

The Children's Panel  
— Life Changing.



**Core policies for the  
operation of the Children's  
Panel and Area Support Teams**



children's  
hearings  
scotland





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# **Background information for panel members and Area Support Team members on the Children's Hearings System**







## 1 Background and introduction to the Children's Hearings System

- 1.1 This is a very general overview of the Children's Hearings System for people who are in the process of joining the Children's Panel or taking up a role in an Area Support Team (AST) to support panel members.
- 1.2 Children's Hearings Scotland (CHS) is a public body set up in 2011, in preparation for the implementation of the Children's Hearings (Scotland) Act 2011 (the 2011 Act), which came into force on 24 June 2013.

The 2011 Act itself, and the creation of the role of National Convener and CHS as an organisation, are all key parts of the Scottish Government's 'reform and modernisation' agenda. This makes sure that the Children's Hearings System keeps children and young people at the centre and is equipped to meet the demands upon it in 21<sup>st</sup> Century Scotland.

- 1.3 The Children's Hearings System is Scotland's unique system for care and justice for children and young people.

It aims to ensure the safety and wellbeing of vulnerable children and young people through a legal decision making lay tribunal. Children's panel members, the Scottish Children's Reporter's Administration (SCRA) and partner agencies who implement decisions made by children's hearings work together to deliver care, protection and support services to meet the needs of the children and young people involved.

- 1.4 In Scotland, children and young people who face serious problems in their lives and who are in need of care and protection – including those who have offended – may be asked to go to a meeting called a children's hearing. This is a formal tribunal at which decisions can be made about the help and guidance necessary to support the child or young person.
- 1.5 There are a broad range of reasons which may lead to a child or young person being asked to attend a children's hearing, including: being abused and/or neglected at home by the people looking after them, not attending school, getting into trouble with the police, or putting themselves in danger through running away and drug and alcohol issues.

Children's hearings make decisions in the best interest of the child or young person to help and protect them.



## 2 The Children's Reporter and the hearing

- 2.1 The Children's Reporter is the person who will decide if a child or young person needs to be referred to a children's hearing. Children's Reporters are trained professionals whose job it is to decide whether there are legal "grounds" which might lead to the need for a compulsory supervision order (CSO). The Children's Reporter gathers information about the child or young person and their circumstances to help them decide whether or not a hearing is necessary. The Children's Reporter might speak to a social worker if the child has one, or their teacher, health professionals, police officers or the child and others involved in the child's life as part of this process.
- 2.2 In Scotland anyone who is concerned about a child or young person can tell the Children's Reporter about their worries and provide the Children's Reporter with information about a child.
- 2.3 SCRA is the public body which employs, manages and trains the Children's Reporters. SCRA is also responsible for other aspects of children's hearings, including making sure everyone has all the reports they need/are entitled to for consideration at the hearing, and providing facilities for the meeting and waiting rooms where hearings take place.
- 2.4 A referral is information received by the Children's Reporter about a child or young person, who may be in need of compulsory measures of supervision (legal intervention) to help them address their needs and/or behaviour. Most of the information about children and young people is received from the police, social work departments or schools. However, parents, family members, carers or any concerned member of the public can contact the Children's Reporter if they have concerns about a young person and their circumstances.
- 2.5 A children's hearing is a formal legal tribunal arranged to consider and make decisions about children and young people who are having problems in their lives and who may need legal steps to be taken to help and support them. Children's hearings are held in private and only those people who have a legal right to be there, or are allowed to be there by the chairing member, will be present.
- 2.6 The hearing consists of three members of the local community who act as lay tribunal members, called panel members. Panel members are not paid a fee to sit on hearings. They also undertake training and development activities in their own time, to make sure that they are equipped to make decisions in the best interests of children and young people and that the hearings are conducted fairly.





## 2.7 Who attends the hearing?

- the child or young person, unless a pre-hearing panel has decided that they do not have to attend
- the people who look after the child
- three panel members who will make the decisions
- the Children's Reporter who will record the outcome and any order made at the children's hearing
- a social worker or social care professional from the relevant local authority
- there may be a person called a safeguarder – they are there to safeguard the interests of the child
- the child can bring someone along like a friend, teacher, children's rights worker or advocate
- other family members or people who have a legal right to attend the hearing
- journalists may be present at a hearing\*
- representatives (including solicitors) for the child or young person, parent(s) or other adults may be present

\*There are specific limitations around media involvement to protect the rights of children and young people. The chairing member can ask the journalist to leave if they are causing upset or distress to the child or young person.

2.8 The child and their family or carers and other adults who have rights to be at the hearing because of their role in the child's life, are central participants in the hearing. The role of the Children's Reporter is to attend the hearing to support fair process and keep a record of the proceedings. The Children's Reporter takes no part in the panel members' decision-making.

2.9 The panel members will listen to everyone and consider all the information. The hearing will then make a decision and the panel members must give reasons for their decision. Decisions are made openly in the hearing. The reasons for the decisions are then recorded by the panel members.

2.10 The hearing can make certain decisions:

- the hearing can decide that formal, compulsory supervision measures are not required and discharge the case
- the panel members can decide that they need more information to help them make a decision about what is best and they can defer the hearing until a later date
- the hearing can decide to issue a warrant to secure the child's attendance where this is required
- the hearing can decide that compulsory measures of supervision are needed to help the child and can make a CSO – this will have measures attached to it which may include where the child or young person is to live (for example with foster carers or a relative)



- 2.11 The local authority is responsible for making sure that what is stated in the CSO is happening, and that the child is getting the help that they need. A CSO has no set time limit, but should last only as long as is necessary. It must be reviewed by a children's hearing at least once a year when it can be continued, varied or stopped.
- 2.12 When a child or young person is placed on a CSO they become 'looked after' for the period of time that the order is in place.
- 2.13 Depending on the measures attached to the CSO, the young person may become 'looked after' at home by their parent(s) or away from home in a care setting such as foster care, residential care or residential school, or by relatives or friends (this is known as 'kinship care').
- 2.14 It is important that you develop an understanding of the experiences and views of 'looked after children' involved with the Children's Hearings System and you may find the following websites a useful starting point:

The Centre for Excellence for Looked after Children in Scotland: [www.celcis.org](http://www.celcis.org)

Scottish Throughcare & Aftercare Forum: [www.scottishthroughcare.org.uk](http://www.scottishthroughcare.org.uk)

Who Cares? Scotland: [www.whocarescotland.org](http://www.whocarescotland.org)

Scottish Government statistics and information about look after children:

<http://www.scotland.gov.uk/Topics/Statistics/Browse/Children/PubChildrenLookedAfter>

### 3 History of the Children's Hearing System in Scotland

- 3.1 The Children's Hearings System, Scotland's unique system for care, protection and juvenile justice, commenced operating on 15 April 1971.

