face, virtually or by other means) (Voice, Scaffolding)

**AIM 2:** By 31<sup>st</sup> December 2021 xx% of children have a panel member who is consistent for any hearing after the first hearing (People)

#### **THEME 3: CONTINUE TO BUILD AN EFFECTIVE AND EMPATHETIC PANEL THAT IS WELL-SUPPORTED**

**AIM 1:** By 30<sup>th</sup> June 2021, 80% of active panel members in each area are competent\* in virtual, face to face and blended hearings (Scaffolding)

\*definition of competent to be agreed (measured by observations and learning from training)

**AIM 2:** By 31<sup>st</sup> May 2022 90% of panel members score 80% or above in test to establish understanding on the effect of trauma on child development and the role of this in hearings and decision making (Scaffolding)

**AIM 3:** By 31<sup>st</sup> August 2021 90% of panel member say they feel their contribution to CHS is valued (Scaffolding)

## **THEME 4: BE WELL-INFORMED AND INFLUENTIAL IN OUR ENVIRONMENT AND COMMUNITIES**

**AIM 1:** By 31<sup>st</sup> May 2022 xx% of panel members score 80% or above in test to establish understanding of risk and risk assessment (Family)

**AIM 2:** By 31<sup>st</sup> December 2021 100% of ASTs to be co-chaired by people with lived experience (Voice)

**AIM 3:** By 30<sup>th</sup> June 2022 we will provide extra scrutiny to children who have been looked after at home on Compulsory Supervision Orders for more than 2 years (Scaffolding)

**AIM 4:** By 30<sup>th</sup> June 2021 xx% of ASTs will be represented at corporate parenting boards as part of the multi-agency partnership (Scaffolding)

### **4. Next Steps:**

**4.1** It was agreed that to drive the plan forward next steps would be as follows;

1. Active Implementation Group to finesse and polish session aims and outputs;
2. Alignment check and validation with The Promise Team;
3. Progress updates at Huddles and AC calls
4. SMT approval;
5. CHS Board approval - 24 Nov 2020;
6. Commence implementation discussions

**4.2** The SMT met with the Promise Team on the 4th November, where the purpose and intention of the Improvement Programme was set out. The plan was supported by the Promise Team, and will work alongside a Systems Redesign Framework to complement transformational change and improvement to Care and Protection Services. The Promise team have already been in discussion with Health Improvement Scotland and the Leading Improvement Teams at Scottish Government to discuss how systems redesign and Quality Improvement can work together and there is no perceived tension between the two methodologies.

**4.3** The AIG met on the 11<sup>th</sup> November and, subject to some addition work, in principle have agreed a set of aims. These are subject to amendment as we move forward but largely capture the areas for improvement we wish to prioritise, based on the evidence presented from the Promise, research, data, and professional knowledge.

**4.4** A series of nationwide events will be hosted beginning in January to begin to create the conditions for change in each of the 22 ASTs support the messaging of ACs and ASIPs to drive the improvement to meet our aims. We will look at how we tie in with other national engagement events such to do this

**4.5** We will be recruiting a programme manager to drive the programme with consistency and fidelity across Scotland, and engage members of the national and local teams, as well as multi-agency partners to support us in providing evidence of

the improvements we make the impact we make on outcomes for children who require intervention from a children's hearing.

**4.6.** We are commission the Leading Improvement Team at the Scottish Government to support this work and build capacity within CHS. In addition we are in discussion with the Institute of Health Care Improvement to provide quarterly input to the programme as expert critical friends and to bring learning from an international perspective in relation to improvement children's services and what we can learn for worldwide improvement activity.

## **5. Summary**

Ask the board to agree the content of this report.



*The Children's Panel – life changing.*

## CHS Board Meeting

Tuesday 24 November 2020

### 2021 Panel Member Recruitment Virtual Programme Report

<b>Accountable Director:</b>	Head of Practice, Improvement and Learning
<b>Report author:</b>	Catherine Goodfellow/Sarah Hunter-Argyle
<b>Recommendation:</b>	For consideration and discussion
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	Equalities Impact Assessment Required: <b>Yes / No</b> Equalities Impact Assessment Carried out: <b>Yes / No</b>

#### 1. Introduction

- 1.1 The annual Panel Member Recruitment campaign and programme of activities will be entirely virtual for the first time ever in 2021.
- 1.2 This paper will update the Board on progress made towards delivering an entirely virtual campaign. **Appendix 1**

#### 2. 2021 Panel Member Recruitment Programme Planning

- 2.1 Working with colleagues, RRRG, the Clerk Network and AST representatives, the focus for 2021 has been on delivering on the outcome of recruiting empathetic Panel Members while contributing to responding to the calls to action from both Our Hearings Our Voice, and the findings from The Promise by including the voice of lived / care experience people in activities.
- 2.2 With the continuing impact of the pandemic and Government restrictions, the National Convener communicated the organisational decision to deliver the entire recruitment programme online.
- 2.3 This gave direction to Area Support Teams that there will be no in person information sessions, no face to face interviews nor any Group Sessions. It was emphasised that CHS remains committed to including young people in its activities and that we would continue to target the largest ever number of new Panel Members.

#### 3 Plans and Developments

- 3.1 In outlining the recruitment plans and activities for a delayed campaign (traditionally August) in January 2021, we are now adopting contingency

planning. This alternative plan from those of previous years is underway.

- 3.2 The Area Convener Liaison Group (ACLG) and Retention and Recruitment Reference Group (RRRG) has been informed and continues to support how best to convert plans to be entirely online.
- 3.3 Area Support Teams were asked to provide their indicative targets for recruitment by 29 October and these targets are now being mapped against likely numbers of hearings in 2021 alongside numbers of existing active panel members and availability for face to face and / or virtual hearings.
- 3.4 The proposed programme for the 2021 Panel Member recruitment campaign and activities has been attached (**Appendix 2**).

#### **4 Recommendation**

The Board is asked to:

- 4.1 note the approach to how we include young people in recruitment activities
- 4.2 note the potential for an increase in the number of panel members recruited and consequent number of trainees attending pre service training in 2021
- 4.3 note the approach to virtual recruitment as at Appendix 1
- 4.3 note the timetable for recruitment as at Appendix 2

## Appendix 1

## 2021 Panel Member Virtual Recruitment

### 1 Purpose

The purpose of the annual recruitment campaign will be to recruit new empathetic Panel Members who will make the best decisions with and for infants, children and young people presented to the children's hearings system.

The proposed target will be to recruit somewhere in the region of 700 – 800 Panel Members throughout Scotland This represents approx. 45% more Panel Members than we have ever recruited before, while we are facing challenging conditions due to the coronavirus pandemic.

At a national level, the ambitious aim will be target: 38% Men; 25% Under 30 years of age; 15% with previous personal lived experience of the hearings system; 5% of new Panel Members with a disability; and, 8% from a black, Asian or minority ethnic community. Of the ASTs recruiting, 100% should include young people with personal lived experience.

Moreover, in 2021, we will be seeking volunteers who will become empathetic and digitally competent Panel Members, meeting the requirements of the asks of OHOV, The Promise and the new environment of blended hearings, both virtual and face to face.

### 2 Campaign

Developments have focused on building upon the 2019 campaign. In line with the agreed process this year, a number of young people with hearings experience met remotely and online to determine the expansion to the suite of creatives.

Much of the work has been converted to be online. Films/videos were already in train to refresh the assets available to ASTs. Filming has already commenced to produce assets for promotion – assessing risk of doing so, limiting the number of involved, maintaining all social distancing restrictions.

Work is ongoing to determine if a high production film is feasible to fully replace Information Sessions.

### 3 Communications

**Face to face Information Sessions:** the traditional information session led by AST colleagues will no longer be possible in person. Mapping out how best to fulfil the objective of the information sessions has been considered with ASTs and staff colleagues as below:

- One film, produced by commissioning an agency to deliver the story of becoming a Panel Member. The feasibility of delivering such a film is underway. This could be available from the CHS website.
- by a series of films/videos currently being produced. Short films have been created on explaining 'what is a Panel Member', 'who is it we are seeking',

‘what young people look for in a Panel Member’ – available on our website (youtube links).

All potential applicants would find these on the website and be encouraged to review prior to completing the online application. In addition the recruitment team are exploring the possibility of a small number of online information session – feasibility and value.

### **Briefings:**

Regular communications with designated AST Recruitment Contacts will continue through Microsoft Teams. With the conversion to an online campaign, there will also be a virtual briefing session early January to outline the entire process and respond to queries.

## **4 Infrastructure/Digital Systems**

In accordance with original plans but different from previous years, the corporate CHS website incorporates the dedicated recruitment website. All applications will be submitted online (while also meeting accessibility needs with the option for proxy applications to be submitted).

The new digital system will house the Recruitment module and with the impact of covid-19 meaning Clerks will continue to work from home, all applications will be viewed online. There will be no option to produce paper copies of applications for circulation to shortlisting panels and those with permission, will shortlist applicants remotely – with the additional benefit of converting everyone to online shortlisting.

Testing of the digital system will continue. Online recruitment for AST roles is being trialled. Already those with an interest in the CHS volunteer roles have registered from the website with their details stored on the portal - almost 300 people expressing their interest since the beginning of October.

## **5 Engagement**

### **5.1 Including Young People**

Building on the experience of previous years,, plans to engage and include young people have been in progress since August. With dedicated colleagues, Beth Anne Logan and Donna Martin, working alongside a RRRG Working Group, *Best Practice Guidance for AST Recruitment Team Including Young People with Lived Experience* has been produced. Three sessions to promote this work to individual members of ASTs were delivered in early November.

It must be acknowledged the challenges that coronavirus pandemic will present to fully building relationships and including young people with experience of the hearings system on an entirely online platform. Young people will be included through films/videos of what they seek in Panel Members. There will be no information sessions nor group sessions and so, including young people in recruitment will be through: shortlisting, interviewing and selection panels.

## **5.2 Employers and Partnership**

In the development of the Children's Rights and Inclusion Strategy, details of partner contacts and organisations have been collated to target and reach as wide an audience as possible within the sector.

Engagement with employers from a national perspective will continue but remotely. The focus for 2021 had been on corporate parents and national and local partners. This will require a sensible and sensitive approach as the global pandemic will have affected so many organisations, businesses and individuals. Work continues to ascertain the benefits to employers as Panel Members to share and promote with potential employers and partners.

## **6 Resourcing**

### **6.1 CHS Learning Academy**

The recruitment target currently stands in excess of the 550. This will impact upon the capacity for the CHS Learning Academy to ensure that all selectors undertake mandatory training (Equality, Diversity and Inclusion; Information Governance; Unconscious Bias; and Recruitment and Selection course). The design and production has been finalised, and has been tested by young people with lived experience and RRRG colleagues.

The Recruitment and Selection course addresses the virtual elements of selection. Little exists of guidance on conducting virtual interviews, but the CHS Learning Academy has sourced a short video and there will be tips included in guidance.

Pre Service Training will be undertaken from April and work is underway to review and refine the entire course. This will be delivered online unless there is any lessening of pandemic restrictions. To date, the contracted number for delivery has been 550. An increase in potential volunteers will require a contractual amendment and scenarios planning is underway.

The date for trainees to be recommended to the National Convener currently aims for 2 August 2021 and scoping is in place to bring this date forward. Pre Service Training has traditionally been over a 14 week period, but timescales have been shortened to be held from late April to late June. There is therefore potential for trainees to be appointed and enter service in July.

## **7 Summary**

The Board is invited to note this update.

**Appendix 2 - 2021 Recruitment Campaign & Activities: Timelines**

Date	Recruitment
Tuesday 12 January 2021	Soft Opening - <i>applications open to pre-registered</i>
Thursday 14 January - Monday 15 February 2021 @ 0059 hours	Recruitment Campaign & online applications open
Wednesday 17 February - Saturday 27 March 2021	Shortlisting and selection Interviewing Sessions
Monday 29 March 2021	Recommendations to CHS
Wednesday 31 March 2021	Confirmation of Trainees
April (date AST dependent)	Local Welcome Sessions (tbc)
Monday 3 May - Monday 28 June 2021	Pre-Service Training <i>- online &amp; face to face</i>
Monday 12 July 2021	Submission of Recommendations
Monday 2 August 2021 at the latest	Appointment of Panel Members
Monday 16 August 2021 at the latest	Inclusion on Rota



## CHS Learning and Development Strategy: Draft

<b>Accountable Director:</b>	Christine Mullen
<b>Report author:</b>	Christine Mullen / Meggan Jameson
<b>Recommendation:</b>	To note the contents
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	Equalities Impact Assessment Required: <b>Yes / No</b> Equalities Impact Assessment Carried out: <del>Yes</del> / <b>No</b>

**1** This paper outlines CHS' draft Learning and Development Strategy. It runs concurrently with immediate operational plans for national training for autumn / winter 2020 and takes into account our emerging approach to overall improvement. **The Board is asked to approve the approach.**

## **2 Context and background**

Our strategy takes into account the following:

- Children's Rights and Inclusion strategy
- CHS Improvement methodology and plans
- CHS Strategic outlook and annual business plans – current and yet to be developed
- Connecting the community engagement plans and outcomes
- Digital strategy
- Equality, Diversity and Inclusion Strategy
- Finance
- Our stakeholders
- Voice of lived experience

### **2.1 CHS Vision:**

A forward looking and evolving children's hearings system, working as a community to ensure infants, children, young people and cared for, protected and their views are heard, respected and values

### **2.2 CHS Purpose:**

To equip our volunteer community to engage positively with infants, children, young people and families, ensuring children are loved, cared for, respected and feel part of decisions taken to improve their lives

### **2.3 CHS Values:**

- Child centred
- Respectful
- Fair
- Creative
- Challenging
- Open

### **2.4 Learning and Development defined**

For the purposes of our strategy learning and development comprises:

- Training
- Education
- Learning and,
- Development

### **2.5 What's new in Learning and Development?**

Our strategy must take into account up to date learning methodology and emerging technologies including:

- Learning and development outputs informed by metrics
- Learning underpinned by the latest research and evidence
- Shifting to a 'curator-concierge' approach – i.e. not just 'creation'
- User choice and co-creation – voice in design
- Social learning – including integrating social media in learning
- In the flow learning – providing learning when needed not just in time
- Bite sized learning rather than when and where suits
- Digital – mobile learning
- Measuring learning value not volume

## 2.6 CHS as a Learning Organisations

The concept of a learning organisation has been around for several decades but has been refined and adapted over this time. For CHS to be a learning organisation our model should incorporate the following:

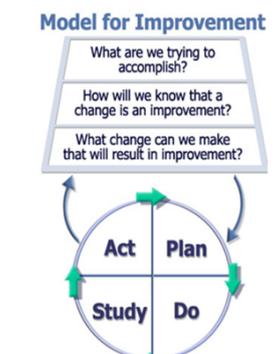
- **Creation of a collaborative learning culture** where every one involved places a vital role in the overall framework for learning and where voice carries weight and creates room for innovation.
- **Adoption of and belief in the concept of lifelong learning** for both the organisations and individuals in it. This requires personal mindsets that value and actively participate in growth and development
- **Room for innovation** which requires learners to self reflect on their current knowledge, skills and values, to test out the application of new knowledge and approaches. It also require that learners see the ‘big picture’ and now they can contribute to the work of the organisation. This aspect allows for improvement to tested out, risks to be taken and the opportunity to move to new models and behaviours.
- **Forward thinking leadership** Although this aspect of learning organisations is generally attributed to senior people, CHS is working to enhance leadership at every level
- **Knowledge sharing (Team learning)** this links back to collaborative learning where a structure through which to share knowledge is crucial, where all parties are clear about learning objectives and outcomes desired as a result.

## 3 CHS Improvement Methodology

Our detailed approach to improvement continues developing. In our improvement model however, 3 key questions are posed to inform our strategy and action:

- What are we trying to accomplish?
- How will we know that a change is an improvement?
- What change(s) can we make that will result in an improvement?

The diagram below, shows this model and the proposed cycle for improvement activity:  
**Plan, Do, Study, Act.**



### **3.1 Improvement Question: What are we trying to accomplish? \***

#### **Specifically we are aiming for a range of outcomes including the following:**

- Transformation of outcomes for children, young people and their families connected to the Children's Hearings system
- A trauma informed, trauma sensitive and trauma responsive CHS volunteer community and staff team
- An effective respected quality assurance model for our panel member practice
- A need and desire to ensure inclusion of people with lived experience in all aspects of the development, design, delivery, monitoring and evaluation of learning - the learning, development and improvement cycle
- Co-design and co-production of hearings
- That panel members are appropriately supported
- That people with lived experience are appropriately supported
- A highly skilled, knowledgeable and empathetic work and volunteer force taking an agile approach to meeting the 80 points for change raised by The Promise
- Learning to underpin the 4 priorities in the CHS Strategic outlook:
  - Better protect and uphold the rights of young people
  - Deliver consistently high quality hearings
  - Continue to build an empathetic panel that is well supported
  - Be well informed and influential in our environment and communities

#### **More generally our learning and development needs:**

- To place children and young people at the centre of everything we do
- To effectively identify skills and knowledge and value requirements throughout CHS
- To equip CHS volunteers with the skills, knowledge and values needed to deliver the CHS strategic plan and local plans, as well as to support CHS's qualities, ethos and values
- To contribute to performance development and improvement across the whole of the CHS community
- To promote role satisfaction and a wider understanding of the environment within which CHS operates
- To enable or to contribute to CHS to achieving relevant standards
- To steadily invest learning and development at CHS in a cost effective way
- To develop and implement creative approaches to learning and development in CHS.

\* The final version of our strategy will outline why each of the above areas is important and how they should be achieved.

### **3.2 How will we know that a change is an improvement? (Measurement)**

- All knowledge and resources / skills development opportunities provided will be quality assured and assessed
- Through monitoring and evaluation we will gather and analyse, quantitative and qualitative data on our learning and development
- We will follow a robust learning and development cycle and position CHS as a learning organisation
- We will interpret and act on informal feedback and formal monitoring and evaluation data
- We will enlist independent external research and scrutiny from all stakeholders on the quality and impact of our learning and development linked directly to the experience of

### **3.3 What changes can we make that will result in an improvement?**

#### **Changes include:**

- A comprehensive training needs analysis based on volunteer / staff roles alongside partner organisation and the voice of lived experience
- A substantially revised programme of national training and development that supports acquisition of the complex range of knowledge and skills required of Panel Members as we go forward to enable empathetic rights based hearings
- A programme that has been developed through extensive partnership working and inclusion
- Introduction of new learning on neuro diversity and trauma as well as skills in inclusion and participation plus digital skills
- Educating and supporting our community and staff in co-design and co-production models and applying these models
- Including more learning on the needs and aspirations of families
- Embedding the contribution of experts in the development of training material (other than CHS practice team and National Training Lead) including people with lived experience, the Promise team, Children's Hearings Improvement Partnership etc
- Ensuring people feel part of CHS through the means of induction, communications, and support

#### **4.0 Next steps**

Timetable below is draft and dependent on emerging changes to Panel Member and other roles within CHS and the embedding of the voice of people with lived experience.

#### **4.1 Learning and development to support our themes can be seen at **Appendix 1****

**Appendix 1 Draft Areas for learning and development mapped against the 4 Strategic Themes**

Themes	Examples of approach - phased		
<p><b>1 Better protect and uphold the rights of children</b></p>	<p><b>Ensure our volunteers are trained in children’ rights, and understand how to apply them</b></p> <ul style="list-style-type: none"> <li>• Online Childrens rights module developed in partnership with experts and people with lived experience</li> <li>• Permanence module</li> </ul> <p>CHS staff trained in children’s rights and how to embed them in their work</p> <ul style="list-style-type: none"> <li>• In-house learning event for all staff</li> <li>• Online learning module</li> </ul> <p><b>Learn from and work with partners to adopt best practice in our rights work</b></p> <ul style="list-style-type: none"> <li>• Professional talk online as part of learning package</li> </ul>	<p><b>Equality, diversity and inclusion modules online with supporting resources on selected characteristics from EQDI</b></p>	<p><b>Equality, diversity and inclusion module online with supporting resources on selected characteristics from EQDI and review programme</b></p>

	<ul style="list-style-type: none"> <li>• Equality, Diversity and Inclusion learning baseline module online for all</li> <li>• Advocacy module / ACR</li> </ul>		
<p><b>2 Deliver consistently high quality hearings</b></p>	<p><b>ASTs learning</b></p> <ul style="list-style-type: none"> <li>• Recruitment and selection training - content moved online</li> <li>• Reappointment training</li> </ul> <p><b>Newly appointed Panel members (2020)</b></p> <ul style="list-style-type: none"> <li>• Completion of part 1 of PDA</li> <li>• Hearings in lockdown module renamed and adapted to equip them in virtual hearings practice i.e. is contingency plan to incorporate virtual hearings learning for new recruits</li> </ul> <p><b>2021 Trainee Panel Members (following revised recruitment campaign)</b></p>	<p><b>Overall Professional Development Award review</b></p> <ul style="list-style-type: none"> <li>• Sector wide review including the delivery model taking into account work of the Promise Design Team</li> </ul> <p><b>New route to Panel membership</b></p> <ul style="list-style-type: none"> <li>• Development in partnership of new panel member learning programme for people under 30 with lived experience to include extensive support model</li> <li>• Pilot of new route to Panel membership</li> </ul> <p><b>Trainee Panel members</b></p>	<p><b>Long term target: 2023</b> (10 year anniversary of CHS first ever national training – the conversion course)</p>

	<ul style="list-style-type: none"> <li>• Migration of all PDA pre service content and delivery online leaving face to face sessions for skills development, practice and assessment only where possible later in 2021</li> </ul> <p><b>Existing Panel Members</b></p> <ul style="list-style-type: none"> <li>• <b>Whole of panel member community</b> to learn about all aspects of virtual / hybrid hearings - online module and locally supported sessions</li> <li>• <b>MOH qualified:</b> Refresher course online only based on Leadership in the Hearing Room with updates on virtual hearings as required</li> <li>• <b>MOH not yet qualified:</b>– course being amended and updated to incorporate virtual hearings content and to deliver online elements to</li> </ul>	<p>New cohort complete part 1 of PDA in new format – largely online with face to face learning retained for skills development, practice and assessment only</p> <p><b>Existing Panel members</b></p> <ul style="list-style-type: none"> <li>• Qualified: Refresher course online only based on Leadership in the Hearing Room</li> <li>• Those working towards full PDA – Management of hearings course knowledge content migrated online with face to face skills practice and observation as final checkpoints</li> </ul>	
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	<p>assessment as final checkpoints</p> <p><b>Panel Practice Advisers</b></p> <ul style="list-style-type: none"> <li>• <b>Trainees</b> – completion of combined pre service module online and introduction to virtual hearings via Hearings in Lockdown module</li> <li>• <b>Existing:</b> Programme for PPAs focusing on quality assurance and complaints and concerns management plus recruitment and selection</li> </ul>		
<p><b>3 Continue to be an effective and empathetic panel, that is well supported</b></p>	<p><b>Area Convenors</b></p> <ul style="list-style-type: none"> <li>• Induction into role – online element in development</li> <li>• On line learning on leadership</li> <li>• Buddying and mentoring system and coaching and mentoring options</li> <li>• Trauma informed baseline online learning</li> </ul>	<p><b>Explore develop of local communities of practice</b> to embed learning and development locally and to offer the opportunity for panel members to discuss difficult situations in a supportive environment</p> <p><b>Area Convenors</b></p> <ul style="list-style-type: none"> <li>• Induction into role</li> </ul>	<p><b>Potential develop Communities of Practice model</b> further – can be online or face to face or a combination</p>

	<p><b>Panel Representatives</b></p> <ul style="list-style-type: none"> <li>• For those new into role - induction online</li> <li>• Trauma informed baseline online learning</li> <li>• Wellbeing resources</li> <li>• Neuro diversity baseline learning</li> </ul> <p><b>Panel Practice Advisers</b></p> <ul style="list-style-type: none"> <li>• Stripped back programme for PPAs focusing on quality assurance and complaints and concerns management only</li> <li>• Recruitment and selection</li> <li>• Trauma informed baseline online learning</li> </ul> <p><b>All roles: Well being</b></p> <ul style="list-style-type: none"> <li>• Continue to offer current suite of learning courses online: personal and professional development</li> <li>• Trauma learning</li> </ul>	<ul style="list-style-type: none"> <li>• On line learning on leadership</li> <li>• Buddying and mentoring system</li> <li>• Coaching</li> <li>• Having Supportive conversations</li> </ul> <p><b>Panel representatives</b></p> <ul style="list-style-type: none"> <li>• Induction and refresher for role</li> <li>• Having supportive conversations</li> </ul> <p><b>Panel Practice Advisers</b></p> <ul style="list-style-type: none"> <li>• Trainees – completion of combined pre service module online</li> <li>• Stripped back programme for PPAs focusing on quality assurance and complaints and concerns management</li> </ul> <p><b>All roles: Well being</b></p> <ul style="list-style-type: none"> <li>• Continue to offer current suite of learning courses</li> </ul>	
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		<p>online: personal and professional development</p> <ul style="list-style-type: none"> <li>• Add xxx new courses to this following consultation with xxx</li> </ul> <p><b>All volunteers and staff</b></p> <ul style="list-style-type: none"> <li>• Level 2 trauma learning</li> </ul>	
<p><b>4. Be well-informed and influential in our environment and communities</b></p>	<ul style="list-style-type: none"> <li>• Partnership working</li> <li>• Partnership design groups</li> </ul>	<ul style="list-style-type: none"> <li>• Development of model of locally shared reflection and learning sessions e.g. on theme of practice improvement</li> </ul>	<ul style="list-style-type: none"> <li>• Embedding of the model</li> </ul>
<p><b>5 Digital Portal</b></p>	<p><b>Launch of CHS new digital systems</b></p> <p>Digital skills learning Programme of learning to support launch</p>	<p><b>Digital skills learning and data analysis incorporated into learning for new w Panel Members and PPAs</b></p> <ul style="list-style-type: none"> <li>• Programme adapted and developed based on data analysis</li> </ul>	<p><b>Digital skills learning incorporated into learning for new Panel Members and AST members</b></p>

## Appendix 2 Programmes

1. New Panel Member Learning Programme
2. Existing Panel Member Learning Programme
3. AST Learning Programme
4. Quality Assurance Learning Programme
5. Partner or Stakeholder Learning Programme tbc
6. Young Panel Member Learning Programme / Lived Experience Learning Programme
7. Digital Learning Programme
8. Specialist Panel Members Learning Programme – to be explored
9. Volunteer involvement in review and all developments
10. Voice of lived experience in all design and development

Table indicated examples of types of learning that can be considered in any programmes

## An interactive A to Z of Creative Learning Methods



Championing better  
work and working lives

participating in



13-19 May 2019

Monday	Tuesday	Wednesday	Thursday	Friday
<b>Apps</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">A</div>	<b>Games</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">G</div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span style="background-color: #ff8c00; padding: 2px 5px; font-size: 8px;">Link 1</span> <span style="background-color: #ff8c00; padding: 2px 5px; font-size: 8px;">Link 2</span> </div>	<b>Meetings</b> <small>Reserve a slot for all to respond to, and discuss 'what have I learned this week'</small> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">M</div>	<b>Social media</b> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span style="background-color: #90ee90; padding: 2px 5px; font-size: 8px;">Link 1</span> <span style="background-color: #90ee90; padding: 2px 5px; font-size: 8px;">Link 2</span> </div> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">S</div>	<b>Webinars</b> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span style="background-color: #e91e63; padding: 2px 5px; font-size: 8px;">Link 1</span> <span style="background-color: #e91e63; padding: 2px 5px; font-size: 8px;">Link 2</span> </div> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">W</div>
<b>Brainstorms</b> <small>Clearly define the issue you want to tackle and don't criticise or reward ideas during the session</small> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">B</div>	<b>Hackatons</b> <small>Problem solving events that might not solve the problem in one sitting. Cherish the process!</small> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">H</div>	<b>Networks</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">N</div>	<b>Team meetings</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">T</div>	<b>EXplorative</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">X</div>
<b>Communities of practice</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">C</div>	<b>Infographic</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">I</div>	<b>Observational Learning</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">O</div>	<b>Universities</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">U</div>	<b>YouTube</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">Y</div>
<b>Demos</b> <small>Demonstrations work best in small groups and combined with explanations and directions</small> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">D</div>	<b>Journals</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">J</div>	<b>Podcasts</b> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span style="background-color: #ffcc00; padding: 2px 5px; font-size: 8px;">Link 1</span> <span style="background-color: #ffcc00; padding: 2px 5px; font-size: 8px;">Link 2</span> </div> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">P</div>	<b>Video</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">V</div>	<b>Zetetic</b> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span style="background-color: #e91e63; padding: 2px 5px; font-size: 8px;">Link 1</span> <span style="background-color: #e91e63; padding: 2px 5px; font-size: 8px;">Link 2</span> </div> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">Z</div>
<b>Expert speakers</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">E</div>	<b>Knowledge</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">K</div>	<b>Qualifications</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">Q</div>	<p>Click here to watch an animation about the A to Z of learning. </p>	
<b>Focus groups</b> <small>Group needs to be six or more people in a neutral setting</small> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">F</div>	<b>Lunch and Learn</b> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">L</div>	<b>Reflections</b> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span style="background-color: #ffcc00; padding: 2px 5px; font-size: 8px;">Link 1</span> <span style="background-color: #ffcc00; padding: 2px 5px; font-size: 8px;">Link 2</span> </div> <div style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">R</div>	<p>Find out more about 'Passion for Learning' at the CIPD Profession Map.</p> <p style="text-align: right; font-weight: bold; font-size: 24px; margin-top: 10px;">#LearningatWorkWeek</p>	

**Code of Conduct – November 24 2020**

**Accountable SMT member:** Head of Practice, Improvement and Learning  
**Report author:** Christine Mullen  
**Resources implications:** Within available resources  
**Purpose:** For approval  
**Equalities duties:** Equalities Impact Assessment Required

Yes?                       No

**1. Introduction/Purpose:**

This paper updates the Board on the status of the Code of Conduct for the CHS volunteer community and is accompanied by the Code at **Appendix 1**.

**2. Background**

**2.1** The Code of Conduct for the community of Children’s Panel Members and volunteer AST members supporting local Children’s Panels has been developed using a variety of approaches. The Code is based on internationally agreed principles for decision-makers in legal tribunals, the Bangalore Principles, which have been adopted by the other judicial forums in Scotland. It is designed to make clear the standards of behaviour inside and outside the hearing room which Panel Members and Area Support Team volunteers are expected to adhere to. The development of the Code and its foundation on the Bangalore Principles has been shared with the Lord President who had no additional comments to make.

**2.2** The planned launch of the Code in April 2020 was delayed to June 2020 as business was reprioritised in the light of Covid 19 operational pressures. CHS acknowledges the significantly greater pressures on the Panel Member community of learning and conducting new types of hearings and the rapidity of change. Following discussion with Area Conveners, further consideration was given to the timing of the launch and a decision made to defer the launch to the end of the year.

**2.3** Deferring the launch to a later date has offered a positive opportunity to engage young people in thinking about the content, presentation and implementation of the Code of Conduct alongside the Children’s Rights and Inclusion Strategy presently being consulted upon. Our newly appointed Childrens Rights and Inclusion Co-ordinator will be supporting us in taking this forward prioritising work to engage young people to be involved in the finalisation and visual development of the Code. This engagement will focus on the following areas:

- Information on why CHS has taken this approach and what our hopes are for it
- Input into how can we ensure people attending hearings particularly those whose hearing it is – are aware of the Code and what it means for them in practice
- Ideas for implementation of the Code
- Design of the code for diverse audiences

### **3. Development and consultation**

The Code has been development by a working group of roles paid and voluntary roles across the organisation. The Code of Content has been created for digital presentation to the CHS community and all our partners and stakeholders. The CHS communications team will take development forward in November.

### **4. Launch and dissemination**

The plan is that CHS will use a mix of national and local information for launch of the Code. CHS communications team will work with the practice, improvement, and learning team to shape the national input. The Code will be hosted on CHS Learning Academy online as well as CHS corporate website so that we can ensure everyone has easy access to it, it is possible to track who has opened it and each volunteer can mark a 'tick box' to confirm that they have read the Code and agree it. New recruits from January 2021 will also be asked to sign up to the Code.

Before the agreed launch date the Practice team will bring nominated people together with local partners to discuss the purpose and content of the Code to enable them to lead and shape consistent communication.

### **5. Proposed provisional timescale:**

The Board is asked to note the provisional timescale for launch of the Code of Conduct which is being dove tailed with the launch of the revised CHS Complaints Policy and Procedures. Plans for progressing the Code are: the CHS Communications team develop digital presentation of the Code of Conduct – by end November 2020.

Development of an online module hosted by CHSLA - by mid January '21

A series of 2/3 discussion events are held with young stakeholders to help bring the code to life - November / December 2020 followed by a launch and campaign to 'Commit to the Code' – which will run throughout January 21

## **Appendix 1**

## CHS Panel and AST Member Code of Conduct

### 1 The Code

This Code sets out our vision, values and what is expected of Panel and AST members. The Code applies at all times both when you carry out your role and outwith your role in order to uphold the integrity of the system. This Code makes your responsibilities clear. CHS will help you meet these responsibilities by providing relevant training, guidance, advice and support. Following the Code will give you confidence that you are always doing the right thing and behaving in the right way. Take it seriously and follow it with pride.

### 2 CHS Vision and Aims

Our vision is of a Children's Hearings System where everyone works together, making sure that all babies, infants, children and young people are cared for and protected, and their views and those of their families are heard, respected and valued. Children's Hearings Scotland aims to provide sound decisions for infants, children and young people, and their families, who attend children's hearings and to improve the experience of all hearings participants and the other members of the community with whom we have contact.

### 3 CHS Values

Our values and how to demonstrate them are as follows:

- **Child centred** – making sure everything we do is in the best interests of babies, infants, children, young people and their families
- **Creative** – Considering innovative and imaginative ways of approaching the issues we face in the work we do
- **Respectful** – treating everyone we come across including babies, infants, children, young people, their families, partner organisations, and each other with care and consideration at all times
- **Fair** – Making sure that everyone we come into contact with is treated with dignity and according to their individual needs:
- **Challenging** – but questioning ourselves and others to help us improve
- **Open** – listening, responding to and learning from feedback: acting honestly; ensuring processes are transparent: sharing information and being accountable for our actions and decisions

### 4 Required Actions

In addition to the values, at all times you should act in ways that demonstrate the qualities below:

- **Independence:** when acting as a decision-maker you must have no connection with any participant in the case or personal or professional interest in the outcome

- **Impartiality and objectivity:** you must be fair and be seen to be fair in every aspect of your role
- **Integrity:** to ensure confidence in the Children’s Panel your conduct in every part of your life must be above reproach.
- **Propriety:** your attitudes and behaviour should provide a good role model and reflect Children’s Hearings Scotland’s values
- **Equality:** you should treat everyone with respect and dignity, taking proper account of diversity, disability and disadvantage.
- **Competence and diligence:** you must be responsible, accountable and reliable when performing your duties<sup>1</sup>

## 5 CHS Policies, Procedures and Guidance

Make sure you follow all CHS Policies and Procedures and re-read them regularly so you are informed of any updates. CHS policies and procedures are reviewed and updated from time to time as part of a review cycle. Please contact our Information Governance Team for further information at INSERT CONTACT MAIL.

## 6 What happens if the Code is not followed?

Where someone doesn’t follow the Code, it is referred to as a breach. If someone believes you have acted in a way that breaches this Code they are entitled to let us know and CHS will investigate this fairly and take proportionate action.

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1

The Bangalore Principles – international requirements for all Tribunal Members

## CHS Complaints Policy

<b>Accountable SMT member</b>	Lynne Harrison, Head of Strategy, Development and DCE
<b>Report author:</b>	Katie Crone Barber, Information Governance Lead
<b>Recommendation:</b>	To approve the CHS Complaints Policy
<b>Resources implications:</b>	Within available resources
<b>Equalities duties:</b>	Equalities Impact Assessment Required: / <b>Yes</b> Equalities Impact Assessment Carried out: / <b>Pending</b>

### 1. Purpose

This paper requests Board approval of the CHS Complaints Handling Process and implementation approach and identified the proposed process for Community Concerns for reference.

### 2. Background

The initial update to the Complaints Handling Procedure (CHP) was previously submitted for approval in November 2019, pending a compliance check from the Scottish Public Services Ombudsman (SPSO). This was delayed due to the onset of Covid-19, however after significant engagement with SPSO officers and a reworking of the procedure to capture SPSO feedback, a revised CHP is submitted for approval.

**Appendix 1** includes the proposed implementation approach for the CHP and the Community Concerns Policy

The CHP is attached in **Appendix 2** in its 5 component parts:

1. Overview and Structure
2. When to Use the Procedure
3. The Complaint Handling Process
4. Governance
5. Service User Guide

This has been submitted to SPSO for approval.

**Appendix 3** identifies for comparison, the proposed quick reference guide for the community concerns policy. This outlines the process steps that would be followed for a community concern. The community concern policy detail is currently being finalised, and will mirror the CHP where possible. The main changes will be in addressing the language and tone of concerns handling enabling a more supportive, engaging and feedback focussed approach. There will be a focus on frontline resolution where possible.

### **3. Complaints Handling Policy – Revisions**

Engagement with SPSO identified that they require the CHP to in places use the exact language and structure provided in the SPSO model CHP. Following their feedback the material changes to the process to be followed are below:

- Removal of the newly proposed review stage – this was an SPSO requirement. SPSO require a standardised procedure for all members of the public and whilst they understood the rationale for inclusion, they felt this represented an additional hurdle to SPSO access for the complainant.
- Requirement to record more – this CHP introduces a requirement to record any expression of dissatisfaction even if it is not actionable as a complain. This will cause an increase in numbers, but no corresponding increase in workload or resource demand.
- Requirement to share information with the subject of complaint (including existence of the complaint) – this was included in the previous submission, but is now captured as a mandatory action.
- Clarification on the formal end point of a complaint – this is driven by organisational interactions with the complainant, rather than with both parties.