The system is centred on the welfare of the child. A fundamental principle is that the needs of a child should be the key test and that children who offend and children who are in need of care and protection should be dealt with in the same system. The rights of parents and children are protected, as the legal framework provides for decisions relating to the child's welfare to be decided by the panel of lay people, while disputed facts and appeals are dealt with by courts.

- 3.2 One of the strengths of the Hearings System is that it has been able to adapt to changing social and political climates. The fundamental principles on which it is based have been maintained – but processes have been changed in light of international conventions and case law. These include the specific rights for children contained in the United Nations Convention on the Rights of the Child and the general human rights contained in the European Convention on Human Rights.
- 3.3 The first legislation to recognise the need for juvenile offenders to be dealt with separately from adults was the Children Act 1908. In Scotland the minimum age of criminal responsibility was seven years and a child was classified as a juvenile up to the age of 17 years.



- 3.4 In May 1961, a committee was set up by the Secretary of State for Scotland under the chairmanship of Lord Kilbrandon, a senior Scottish judge. Other members of the committee were four justices of the peace, four lawyers, a chief constable, a headmaster, a psychiatrist and a probation officer.
- 3.5 The remit of the committee was:  
*“to consider the provisions of the law of Scotland relating to the treatment of juvenile delinquents and juveniles in need of care or protection or beyond parental control and, in particular, the constitution, powers and procedure of the courts dealing with such juveniles, and to report”.*
- 3.6 No one could have envisaged the innovative and radical recommendations that the Kilbrandon Committee would produce, which led to the setting up of the Children's Hearings System.
- 3.7 The Committee's report was presented to Parliament by the Secretary of State for Scotland in April 1964.
- 3.8 At the time the Kilbrandon Committee was considering the way forward, “juvenile delinquency” was seen as a much greater problem than cases in which children were the victims of cruelty or neglect.
- 3.9 The Kilbrandon Report defined core principles which were realised through the creation of the Children's Hearings System:
- whether they require care or have offended, children or young people in trouble have similar needs and those needs should be met through a single system
  - a preventive approach, involving early identification and diagnosis of problems, is essential
  - once the facts of the case have been established, the focus of the hearing should be on the best means of meeting the child or young person's needs
  - in deciding how a child or young person's needs should be met, his or her welfare throughout childhood should be the paramount consideration
  - the child or young person's family and its circumstances should be integral to the discussion about how best to meet his or her needs
  - compulsory measures of care should be applied only where the child or young person's welfare cannot be secured through voluntary arrangements
  - through the appointment of lay panel members, the child or young person's local community should participate in decisions about children or young people
- 3.10 In taking all these factors into account, the Committee reached one of its most important and far-reaching conclusions:  
The overriding and paramount principle was that the needs of an individual child required to be assessed so that appropriate ‘treatment’ could be applied. This could only be achieved by objective examination of all surrounding facts and circumstances. It was inappropriate to expect a single agency to determine disputed facts and establish what an individual child's needs were in the light of the fullest information about the child's personal and family circumstances.



- 3.11 The Kilbrandon Committee recommended that entirely new arrangements were required to deal with all children in need and that a special treatment agency or panel was necessary, which would be neither a court of law nor a local authority committee.
- 3.12 The panel would be essentially a lay body, comprising people with the knowledge and experience necessary to consider children's problems. This was a model on which none of the then current systems of juvenile justice was based. The panel would have powers of compulsory action and the power to vary measures appropriate to the individual child.
- 3.13 What distinguished panels from the juvenile courts then in existence was the manner in which their powers would be exercised. The driver for action would be the child's need for special measures of education, training or support. The panel's jurisdiction would be founded on grounds where the basic facts were agreed or accepted, with disputed matters being referred to a sheriff for adjudication.
- 3.14 There was intense and heated debate about the shift from courts towards a system based on 'social education'. Despite the controversy, the government accepted the recommendations in principle and in much of the detail.

A White Paper '*Social Work and the Community*' was produced in 1966. It retained most of the core proposals of the Kilbrandon Committee and introduced the specific terms 'children's panels' and 'hearings' for the first time. The White Paper included a range of possible decisions (known as 'disposals') that would be available to hearings. These included discharge of the case and home or residential supervision.

Significantly, the White Paper also linked juvenile justice to developments taking place in the organisation of social work. The aim was to create a new kind of social work department, bringing together the various specialised social work services – probation, the children's departments and welfare departments of councils – in order to provide an effective all-encompassing system. The White Paper recommended that the newly organised social work departments should provide the supporting services necessary for the work of children's hearings.

- 3.15 Statutory provision for the new system was made in the Social Work (Scotland) Act 1968. Parts I and II of this Act enabled the necessary changes in the organisation of social work services to be made and the new social work departments were set up in November 1969. Part III of the Act, which established the Children's Hearings System, was not implemented until April 1971. This allowed time for the changes brought about by the reorganisation of social work to become established, before the departments taking on responsibility for duties imposed in the legislation to deal with children in need of compulsory measures of care, were introduced.



## 4 The fundamental principles of the Children's Hearings System

4.1 The Children's Hearings System was, from its start, underpinned by principles set out in the Kilbrandon Report. These brought together the law, expertise in providing child care and informed lay judgement in order to reach decisions on what care was needed in the best interests of individual children. The key principles are:

- children who offend and children against whom offences are committed should normally be dealt with in the same system – but children who commit very serious offences may be dealt with by the courts
- the system is based on a concern for the welfare of the child not punishment
- while the child's needs are normally the test for intervention, this does not mean ignoring deeds
- the gatekeeper to the system, the Children's Reporter, gathers evidence to support specified reasons for referral and also applies the test of the need for compulsory intervention
- hearings are conducted in private but are open to prescribed public scrutiny
- decisions in hearings are made by trained lay people, representing a cross-section of the community
- children and parents have the right to accept or deny the grounds for referral and disputed facts are dealt with by a sheriff
- hearings consider the whole child – that is the child in the context of his or her life
- the style and setting of hearings is relatively informal to encourage full and frank discussion while legal procedures are observed
- hearings should attempt to engage the cooperation of families in resolving problems
- parents are usually the best people to bring up their own children and should be encouraged and enabled to do so whenever possible
- hearings must seek, listen to and take account of the views of children and their parents in reaching decisions
- compulsory measures should be beneficial with decisions taken by children's hearings being in the best interests of the individual child
- compulsory measures encompass protection, treatment, guidance and control
- children should remain in their own community wherever possible and service provision should be integrated
- other rights, such as the right to appeal and to review of compulsory measures, are built in to the system



## 5 A developing system

- 5.1 Children were referred to the Children's Reporter in ever increasing numbers year by year with hearings taking place across Scotland.
- 5.2 By 1996 when the 12 regional local authorities were reorganised into 32 single-tier authorities, there were approximately 2,000 panel members serving throughout Scotland and this number has continued to increase slowly.
- 5.3 The reporter service, which was placed within local authorities, became a separate agency, the Scottish Children's Reporter Administration, in early 1996.
- 5.4 Though not without its critics, the system gained in credibility and respect over its first 25 years. The principle that determination of disputed fact and decisions on the care of the child are separate was described by Lord President Hope in 1991 as *'the genius of this reform which has earned it so much praise'*. The system has survived two radical reorganisations of local government in Scotland. A major ongoing concern is, however, the provision of adequate services for children and families in the light of growing demands on limited resources.
- 5.5 Initially, children's hearings were concerned mainly with children who had committed offences, but in the late 1970s reported incidents of child abuse increased and in the 1980s child sexual abuse began to be acknowledged as a widespread problem. The number of care and protection referrals to hearings has grown steadily over the years. The system also had to adapt to social changes over this period which have put pressure on children and their families.