### **4. Impact of Revisions**

The new CHP, inclusive of the changes above, address all of the initial aims of the complaints working group with the exception of the introduction of a review option. Through discussion with SPSO we have identified two avenues through which this need will be met:

- Supplementary material provided to complaints handlers to ensure that there is a clear understanding around tone and sharing information, providing updates and overall communication with the subject of the complaint throughout the process, especially prior to the determination being issued.
- As part of the complaint investigation ensuring the DAC/AC undertakes a 'sense check' prior to determination letters being issued to ensure tone, balance and fairness are met, especially for new complaints handlers.
- Reviewing the Community Concerns Policy (work scheduled to start 06 November 2020) to ensure it sits alongside the CHP to support volunteers.

### **5. Implementation Approach**

Implementation is proposed to take place between January and March 2021 and will encompass stakeholder engagement, awareness raising and training.

The proposed implementation plan has been structured to enable a soft launch of the Complaints handling policy early in the New Year whilst taking into consideration the availability of key stakeholders (ACs/DACs and PPAs) given their significant input to Panel member recruitment which will be taking place during January and February '21. The plan also takes into consideration the launch of the Code of Conduct.

The approach is identified in Appendix I.

**6. Next Steps**

1. Development of the CHP supplementary training and support material (templates, examples of best practice, and decision making flow charts).
2. Completion of the Community Concerns Policy and supplementary training and support materials.
3. Progression of the identified Implementation approach.
4. SPSO approval of the CHP, this has been submitted in parallel to ARMC.

**7. Recommendation**

1. The Board are recommended to approve the CHS Complaints Handling process, subject to SPSO approval.
2. The Board are recommended to approve the CHS Community Concerns Process map to enable policy development to continue.
3. The Board are recommended to approve the implementation approach

## Appendix 1: Implementation plan for Complaints Handling Procedure and Community Concern Policy

### 1. Schedule for implementation

The proposed implementation plan has been structured to enable a soft launch of the Complaints handling policy early in the New Year whilst taking into consideration the availability of key stakeholders (ACs/DACs and PPAs) given their significant input to Panel member recruitment which will be taking place during January and February '21. The plan also takes into consideration the launch of the Code of Conduct.

December 2020:	AST Stakeholder communication and engagement/awareness raising of policy development and implementation plan – ACLG/PPA/Wellbeing Forum etc National Team - Awareness raising and training.
January 2021:	Panel Member/volunteer awareness communications – integrated into standard communication channels (Section 2)
18 <sup>th</sup> January 2021:	Launch of CHS Complaints Handling Policy Launch of CHS Community Concerns Policy Launch of CHS Code of Conduct
18 <sup>th</sup> January 2021:	Launch of online modules: <ul style="list-style-type: none"> <li>a. What to expect if I am the subject of a complaint or concern</li> <li>b. CHS Code of Conduct</li> </ul>
January – March 2021:	Complaints and Concerns will be handled by the National Team.**  Enables a development period to fine tune guidance and support materials based on case study experience Enables ASTs to focus and support on recruitment activity Provides an opportunity for small scale coaching and mentoring of individual cases to help gain feedback materials in development Concerns levels currently are very low. ASTs will be advised to escalate any concerns submitted to the national team for resolution.

\*This practice has been in place whilst lockdown restrictions have been in place to ensure complaints progression during resilience and recovery responses.

March 2021:	PPA/AC/DAC Training – Complaints handling and investigation skills (Section 2)
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April 2021: PPA Workshops  
Transfer to local handling for Complaints and Concerns

## **2. Training**

Training will be available in three formats for different audiences, and will be rolled out in a staggered manner, sympathetic to existing demands on peoples' time.

### **Online Modules:**

We will work with EComm to develop a module introducing volunteers and staff to the complaints process from the perspective of the subject of complaint. This will introduce the process, timelines, useful contacts, and expected behaviours for everyone involved in a complaint. It will help highlight the links to our national values, standards, and the code of conduct

### **CHSLA Training:**

Revised training to be developed by the Learning Academy focussing on upskilling complaints handlers. This will be developed for online use supported by virtual works shops (face to face when finally possible)

### **Workshops:**

PPA workshops led by the National Team. The IG team and key staff will take PPAs through the procedures, with a focus on communication requirements and management of the process.

DACs workshops led by national team to develop understanding of expectations and consistent approach across ASTs.

## **3. Communications**

Comms will begin as soon as final approval of policies has been received.

Initial period will be general awareness raising –

- Reframing 'complaints' as feedback to aid improvement.
- Working with key stakeholders to raise awareness and gain feedback on implementation plan and development of materials to support them
- Key reminders that revisions to policy do not impact on rights of the individual, either as the raiser of a concern or as the subject of complaint/concern
- Clarifying policy changes, introduce new resolution options
- Confirmation that the National team will continue handling complaints until after recruitment process has ended, regardless of changes to COVID lockdown measures

Secondary phase will start in January –

- Encouraging everyone to read the policies and associated documentation
- Targeting key stakeholder groups – PPAs, LPRs, DACs
- Promoting and delivering training opportunities
- ACs will have dedicated briefing to discuss implementation plan and management of both policies locally

**4. Evaluation**

Policy implementation will be evaluated in October-November 2021, using focus group feedback or surveys, etc.

Appendix 3: Community Concerns Policy, Part 5

## Quick guide to the Community Concerns process

*We value your feedback, and when things go wrong, we can use information from them to help us improve our services.*

If something goes wrong or you are unhappy about something, please tell us. This leaflet describes our community concerns procedure and how to make a concerns. It also tells you about how we will handle your complaint and what you can expect from us.

### *What is a community concern?*

A community concern is any expression of dissatisfaction by a CHS volunteer about our action or lack of action, or about the standard of service provided by us or on our behalf.

### *What can I raise a community concern about?*

You can raise a concern about things like:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a volunteer, a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); o

Your concern may involve more than one CHS service or be about someone working on our behalf.

### *What can't I raise a community concern about?*

There are some things we can't deal with through our Community Concern process. These include:

- a routine first-time request for a service
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests)
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts
- a complaint raised by a member of the public
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded community concern or complaint or to have an outcome decision reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf).

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

### *Who can raise a community concern?*

Anyone who is a current volunteer or trainee with Children's Hearings Scotland (CHS) can raise a community concern. Clerks to the Area Support Team can raise a community concern on behalf of a volunteer if they are unable to do so themselves. Please also read the section on **Getting help to make your complaint** below.

### *How do I submit my Community Concern?*

You can submit a community concern on the Community Hub. When you log in, you will see 'concerns' on the menu on the left side of your screen. You will be able to submit your concern from here.

When submitting your community concern, please tell us:

- as much as you can about the concern
- what has gone wrong; and
- what outcome you are seeking.

If your concern is about a member of your Area Support Team, National Team members, organisational policies or practice, please indicate this on the form. This will allow a member of the national team to address your community concern. If your complaint is not about the above areas, it will be handled by a member of your Area Support Team.

### *Our contact details*

If you would like to speak with a member of the national team about your concern, we can be contacted in the following ways:

By Post:

3rd Floor, Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE

By email:

[Complaints@chs.gsi.gov.uk](mailto:Complaints@chs.gsi.gov.uk)

By phone:

0131 244 3696

### *How long do I have to make a Community Concern?*

It is often easier to resolve an issue as soon after the event as possible. We will consider Community Concerns submitted within 6 months of:

- the event you are unhappy about; or

- finding out that you have a reason to submit a concern.

In exceptional circumstances, we may be able to accept a community concern after the time limit. If you feel that the time limit should not apply to your community concern, please tell us why.

### *What happens when I have submitted my concern?*

We will always tell you who is dealing with your community concern. In most cases this will be a Depute Area Convener and a Panel Practice Advisor. In some cases, it may be necessary for a member of the national team to handle your concern. Please see the policy for more information.

### *Getting help to make your complaint*

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your concern in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 0131 244 3696, or email us at [complaints@chs.gsi.gov.uk](mailto:complaints@chs.gsi.gov.uk)

## Quick guide to our community concerns procedure

### Community Concerns procedure

You can submit your concern in person, by phone, by email or in writing.

We will always try to deal with your concern quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.



### Frontline response

We will always try to respond to your concern quickly, within **five working days**.

We will confirm the points of concern with you.

If it is possible to resolve simply, we will do so.

If it is complex and required further investigation, we will let you know and discuss timescales for delivery.



### Investigation

If your concern is complex, or involves multiple issues, it may require a wider investigation. This will take longer, and we will identify what information we require to

Investigations are undertaken to gather more information and help us identify relevant resolutions for your concerns



### Resolution

A community Concern provides CHS with the opportunity to reflect and learn.

For each concern we will record what lessons have been learned at an organisational level.

Where appropriate, CHS can arrange for a mediated discussion to support our volunteers, or arrange training for staff or volunteers if this is identified.

We will seek to resolve your concern to your satisfaction. Where this is not possible, we will work with you to understand why.

## Part 1: Overview and Structure

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## Foreword

*Our Complaints Handling Procedure reflects Children's Hearings Scotland's commitment to valuing complaints. It seeks to resolve complainant dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.*

*The procedure was first developed by the SPSO in consultation with relevant stakeholders. The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to this sector. As far as is possible we have produced a standard approach to handling complaints across Scotland's public services, which complies with the SPSO's guidance on a MCHP. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff. All staff across CHS must cover this procedure as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure (including recording complaints).*

*Complaints give us valuable information we can use to improve service provision and complainant satisfaction. Our Complaints Handling Procedure will enable us to address a complainant's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the complainants' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our complainants a form of redress when things go wrong, and can also help us continuously improve our services.*

*The Complaints Handling Procedure will help us do our job better, improve relationships with our complainants and enhance public perception of CHS. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.*

A handwritten signature in black ink, appearing to read 'M. Mackenzie'. The signature is stylized with a large, sweeping initial 'M' and a long horizontal stroke extending to the right.

## Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains how to handle complaints. The CHP consists of:

- Overview and structure (**part 1**)
- When to use the procedure (**part 2**) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
- The complaints handling process (**part 3**) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
- Governance of the procedure (**part 4**) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
- The public-facing CHP (**part 5**) – information for complainants on how we handle complaints

2. When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO.

## Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
4. We will try to resolve complaints to the satisfaction of the complainant wherever this is possible. Where this isn't possible, we will give the complainant a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
5. Our complaints procedure has two stages. If the complainant remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

<b>Stage 1: Frontline response</b>	<b>Stage 2: Investigation</b>	<b>Independent external review (SPSO or other)</b>
<p>For issues that are straightforward and simple, requiring little or no investigation                      'On-the-spot' apology, explanation, or other action to put the matter right                      Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)                      Complaints addressed by any complaint handler, or alternatively referred to the appropriate point for frontline response                      Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)                      We will tell the complainant how to escalate their complaint to stage 2</p>	<p>Where the complainant is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'                      Complaint acknowledged within <b>three working days</b>                      We will contact the complainant to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)                      Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p>	<p>Where the complainant is not satisfied with the stage 2 response from the service provider                      The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p>

6. For detailed guidance on the process, see **Part 3: The complaints handling process.**

## Expected behaviours

7. We expect all members of the Children’s Hearings Scotland community to behave in a professional manner and treat those involved in or with the Children’s Hearings system with courtesy, respect and dignity. We also ask complainants bringing a complaint to treat our staff and volunteers with respect. We ask complainants to engage actively with the complaint handling process by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
- working with us to agree the key points of complaint when an investigation is required; and
- responding to reasonable requests for information.

8. We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy

9. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in individuals acting in an unacceptable way.

10. Complainants who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some individuals may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff and volunteers from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from complainants. Where we decide to restrict access to an individual under the terms of our policy, we have a procedure in place to communicate that decision, notify the individual of their right of appeal, and review any decision to restrict contact with us.

11. If we decide to restrict an individual’s contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on their access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the complainant. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the complainant to the SPSO (see **Part 3: Signposting to the SPSO**).

### *Maintaining confidentiality and data protection*

12. Confidentiality is important in complaints handling. This includes maintaining the complainant's confidentiality and confidentiality in relation to information about staff, volunteers, or any third parties involved in the complaint.

13. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff or volunteers) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

14. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of personal complainant information.

## Part 2: When to Use the Procedure

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## What is a complaint?

1. Children's Hearings Scotland's (CHS) definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about CHS action or lack of action, or about the standard of service provided by or on behalf of CHS.'
2. For clarity, where an employee also receives a service from CHS as a member of the public, they may complain about that service.
3. A complaint may relate to the following, but is not restricted to this list:
  - failure or refusal to provide a service
  - inadequate quality or standard of service, or an unreasonable delay in providing a service
  - dissatisfaction with one of our policies or its impact on the individual
  - failure to properly apply law, procedure or guidance when delivering services
  - disagreement with a decision (**except** a decision reached by a children's Panel. To challenge these, individuals must follow the appropriate statutory process and submit an appeal to the relevant Sheriff) failure to follow the appropriate administrative process
  - conduct, treatment by or attitude of a staff member, volunteer, or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves: see **Complaints about contracted services**)

**Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.

4. A complaint **is not**:
  - a routine first-time request for a service (see **Complaints and service requests**)
  - a request for compensation only (see **Complaints and compensation claims**)
  - issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
  - disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
  - a request for information under the Data Protection or Freedom of Information (Scotland) Acts
  - a grievance by a staff member
  - a Community Concern raised internally by a Panel or Area Support Team Member
  - a concern about a child or an adult's safety

- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see **Complaints about contracted services**).

**Appendix 2** gives more examples of 'what is not a complaint' and how to direct members of the public appropriately.

5. We will not treat these issues as complaints, and will instead direct individuals to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

6. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the complainant, and tell them what (if any) action we will take, and why. See **What if the CHP does not apply**.

## Who can make a complaint?

7. Anyone who receives, requests, or is affected by our services can make a complaint. In this procedure these people are termed complainants', regardless of whether they are or were using a service.

8. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

## Supporting the complainant

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9. All members of the public have the right to equal access to our complaints procedure. It is important to recognise the barriers that some complainants may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Complainants may need support to overcome these barriers.

10. We have legal duties to make our complaints service accessible under equalities and mental health legislation. *For example:*

- *the Equality Act (Scotland) 2010* – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
- *the Mental Health (Care and Treatment) (Scotland) Act 2003* – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

11. Examples of how we will meet our legal duties are:

- proactively checking whether members of the public who contact us require additional support to access our services
- providing interpretation and/or translation services for British Sign Language users; and

12. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- helping vulnerable individuals identify when they might wish to make a complaint
- helping children and young people to raise a complaint by ensuring staff and volunteers are trained to support them in doing this
- helping complainants access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen's Advice Scotland)

13. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

## How complaints may be made

14. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.

15. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised. Where it is clear that a complex complaint will be immediately considered at stage 2 (investigation), it may be helpful to complete a complaint form with the complainant's input to ensure full details of the complaint are documented. However, there is no requirement for the person to complete a complaint form, and it is important that the completion of a complaint form does not present a barrier to people complaining.

16. Complaint issues may also be raised on **digital platforms** (including **social media**).

17. Where a complaint issue is raised via a digital channel managed and controlled by CHS (for example an official Twitter address or Facebook page):

- we will normally respond by explaining that we do not normally take complaints made on social media and telling the person how they can complain;
- in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response

18. We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a YouTube video or post on a private Facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.

19. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See Part 1: Maintaining confidentiality and data protection.

### *Time limit for making complaints*

20. The complainant must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).

21. Where a complainant has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:

- within six months of when they first knew of the problem; or
- within two months of receiving their stage 1 response (if this is later).

22. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff and volunteers involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the complainant or useful learning for CHS.

23. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## Particular circumstances

### Complaints by (or about) a third party

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24. Sometimes a complainant may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on someone else's behalf complainant, we must ensure that the individual has authorised the person to act on their behalf. It is good practice to ensure the complainant understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.

25. The provision of a signed mandate from the complainant will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the individual to deal with a third party and would normally follow up in writing to confirm this.

26. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

27. Consent from the complainant will be required to release any outcome letters or investigative materials to anyone other than the complainant. We will attempt to gather this at the earliest stage possible, but will undertake to resolve the complaint without delay. See also Part 1: Maintaining confidentiality and data protection.

### Serious, high-risk or high-profile complaints

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28. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2 (see Part 3: Stage 2: Investigation).

29. We define potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to an organisation's operations
- call into question the integrity of the children's hearings system
- present issues of a highly sensitive nature, for example concerning:

- a particularly vulnerable person, or
- child protection

### *Anonymous complaints*

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30. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by an appropriate manager, such as the Information Governance and Complaints Lead.

31. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

32. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

### *What if the individual does not want to complain?*

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33. If an individual has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the individual to submit their complaint and allow us to handle it through the CHP. This will ensure that they are updated on the action taken and receive a response to their complaint.

34. If the individual insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

35. Please refer to the example in **Appendix 1** for further guidance.

### *Complaints involving more than one area or organisation*

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36. If a complaint relates to the actions of two or more areas within our organisation, we will tell the complainant who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

37. If an individual complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the complainant should be advised to contact the appropriate organisation directly.

38. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about CHS through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See Part 1: Maintaining confidentiality and data protection.

39. Such complaints may include:

- Complaints about the running of a specific hearing in which both CHS and the Scottish Children’s Reporter Administration are identified.
- expressions of dissatisfaction about the children’s hearings system in its entirety

### *Complaints about contracted services*

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40. Where we use a contractor to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet CHS’s standard (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or
- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the complainant is signposted to the SPSO.

41. We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

42. CHS has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

### *Complaints about senior staff*

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43. Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

44. A nominated member of the Board may investigate complaints against senior staff where appropriate, or appoint an independent investigator to consider the complaint.

## Complaints and other processes

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45. Complaints can sometimes be confused (or overlap) with other processes, such as Community Concerns, disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

### *Complaints and service requests*

46. If a complainant asks CHS to do something (for example, provide a service or deal with a problem), and this is the first time the complainant has contacted us, this would normally be a routine service request and not a complaint.

47. Service requests can lead to complaints, if the request is not handled promptly or the individual is then dissatisfied with how we provide the service.

### *Complaints and community concern, disciplinary, or whistleblowing processes*

48. If the issues raised in a complaint overlap with issues raised under a community concern, we still need to respond to the complaint.

49. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.

50. Our response must be careful not to share confidential information (such as anything about the community concern, whistleblowing or disciplinary procedures, or outcomes for individual volunteers and staff members). It should focus on whether CHS failed to meet our expected standards and what we have done to improve things, in general terms.

51. Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

52. The SPSO's report [Making complaints work for everyone](#) has more information on supporting staff who are the subject of complaints.

*Complaints and compensation claims*

53. Where a complainant is seeking financial compensation only, this is not a complaint. However, in some cases the complainant may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

*Complaints and legal action*

54. Where a complainant says that legal action is being actively pursued, this is not a complaint.

55. Where a complainant indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.

56. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

**What to do if the CHP does not apply**

57. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the complainant why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.