## 6 Review of the law

- 6.1 Recognising that change was needed, the Secretary of State for Scotland appointed a Review Group in February 1988 to consider options for improving child care law in Scotland. The Review Group's Report was published in October 1990, but action on the recommendations was delayed to await the results of two important inquiries: Lord Clyde's investigation of events surrounding the removal of a number of children from their homes in Orkney, and a report by Sheriff Brian Kearney, with Professor Elizabeth Mapstone, child care adviser, on child care policies in Fife. Both reports were published in October 1992.
- 6.2 The same year saw the publication of a review of residential child care by Angus Skinner, Chief Inspector of Social Work Services and a review of the functions and accountability of Children's Reporters to children's panels, by Alan Finlayson, a retired Regional Reporter.
- 6.3 In addition to these reports on aspects of child care, the Scottish Law Commission's Report on Family Law recommended that family law should give greater emphasis to the concept of parental responsibilities rather than parental rights and should stress that even if they cannot live together, both parents should normally have a role to play in their child's life. In addition, it was felt that the law should recognise and respect the views of children in matters affecting their upbringing. Adoption law and services for children and young people with disabilities were also reviewed.





## 7 The Children (Scotland) Act 1995

- 7.1 In 1993 a White Paper '*Scotland's Children: Proposals for Child Care Policy and Law*', was published. This emphasised the confidence of the government in the Children's Hearings System and its commitment to it while recommending some reforms, particularly in relation to emergency protection of children.

The Children (Scotland) Bill followed in November 1994. While emphasising children's rights and needs and the importance of working in partnership with families, the government also stressed the need to ensure that young people who commit offences were dealt with effectively. The provision of care services must not shy away from the need to set clear boundaries for young people and point out the consequences of failing to respect the rights of others.

- 7.2 During the progress of the Bill through Parliament there was a substantial amount of consultation and amendment. The Special Standing Committee met in Scotland for the first time in February 1995 and took evidence from, amongst others, families and organisations concerned with children's welfare and rights. Royal Assent for the Bill was given on 19 July 1995.

- 7.3 The Children (Scotland) Act 1995, implemented on 1 April 1997, marked a significant stage in the development of legislation on the care of children and largely replaced those parts of the Social Work (Scotland) Act 1968 which related to children. It was centred on the needs of children and their families and defined parental responsibilities and rights in relation to children.

It established in Part I, the private law section of the Act, that in order to retain rights in respect of their children, parents were required to fulfil their parental responsibilities. In certain circumstances, parents may be deprived of their parental rights.

In addition to the legislative framework for the Children's Hearings System, the Act also set out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare required it.

- 7.4 The Act reaffirmed that the positive development of child care should be based on clear principles. Thus, whilst retaining and building on the fundamental Kilbrandon philosophy and principles, it incorporated provisions which conformed to commitments under the United Nations Convention on the Rights of the Child. It also sought to take account of obligations under the European Convention on Human Rights.

- 7.5 The following key principles of the United Nations Convention on the Rights of the Child are implicit themes in the legislation or explicit requirements on decision makers:

- every child has the right to be treated as an individual
- children have the right to express their views about any issues or decisions affecting or worrying them
- every effort should be made to preserve the child's family home and contacts



- parents should normally be responsible for the upbringing and care of their children
- children, whoever they are and wherever they live, have the right to be protected from all forms of abuse, neglect and exploitation
- every child has the right to a positive sense of identity
- any intervention in the life of a child or family should be on formally stated grounds, properly justified, in close consultation with all the relevant parties
- any intervention in the life of a child, including the provision of supportive services, should be based on collaboration between all the relevant agencies

7.6 The Children (Scotland) Act 1995 requires courts and children's hearings to bear in mind the following central principles in reaching decisions:

- the welfare of the child is the paramount consideration in most decisions being made by courts and children's hearings (unless members of the public need to be protected from serious harm)
- no court or children's hearing should make an order relating to a child unless the court or children's hearing considers that to do so would be better for the child than making no order at all
- children should be given an opportunity to express a view and, if they do so, consideration should be given to the child's views – children of 12 or over are presumed to be sufficiently mature to be able to form a view

## **8 Protection of rights and the European Convention on Human Rights**

8.1 The European Convention on Human Rights was drawn up in 1950 and ratified by the United Kingdom in 1951. Its historical context is the Second World War and the lowering of the 'Iron Curtain' across Eastern Europe. Forty European countries are party to the Convention and required to give effect to the rights which it sets out.

8.2 From 1966 British citizens had the right to apply to the European Commission on Human Rights, if they felt their rights under the Convention had been infringed by the state. The Commission – if they found applications fell within their scope and had merit – could refer the case to the European Court of Human Rights for judgment. This could be a very lengthy process. Although the Commission has been abolished, the right to apply to the Court remains in force.

## **9 The Scotland Act 1998**

9.1 In terms of the Scotland Act 1998, rights conferred by the European Convention of Human Rights have been binding on the Scottish Parliament and the Scottish Executive since 20 May 1999 when the Scottish Parliament came into being. Scottish legislation must be compatible with Convention rights.





## 10 The Human Rights Act 1998

- 10.1 Since 2 October 2000, when the Human Rights Act came into force, all “public authorities” (which includes hearings, local authorities and the Scottish Children’s Reporter Administration) were required to ensure that their actions are compatible with Convention rights.
- 10.2 The fundamental difference to the previous position is that cases relating to alleged breaches of Convention rights can now be taken to domestic courts or tribunals in the first instance, and can be enforced by them. This provides the opportunity for easier access to courts to enforce rights and to speedier resolution of disputes.

### 10.3 Key articles affecting the hearings system

Unlike the United Nations Convention on the Rights of the Child, the European Convention on Human Rights was not drawn up with the rights of children as one of its explicit objectives. Not all the articles are relevant to the hearings system.

Key articles which are or may be relevant to the Children’s Hearings System are:

- *Article 6: right to a fair trial*
- *Article 8: right to respect for private and family life*
- *Article 3: prohibition of torture*
- *Article 5: right to liberty and security*
- *Article 7: no punishment without law*
- *Article 14: prohibition of discrimination*
- *The First Protocol Article 2: right to education*

## 11 Case law

- 11.1 The first challenge to the hearings system in the domestic courts related to a case involving a 15 year old boy charged with assault, following an incident in which the boy’s father was so seriously injured that he died some months later. The boy appeared before a children’s hearing but did not accept the grounds for referral and a legal challenge was mounted on his behalf alleging that his human rights had been breached in a number of ways. (**S v Principal Reporter and Lord Advocate**)
- 11.2 The issues in the case were considered in February 2001 by the highest civil court, the First Division of the Court of Session, headed by Scotland’s senior judge, the Lord President. Crucial issues of principle were clarified by the Opinions of the three judges who concluded that:
- the Children’s Hearings System falls within Article 6 of the ECHR (right to a fair trial)
  - children’s hearings are independent tribunals in terms of Article 6(1)
  - when dealing with offence grounds for referral, a hearing is not determining a criminal charge and, accordingly, it is not a criminal process to which Article 6(2) and (3) safeguards have to apply



- it is a process determining civil rights and, in so doing, some of the general protections of Article 6 have to be considered and implemented
- the availability of legal representation is desirable in certain circumstances where it is in the interests of justice – this might apply particularly with regard to the discussion of complex reports and where secure accommodation is being considered
- the Scottish Children's Reporter Administration's proposal to make papers available to children – outlined to the Court – was recognised as a significant development in line with Convention compliance but failure to implement such a scheme properly might lead to a breach of Article 6

## 12 The Children's Hearings (Scotland) Act 2011

12.1 The Children's Hearings (Scotland) Act 2011 (the 2011 Act) came into force on 24 June 2013. The 2011 Act revisits the whole Children's Hearings System. The 2011 Act replaces Part II, Chapters 2 and 3, and Schedule 4 of the Children (Scotland) Act 1995 (the 1995 Act).

12.2 The 2011 Act seeks to:

- strengthen the place of children
- deliver better support for children
- deliver better support for panel members
- ensure national consistency
- modernise processes

12.3 The 2011 Act introduces completely new provisions to the system, and provides the legal framework for:

- referrals to, and investigations by the Children's Reporter
- grounds for taking children's cases to hearings
- proceedings in the sheriff court
- reviews
- appeals
- Children's Hearings Scotland, for panel members

12.4 The 2011 Act also provides for:

- the creation of the role of the National Convener, who, for the first time, acts as a figurehead for panel members and ensures they are consistently supported to a high standard
- a dedicated national body, Children's Hearings Scotland, which supports the National Convener in the delivery of his/her functions associated with the recruitment, selection, training, retention and support of panel members – this will result in panel members being better equipped to determine the best possible outcomes for children in hearings no matter where in Scotland the child lives



- the establishment of Area Support Teams by the National Convener in collaboration with local authorities to support the Hearings System at a local level
- a requirement on the National Convener to obtain the consent of (rather than consult) local authorities before establishing such an Area Support Team
- allowing existing Ministerially appointed Children's Panel Advisory Committee (CPAC) members to transfer across to the relevant Area Support Team
- giving each local authority the right to appoint a member of an Area Support Team, in addition to the power to make further suggestions for appointment that the National Convener must consider – whilst making clear that the majority of Area Support Teams members must be National Convener rather than local authority appointees – in the same way as Ministerial appointees must be the majority on CPACs at present
- requiring a member of the Children's Panel to be a member of each Area Support Team so as to enable them to carry out the kind of role that local panel chair's currently do
- making clear that Area Support Teams rather than the National Convener will take responsibility for rota management
- the creation of a national Children's Panel instead of 32 local authority panels
- the creation of a national Safeguarder Panel to improve consistency and standards and improve understanding within the system of the Safeguarder role

12.5 One of the most significant changes brought in by the 2011 Act, in terms of the structure of the Hearings System, was the appointment of a National Convener and the establishment of Children's Hearings Scotland as a new public body. It is important however, to understand that, although the 2011 Act introduced a number of changes to the system, the same broad processes that previously existed continue to exist and form the framework for action by Children's Reporters and children's hearings. There continues to be information which triggers investigation and decision-making by the Children's Reporter, grounds for referral, applications for proof, children's hearings which can impose compulsory measures and appeals against the decisions of hearings.

## 13 Summary of the main provisions of the 2011 Act

13.1 **The National Convener (s.1 and Schedule 1).** The role of National Convener of Children's Hearings Scotland, appointed by Scottish Ministers for a period of five years, ensures that there is a national figurehead for panel members who has specific and statutory powers in support of the national Children's Panel. The first National Convener is Bernadette Monaghan. The National Convener is also Chief Executive Officer for CHS.

13.2 **Children's Hearings Scotland (s.2 and Schedule 1).** CHS is a public body established to assist and facilitate the National Convener in carrying out his/her functions and duties.

CHS is governed by a Board appointed by Scottish Ministers, to be no fewer than five and no more than eight members. More information about our Board is available on our website [www.chscotland.gov.uk](http://www.chscotland.gov.uk).



CHS also reports to the Scottish Government 'sponsor' team who fund the organisation and oversee its activities in line with statutory guidance.

- 13.3 **The Children's Panel (s.4 and Schedule 2).** The 2011 Act makes provision for the abolishment of the existing 32 local authority Children's Panels and the establishment of a national Children's Panel. All panel members across Scotland were invited to transfer over to the national Children's Panel.

The National Convener and CHS are responsible for overseeing the functions of the national Children's Panel and ensuring effective procedures and practice in relation to the recruitment, training, support and management of panel members.

- 13.4 **Area Support Teams (Schedule 1).** The 2011 Act abolished the previous Children's Panel Advisory Committees (CPACs) and local authority chairs and established Area Support Teams to carry out the appointment and monitoring of panel members in addition to managing the rota and scheduling of panel members.

- 13.5 **Safeguarders (s.32-34).** The 2011 Act provides the mechanisms for the establishment of a national 'Safeguarders Panel'. This makes sure that the important work of safeguarders is properly regulated for the first time. A safeguarder may be appointed by children's hearings to safeguard the interests of the child and may provide an assessment and recommendations as to the best interests of children and young people in certain circumstances. Members are appointed by Scottish Ministers.

13.6 **Grounds for referral (s.67)**

There are new grounds for referral introduced by the 2011 Act, bringing the total number to 17. The new grounds are:

- close connection with a perpetrator of "domestic abuse" s.67(2)(f)
- child likely to be forced into marriage/civil partnership s.67(2)(p) and (q)
- close connection with scheduled or sexual offender s.67 (2) (c) and (g)
- exposure to persons whose conduct is likely to be detrimental to the child s67(2)(e)
- child's conduct has had, or is likely to, seriously adversely affect the child or another person s67(2)(m)

13.7 **Pre-hearing panels (s.79-82)**

Business meetings are replaced by pre-hearing panels which are arranged to deal with:

- whether to deem someone a relevant person
- whether to excuse a child or relevant person from attending a children's hearing
- whether the hearing is likely to authorise secure accommodation

Pre-hearing panels may appoint a safeguarder.