58. Where a complainant continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our *Unacceptable Actions Policy*

59. The SPSO has issued a [template letter for explaining when the CHP does not apply](#).

## Appendix 1 – Complaints

Complaint	Possible actions
<p>The complainant expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter.</p>	<p>Tell the complainant that we value complaints because they help to improve services. Encourage them to submit the complaint.</p> <p>In terms of improving service delivery and learning from mistakes, it is important that complainant feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the complainant still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the complainant that they will not be contacted again about the matter.</p>
<p>An applicant wishes to complain that they did not receive any notification after submitting a job application</p>	<p>Offer the complainant an apology for the service failure. Provide an explanation for the issue and ask the relevant area of the business to look into any potential ongoing issues.</p>
<p>A complainant wishes to raise a concern about a volunteer, but does not want to share any of his personal details</p>	<p>Explain to the complainant that we can process complaints anonymously, but it may limit the extent to which we can resolve his complaint.</p>
<p>A social worker wants to complain because a hearing started much later than scheduled</p>	<p>Offer an apology for this delay and the impact that it had on the participants. The causes for this delay can be investigated and where possible, learning identified</p>

## Appendix 2 – What is not a complaint?

A concern may not necessarily be a complaint. For example, a complainant might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the complainant has to keep on asking for service.

A complainant may also be concerned about a decision made by CHS. These decisions may have their own specific review or appeal procedures, and, where appropriate, complainants must be directed to the relevant procedure.

### **Example 1: A relevant person wants to complain about the decision made by a Hearing Panel**

This cannot be considered as a complaint, as the decisions of a hearing are subject to their own appeals process. When we receive a complaint about this, we will signpost the individual to the correct procedure.

### **Example 2: An attendee at a Hearing wants to complain about missing papers**

This cannot be considered as a complaint because CHS is not involved in the sharing of hearing papers. We will direct the complainant to the Scottish Children's Reporter Administration, or offer to forward their complaint where appropriate.

### **Example 3: A Panel Member wants to complain about a new CHS training requirement**

This is not a complaint as a Panel Member is not considered to be a member of the public or external to CHS. Any volunteer who wishes to raise a complaint will be directed to the appropriate policy and procedure.

### **Example 4: A relevant person wants to complain about the contents of a social work report**

As CHS has no involvement in the production of social work reports, we cannot consider this a complaint. We will explain this and direct the complainant to the relevant organisation. This complaint may also make reference to the decision of the hearing panel, so we will address this issue as well.

### **Example 5: A member of the public alleges that a panel member is being investigated for inappropriate conduct in his workplace**

Whilst this falls outside of the scope of this complaint handling procedure, CHS may wish to look into allegations of this nature using another policy or procedure.

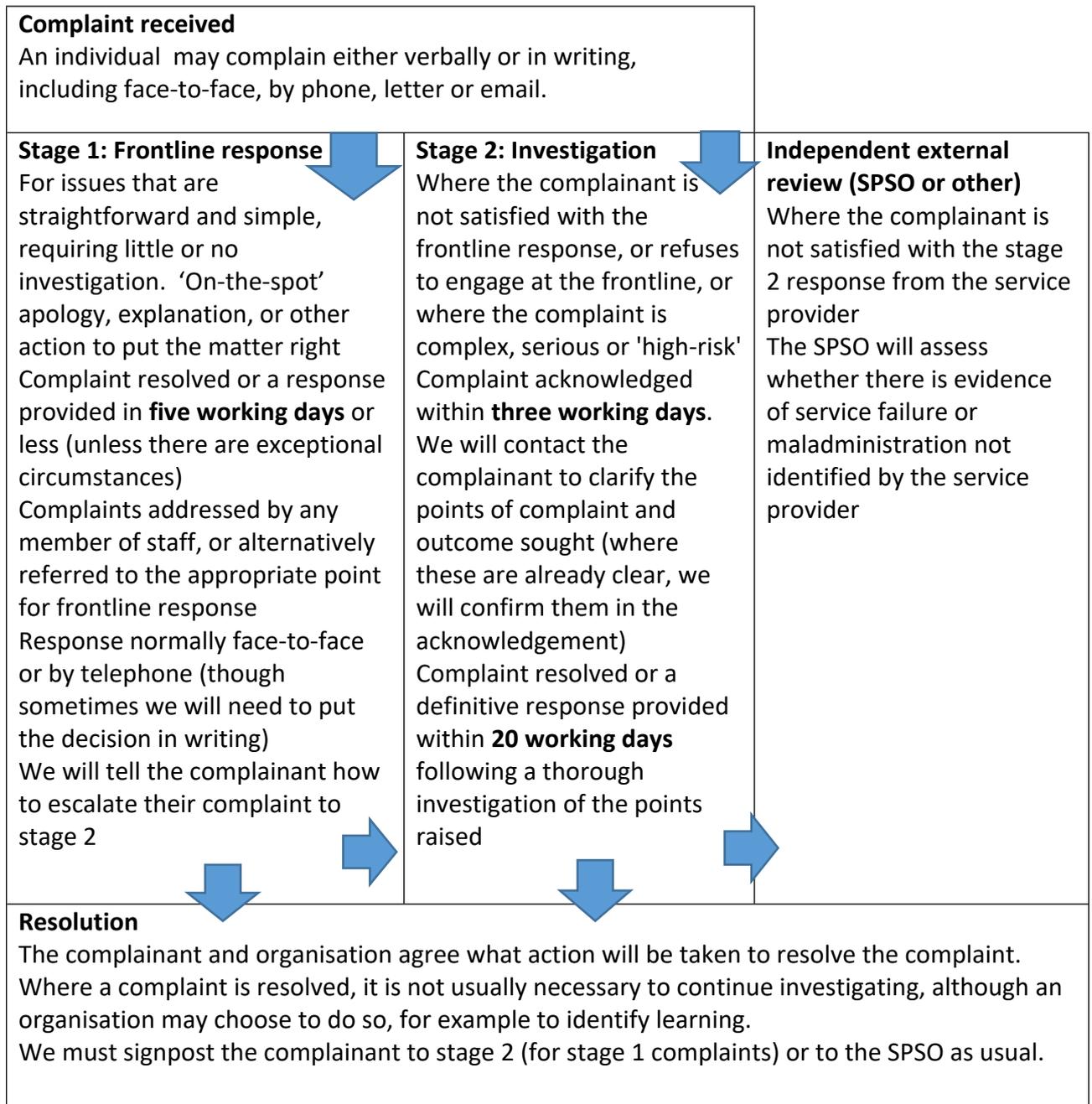
## Part 3: The Complaint Handling Process

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## The complaints handling process

1. Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the complainant's satisfaction. Where this is not possible, we will give the complainant a clear and reasoned response to their complaint.



**Reporting, recording and learning**

Action is taken to improve services on the basis of complaint findings, where appropriate. We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.

Senior management have an active interest in complaints and use complaints data and analysis to improve services.

Learning is shared throughout CHS.

## Resolving the complaint

2. A complaint is **resolved** when both CHS and the complainant agree what action (if any) will be taken to provide full and final resolution for the complainant, without making a decision about whether the complaint is upheld or not upheld.
3. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
4. A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the complainant or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
5. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See **Alternative complaint resolution approaches**.
6. Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the complainant's agreement to this as a final outcome. In some cases it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.
7. In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the complainant to stage 2 (for stage 1 complaints) or to the SPSO as usual (see **Signposting to the SPSO**).
8. If the complainant and CHS are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

## What to do when you receive a complaint

9. Staff or volunteers receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:

### **What exactly is the individual's complaint (or complaints)?**

10. It is important to be clear about exactly what the individual is complaining about. We may need to ask the complainant for more information and probe further to get a full understanding.

11. We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.

12. If the matter is not suitable for handling as a complaint, we will explain this to the individual (and signpost them to SPSO). There is detailed guidance on this step in **Part 2: When to use this procedure**.

13. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2 (see **Stage 2: Investigation**).

### **What does the individual want to achieve by complaining?**

14. At the outset, we will clarify the outcome the complainant wants. Of course, the complainant may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.

### **Can I achieve this, or explain why not?**

15. If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, they should do so.

16. The complainant may expect more than we can provide. If so, we will tell them as soon as possible.

17. Complaints which can be resolved or responded to quickly should be managed at stage 1 (see **Stage 1: Frontline response**).

### **If I cannot respond, who can help?**

18. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.

If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at stage 2. If the complainant refuses to engage at stage 1, insisting that they want their

complaint investigated, it should be handled immediately at stage 2. See **Stage 2: Investigation**.

## Stage 1: Frontline Response

19. Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.

20. Any member of staff may deal with complaints at this stage (including the member of staff or volunteer complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.

21. We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow the [SPSO guidance on apology](#).

22. **Part 2, Appendix 1** gives examples of the types of complaint we may consider at this stage, with suggestions on how to handle them.

23. Complaints which are not suitable for frontline response should be identified early, and handled immediately at **stage 2: investigation**.

## Notifying staff members involved

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24. If the complaint is about the actions of another staff member or volunteer, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

## Timelines

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25. Frontline response must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

### *Extension to the timeline*

26. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member or volunteer). Extensions must be agreed with an appropriate manager. We will tell the complainant about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).

27. If a complaint will take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member or volunteer). In such cases, the complaint may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.

28. If a complaint has not been closed within ten working days, it should be escalated to stage 2 for a final response.

29. **Appendix 1** provides further information on timelines.

### *Closing the complaint at the frontline response stage*

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30. If we convey the decision face-to-face or on the telephone, we are not required to write to the complainant as well (although we may choose to). We must:

- tell the complainant the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
- explain the reasons for our decision (or the agreed action taken to resolve the complaint (see **Resolving the complaint**)); and
- explain that the complainant can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the complainant has completed stage 2).

31. We will keep a full and accurate record of the decision given to the complainant. If we are not able to contact the complainant by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

32. If the complaint is about the actions of a particular staff member or volunteer, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

33. The complaint should then be closed and the complaints system updated accordingly.

34. At the earliest opportunity after the closure of the complaint, the staff member or volunteer handling the complaint should consider whether any learning has been identified. See [Part 4: Learning from complaints](#).

## Stage 2: Investigation

35. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:

- the complainant is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the complainant must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later (see **Part 2: Time limits for making a complaint**)
- the complaint is not simple and straightforward (for example where the complainant has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
- the complaint relates to serious, high-risk or high-profile issues (see **Part 2: Serious, high-risk or high-profile complaints**).

36. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the complainant a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).

37. Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.

38. The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful (see **Alternative complaint resolution approaches**).

## Acknowledging the complaint

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39. Complaints must be acknowledged within three working days of receipt at stage 2.

40. We must issue the acknowledgement in a format which is accessible to the complainant, taking into account their preferred method of contact.

41. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the complainant to get in touch with us immediately if they disagree. See **Agreeing the points of complaint and outcome sought**.

42. Where the points of complaint and expected outcomes are not clear, we must tell the complainant we will contact them to discuss this.

## Agreeing the points of complaint and outcome sought

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43. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the complainant is seeking. We may also need to manage the complainant's expectations about the scope of our investigation.

44. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the complainant when acknowledging the complaint (see **Acknowledging the complaint**).

45. Where the points of complaint and outcome sought are not clear, we must contact the complainant to confirm these. We will normally need to speak to the complainant (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the complainant have a shared understanding of the complaint. When contacting the complainant we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the complainant.

46. In all cases, we must have a clear shared understanding of:

- **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the points of complaint with the complainant (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the complainant insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our Unacceptable Actions Policy, bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

- **Is there anything we can't consider under the CHP?**

We must explain if there are any points that are not suitable for handling under the CHP (see **Part 2: What to do if the CHP does not apply**).

- **What outcome does the complainant want to achieve by complaining?**

Asking what outcome the complainant is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

- **Are the complainant's expectations realistic and achievable?**

It may be that the complainant expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the complainant as soon as possible.

### *Notifying staff members and/or volunteers involved*

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47. If the complaint is about the actions of a particular staff member or volunteer, we will notify those involved (including where the staff member is not named, but can be identified from the complaint). We will:

- share the complaint information with the staff member or volunteer (unless there are compelling reasons not to)
- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
- signpost the volunteer or staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).

48. If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met See also **Part 2: Complaints and disciplinary or whistleblowing processes**.

### *Investigating the complaint*

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49. It is important to plan the investigation before beginning. The complaint investigator should consider what information they have and what they need about:

- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or volunteers, or internal emails)
- what should have happened? (this should include any relevant policies or procedures that apply); and
- is there a difference between what happened and what should have happened, and is CHS responsible?

50. In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).

51. If we need to share information within or outwith CHS, we will be mindful of our obligations under data protection legislation. See **Part 1: Maintaining confidentiality and data protection**.

52. The SPSO has resources for conducting investigations, including:

- [Investigation plan template](#)
- [Decision-making tool for complaint investigators](#)

### *Alternative complaint resolution approaches*

53. Some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

54. Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the complainant's desired outcome.

55. The SPSO has [guidance on alternative complaint resolution approaches](#).

56. If CHS and the complainant (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

### *Meeting with the complainant during the investigation*

57. To effectively investigate the complaint, it may be necessary to arrange a meeting with the complainant. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

58. As a matter of good practice, a written record of the meeting should be completed and provided to the complainant. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

## Timelines

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59. The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):

- complaints must be acknowledged within **three working days**
- a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

### *Extension to the timeline*

60. Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the complainant about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the complainant.

61. Any extension must be approved by an appropriate manager. We will keep the complainant and any volunteers or staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the complainant and any volunteers or staff complained about at least once every 20 working days to update them on the progress of the investigation.

62. The reasons for an extension might include the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, volunteers, complainants or others but the person is not available because of long-term sickness or leave
- we cannot obtain further essential information within normal timescales; or
- the complainant has agreed to alternative complaint resolution approaches as a potential route for resolution.

63. **Appendix 1** provides further information on timelines.

## Closing the complaint at the investigation stage

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64. The response to the complaint should be in writing (or by the complainant's preferred method of contact) and must be signed off by an officer or Area Support Team member who is empowered to provide the final response on behalf of CHS.

65. We will tell the complainant the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational
- avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see [the SPSO's guidance on apology](#))
- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter; and
- indicate that if they are not satisfied with the outcome of the local process, they may seek a review by the SPSO (see **Signposting to the SPSO**).

66. Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed. See **Resolving the complaint**.

67. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

68. We will record the decision, and details of how it was communicated to the complainant, on the complaints system.

69. The SPSO has guidance on responding to a complaint:

- [Template decision letter](#)
- [Apology guidance](#)

70. At the earliest opportunity after the closure of the complaint, the complaint handler should consider whether any learning has been identified. See **Part 4: Learning from complaints**.

## Signposting to the SPSO

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71. Once the investigation stage has been completed, the complainant has the right to approach the SPSO if they remain dissatisfied. We must make clear to the complainant:

- their right to ask the SPSO to consider the complaint
- the time limit for doing so; and
- how to contact the SPSO.

72. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are outwith the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.

73. The SPSO recommends that we use the wording below to inform complainants of their right to ask the SPSO to consider the complaint. This information should only be included on CHS's final response to the complaint.

### Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about CHS. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have had a final response from CHS, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- you have gone all the way through CHS's Complaints Handling Procedure
- it is less than 12 months after you became aware of the matter you want to complain about, and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at [www.spsso.org.uk/complain](http://www.spsso.org.uk/complain) or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO  
 Bridgeside House  
 99 McDonald Road  
 Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

### *Post-closure contact*

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74. If a complainant contacts us for clarification when they have received our final response, we may have further discussion with the complainant to clarify our response and answer their questions. However, if the complainant is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

## Appendix 1 – Timelines

### General

1. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

### Timelines at frontline response (stage 1)

2. We will aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**, at the latest.
3. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

### Transferring cases from frontline response to investigation

4. If the complainant wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the complainant is told this will happen.

### Timelines at investigation (stage 2)

5. For complaints at the investigation stage, **day one** is:
  - the day the case is transferred from the frontline stage to the investigation stage
  - the day the complainant asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
  - the date we receive the complaint, if it is handled immediately at stage 2.
6. We must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.
7. We should respond in full to the complaint by **day 20**, at the latest. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
8. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the complainant, and update them (and any staff or volunteers involved) at least once every 20 working days.

### Frequently asked questions

*What happens if an extension is granted at stage 1, but then the complaint is escalated?*

9. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (we have 20 working days from this date, unless an extension is granted).

*What happens if we cannot meet an extended timeframe?*

10. If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days.

11. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the complainant and give them a revised timeframe for completion. We must update the complainant and any staff or volunteers involved in the investigation at least once every 20 working days.

*What happens when a complainant asks for stage 2 consideration a long time after receiving a frontline response?*

12. Unless exceptional circumstances exist, complainants should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest). See Part 2: Time limits for making a complaint.

## Appendix 2 – The complaint handling process (flowchart for complaints handler)

<p>An individual may complain verbally or in writing, including face-to-face, by phone, letter or email. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline response) or stage 2 (investigation).</p>	
<p><b>Stage 1: Frontline response</b> Always try to respond quickly, wherever we can</p>	<p><b>Stage 2: Investigation</b> Investigate where:</p> <ul style="list-style-type: none"> <li>The complainant is dissatisfied with the frontline response or refuses to engage with attempts to handle the complaint at stage 1</li> <li>It is clear that the complaint requires investigation from the outset</li> </ul>
<p>Record the complaint and notify any staff or volunteers complained about</p>	<p>Record the complaint and notify any staff/volunteers complained about Acknowledge the complaint within <b>three working days</b></p>
<p>Respond to the complaint within <b>five working days</b> unless there are exceptional circumstances</p>	<p>Contact the complainant to agree:</p> <ul style="list-style-type: none"> <li>Points of complaint</li> <li>Outcome sought</li> <li>Manage expectations (where required)</li> </ul> <p><i>(these can be confirmed in the acknowledgement where the complaint is straightforward)</i></p>
<p>Respond to the complaint as soon as possible, but within <b>20 working days</b> unless there is a clear reason for extending the timescale</p>	<p>Respond to the complaint within <b>five working days</b> unless there are exceptional circumstances</p>
<p>Is the complainant satisfied? You must always tell the complainant how to escalate to stage 2</p>	<p>Communicate the decision, normally in writing Signpost the customer to SPSO and advise of time limits</p>
<p>(Yes) Record outcome and learning, and close complaint. (No) -&gt; to stage 2</p>	<p>Record outcome and learning, and close complaint</p>
<p>Follow up on agreed actions flowing from the complaint Share any learning points</p>	

## Part 4: Governance

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### Roles and responsibilities

1. All staff and volunteers will be aware of:

- the Complaints Handling Procedure (CHP)
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

2. Training on this procedure will be part of the induction process for all new staff members and volunteers involved in the complaints handling process. Refresher training will be provided for current staff and eligible volunteers on a regular basis.

3. Senior management will ensure that:

- CHS’s final position on a complaint investigation is signed off by an appropriate officer in order to provide assurance that this is the definitive response of CHS and that the complainant’s concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)

- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in CHS; and
- complaints information is used to improve services, and this is evident from regular publications.