- 13.8 **Warrants (s.88 and s.123).** The various warrants available under the Children (Scotland) Act 1995 have been abolished. Children's hearings have only one warrant available under the 2011 Act: "a warrant to secure attendance".



### 13.9 Interim Compulsory Supervision Orders (ICSO) (s.86, 93, 96 and 98-100)

The 2011 Act introduces a new type of order – an ICSO. The test for an ICSO is generally (but not consistently) that the order is necessary as a matter of urgency for the protection, guidance, treatment or control of the child. An ICSO can contain any measure that a compulsory supervision order can.

Where a child is already subject to a compulsory supervision order, any short term variation is dealt with by making an interim variation to that compulsory supervision order. Interim compulsory supervision orders and interim variations of compulsory supervision orders last for a maximum of 22 days each.

### 13.10 Relevant persons (s.79, 81 and 200)

The 2011 Act creates two categories of relevant persons:

- section 200 provides a definition limited to persons who have parental responsibilities or rights – such persons will 'automatically' be treated as relevant persons
- section 81 provides that a person may be deemed to be a relevant person if the person has (or has recently had) a significant involvement in the upbringing of the child – the route for deeming someone to be a relevant person is through a pre-hearing panel or children's hearing

The Children's Reporter cannot deem someone to be a relevant person. The Children's Reporter must arrange a pre-hearing panel to consider the issue if asked to do so by a child, relevant person or the individual in question.

### 13.11 Appeals (s.154 – 167)

The options available to the sheriff on appeal include being able to require a children's hearing to take place for any purpose under the 2011 Act (not just reconsideration of the appealed decision) and being able to impose a decision, including an interim order. Unlike the 1995 Act these options are open to the sheriff, even if the sheriff has determined that the decision of the children's hearing is justified, though only if satisfied that the child's circumstances have changed since the hearing's decision.

A safeguarder may appeal the decision of a hearing.

The 2011 Act also introduces significant new types of appeal:

- against the decision of a pre-hearing panel or children's hearing to deem/not deem someone to be a relevant person – must be made within seven days and disposed of within three days
- against the decision of a hearing on review of a contact direction – must be made within 21 days and disposed of within three days
- against the decision of a local authority to implement a secure accommodation authorisation, to not implement it or to remove the child from secure accommodation



### 13.12 Non-disclosure (s.40, 47, 51, 83, 86-88 and 158)

There are two separate types of provision dealing with non-disclosure:

- firstly, there can be a prohibition on disclosure of the place where the child is required to reside by an order or warrant
- secondly, section 178 provides for a hearing not to disclose information to someone if disclosure would be likely to cause significant harm to the child

### 13.13 Children's advocacy – rights and services (s.122)

The 2011 Act introduces a right of children to 'advocacy and support' within hearings, although this section of the Act was not introduced in June 2013. Children's hearings must, taking account of age, inform children of the availability of advocacy services at every hearing. The 2011 Act also provides powers for Scottish Ministers to establish a Children's Advocacy Service although it is not yet clear how this will be taken forward.

### 13.14 Children's Legal Aid (s.191)

The Scottish Legal Aid Board has a legal obligation in terms of the 2011 Act (which amends the Legal Aid (Scotland) Act 1986), to provide legal aid for a solicitor to a child automatically in four specified circumstances. The Board may also facilitate contact between a child or vulnerable adult and solicitor where a recommendation has been made by a hearing that a child or vulnerable adult may require the services of a solicitor to effectively participate in the hearing.

The solicitor will then meet with the child or vulnerable adult to assess their eligibility for children's legal assistance.

### 13.15 Rehabilitation of Offenders (s.187)

The 2011 Act amends the Rehabilitation of Offenders Act 1974 so that any offence by the child referred to a hearing and accepted or established, is treated as an 'alternative to prosecution'. The alternative to prosecution becomes spent after three months. The amendment is retrospective. This section of the act was not introduced in June 2013.

### 13.16 Implementation orders (s.146-148)

If, on the review of a compulsory supervision order, a children's hearing establishes that a local authority has failed (in carrying out its duty) to implement an order made by the hearing in relation to a child, a hearing may direct the National Convener as follows:

- give notice to the local authority setting out the respects in which they are in breach and giving 21 days from the date on which the notice was given to implement the order – advising that failure to comply with this time frame may result in the National Convener making an application to the Sheriff Principal
- should the local authority fail to implement the necessary steps within the 21 day time period, the National Convener, on the further direction of a children's hearing, will make an order to the Sheriff Principal (in the appropriate Sheriffdom) for an order requiring the local authority to carry out their duties in relation to the child – such an order is final





## 14 Children's Hearings Scotland

- 14.1 Children's Hearings Scotland is a public body established to fulfil certain functions in relation to the Children's Hearings (Scotland) Act 2011.
- 14.2 The Scottish Government Directorate for Children and Families, Care and Justice Division is the sponsoring division for CHS. The division, in consultation as necessary with the Portfolio Accountable Officer, is the primary source of advice to Scottish Ministers on the discharge of their responsibilities in respect of CHS, and the primary point of contact for CHS itself within the Directorate. The sponsor team carries out its duties under a senior officer who has primary responsibility for overseeing the activities of CHS.
- 14.3 The sponsoring team advises Scottish Ministers on:
- an appropriate framework of objectives and targets for CHS in the light of the Scottish Minister's wider strategic aims as set out in the specific outcomes identified for CHS
  - an appropriate budget for CHS in the light of the Scottish Ministers' overall public expenditure priorities
  - how well CHS is achieving its strategic objectives and whether it is delivering value for money
- 14.4 In support of the Portfolio Accountable Officer the sponsor team will:
- monitor CHS' activities on a continuing basis through an adequate and timely flow of information from CHS on performance, budgeting, control and risk management, including early sight of CHS' Statement on Internal Control
  - address in a timely manner any significant problems arising in CHS, whether financial or otherwise, making such interventions in the affairs of CHS as is judged necessary by the Sponsor Division
  - ensure that appointments to the Board are made timeously and in accordance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland
  - ensure that the activities of CHS and the risks associated with them are properly taken into account in the Scottish Government's risk assessment and management systems
  - communicate relevant Scottish Government policy to CHS and advise on the interpretation of that policy and issue specific guidance to CHS as necessary
  - bring concerns about the activities of CHS to the attention of the full Board and require explanations and assurances from the Board that appropriate action has been taken



## 15 Children's Hearings Scotland – vision, mission and values

- 15.1 For nearly half a century, lay tribunal members have been making decisions about the best interests and welfare of children and young people in need of protection, help and support at children's hearings. Currently over 3,000 people dedicate their unpaid time to the system, sitting on hearings, or acting as Area Support Team members to ensure that panel members in their local area are supported and managed effectively.
- 15.2 The 2011 Act introduced significant changes to the way in which panel members are recruited, inducted, trained, supported, appraised and reappointed. But fundamentally, the ethos of the system and role of the three panel members who sit on each hearing, to consider the best interests of the child or young person before them, has not changed.
- 15.3 The establishment of the National Convener and Children's Hearings Scotland along with the creation of Area Support Teams to replace the CPAC structures was driven by the desire to build on the best aspects of the current arrangements. At the same time, the modernisation of the Children's Panel will make sure that all hearings are European Convention on Human Rights (ECHR) compliant that the voice and experience of the child is at the centre, whilst others' rights are also respected.
- 15.4 Children's Hearings Scotland has established a vision, mission and values statement and this underpins all our work.
- 15.5 The national standards – which hold the core values at the centre – also play a key role in the modernisation process and aim to:
- ensure consistency of recruitment, training and support for panel members across the country
  - create a structure to define, measure and make improvements in practice
  - set out the responsibilities of everyone involved with the Children's Panel to support each other, and so support children and young people







**Our vision** is of a Children's Hearings System where everyone works together, making sure that all children and young people are heard, respected, valued, cared for and protected.