4. **Chief executive:** The chief executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The chief executive may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the chief executive of the quality of complaints performance.

5. The chief executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between CHS and contractors
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide CHS with an overview of how the contractor is meeting its objectives

6. **Heads of Service:** On the chief executive's behalf, Heads of Service may be responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints; and
- deputising for the chief executive on occasion.

7. They may also be responsible for preparing and signing off decisions for complainants, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, they may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other appropriately trained staff and volunteers. Where this happens, Heads of Service should retain ownership and accountability for the management and reporting of complaints.

8. **Area Conveners:** Area Conveners may be involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters to complainants, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

9. **Complaints handler:** The complaints handler is responsible and accountable for the management of the investigation. They may work in a voluntary capacity or as part of the centralised complaints team, and will be involved in the investigation and in coordinating all aspects of the response to the complainant. This may include preparing a comprehensive

written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across CHS.

**10. The human resources lead:** The HR Lead is responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.

**11. CHS's SPSO liaison officer:** Our SPSO liaison officer's role may include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

### *Recording, reporting, learning from and publicising complaints*

12. Complaints provide valuable service user feedback. One of the aims of the CHP is to identify opportunities to improve services across CHS. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

13. We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

### *Recording complaints*

14. It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:

- the complainant's name and contact details
- the date the complaint was received
- the nature of the complaint
- the service the complaint refers to
- staff member or volunteer responsible for handling the complaint
- action taken and outcome at frontline response stage
- date the complaint was closed at the frontline response stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable); and
- the underlying cause of the complaint and any remedial action taken.
- the outcome of the SPSO's investigation (where applicable).

15. If the complainant does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.

Individual complaint files will be stored in line with our document retention policy.

### *Learning from complaints*

16. We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

- seek to identify the root cause of complaints
- take action to reduce the risk of recurrence; and
- systematically review complaints performance reports to improve service delivery.

17. Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.

18. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. We will identify:

- the action needed to improve services must be authorised by an appropriate manager
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

19. SPSO has guidance on **Learning from complaints**.

20. Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

### *Reporting of complaints*

21. We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

22. We will report at least **quarterly** to senior management on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

### *Publicising complaints information*

23. We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services.

24. This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our service users that we value their complaints.

25. We will publish an **annual** complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and
- complaint trends and the actions that have been or will be taken to improve services as a result.

26. These reports must be easily accessible to members of the public and available in alternative formats as requested.

## Part 5: Service User Guide

Children’s Hearings Scotland (CHS) is committed to providing high-quality customer services.

*We value complaints and use information from them to help us improve our services.*

1. If something goes wrong or you are dissatisfied with our services, please tell us. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

### *What is a complaint?*

2. We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

### *What can I complain about?*

3. You can complain about things like:
  - failure or refusal to provide a service
  - inadequate quality or standard of service, or an unreasonable delay in providing a service
  - dissatisfaction with one of our policies or its impact on the individual
  - failure to properly apply law, procedure or guidance when delivering services
  - failure to follow the appropriate administrative process
  - conduct, treatment by or attitude of a volunteer, a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
  - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).
4. Your complaint may involve more than one CHS service or be about someone working on our behalf.

### *What can't I complain about?*

5. There are some things we can't deal with through our complaints handling procedure. These include:
  - a routine first-time request for a service
  - a request for compensation only
  - issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
  - disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
  - a request for information under the Data Protection or Freedom of Information (Scotland) Acts
  - a Community Concern raised by a Panel or Area Support Team Member
  - a grievance by a staff member or a grievance relating to employment or staff recruitment
  - a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
  - a concern about a child or an adult's safety
  - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
  - abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or
  - a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf).
6. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

### *Who can complain?*

7. Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written

consent. Please also read the section on **Getting help to make your complaint** below.

### *How do I complain?*

8. You can complain in person at our office, by phone, in writing, by email, or via our complaints form - <https://public.hub.chscotland.scot/complaint/submit>
9. It is easier for us to address complaints if you make them quickly and directly to the service concerned.
10. When complaining, please tell us:
  - your full name and contact details
  - as much as you can about the complaint
  - what has gone wrong; and
  - what outcome you are seeking.

### *Our contact details*

#### Our Head Office:

3rd Floor, Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE

#### Email Us:

[Complaints@chs.gsi.gov.uk](mailto:Complaints@chs.gsi.gov.uk)

#### Call Us:

0131 244 3696

#### Our Website:

<https://www.chscotland.gov.uk/>

### *How long do I have to make a complaint?*

11. Normally, you must make your complaint within six months of:
  - the event you want to complain about; or

- finding out that you have a reason to complain.
12. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

### *What happens when I have complained?*

13. We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

#### *Stage 1: Frontline response*

14. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.
15. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.
16. If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:
- within six months of the event you want to complain about or finding out that you have a reason to complain; or
  - within two months of receiving your stage 1 response (if this is later).
17. In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

#### *Stage 2: Investigation*

18. Stage 2 deals with two types of complaint: where the complainant remains dissatisfied after stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.
19. When using stage 2:
- we will acknowledge receipt of your complaint within three working days

- we will confirm our understanding of the complaint we will investigate and what outcome you are looking for
- we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

20. If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

### *What if I'm still dissatisfied?*

21. After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

- you have gone all the way through the *[organisation]'s* complaints handling procedure
- it is less than 12 months after you became aware of the matter you want to complain about; and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online at [www.spsos.org.uk/complain/form](http://www.spsos.org.uk/complain/form) or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on **Getting help to make your complaint** below.

The SPSO's contact details are:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

### *Getting help to make your complaint*

22. We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

23. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

**Scottish Independent Advocacy Alliance**

Tel: 0131 510 9410 Website: [www.siaa.org.uk](http://www.siaa.org.uk)

24. You can find out about advisers in your area through Citizens Advice Scotland:

**Citizens Advice Scotland**

Website: [www.cas.org.uk](http://www.cas.org.uk) or check your phone book for your local citizens advice bureau.

25. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 0131 244 3696, or email us at [complaints@chs.gsi.gov.uk](mailto:complaints@chs.gsi.gov.uk)

*Our contact details*

26. Please contact us by the following means:

Write to us:

*3rd Floor, Thistle House*

*91 Haymarket Terrace*

*Edinburgh*

*EH12 5HE*

Email Us:

[Complaints@chs.gsi.gov.uk](mailto:Complaints@chs.gsi.gov.uk)

Call Us:

*0131 244 3696*

We can also give you this leaflet in other languages and formats (such as large print, audio and Braille).

## Quick guide to our complaints procedure

### Complaints procedure

You can make your complaint in person, by phone, by email or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.

### Stage 1: Frontline response

We will always try to respond to your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.

### Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **three working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.

### Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.

## OHOV Zine and Calls to Action

<b>Accountable Director:</b>	Lynne Harrison Head of Strategy, Development and DCE
<b>Report author:</b>	Lynne Harrison
<b>Recommendation:</b>	To approve the report
<b>Resources implications:</b>	N/A
<b>Equalities duties:</b>	Equalities Impact Assessment Required <input checked="" type="checkbox"/> <b>No</b>

1. This presents the Our Hearings Our Voice 'Calls to Action' and identifies how CHS are responding to the asks from the Board.

### Background

2. The Our Hearing's Our Voice Board held a 'Hearing Children' event at Scottish Parliament in November 2019. The exhibition was an 'immersive event' and used a range of creative approaches to enable visitors to hear directly from the young OHOV Board Members. OHOV developed the exhibition in collaboration with Napier University and the Verbatim Formula in London.
3. OHOV had planned to tour the exhibition in early 2020 however Covid-19 restrictions prevented this. In conjunction with Napier University they transformed the exhibition into a paper Zine, maintaining the immersive elements through scannable Zapper app additions.
4. The Zine also identifies 40 'Calls to Action' (Appendix I), Rights based changes and improvements the Board wish to see enacted in the Children's Hearings System. These were promoted on social media through a #40quackstoaction campaign.
5. Alongside Hearing System partner agencies, the Zine has been issued to all CHS volunteers, National Team, CHS Learning Academy staff and the Board.

### Calls to Action

6. The OHOV Board have mapped the Calls to Action are set in the context of UNCRC Articles:
  - All adults in the Children's Hearing System MUST know about children's rights and respect, protect and fulfil them – Article 42
  - All adults and hearing centres must be trauma informed to make sure I am safe and comfortable – Article 39
  - My Participation rights - Article 12
  - My Rights to information that I can understand – Article 13
7. As might be anticipated, the Actions are aligned to the findings from The Care Review in relation to the Hearings System.

8. The National Convener and Principal Reporter met with the OHOV Board in September to discuss the Zine and Actions and it is very clear from the Actions and that direct engagement how pivotal the role of Panel Members are to the hearings experience for children and young people.

### **CHS Response**

9. Alongside the Care Review findings, we have mapped the Actions to our Strategic Themes (Appendix II) to ensure they are all captured in our work as we move forward.
10. Work to respond to many of the Actions is already in progress e.g. Panel Member Profiles; Continuity, Panel Member recruitment and attendance at hearings pilot. Others will be reflected in our work as we move forward to deliver against our 2020-23 Strategic Outlook which identifies aims of e.g.co-design of hearings, trauma informed practice and greater participation of children and young people in our work.
11. These will be driven and enabled by our Children's Rights and Inclusion Strategy, which sets out how we will ensure the participation of children and young people in our work. This strategy was co-created with young people with lived experience including OHOV representation.
12. The National Convener has written to OHOV thanking them for this important piece of work and stating our commitment to responding to their Calls to Action.

### **Recommendation**

2. The Board is asked to consider and discuss the OHOV Zine and calls to action.

# OUR CALLS TO ACTION

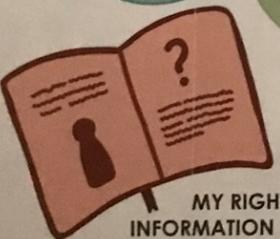


**ALL ADULTS AND HEARING CENTRES MUST BE TRAUMA INFORMED TO MAKE SURE I AM SAFE AND COMFORTABLE (ARTICLE 39)**

- Ask me what I need to be safe and comfortable to be able to take part in my Hearing, e.g. "If I hate lifts don't just expect me to use them!"
- Make Pre-Hearing visits more available to me.
- Make sure all Hearings Centres have good window and door coverings so my privacy and confidentiality is protected. (Article 14)
- There should be less professionals in the room.
- Hearings are stressful Support me to relax by having sensory and digital things in the Waiting Rooms that will entertain and help keep me calm. (Article 31)
- Hearings should be kept as short as possible.
- When Panel Members make decisions (recommendations) at my Hearing, they must happen.
- Make it quicker to be in permanency.
- Panel Members should tell me their names and why they decided to become a Panel Member.
- Get rid of chronologies...they are traumatising! Meet me and get to know me.
- Make sure I am always able to spend time with my family members when I am able and allowed to do so. (Articles 8, 9)
- Do not judge me. Get to know me. Try to step into my shoes and understand what my life is like and what is important to me.
- Permanency must not be held up due to shortages of staff in court.
- Social Workers must spend time with me to explain the things they write in my reports.
- Hearings could be more spaced out (maybe over more days) so there is time if they need to run over.

## ALL ADULTS IN THE CHILDREN'S HEARINGS SYSTEM MUST KNOW ABOUT CHILDREN'S RIGHTS AND RESPECT, PROTECT AND FULFIL THEM

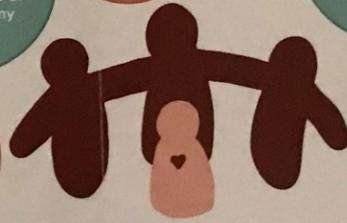
### (ARTICLE 42)



**MY RIGHTS TO INFORMATION THAT I CAN UNDERSTAND (ARTICLE 13)**

- All your communications with me (letters and legal papers) should be written in a way that gives me the facts in a way that I can understand.
- When you send me letters, make sure you tell me who has a right to be at my Hearing and who has been invited.
- You should get rid of the All About Me forms and instead have lots of different ways for me to tell you what is important to me.
- Leaflets should be re-designed to be more engaging and interesting. These should be co-designed with Hearings experienced children and young people.
- Make sure I understand what Panel Members decisions mean for me and my family.
- There is a lot of information leaflets about Hearings. Could these be condensed into something like films?
- Give me information about how to get a Children's Rights/ Advocacy Worker and/or Lawyer to support me.
- Make sure I know how to claim back travel costs for attending my Hearing.
- Have clear and easy to understand information about my right to ask for a review after 3 months.
- Involve us in all aspects of recruiting and training Panel Members.
- Have lots of different ways for me to share my views and make sure my voice is at the centre of my Hearing.
- Always ask me about my experience of my Hearing and use this feedback to make things better.
- Respect my Voice by listening, believing, valuing and including me when deciding what happens in my life.
- I should have a say about which professionals are important to attend my Hearing.
- The Hearings and Courts should respect my views about which family members I want to spend time with.
- There should be less professionals at my Hearing, and adults should leave my Hearing when they don't need to be there.
- Use my and other infants, children and young people's feedback about our experiences to sort out any local or national issues.
- There should be more care experienced Panel Members as they understand what it's like to go to Hearings and can empathise.
- Speak to me using words and explain things in ways that I will understand.
- The times of Hearings should be more flexible to fit around my life. I should have a choice about the date/time and location of my Hearing.

**MY PARTICIPATION RIGHTS (ARTICLE 12)**



Appendix II

**Theme 1: Better Protect and Uphold the Rights of Children**



We will ensure that our volunteers are trained in children's rights, and understand how to enable them

We will train our staff in children's rights and how to embed them in their work

We will ensure children and young people are able to participate fully in our work.

We want to create hearings that feel empowering to children and young people and be part of a system that is centred on love, care and respect

Everyone involved in The Children's Hearing System must be properly trained in...children's rights.

Scotland must challenge power dynamics within all decision making processes to achieve a balance which ensures all decisions taken are in the best interests of the child.

Whilst working to prevent the criminalisation of children, Scotland must develop a more progressive, rights based youth justice approach that builds on the Kilbrandon principles and makes them a reality for all.

Scotland must implement the rights of the child that does not reinforce a focus on policy, process and procedure but supports the ability of children and those around them to connect and develop relationships and cultures that upholds their rights as a matter of course.

Scotland must respect, uphold, champion and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers.

When children talk about wanting to be safe, they talk about having relationships that are real, loving and consistent. That must be the starting point. Scotland must prioritise that message from children over rules that have too often failed to keep them safe.

All children must be supported to continue relationships that are important to them, where it is safe to do so.

Upholding Children's Rights - If Scotland removes children from their families, their rights must be upheld as a basic minimum standard for their care. That must mean a clear commitment to creating the right culture of care where the whole workforce respects, upholds, champions and defend the rights of children for whom they are responsible.

Advocacy - Care experienced children and adults must have the right and access to independent advocacy, at all stages of their experience of care and beyond.

The principles that underpin Scotland's unique Children's Hearing System must be upheld but there must be a more active consideration of underlying structures so that the system is best places to truly listen and uphold the legal rights of children and their families.

Despite the difficulties of the system the Care Review has heard significant support for, and commitment to, the underlying principles of Kilbrandon that, when introduced, shifted Scottish children's policy.

Those principles recognise that, at their core, children who are involved in offending need protection and care and the criminalisation of children should be avoided, intervention should be early, minimal and as destigmatising as possible and all decisions made by professionals should be centered on the child's best interest.

The focus on the whole of the The Children's Hearing System must be the children and families who appear before it.

In the management of Hearings, CHS and SCRA must protect and uphold the legal rights of children.

Scotland must ensure decision making is based, first and foremost, on what the child needs and wants.

This is particularly important in decision about where a childre will find a stable, loving home.

We will focus on ensuring that hearings are places in which children's rights are recognised, respected and upheld. We will listen intently to children, young people and those with whom they have significant relationships.

Rights-based working is built in to the hearings system...these are features we are committed to.

Hearings [are required] to make decisions based on the best interests of the child...these are features we are committed to

All adults in the Children's Hearings System must know about children's rights and respect, protect and fulfil them

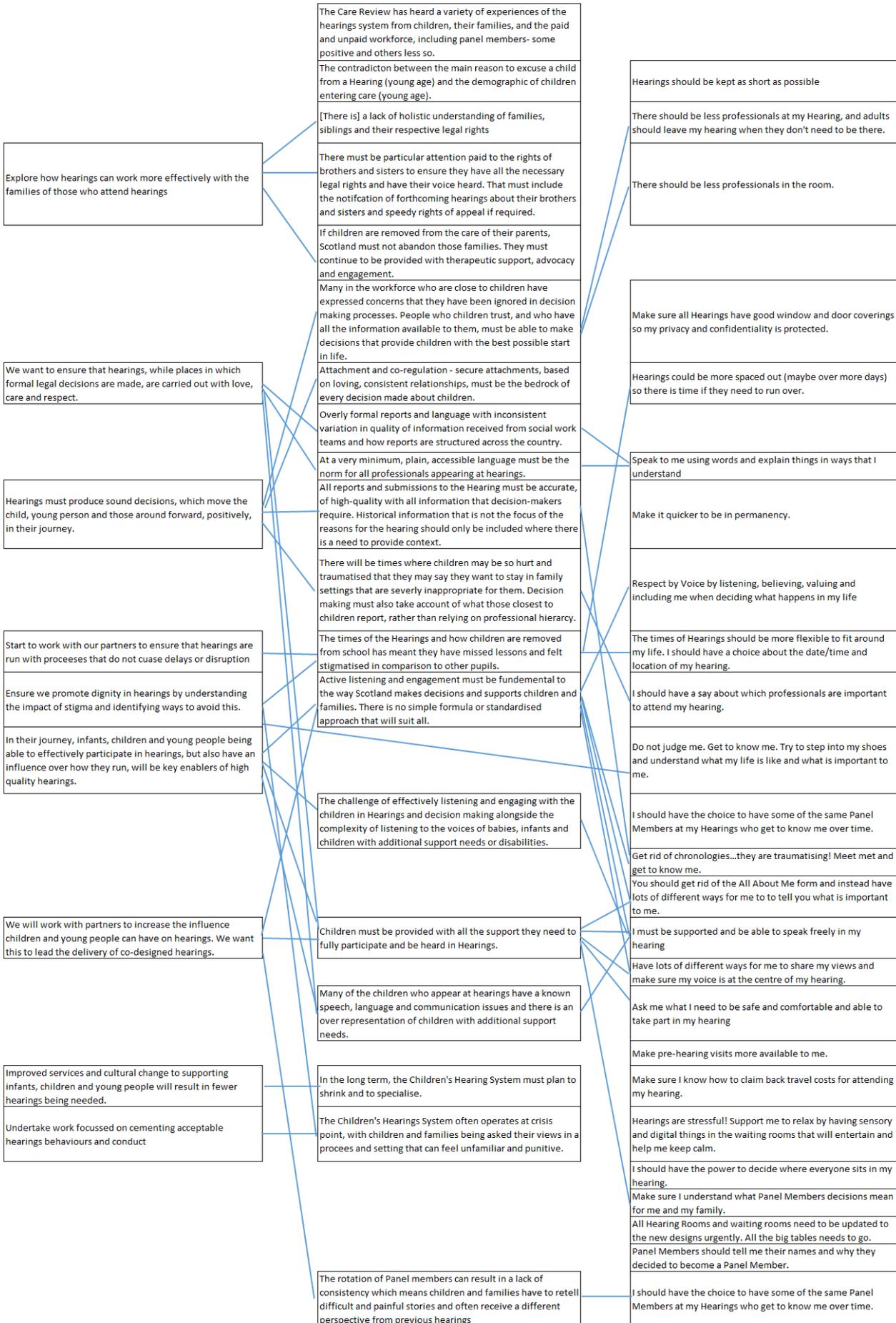
The hearings and courts should respect my views about which family members I want to spend time with.

Make sure I am always able to spend time with my family members when I am able and allowed to do so.

Give me information about how to get a Children's Rights / Advocacy Worker and/or Lawyer to support me.

Have clear and easy to understand information about my right to ask for a review after 3 months

Theme 2: Deliver Consistently High-Quality Hearings



**Theme 3: Continue to Build and Effective and Empathetic Panel, that is Well-Supported**

CHS Corporate Plan



The Promise



OHOV Quacks



We will continue to develop the training offered through the CHS Learning Academy to ensure Panel Members feel confident in their skills and abilities.  
High-quality decision-making requires a Panel that is well-trained....this must be kept up to date.

We will...openly and collaboratively support wider discussions about the role and make-up of Scotland's Children's Panel

We will contribute actively to any national review of the role of volunteer decision makers

We will introduce a new approach to supporting Panel Member wellbeing

We must ensure that Panel Members have the resilience to carry out their role, and access to additional support if they need it.

We will begin our work to fully embedding throughout our work an awareness of the impact of trauma.

Panel Members must...have an awareness of the range of experiences infants, children and young people may have.

Promoting diversity of experience, knowledge and backgrounds will be a key aim for us over the next three years.

We will actively seek to increase the number of Panel Members with lived experience of the hearings system

Everyone involved in the The Children's Hearing System must be properly trained in the impact of trauma, childhood development, neuro-diversity...

That training must be comprehensive and regularly reviewed.

Scotland must comprehensively assess and consider the role of volunteers

Full and proper consideration of implications for the operating model, including the dependency on volunteers, must be integral to this planning.

There must be a thoughtful and evidence-based exploration of alternative models of decision making including small scale tests and pilots to explore change.

Children and their families have told the Care Review about the difficulties of inconsistency of Panel Members and decisions, and the pain of re-telling difficult stories

Panel Members have said they feel unsupported and inexperienced to manage the cases that appear before them.

Hearings struggle to operate in a manner that recognises the trauma of the children and families who appear before them.

Hearings struggle to manage the complexity of the families appearing before them with Panel Members not typically reflecting the sociographic of families and struggling to understand and empathise.

Panel Members not feeling listened to and their concerns and worried about the children and families who appear before them not being followed up.

The rights and responsibilities of Panel Members as volunteers and their relationship with CHS is complex and provides little structure for accountability.

All adults and hearing centres must be trauma informed to make sure I am safe and comfortable

There should be more care experienced Panel Members as they understand what it's like to go to Hearings and can empathise.

## Annual Review of the Board Standing Orders

<b>Accountable Director:</b>	Lynne Harrison Head of Strategy, Development and DCE
<b>Report author:</b>	Lynne Harrison
<b>Recommendation:</b>	To approve the report
<b>Resources implications:</b>	N/A
<b>Equalities duties:</b>	Equalities Impact Assessment Required <input checked="" type="checkbox"/> <b>No</b>

### Background

1. The Board of CHS last reviewed and approved its Standing Orders (SO) at its meeting in November 2019. Significant amendments to the Standing Orders have been made over time. No changes are proposed for this year's review.
2. The SO will be subject to further review in November 2021.

### Recommendation

2. The Board is asked to consider and approve the Standing Orders.

## CHILDREN'S HEARINGS SCOTLAND BOARD STANDING ORDERS

### General

The Board has made the following arrangements for the discharge of its functions; these arrangements are to be referred to as the Standing Orders of the Board.

These Standing Orders take effect until further notice and supersede all prior Standing Orders.

The Standing Orders apply to the Board and its standing committees and unless the Board specifies to the contrary, to any other committees, or sub-committees which may be set up by the Board from time to time but do not apply to working parties or groups.

Standing Orders may be suspended at any meeting of the Board at which the majority of the members present are in favour. Unless expressly agreed otherwise by these members, such suspension have effect only for the item of business immediately following, and Standing Orders come into force again immediately afterwards.

### 1 The Role of the Board and responsibilities of Members

1.1 The Board – The principal role of the CHS' Board is to add value to the organisation through the exercise of strong leadership and control, including:

- Setting the organisation's strategic direction
- Establishing and upholding the organisation's governance and accountability framework, including its values and standards of behaviour
- Ensuring delivery of the organisation's aims and objectives through effective challenge and scrutiny of the CHS' performance across all areas of activity.

1.2 The Chair is responsible for the effective operation of the Board, chairing Board meetings when present and ensuring that all Board business is conducted in accordance with these Standing Orders. The Chair works in close harmony with the Chief Executive/ National Convener and, supported by the Governance Lead, ensures that key and appropriate issues are discussed by the Board in a timely manner with all the necessary information and advice being made available to the Board to inform the debate and ultimate resolutions.

1.3 The Deputy Chair deputises for the Chair in their absence for any reason, and will do so until either the existing Chair resumes their duties or a new chair is appointed. In fulfilling this part of the role, the Deputy Chair, when carrying out the functions of the Chair has all functions and authority of the Chair. If the Chair and Deputy Chair are both absent, the members present at the meeting may appoint from among themselves a member to act as a Chair for the purpose of chairing that meeting.

1.4 Board members are collectively responsible for:

- Ensuring that CHS complies with legislation
- Ensuring that the purposes of CHS' Mission, Vision and Values remain appropriate

- Agreeing the over-arching strategy for achieving the mission
- Approving policy, priorities and key performance measures and evaluating the organisation's performance against those measures on a regular basis
- Ensuring that systems are in place so that the organisation operates within the financial resources available to it
- Satisfying themselves that financial control systems, including regular reviews of performance against budget, are in place
- Satisfying themselves that systems to ensure the welfare (including health and safety), appraisal and good management of staff are in place and are observed
- Assessing the risks associated with activities and practices; ensuring that the risks are acceptable; and ensuring that appropriate processes, including an annual risk review, are in place to manage risk.
- Supporting the Senior Management Team and holding them to account through the CEO/ NC
- Individually and collectively representing CHS as appropriate and as agreed with the CEO/ NC and the Chair.

## **2 Board Meetings**

2.1 The Board decides the dates, times and places of its meetings and meets formally at least four times a year.

2.2 Board meetings are held in public except where the Board decides to hold all or part of a meeting in private. Reasons may include but are not limited to—

- discussing confidential material in connection with a third party;
- facilitating the achievement of consensus and preventing media focus on preliminary conclusions which may not feature in the final policies/reports;
- Matters relating to individual staff;
- Private discussions with Ministers including confidential advice from or to Ministers via their officials;
- Areas where CHS would not be required legally to disclose information.

2.3 The Board of CHS may wish to convene joint meetings with the Board(s) from one or several organisation(s) as appropriate. At joint meetings, CHS Board should be individually quorate, that is at least half of the currently serving members of the Board must be present. The Chairs of the Boards involved should agree who chairs the joint meeting.

2.4 Meetings of the Board can be held through electronic mode which includes but is not limited to video conferencing or audio visual/ telephone means.

## **3 Notice of Meetings**

3.1 The Governance Lead notifies members of all Board meetings and issues the agenda, minutes and papers seven calendar days before the meeting.

3.2 Members may propose items for the agenda to the Chair and should send those to the Governance Lead no later than twenty calendar days before the meeting.

3.3 If sufficient notice is not given for an item of business to be included on the agenda, it may be dealt with at the meeting if the Chair rules that there are reasons why it is urgent and gives those reasons. If the Chair rules that the matter is not urgent, it may be included as an item for the next meeting, unless it is withdrawn or dealt with in some other way before then.

3.4 Late papers may be discussed at meetings with the permission of the Chair. If papers cannot be issued due to lack of available time, they may be tabled at the meeting.

3.5 Lack of service of the notice to any member does not affect the validity of a meeting.

#### **4 Special Meetings of the Board to deal with Exceptional or Urgent Business**

4.1 The Governance Lead arranges for a meeting of the Board to be called if:

- ◆ required by the Chair;
- ◆ a request signed by one third of the Board members is made in writing to the Governance Lead for that purpose. At least three calendar days notice should be given of any special meeting and of the business proposed for that meeting. No business is to be transacted beyond that specified in the request which called for that special meeting.

#### **5 Quorum**

5.1 At least half of the currently serving members of the Board must be present to allow the Board to hold a formal meeting. If less than half of the Board members are in attendance at a Board meeting, the Board can discuss any items of business but cannot make formal decisions or vote on those items.

5.2 The quorum of any Board/Committee is determined by the Board as part of agreeing the Board/Committee remit.

5.3 A member may be present at a Board meeting, count towards the quorum and participate fully by means of video conference or telephone conference call.

#### **6 Sub judice**

6.1 A Board member may not make reference in a public Board meeting to any matter in which legal proceedings are active (as defined in section 2 of the [Contempt of Court Act 1981](#)). If a member raises an issue which, in the view of the Chair is, or may be, sub judice the Chair should require the member to cease discussion of the issue.

#### **7 Conflict of Interest**

7.1 All Board and Committee agendas include a standing item at the start of the meeting inviting Board Members to declare any:

- (a) financial interests;
- (b) non-financial interests or;
- (c) the interests, financial or non-financial, of other persons.

7.2 If a member declares a financial interest, the member must abstain from participating in the discussion of the relevant item until it is concluded. If a non-financial interest is declared, the member must decide whether to participate in the discussion and decision.

7.3 The Board has established a register of members' interests and maintains a regular review of it.

7.4 The Register of Interests is published on CHS website.

## **8 Adjournment of Meeting**

8.1 A meeting of the Board or of a committee of the Board may be adjourned by the Chair to any other hour, day or place. Unless the time and place are specified in the motion for adjournment, the adjournment continues until the next scheduled meeting.

## **9 Voting**

9.1 A meeting may make a decision unanimously or by a majority of the members present. In the latter case, a vote of the members may be taken orally, in writing or by a show of hands at the Chair's discretion. The Chair has a casting vote.

9.2 When a decision is agreed to by a majority of the members, the minutes record a unanimous decision. A member dissenting from a majority decision may ask for their dissent to be recorded in the minutes.

9.3 A member not present at a meeting at which a decision is taken from which he or she dissents may raise his or her concerns with the Chair. Such a decision is normally implemented. However, it is within the discretion of the Chair to defer that the matter appears as an item on the next agenda of the Board or committee or arise through the minutes.

## **10 Ruling**

10.1 The ruling of the Chair on the conduct of the meeting and the application of Standing Orders is final.

## **11 Admission of the Public to Board Meetings**

11.1 Board meetings are open to be observed by members of the public. The dates of such meetings will be advertised on the CHS website.

11.2 All meetings which allow public access are held in venues that are accessible to people with disabilities.

11.3 Any members of the public attending these meetings may, upon request, receive a copy of the papers for that meeting.

11.4 A member of the public who disrupts the business of the meeting may be required to leave the meeting after due warning has been given by the Chair. Re-admission to that, or other, public meetings held by the Board is at the discretion of the Chair.

## **12 Minutes**

12.1 The names of members present at a meeting of the Board or of a Committee of the Board are recorded in the minutes.

12.2 The minutes record all the items of business considered at Board meetings, the results of any decisions taken and of any divisions and elections which took place.

12.3 When the Board holds all or part of a meeting in private, minutes record the items of business taken and any decisions reached during the private items. The papers considered and the details of the Board discussions remain confidential.

12.4 Minutes are drawn up and circulated within ten working days to the Chair and Deputy of the Board and submitted to the next Board meeting for approval. The minutes are published on CHS' webpage no later than the next working day after they have been approved.

12.5 Minutes and other public papers may be circulated to such non-members of the Board on such conditions as the Board may determine. In addition, papers are available under the Freedom of Information (Scotland) Act and in accordance with the CHS publication scheme.

## **13 Committees**

13.1 The Board may appoint committees to exercise functions on its behalf. Such Committees may also appoint sub-committees.

13.2 Where functions are being carried out by committees or sub-committees, their members act on behalf of the Board.

13.3 Where a question arises about whether it is competent for a committee/sub-committee of the Board to consider a particular matter – that is, whether the matter is within the committee'/sub-committee's Terms of Reference, it is for the Board, after consultation with CHS Senior Management Team as appropriate, to decide.

13.4 The Board appoints the Chair of committees and, after recommendation from a committee, its Deputy Chair.

13.5 The Deputy Chair of CHS Board chairs the Remuneration and Appointments Committee.

13.6 In the absence of the Chair at a committee meeting, his/her Deputy chairs the meeting.

13.7 Committees and sub-committees may co-opt members with relevant expertise and knowledge who are not members of the Board. Co-opted members should not make up more than half the membership of committees and sub-committees.

13.8 Co-opted members of committees and sub-committees who are not members of the Board may claim certain travelling and other allowances but are not remunerated.

13.9 Committees and sub-committees may choose to appoint substitutes drawn from the membership of the Board. The Chair of the Board cannot be a substitute of the Remuneration and Appointments committee.

13.10 Approved minutes of committees and sub-committees meetings are submitted to the Board for noting as soon as practical.

13.11 The Board has set up the following Standing Committees—

- ◆ Audit and Risks Management Committee
- ◆ Remuneration and Appointments Committee.

13.12 The numbers and names of the Standing Committees, their membership and the matters remitted to them may be varied by the Board from time to time.

#### **14 Working Parties or Groups**

14.1 Working parties or groups may be set up from time to time by the Board.

14.2 Working parties or groups need not contain Board members. Where the conclusions of any working party or group require the authority of the Board or a committee before they can be implemented, the working party or group submits a report to the Board or the relevant committee setting forth its recommendations. Working parties or groups should have a Chair, maintain minutes of proceedings and report no less frequently than quarterly to the Board or appropriate standing committee. These reports may be in writing or verbal.

#### **15 Exceptional circumstances where Board business may be dealt with by correspondence**

15.1 Where there is urgent business of the Board and it is not practicable to convene a special meeting, the Chair may under exceptional circumstances deal with the matter(s) by correspondence.

15.2 In these exceptional circumstances, relevant papers and recommendations are circulated by email and by post. Every effort should be made to contact Board members,

accepting that this may not be possible. The normal rules and procedures apply to special meetings of the Board and decisions are agreed to by a majority of members. The actions/decisions arising from such exceptional circumstances are reported to the subsequent Board meeting.

## **16 Collective Responsibility and Confidentiality**

16.1 The Board and committees operate on the basis of collective responsibility for decisions. Members are therefore expected, if questioned on a matter where the Board or a committee has taken a view, to support the position reached.

16.2 If members are questioned on matters that fall within the remit of CHS but on which a Board or committee view has not been taken, they may give a personal view but should stress that it does not necessarily reflect the view of CHS. Before doing so, they are advised to consult with the Chair.

16.3 All members must maintain confidentiality as detailed in the CHS Code of Conduct and any guidance to that code provided.

16.4 All members must fulfil their responsibilities as set out in their terms and conditions of appointment. Any issues in relation to non-performance are addressed as part of the appraisal process for Board members.

## **17 Review of the Standing Orders**

17.1 The Board reviews its Standing Orders annually.

## Biodiversity Report 2018-20

**Accountable SMT member:** Head of Strategy, Development & Depute CEO  
**Report author:** National Quality & Performance Lead  
**Resources implications:** Within available resources  
**Purpose:** For approval  
**Equalities duties:** Equalities Impact Assessment Required

Yes?

No

### 1. Introduction / Purpose:

Included with this cover paper is the proposed CHS 2018-20 Biodiversity Report.

### 2. Comment:

CHS, as a public body in Scotland, has a duty under Section 1 of the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity - the wildlife, habitats and other forms of nature - in Scotland by how it exercises its functions. This is usually referred to as the 'biodiversity duty'.

Section 36 of the Wildlife and Natural Environment (Scotland) Act 2011 requires CHS to report on compliance with the biodiversity duty.

The enclosed report is designed to fulfil that requirement and has been produced in line with a reporting template developed by Scottish Government.

### 4. Board Action

The Board are asked to approve the 2018-2020 Biodiversity Report for publication.

**Children's Hearings Scotland**  
**Biodiversity Duty Report 2018-20**



## 1. Introduction

Children's Hearings Scotland (CHS), as a public body in Scotland, has a duty under Section 1 of the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity - the wildlife, habitats and other forms of nature - in Scotland by how it exercises its functions. This is usually referred to as the 'biodiversity duty'.

The biodiversity duty aims to (1) protect biodiversity through the management of specific sites, habitats and species (2) increase the level of understanding and connection between people and the living environment (3) promote consideration of all our impacts on the natural world through our actions and decisions, including through procurement and use of resources and (4) encourage staff, partners and customers to engage with and understand and consider biodiversity. Public bodies are required to fulfil this duty in a manner consistent with the proper exercising their functions.<sup>1</sup>

This report is designed to meet the accompanying requirement of Section 36 of the Wildlife and Natural Environment (Scotland) Act 2011 to report on our compliance with the biodiversity duty.

This is the second Biodiversity Duty Report CHS has produced and covers the 3-year period 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2020.<sup>2</sup>

## 2. About CHS

Children's Hearings Scotland is one of a number of organisations that work within the Children's Hearings System, Scotland's unique care and justice system that exists to ensure the safety and wellbeing of infants, children and young people in Scotland.

Our activities focus on recruiting, training and supporting volunteer Panel Members who make decision in children's hearings (sometimes known as the 'Children's Panel'), and Area Support Teams (ASTs) who provide support and direction at a local level.

CHS has around 40 staff (called the 'National Team') and is led by a Chief Executive, who also holds the role of National Convener (an independent position with legal responsibility to recruit suitable people to serve as Panel Members and ensure they have the right training), and a Senior Management Team.

CHS is governed by a Board, members of which are appointed for a period of three years.

<sup>1</sup> For more, see here: <https://www.nature.scot/scotlands-biodiversity/scottish-biodiversity-strategy/biodiversity-duty>

<sup>2</sup> The first is available here: <https://www.nature.scot/previous-biodiversity-duty-reports>

### 3. Relevance of Biodiversity at CHS

CHS is a small public body, with no specific environmental responsibilities. CHS does not own, regulate or manage land.

As of April 2019, CHS leases an office of approximately 304m<sup>2</sup> in central Edinburgh from the Scottish Legal Aid Board, where the majority of staff are usually based. CHS does not have responsibility for any outside space as part of this lease.