**Our mission** is to improve outcomes and experiences for children and young people in Scotland who may be at risk. We will do this by supporting the Children's Panel, working with partners and using our influence to drive improvements across the Children's Hearings System.





CHS is driven by core values:

-  **Child-centred** – making sure that everything we do is in the best interests of children and young people
-  **Respectful** – treating children, young people, their families, panel and AST members, partners and each other with care and consideration
-  **Fair** – making sure that everyone is treated with dignity and according to their individual needs; that our information and services are accessible and that we provide a consistent level of service to all
-  **Creative** – considering innovative and imaginative ways of approaching the issues we face at work
-  **Challenging** – not being complacent, but questioning ourselves and others to help us improve
-  **Open** – listening, responding to and learning from, feedback; acting honestly; ensuring processes are transparent; sharing performance data and being accountable for our actions and decisions

**We will strive for excellence in everything we do.**

As part of your induction process, you will be asked to carefully read the following documents in relation to the vision, aims and responsibilities of the National Convener and CHS:

- CHS' current corporate plan
- National Standards for the Children's Panel
- Area Support Teams – Functions Roles and Responsibilities



The Children's Panel  
— Life Changing.



# National Standards

for the Children's Panel



children's  
hearings  
scotland





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# Foreword by the National Convener



**The Children's Hearings System is Scotland's unique care and justice system for children and young people in need of care, protection and support.**

It aims to ensure the safety and wellbeing of the most troubled and vulnerable children and young people, through the Scottish Children's Reporter Administration (SCRA) and through children's hearings, which are decision making tribunals.

The system is unique because it is unsalaried, lay tribunal members – the panel members – who are the decision makers at children's hearings, considering the needs, circumstances and best interests of the children and young people before them.

For nearly 50 years, panel members have been volunteering their time freely to sit on children's hearings. Currently around 3,000 people serve as panel members or in other unpaid roles supporting panel members.

The Children's Hearings (Scotland) Act 2011 (the 2011 Act) introduces significant changes to the Children's Hearings System and to the ways in which panel members are recruited, trained and supported in their important role.

## **The 2011 Act aims to:**

- strengthen the place of children
- deliver better support for children
- deliver better support for panel members
- ensure national consistency
- modernise processes

There is nothing within the 2011 Act which suggests or provides for national standards, but the need for such a framework was welcomed during the broader consultation around the Scottish Government's reform and modernisation programme for the Children's Hearings System.



The national standards provide the core values, principles and expectations in relation to the behaviours and practice of everyone directly involved with the Children's Panel. This means they apply to panel members, Area Support Teams (ASTs), the National Convener and everyone at Children's Hearings Scotland (CHS).

These eight national standards form the foundations of the National Standards Framework. The framework also includes detailed policy and practice procedures for panel members and ASTs, which sit alongside these standards and provide the day to day guidance and tools to ensure effective implementation of the standards.

The CHS corporate and business plans are also linked to the National Standards Framework. Both staff and organisational performance is measured in relation to the effectiveness and impact of CHS in fulfilling its statutory responsibilities to the panel community.

The standards were developed following an extensive programme of consultation with panel members, CPAC (Children's Panel Advisory Committee) members, Children's Reporters and many other key individuals and agencies during 2011 and 2012, including a formal public consultation process between January and April 2012.

I hope that they will help to ensure a consistently high standard of recruitment, support, training and recognition for panel members and those also dedicating unpaid time to the Children's Panel.

The standards are intended to be meaningful and to have a positive impact. They will be revised on the basis of the feedback we receive about how they are being applied and what difference they are making to the experiences and outcomes for children and young people who attend children's hearings.

As National Convener, I welcome and encourage an ongoing conversation with children and young people, families, panel members, ASTs and everyone involved with the Children's Hearings System as we work together to achieve these standards.

**Bernadette Monaghan**

National Convener and Chief Executive  
Children's Hearings Scotland



# About the standards

**These national standards have been developed to provide a clear framework for practice across the Children's Panel.**

They set out the responsibilities of the National Convener and Children's Hearings Scotland (CHS) towards panel members and Area Support Teams (ASTs).

They provide core practice standards to support panel members serving on children's hearings.

The standards apply to panel members from their appointment to the Children's Panel and to AST members from appointment to an AST role. They apply to the National Convener and to everyone at CHS, including Board members.

## **The Children's Hearings (Scotland) Act 2011**

The Children's Hearings (Scotland) Act 2011 (the 2011 Act) wholly revises the legal framework for the Children's Hearings System and replaces Part II, Chapters 2 and 3, and Schedule 4 of the Children (Scotland) Act 1995 (the 1995 Act).

It introduces completely new provisions as well as providing the legal framework for the Children's Hearings System at every stage:

- referrals to the Children's Reporter
- grounds for taking children's cases to a children's hearing
- the powers of children's hearings
- the range of orders that may be made by children's hearings
- duties in relation to the implementation of orders made by children's hearings
- proceedings in the sheriff court
- reviews
- appeals
- the appointment, functions, duties and powers of the National Convener
- the dedicated national body, CHS, to support the National Convener in the delivery of their functions
- a national Children's Panel
- Area Support Teams

For panel members, there are many significant structural changes brought in by the 2011 Act, particularly the creation of the national Children's Panel which replaces the previous 32 Scottish local authority panels.

The appointment of the National Convener and establishment of CHS to assist the National Convener in their duties gives panel members a figurehead and their own national body for the first time.





Although the 2011 Act introduces a number of significant changes to the system, the same broad processes continue to form the framework for action by Children's Reporters and children's hearings. Referrals continue to trigger investigation and decision making by the Reporter, grounds hearings, applications for proof, children's hearings which can impose compulsory measures, and appeals against the decisions of hearings.

These eight national standards provide the foundation for the National Standards Framework in relation to the functions of panel members, ASTs, the National Convener and CHS as set out in the 2011 Act.