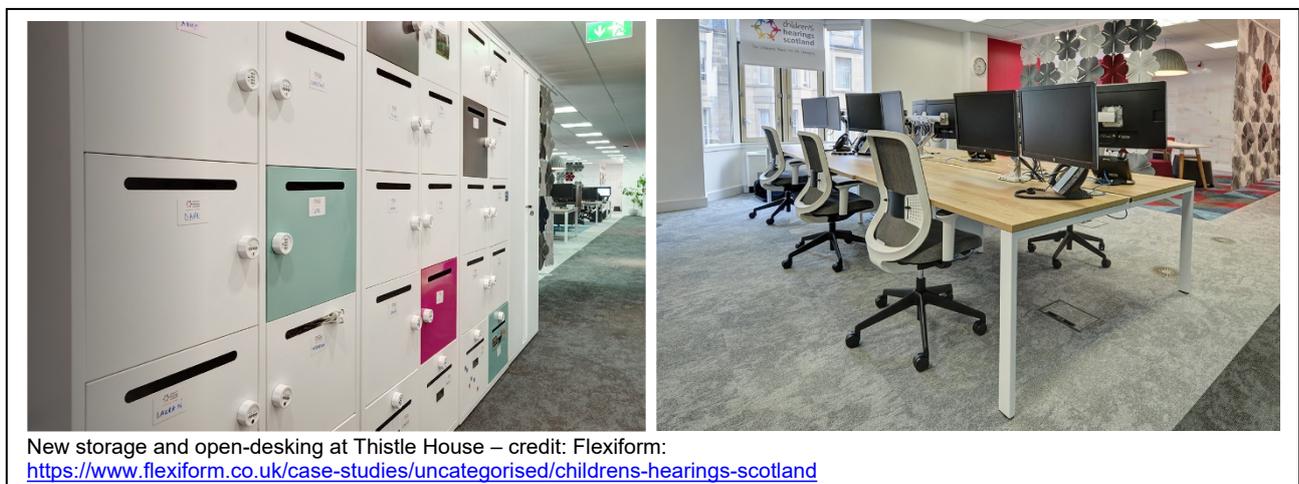
Nine roles, which were added in June 2019, are carried out regionally across Scotland. In most instances, these roles are based from desks (either permanent or hot-desking) within local authority-operated offices. These roles involve significant levels of travel across localities.

### 4. Actions to Protect Biodiversity and Connect People with Nature – *what we are doing to benefit biodiversity directly, to tackle the main drivers of biodiversity loss, or to achieve wider outcomes for nature and people.*

In April 2019, CHS moved to new premises at Thistle House. The need to reduce landfill waste and maximise recycling opportunities was considered as part of this move. Paper, glass, plastics and cans, food waste and landfill are therefore managed separately within the office. Reducing energy use is consistently encouraged throughout the office, with lights being switched off in rooms not in use, and monitors being turned off at the end of the day.

The move to Thistle House saw the introduction of open-desking to CHS as part of a wider smart working initiative, facilitated by the Scottish Futures Trust. Improving environmental performance and reducing CO<sub>2</sub> production was one of the explicit stated aims of this work.

No member of staff based at Thistle House now has an assigned work space, with equipment being stored in small lockers rather than at fixed desks. This, along with work to improve how effectively electronic documents are stored, has led CHS to becoming a largely paperless organisation.



**5. Mainstreaming Biodiversity** – *what we are doing to incorporate biodiversity measures into its wider policies, plans or strategies, including decision-making structures and staff and organisational roles and responsibilities.*

As referenced above, the smart-working initiative that CHS embarked on had CO<sub>2</sub> reduction as one of its planned primary aims.

**6. Nature-Based Solutions, Climate Change and Biodiversity** – *what we are doing to integrate biodiversity into nature based solutions to the climate emergency and other socio-economic outcomes.*

CHS has not used any nature-based solutions over the reporting period.

**7. Workforce Development** – *workforce skills and training*

In September 2020, CHS promoted ClimateWeek2020 amongst its staff. As a result, staff attended webinars/training courses on:

- Sustainable transport
- Energy bills
- Sustainable fashion
- Reducing carbon footprint through flexible working

As referenced above, the Scottish Futures Trust facilitated the move to smart working at Thistle House. This involved a number of staff workshops to ensure it was effectively developed and embedded.

**8. Research and Monitoring** – *research we are undertaking relevant to biodiversity or nature and monitoring we have undertaken to assess the impact of our actions.*

CHS voluntarily reports its environmental impact in our Annual Report and Accounts, presenting CO<sub>2</sub> footprint figures for:

- Grid electricity usage
- Natural gas usage
- Water supply and treatment
- Recycling
- Commercial waste
- Staff travel by car

Since moving to Thistle House, CHS has worked with our landlords to have access to data to ensure a degree of consistency of monitoring reporting from previous years.

The past three years data is presented here:

	<b>2019/20 Carbon Footprint (tCO<sub>2</sub>e) - estimated</b>	<b>2018/19 Carbon Footprint (tCO<sub>2</sub>e)</b>	<b>2017/18 Carbon Footprint (tCO<sub>2</sub>e)</b>
Grid Electricity	11.79	11.54	11
Natural Gas	6.51	5.07	6
Water – supply	0.03	0.05	0
Water – treatment	0.05	0.08	0
Car, petrol, unknown engine size	16.48	6.96	4
Recycling	0.04	data not available	0
Commercial waste	0.09	data not available	data not available
<b>Total</b>	<b>34.99</b>	<b>23.70</b>	<b>21</b>

CHS's carbon footprint increased by 47% between 2018/19 and 2019/20. There are two reasons for this: (1) more data being available in CHS's new office and (2) increase in mileage claims due to new staff, based across Scotland and working in regions, rather than being based at Head Office.

### **9. Biodiversity Highlights and Challenges – *our main achievements and the challenges we face***

CHS has embraced, in a significant way, ways of working that are mostly paperless in its new office. This move was carefully planned and delivered in partnership with other organisations and represents, we believe, a major achievement for a public body.

CHS' limited capacity to take action that has a direct impact on biodiversity will always present a challenge.

### **10. Future Plans – *how we will look to further develop our work within the biodiversity duty over the coming years***

Over the coming years, we intend to:

- Make more biodiversity/environmental learning opportunities available to staff
- Embed the sustainability of these learning opportunities through engagement of the CHS staff forum.
- Include environmental considerations in a review of our flexible working policy.

- Continue to monitor our carbon footprint, and use this to identify and take actions to reduce this where possible.
- Continue to look for opportunities to deliver our functions, particularly training and meetings, online to reduce the need for travel.
- Continue to look for opportunities to reduce our paper use (for example, rolling out digital hearings packs).

# Children's Rights and Inclusion Strategy

Version 1.0  
7th July 2020

# FOREWORD



Our Children's Rights and Inclusion Strategy comes to you at a particularly exciting time. With the release of our new corporate plan we have been ambitious, forward thinking and challenging like never before and this strategy adds to the inclusion and collaboration work that we are seeking to deliver over the next 3 years.

Throughout the changing landscape over the past few years, there has been a clear unequivocal challenge to Scotland's care sector. We **must** put the child or young person's voice at the centre of all that we do. This strategy aims to ensure that voice is centred and evident in all that we do. We, at Children's Hearings Scotland (CHS) are ready to lead this change so that Scotland's children grow up loved, safe, respected, and heard, and be able to realise their full potential.

This strategy has been carefully crafted in collaboration with people with lived experience of the hearings system, representatives from the panel community and invited experts in participation and engagement. This ensures that voice has been evident from throughout the process. Our commitment is to, where possible, continue to ensure that voice plays a critical role in influencing, shaping and driving CHS. The strategy will be implemented across the organisation to keep children at the heart of what we do.

I am encouraging our staff and volunteer community to be more ambitious, and we will support and empower you to be able to help us put this strategy into action, because without you this will not be possible.

I am confident that this is the right approach to take to ensure children and young people feel able to express their views, and with the upcoming incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, there has never been a more fitting time to realise and champion our children's rights.

I want to thank the children's hearings system, and the CHS community, for your unwavering commitment to Scotland's infants, children and young people.

Yours in partnership



**Elliot Jackson**  
National Convener  
& CEO

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# VISION: CHILDREN'S RIGHTS & INCLUSION



**We want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people\*.**

**At Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners.**

**Infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.**

*(\*future reference to child or children includes: infants, children and young people under the age of 18 years)*

## CHILDREN'S RIGHTS

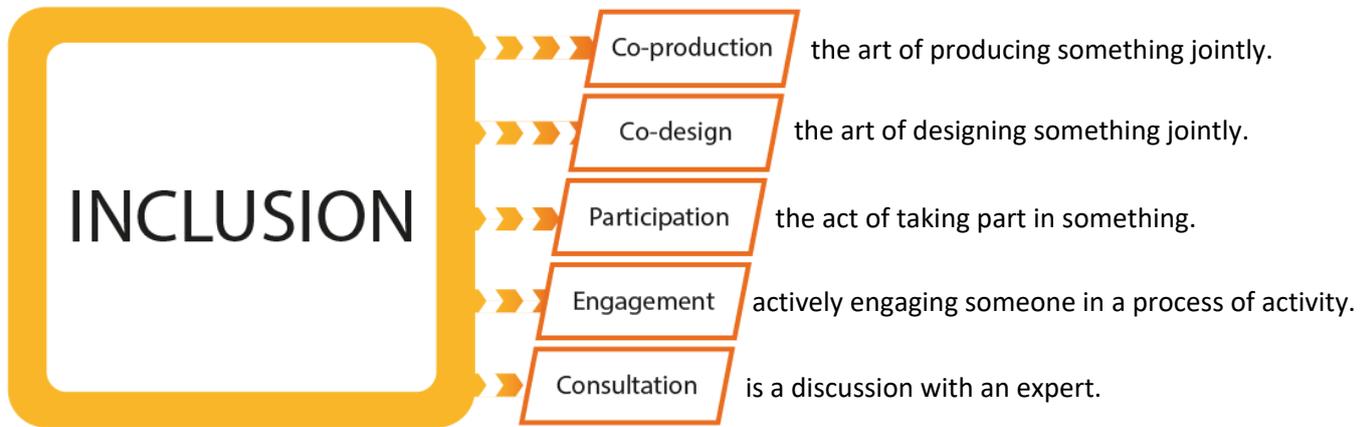
Introduced in 1989, the United Nations Convention on the Rights of the Child (UNCRC) is the international legal framework developed to ensure children's rights are protected and ensured. The UNCRC is the most widely ratified human rights treaty in history and has helped transform children's lives. It has 54 Articles in total, where 1 – 42 apply to children specifically, while 43 – 54 outlines how adults and governments should work together. (please see Appendix 1) As the Scottish Government announced in 2019 on the 30<sup>th</sup> anniversary of the UNCRC, children's rights will be fully incorporated into Scots Law. This will provide more power to bring change.

By the very nature of the decisions that Panel Members make in securing the best interests of the child, we have a clear understanding of the ways in which decisions will protect and safeguard many human rights of children. This is demonstrated in Appendix 2 showing a range of Articles and cluster groups as defined by the United Nations.

But we can do more, which this strategy reflects particularly on **Article 12 – respect for the views of the child**. This Article states that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. Our Children's Rights and Inclusion Strategy will help us embed this and many other Articles in everything we do.

## WHAT INCLUSION WILL LOOK LIKE

At CHS, we want to embed methods of inclusion that children feel comfortable with and confident in, and these may vary depending on the situation. To ensure we meet their variety of needs, we will operate across these options:



## WHY INCLUSION IS IMPORTANT

There are many reasons inclusion in, and beyond, children’s hearings is important. Namely **Article 12 of the UNCRC – respect for the views of the child**. We have been acutely aware of the challenge posed to Scotland’s care sector that people with lived experience receive equity in decision making surrounding their lives and indeed their communities. This strategy seeks to establish an environment where the expression and respect for the views of children is central to all that we do.

These are the three key areas CHS can work on to see our vision for Scotland’s children realised:

- **Children’s Hearings:** Children must feel that it is *their* hearing, where they can choose how to share their views about their lives. Panel Members’ interaction and communication with children will be as inclusive as possible, recognising and understanding trauma and its impact, as well as being open to the ways that children may choose to share their views.
- **Area Support Teams:** CHS Area Support Teams support the delivery of the National Convenor’s functions through providing local support to Panel Members. The working group considered the current ways that the views of people with lived experience of the hearings system contribute to the recruiting and supporting of local volunteers, two vital areas of work.
- **Children’s Hearings Scotland:** this relates to the successful functioning operations of CHS as an organisation. CHS will role model and demonstrate the ways in which the methods of consultation, engagement, participation, co-design and co-production can be used to improve our everyday work and practice.

# OUTCOMES & PILLARS OF INCLUSION

Can we change 'speak' to 'share their views'?  
And change 'Voice' pillar to 'Views'?



Our six 'pillars of inclusion' have been identified by people with lived experience of the hearings system as essential in reaching the three outcomes described above. Each and every pillar is required in combination to support this strategy.

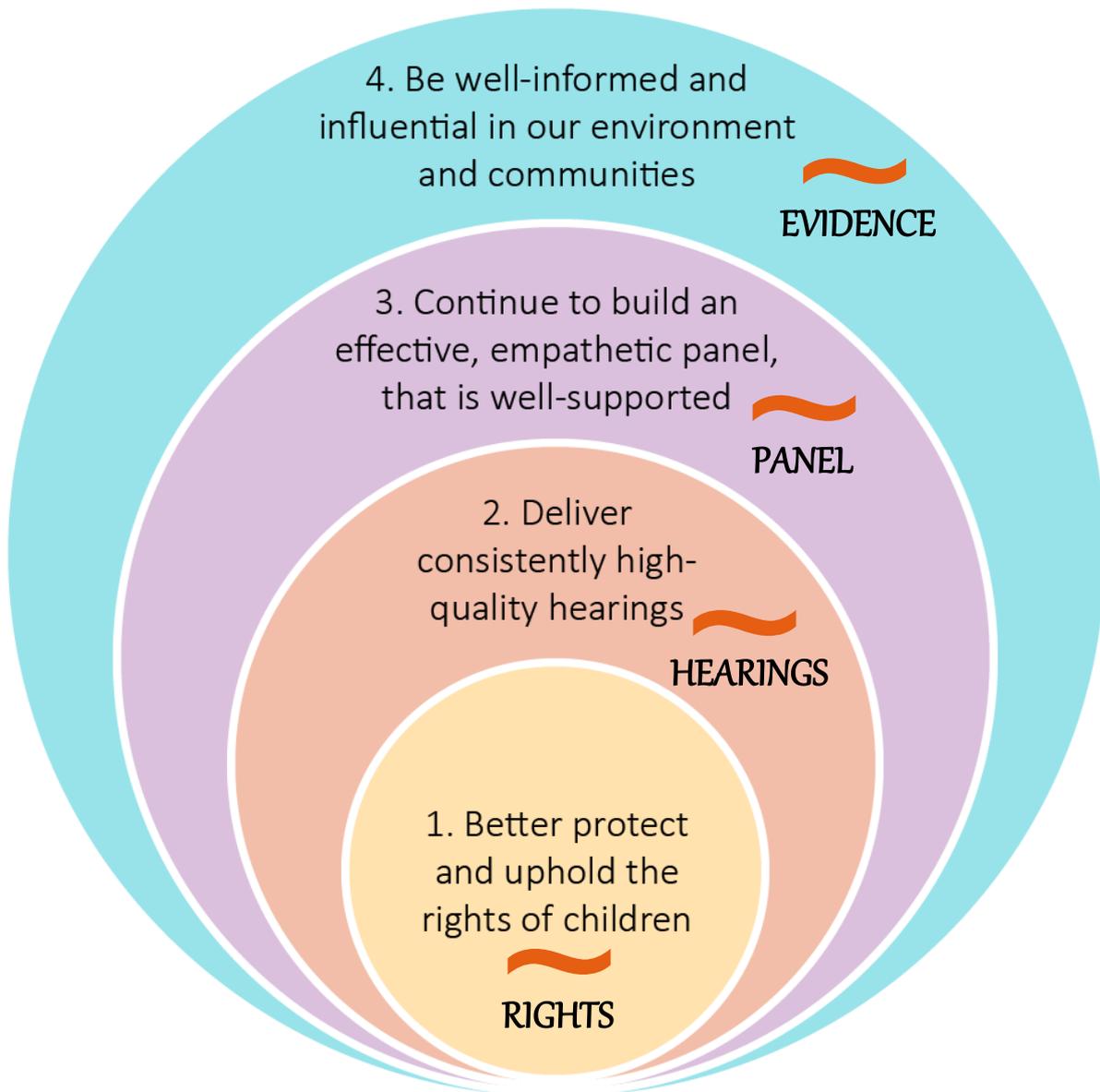
We will demonstrate **why** each pillar is important from a child's perspective and **what** we can all do to make those outcomes a reality. Before finishing with **how** we are going to go about this, we will reflect how this strategy works towards The Promise and responding to the wider recommendations of the Independent Care Review.

This strategy is aligned to the core values of Children's Hearings Scotland, being **child-centred, creative, respectful, fair, challenging** and **open**. It also aligns with the strategic themes of our corporate plan, known as *Our Corporate Outlook 2020 – 2023*.

# OUR CORPORATE STRATEGIC THEMES



In *Our Strategic Outlook 2020-2023* we set out what our priorities for the next three years will be. We call these our “Strategic Themes” and together, they set out an ambitious, improvement-driven direction for CHS that places children’s rights at its centre. Our Strategic Themes are:



The work outlined in this Children’s Rights and Inclusion Strategy is linked and contributes towards the delivery of these four themes across our ‘six pillars of inclusion’. You will see the relevant  over the next few pages demonstrating those links and contributions.

# VIEWS



## WHY?

### Throughout my hearings journey...

- The adults around me recognise the need to accept all views, including mine. [Article 12](#)
- I am supported to express my views using a way I am comfortable with e.g. poems, art, videos, technology. [Article 12 & 13](#)
- I feel included and can get support to have my views heard and listened to. [Articles 12 & 17](#)
- I feel empowered to express my views and supported to do so. [Article 6](#)

## WHAT?

*Scotland's children and young people have a hearings system that works for them.*



RIGHTS



RIGHTS

- Children will have lots of ways to express their views which our Panel Members will be trained in how to understand and listen to in a communication friendly environment.

- We will support children's right to representation in helping them to share their views.

- We encourage all children where possible to attend their hearings. If they feel unable to attend, they will be supported to still have their views shared.

- We are committed to understanding the views of all children and will work with partners in learning how best to incorporate the views of children under the age of 5 years using a range of different methods.

*The children's hearing system is dynamic and reflective of the community we seek to serve.*



EVIDENCE



EVIDENCE

- We will make sure that children and people with lived experience are included in developing, shaping, delivering and reviewing the work and values of Children's Hearings Scotland.

- People with lived experience of the hearings system will be included in all volunteer and staff recruitment. We recognise the invaluable experience that these individuals can bring to improving the children's hearing system for the better.

# CHOICE



## WHY?

### Throughout my hearings journey...

- I have freedom and control over my hearing. *Article 12*
- I have power over where, when and how to get involved. *Article 6 & 9*
- People respect and appreciate my choices. *Article 12 & 29*
- I have freedom over how I express myself. *Article 12 & 30*

## WHAT?

*Scotland's children and young people have a hearings system that works for them.*



RIGHTS

- Our hearings work for children, giving the choice for children to be included in deciding where and when their hearing takes place that is suitable and meets their needs.



RIGHTS

- Children will have the choice to be included in all aspects of the children's hearings system, not just the hearing itself, and they will be supported and encouraged to do this with equality and respect. They can choose if and how they want to use and bring their lived experience.



RIGHTS

*We are proud of Scotland's unique children's hearing system.*

- We embrace the range of inclusion that can be possible in a hearing, and for children who choose to, can have the opportunity to co-design their own hearing.

- We will work with partners in creating a way forward in co-designing hearings and if needed, appropriate and with evidence, we will challenge legislation to enable change.



RIGHTS

- We will ensure children's choice of how they share their views can be possible by working with partners on the logistics of the hearings space that will allow, for example, technology to be accessible if children want to express their views that way.

- We will support the increase of advocacy that is available for children attending hearings and ensure children are aware of this choice for them.

# RELATIONSHIPS



## WHY?

### Throughout my hearings journey...

- The adults around me understand the impact any trauma may have had on me and make me feel safe. [Article 6, 9, 25 & 39](#)
- The spaces and language used around me is appropriate and responsive to my needs. [Article 3, 4, 6 & 30](#)
- My hearings journey feels consistent and meets my needs. [Article 3](#)
- The people involved in my hearings journey are there because they need to be and care about me. [Article 3, 6 & 25](#)

## WHAT?

*Children's Hearings Scotland understand the importance of relationships for children which are based on respect, honesty and trust.*

### RIGHTS

- Panel Members are trained in how to listen and include children, recognising the challenges some children may face with communication and in recovering from trauma. They will embed a children's rights and child-centred approach during the child's hearing.

### HEARINGS

- We recognise the purpose and importance of having some of the same Panel Members at future hearings and will strive to achieve this by working with partners to provide this choice for children.

### HEARINGS

- We will clearly demonstrate and promote positive behaviours and expectations of Panel Members through our code of conduct, ensuring children feel safe and empowered within their own hearing.

- We will work with partners to ensure everyone attending a child's hearing understands how they should behave positively including family members and carers.

### EVIDENCE

*The children's hearing system is dynamic and reflective of the community we seek to serve.*

- We will ensure that children and people with lived experience of the hearings system feel empowered and connected to exert their influence using their personal experiences to improve the hearing's journeys for others through ongoing relationships with us.

# COMMUNICATION



## WHY?

### Throughout my hearings journey...

- People recognise the importance of language and the impact it could have on me. *Article 29, 30 & 39*
- Everything is explained clearly, and I can understand what has been explained. *Article 13 & 17*
- People respect my privacy and right to confidentiality. *Article 16*
- Children’s Hearings Scotland holds question and answer sessions so that I can ask the questions that are important to me and give feedback on the experiences of my hearings. *Article 6, 13 & 17*

## WHAT?

*The inclusion of children throughout their hearings journey is clearly visible through our core values.*

  
RIGHTS

- The inclusion and participation of children and people with lived experience of the hearings system must be the golden thread running through all everyday operational business at CHS. This will be supported by our Children’s Rights and Inclusion Coordinator.

  
RIGHTS

- All language used throughout the hearings process is accessible, communication friendly, and easily understood. Where this is not possible, everything is explained to the child in a developmentally appropriate manner. We will work closely with Scottish Children’s Reporters Administration (SCRA) in making this happen.

  
RIGHTS

- Everyone involved in the hearings journey with children and people with lived experience understand and respect their preferred pronouns.

  
PANEL

*We are proud of Scotland’s unique children’s hearing system.*

- There will be the creation of a ‘Top 10 Tips’ for the CHS volunteer community and National Team staff on how best to include children in a way that’s respectful, meaningful, safe and reduces any stigmatisation.

  
EVIDENCE

- We will participate, influence and lead the sharing of good and effective practice in inclusion, enabling us to further develop our skills and knowledge learning from others too.

*The children’s hearing system is dynamic and reflective of the community we seek to serve.*

- There are clear expectations and boundaries across Children’s Hearings Scotland and Area Support Team (AST) activity so that children and people with lived experience know what they can expect from our organisation in all situations.

# ACTION



## WHY?

### Throughout my hearings journey...

- My views are taken seriously and given individual thought and real weight. *Article 12*
- I am kept fully informed about how and why things happen the way they do. *Article 6, 13, 17 & 25*
- I feel comfortable that my views have been heard and acted upon. I will know this as it will be explained to me. *Article 12*
- I have the opportunity to be an active participant in decisions that affect me. *Article 12*

## WHAT?

*We are proud of Scotland's unique children's hearing system.*

  
RIGHTS

- We will report to Scottish Government on how we realise children's rights in the work we do. We will explicitly demonstrate the ways in which various Articles of the UNCRC are supported until there is no longer a need, with a children's rights-based approach being embedded in everyday practice and throughout training.

  
EVIDENCE

- In line with our values, all action within CHS relating to our Corporate Plan, Annual Business Plans and strategy documents will also illustrate the development of our inclusive work with children, across organisational work, AST operations, and Panel Member interactions with children in their own hearings.

  
RIGHTS

- CHS with our colleagues in the CHS Learning Academy will provide training for all staff and volunteers ensuring a children's rights-based approach and inclusive practice is used in making sure children are able to share their views including those children with any communication needs.

  
HEARINGS

*Scotland's children and young people have a hearings system that works for them.*

- We will make it clear for children on the roles, responsibilities and expectations of all the different people who attend the child's hearing.

  
EVIDENCE

- Feedback loops to monitor, review and evaluate each 'pillar of inclusion' will exist and collate the information, data and views recorded in different ways, to continually improve what and how we do it.

# SPACE



## WHY?

### Throughout my hearings journey...

- The spaces we meet feel safe and equal. [Article 2, 3 & 4](#)
- Consideration is given to where and when we meet, and these feel comfortable to me. [Article 13 & 25](#)
- I feel able to contribute because the space feels safe. [Article 6](#)
- These safe spaces will be a communication friendly environment. [Article 29 & 30](#)

## WHAT?

*Scotland's children and young people have a hearings system that works for them.*

- During the hearings journey, children are offered timely, safe and inclusive physical and psychological spaces to ensure they have their views shared and their needs met.

*The children's hearing system is dynamic and reflective of the community we seek to serve.*

- We will have people with lived experience of children's hearings with specific roles within our ASTs. In creating this space for people to occupy, we can continue to have lived experience at the centre in all we do.

- Children are included in shaping and influencing the spaces that children occupy, whilst never deviating from the experience of those people who have attended children's hearings. This will be supported by the work of our National Panel of Advisors within CHS.



RIGHTS



EVIDENCE

RIGHTS

# INDEPENDENT CARE REVIEW



**Table 1 – Independent Care Review Recommendations aligning with Our Pillars of Inclusion**

<b>T H E  P R O M I S E</b>	<b>VOICE</b> Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what children want and need. There must be a compassionate, caring decision-making culture focussed on children and those they trust.	<b>FAMILY</b> Where children are safe in their families and feel loved they must stay – and families must be given support together, to nurture that love and overcome the difficulties which get in the way.	<b>CARE</b> Where living with their family is not possible, children must stay with their brothers and sisters where safe to do so, and belong to a loving home, staying there for as long as needed.	<b>PEOPLE</b> The children that Scotland cares for must be actively supported to develop relationships with people in the workforce and wider community, who in turn must be supported to listen and to be compassionate in their decision-making and care.	<b>SCAFFOLDING</b> Children, families and the workforce must be supported by a system that is there when it is needed. The scaffolding of help, support and accountability must be ready and responsive when it is required.
●	- Listening to Children				- Rights: UNCRC
●		- Risk & Safety	- Relationships that are important to the child		- Advocacy
●		- Supporting Families	- Brothers & Sisters - Attachment & Co-regulation - Criminalisation - Personal Identity, Love & Relationships		- Rights: relationships and culture
●	- Information & Decisions		- Transitions - Stability - Language of Care		
●	- Listening - Decision-making - CHS Trained - CHS Youth Justice	- Intensive Family Support: decision-making	- Upholding Children’s Rights - Unaccompanied Asylum-Seeking Children	- Nurturing Scotland’s workforce - Learning & Development	- Parenting - Data Collection - Inspection & Regulation
●	- Structural & System Listening		- Section 3: Normalisation of Care Experience	- People & Risk	

● VIEWS ● CHOICE ● RELATIONSHIPS ● COMMUNICATION ● ACTION ● SPACE

## HOW – IMPLEMENTING THE STRATEGY



To ensure full implementation in tandem with our Corporate Plan, a **Quality Improvement Programme** will be developed to identify the tasks and actions of embedding our six ‘pillars of inclusion’ to reach our overall outcomes:

Children feel able to share their views openly, freely and honestly.

Children know that their views are given real weight and listened to in decision-making about their lives.

Children feel empowered and have ownership of their rights.

These key areas of work will be reflected across **Annual Business Plans**, where performance measures and targets will be set. Achievement will be quantified in our **Corporate Parenting Duties of Reporting** to Scottish Ministers on our further incorporation and promotion of children’s rights and the UNCRC.

The developments we will capture include:

1. Enhancing all **training for staff and volunteers** to embed a children’s rights-based approach, become trauma informed and responsive, and understand speech, language and communication needs.
2. **Working with all partners supporting children before attending their hearing** to ensure children are best prepared, recognise what information is shared, understand what their hearing is about and have had the opportunity to consider their views and thoughts.
3. **Working with all partners supporting children during their hearing** to ensure they have the choice of inclusion and participation in the way they share their views and thoughts. Panel Members will be trained in and understand the range of ways to hear the voices of children and demonstrate through effective communication what they have heard, making decisions clear for children to understand.
4. **Working with all partners supporting children after the child’s hearing** to gain feedback and ensure children have clarity on why decisions were made and what it means for them.
5. Within our ASTs, **embedding inclusion opportunities for local people with lived experience** by establishing a specific role that will facilitate activity across all functions of the AST in recruitment, retention, monitoring, training and supporting Panel Members.
6. For continuous improvement, adopting an **integrated approach to monitor, review and evaluate**. We have appointed a Children’s Rights and Inclusion Coordinator, whose role is to facilitate and support us reaching the outcomes of this strategy, with a responsibility on reporting improvements to our CHS Board in line with working towards The Promise, in meeting the recommendations of the Independent Care Review.

# GLOSSARY



**Area Support Team (AST)** – There are 22 ASTs that lead the vision, mission and values of CHS across the country in local authority areas. They coordinate the rota of Panel Members for hearings, lead local learning and development sessions, as well as recruit and retain their local volunteers.

**Co-design** – The Collins English Dictionary states that ‘co-design’ is the art of designing something jointly. For example, children being able to co-design and shape their own hearings with the panel chair.

**Co-production** – The Collins English Dictionary states that ‘co-production’ is the art of producing something jointly. For example, children co-producing the Panel Member recruitment campaign.

**Consultation** – The Collins English Dictionary states that ‘consultation’ is a discussion with an expert. For example, children being consulted on the CHS Learning Academy logo.

**Engagement** – The Collins English Dictionary states that ‘engagement’ is actively engaging someone in a process of activity. For example, the “[What makes a good Panel Member](#)” video.

**Inclusion** – The Collins English Dictionary states that ‘inclusion’ is the act of making a person or thing part of a group or collection. For example,<sup>2</sup> the inclusion of people with lived experience in this strategy’s working group.

**Our Hearings, Our Voice (OHOV)** – Our Hearings Our Voice is an independent board of young people aged 8-18 years who have lived experience of the hearings system, their aim is to change the hearings system for the better.

**Participation** – The Collins English Dictionary states that ‘participation’ is the act of taking part in something. For example, young people’s participation in the 2019 Panel Member recruitment process including interviews.

**United Nations Convention on the Rights of the Child (UNCRC)** – The UNCRC is a legal framework containing the rights and entitlements for children all over the world. It is important that as many children know their rights to ensure they are respected and protected at all times.

# ACKNOWLEDGEMENTS



This document was co-produced with the essential collaboration of our strategy working group. We want to recognise and say special thanks to the members of the group who gave their time, commitment, perspective and ambition to realise children's rights and inclusion in new possibilities.

The members of the working group included:

- Beth-Anne Logan, Chair of the working group and CHS Board Member
- Simone Smith, Advisor
- Dylan Duff, Advisor
- Liam Slaven, Advisor
- OHOV Board Member
- James Smith, Panel Member
- Paul Smith, Area Convenor
- Paul Sullivan, CELCIS
- Elaine Kerridge, Children in Scotland
- Jennifer Orren, SCRA
- Nathalie Helene, CHS
- Rosie Megginson, CHS
- Lara Wauchope, CHS
- Donna Martin, CHS

CHS has listened and reflected on the views and feedback that has been shared with us across the consultation period from 16<sup>th</sup> July to 13<sup>th</sup> November 2020. We want to be an organisation that listens and acts more through this strategy. We are extremely grateful to all the children, young people and adults with lived experience who took the time to share their views and expectations of this strategy and we also appreciate the support of many national and local organisations and services in enabling those consultation opportunities to take place.

List of everyone included in consultation!

# APPENDIX 1 - UNCRC



# APPENDIX 2



**Table 2 – Articles of the UNCRC in relation to Panel Member’s duties and responsibilities**

Cluster Group	UNCRC Articles	Activity in Children’s Hearings
General Measures of Implementation	4	<ul style="list-style-type: none"> <li>We are doing everything we can to ensure that every child can enjoy their rights. All CHS organisational operations should promote rights and enable children to realise their rights. Panel Member decision making should take rights into account.</li> </ul>
General Principles	2	<ul style="list-style-type: none"> <li>CHS organisational operations, Panel Member decision making, and how hearings run should protect children from all forms of discrimination.</li> </ul>
	3	<ul style="list-style-type: none"> <li>We are doing everything we can to ensure Panel Members are making decisions that are in the best interests of children and enable the necessary care and protection. We adhere to all necessary standards.</li> </ul>
	6 12	<ul style="list-style-type: none"> <li>Panel Members are, to the greatest extent possible, making decisions that ensure the survival and development of the child.</li> <li>Panel Members are providing children the opportunity to express their views (directly or through a representative) to a hearing and Panel Members give the views due weight.</li> </ul>
Civil Rights & Freedoms	7	<ul style="list-style-type: none"> <li>Panel Members are making decisions that, as far as possible, mean that children know - and are cared for by - their parents.</li> </ul>
	8	<ul style="list-style-type: none"> <li>Panel Members are making decisions that mean children can preserve family relations [without unlawful interference].</li> </ul>
	13	<ul style="list-style-type: none"> <li>Children are free to express their thoughts and opinions at a hearing through the media of their choice.</li> </ul>
	16	<ul style="list-style-type: none"> <li>Panel Members recognise that children have a right to privacy. It is important that people attending a child’s hearing are only there because it is essential.</li> </ul>
	28	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education.</li> </ul>
	37	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time.</li> </ul>
Violence Against Children	39	<ul style="list-style-type: none"> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> </ul>
	19	<ul style="list-style-type: none"> <li>Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them.</li> </ul>
	9	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not separate children from parents unnecessarily and all interested parties</li> </ul>

<p>Family Environment &amp; Alternative Care</p>	<p>19  25 27(1-2)  39</p>	<p>are given the opportunity to make their views known. Decisions should also not deprive regular direct contact with parents unless in the child’s best interest.</p> <ul style="list-style-type: none"> <li>Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them.</li> <li>Panel Members participate in the periodic review of care ensuring people keep checking if they feel safe and healthy</li> <li>Panel Members are making decisions that help secure the standard of living and conditions necessary for child development.</li> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> </ul>
<p>Disability, Basic Health &amp; Welfare</p>	<p>6  23  27 (1-3)  33</p>	<ul style="list-style-type: none"> <li>Panel Members are, to the maximum extent possible, making decisions that ensure the survival and development of the child.</li> <li>Panel Members treat disabled children with dignity and make decisions that promote self-reliance and participation in the community.</li> <li>Panel Members are making decisions that help secure the standard of living and conditions necessary for child development.</li> <li>Panel Members are making decisions that protect children from the illicit use of drugs.</li> </ul>
<p>Education, Leisure &amp; Cultural Activities</p>	<p>23</p>	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education.</li> </ul>
<p>Special Protections</p>	<p>22  32  33  34  36  37 (a-d)  39  40</p>	<ul style="list-style-type: none"> <li>Panel Members making decisions about children seeking refugee status in a non-discriminatory way and protecting rights when no parents can be found.</li> <li>Panel Members are making decisions that protect children from economic exploitation or harmful work.</li> <li>Panel Members are making decisions that protect children from the illicit use of drugs.</li> <li>Panel Members are making decisions that protect children from sexual exploitation and abuse.</li> <li>Panel Members are making decisions that protect children from any exploitation that may harm their welfare.</li> <li>Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time.</li> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> <li>Panel Members are treating children in conflict with the law with dignity and dealing with them in a manner appropriate to their wellbeing.</li> </ul>



3rd Floor Thistle House | 91 Haymarket Terrace | Edinburgh | EH12 5HE  
t: 0131 244 4743 | [www.chscotland.gov.uk](http://www.chscotland.gov.uk)

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**DRAFT Governance Plan 2021:**

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Board</b>	<b>26<sup>th</sup>:</b> DRAFT Business & Corporate Parenting Plan  UNCRC DRAFT Report  RAC Annual Report	<b>26<sup>th</sup>/27<sup>th</sup>:</b> Strategy Weekend	<b>23<sup>rd</sup> :</b> Business & Corporate Parenting Plan 2020-21  ARMC/RAC Annual Work Plan  2021/22 Pay Award  Accounting Policies  Financial Regulations  Gender Pay Report			<b>22<sup>nd</sup> :</b> Equality Outcomes – Annual Report  ARMC Annual Report			<b>21<sup>st</sup> :</b> Annual Report & Accounts  Impact Report  Feedback Loop  CHSLA Prospectus  Annual review of Appeals	<b>12<sup>th</sup>:</b> Board Strategy Day	<b>23<sup>rd</sup></b> Governance Plan  Board Standing Orders  Rights and Inclusion Strategy – Annual Report	
<b>ARMC</b>		<b>16<sup>th</sup>:</b> Annual Work Pan  Accounting Policies  Financial Regulations  Review ToR  Internal/External Audit Work Plans			<b>11<sup>th</sup>:</b> CHS Governance Statement  Annual Compliance Statement  Annual ARMC Report  BCP Review  IA Annual Report			<b>24<sup>th</sup>:</b> Annual Report & Accounts		<b>9<sup>th</sup>:</b> Review of own effectiveness  Annual Fraud Report		
<b>RAC</b>			<b>16<sup>th</sup>:</b> 2020/21 Pay Award  Review ToR  Annual work plan  Gender Pay report		<b>18<sup>th</sup>:</b> CEO Appraisal & Objectives 2020/21  Equality Reporting						<b>16<sup>th</sup>:</b> Review of own effectiveness  Annual Report	