# Vision, mission and values

The national standards are underpinned by CHS' vision, mission and values:







## Vision

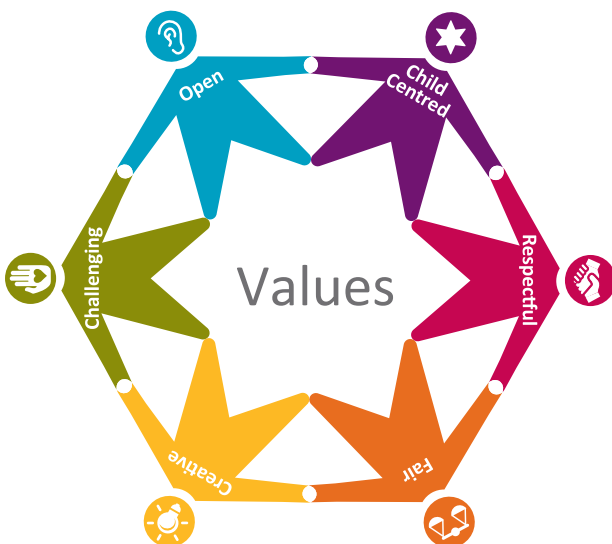
Our vision is of a Children's Hearings System where everyone works together, making sure that all children and young people are heard, respected, valued, cared for and protected.

## Mission

Our mission is to improve outcomes and experiences for children and young people in Scotland who may be at risk. We will do this by supporting the Children's Panel, working with partners and using our influence to drive improvements across the Children's Hearings System.

## Values

-  **Child centred** – making sure everything we do is in the best interests of children and young people.
-  **Respectful** – treating children, young people, their families, panel and AST members, partners and each other with care and consideration.
-  **Fair** – making sure that everyone is treated with dignity and according to their individual needs; that our information and services are accessible to all; that we provide a consistent level of service to all.
-  **Creative** – considering innovative and imaginative ways of approaching the issues we face at work.
-  **Challenging** – not being complacent, but questioning ourselves and others to help us improve.
-  **Open** – listening, responding to and learning from feedback; acting honestly; ensuring processes are transparent; sharing performance data and being accountable for our actions and decisions.



We will strive for excellence in everything we do



# Purpose

The standards aim to ensure:

- consistency of practice across the country around recruitment, training and support for panel members
- defined, measurable expectations of panel member, AST and CHS practice
- clarity about the functions, roles and responsibilities of everyone involved with the Children's Panel to support each other, and so support children and young people

The standards are structured to put children and young people at the centre, supported by panel members, who in turn are supported by ASTs and CHS working on behalf of the National Convener.

In implementing these standards, the National Convener and everyone at CHS commits to:

- uphold children's rights and participation within children's hearings
- ensure that panel member recruitment, selection, induction, training, support and practice appraisal processes reflect the previous commitment to rights and participation
- promote best practice in relation to equality and diversity across all organisational policies, processes and practices
- seek to recruit panel members from all groups and backgrounds across Scotland to achieve appropriate representation and balance within the Children's Panel
- value and recognise the contribution of panel members and others who also volunteer their time to the Children's Hearings System
- offer high quality training, practice development opportunities and support to panel members
- efficiently administer the Children's Panel and the support to ASTs at national and local level
- promote increased awareness and understanding of the Children's Hearings System and the contribution and skills of panel members more generally, to improve retention and recruitment
- achieve greater flexibility through the removal of unnecessary geographical boundaries on panel service, to deal with unexpected difficulties, while still enabling panel members to sit on hearings in the communities in which they live or work



# The standards

## **Standard 1**

Children and young people are at the centre of everything we do

## **Standard 2**

Panel members are well equipped and supported to undertake their role

## **Standard 3**

Panel member practice is consistent across Scotland

## **Standard 4**

Every children's hearing is managed fairly and effectively

## **Standard 5**

Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person

## **Standard 6**

Area Support Teams are well equipped and supported to undertake their roles

## **Standard 7**

Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful

## **Standard 8**

Functions, roles and responsibilities are clearly defined and understood within the system



# Standard 1

## Children and young people are at the centre of everything we do

### National Convener and CHS commitments:

We are committed to making sure everything we do is in the best interests of children and young people. We will treat children and young people with respect, dignity, care and consideration at all times. We will make sure that children and young people are responded to fairly and according to their individual needs. We will make sure the information we publish and the systems we put in place are accessible to children and young people. We will be open and honest in all our communication with children and young people and will encourage, listen to, respond to and learn from their feedback, so that their experiences and views positively inform our practice.

### Panel members:

#### 1.1 Focus the hearing on the best interests and welfare of the child or young person

- 1.1.1 Panel members actively seek the views of the child or young person and encourage their participation within the hearing to inform their decision making.
- 1.1.2 Panel members take into account all assessments and information provided to the hearing to inform their decision making.
- 1.1.3 CHS ensures that panel members are selected, trained and supported to have the required legal knowledge and practice skills to manage the hearing well and reach sound decisions, keeping the child at the centre and upholding their rights.

#### 1.2 Treat every child or young person as an individual

- 1.2.1 Panel members consider each individual child or young person's background, age and stage of development, language, any disability or other individual needs and circumstances.
- 1.2.2 CHS ensures that panel member training, practice development programmes and materials pay attention to child development, child protection issues, and relevant contextual information.

#### 1.3 Help and encourage every child or young person to participate in their hearing

- 1.3.1 Panel members use child and young person friendly materials during hearings. These are developed by CHS in a range of formats suitable for children and young people with different communication needs and styles.
- 1.3.2 Panel members are supported by training, practice development programmes and materials to develop their skills in verbal and non verbal communication with children and young people.
- 1.3.3 CHS works with SCRA to encourage feedback from children, young people, families and panel members to inform continual improvement in the physical environment at hearings centres.



- 1.4 Satisfy themselves that each child or young person has been given all the information he or she needs**
  - 1.4.1 Panel members check that the child or young person has been provided with information about their hearing.
  - 1.4.2 Panel members follow practice guidance in making every effort to help children and young people understand what is happening within the hearing.
- 1.5 Satisfy themselves that each child or young person has been informed of their rights**
  - 1.5.1 Chairing panel members check that the child or young person has been made aware of their rights within the hearing.
  - 1.5.2 Panel members establish how the views of the child or young person have been sought and make appropriate decisions where they are concerned that a child or young person's views have not been taken into account.

### Area Support Teams:

- 1.6 Use national guidance, approved processes and materials which incorporate feedback from children and young people in panel member recruitment, selection and appraisal processes**
  - 1.6.1 CHS works with partner organisations to gather feedback and ideas from children and young people and uses them in the design of the recruitment and selection process and materials.
  - 1.6.2 ASTs use these processes and materials in panel member recruitment, practice observation and review, and review prior to recommendation for reappointment.
- 1.7 Work closely with relevant agencies to ensure that panel members understand the issues and experiences of children, young people and families in their local community**
  - 1.7.1 ASTs ensure effective links and liaison with local children's services and organisations, to give panel members opportunities to hear from children and young people about their experiences of the Children's Hearings System and to understand the issues which affect them.

### CHS:

- 1.8 Actively seeks and takes account of the views of children and young people who have been involved with the Children's Hearings System when developing or reviewing policy and practice procedures**
  - 1.8.1 CHS works with relevant partner organisations to develop and operate mechanisms which enable young people to communicate their views and experiences to CHS.
  - 1.8.2 CHS works with SCRA and other relevant agencies to share learning, and commissions joint research on children and young people's views, experiences and outcomes within the Children's Hearings System.



**1.9 Ensures children and young people are involved in designing and influencing the national curriculum**

- 1.9.1 CHS ensures that children and young people are involved in the development and delivery of panel member training and that their views and experiences are incorporated into the national curriculum.
- 1.9.2 CHS encourages ASTs to take account of feedback from children and young people when planning local practice development programmes for panel members.

**1.10 Involves children and young people in the development of CHS' corporate and operational strategies**

- 1.10.1 The CHS Board and Senior Management Team (SMT) use information and research findings to inform, influence, develop and test CHS strategy.



## Standard 2

### **Panel members are well equipped and supported to undertake their role**

#### **National Convener and CHS commitments:**

We are committed to recognising and valuing the important contribution that panel members make as unpaid lay tribunal members. We will make sure panel members are well supported and we will deliver consistent standards of quality assured training. We will treat panel members with respect, care and consideration at all times. We will make sure that all our policies and practice procedures are fair and are applied fairly. We will be open and honest in all our communication with panel members. We will encourage, listen to, respond to and learn from their feedback, so that their experiences and views positively inform our practice.

#### **Panel members:**

##### **2.1 Complete pre-service training and preparation prior to sitting on a hearing**

- 2.1.1 CHS ensures that the national curriculum, training and practice development programmes are quality assured and regularly evaluated.
- 2.1.2 Panel members complete all pre-service training and are satisfactorily assessed as ready before they can practice.
- 2.1.3 Pre-service training and skills development are assessed and accredited. Panel members gain a recognised award through successfully completing the training.

##### **2.2 Are supported to commit to a programme of ongoing training, learning and practice development**

- 2.2.1 CHS provides a welcome pack to new panel members at appointment, which fully informs them about expectations in relation to national training, learning and ongoing practice development.
- 2.2.2 Panel members complete management of hearings training.
- 2.2.3 CHS, in cooperation with ASTs, provides opportunities for panel members to attend skills development and training sessions, of which panel members attend at least two each year.
- 2.2.4 CHS makes training and development provision as accessible as possible.
- 2.2.5 CHS ensures that panel members have a simple method for logging training and learning activities they have completed.
- 2.2.6 Panel members attend mandatory in-service training.
- 2.2.7 ASTs, supported by CHS, complete an annual audit of training needs to inform the content and focus of the ongoing learning and practice development programme.
- 2.2.8 ASTs make sure that, at appointment, panel members are made aware of expectations about attendance at local learning and development events.
- 2.2.9 Panel members participate in relevant training offered in response to an identified training need.





### **2.3 Make themselves available to sit on hearings regularly enough to develop and maintain the necessary knowledge, skills and understanding to fulfil their role competently and with confidence**

- 2.3.1 ASTs use their local knowledge about the number of panel members required for the workload of children's hearings in their area.
- 2.3.2 ASTs make sure that at the recruitment stage, prospective panel members are made aware of the expected frequency, number of hearings and the interval between sessions or hearings which panel members in that AST area are expected to commit to.
- 2.3.3 ASTs monitor the rota and identify any issues or concerns in relation to panel member availability and 'call off', as well as any issues impacting on opportunities for panel members to serve regularly, for example cancellation of hearings.
- 2.3.4 ASTs have systems in place for managing leaves of absence and offer support to panel members who request or require a leave of absence or where availability is temporarily affected.
- 2.3.5 ASTs ensure that panel members returning from leave of absence are properly supported and are offered refresher training and/or repeat training where the panel member requests this. ASTs assess the need for refresher or repeat training where a panel member has not served on a hearing for more than six months.

### **2.4 Reflect on their own performance regularly and positively engage with the practice development and review process**

- 2.4.1 CHS, with participation from the panel community, has a competence based practice observation, review and feedback process of which panel members are fully informed.
- 2.4.2 ASTs observe each panel member's practice, ideally twice each year.
- 2.4.3 CHS ensures that AST members are trained to have the skills and knowledge to effectively support panel members in their practice.
- 2.4.4 CHS ensures that panel practice advisors, and panel learning and development co-ordinators are trained in assessing panel member practice and giving feedback sensitively and constructively.
- 2.4.5 Panel members are encouraged to reflect on their own practice and any support needs through completing self-assessments.

## **Area Support Teams:**

### **2.5 Assist CHS with recruitment campaigns**

- 2.5.1 CHS runs national recruitment campaigns for panel members and AST members.
- 2.5.2 ASTs, along with CHS and partners, ensure that standardised processes and criteria are applied for local recruitment, selection and recommendations for appointment.
- 2.5.3 ASTs provide information on the number of panel members required to ensure effective operation and balance within the Children's Panel in their area.
- 2.5.4 ASTs are supported by CHS to recruit effectively and fairly, ensuring the recruitment process meets with the expectations of the national standards.



## **2.6 Have in place local arrangements for ensuring effective welcome and induction programmes for panel members**

- 2.6.1 ASTs make sure that, upon appointment, panel members are given accessible information about who to contact and how. This includes management of the rota, training, learning and development issues, practice issues and practical and personal support.
- 2.6.2 CHS actively encourages the sharing of best practice between ASTs.

## **2.7 Provide pastoral support for panel members**

- 2.7.1 ASTs ensure that there are sufficient numbers of panel representatives to offer panel members personalised support in relation to their role.
- 2.7.2 ASTs ensure that they are aware of support services available to panel members and share this information with panel members.
- 2.7.3 CHS and ASTs have nationally agreed policies in relation to panel member safety, wellbeing and pastoral support, including access to specialist resources where appropriate.

## **2.8 Provide supportive and constructive review of panel member practice**

- 2.8.1 CHS has competence frameworks for both panel member and AST roles.
- 2.8.2 ASTs are trained in the appraisal process techniques as a key element of the curriculum for AST members and panel members are briefed in the purpose and operation of the process.
- 2.8.3 CHS has effective systems in place to review the practice of ASTs in their support of panel members.
- 2.8.4 Panel members, through the review processes have their good practice recognised and promoted individually, locally and nationally.

## **2.9 Carry out an annual training needs analysis of panel members and contribute to the ongoing development of the national curriculum**

- 2.9.1 ASTs conduct an annual training needs analysis through surveying panel members on their views in relation to the national curriculum, training and practice development opportunities they have had over the previous year.
- 2.9.2 ASTs review attendance at, and feedback from, local learning and practice development events over the year.

## **CHS:**

### **2.10 Consults panel members and ASTs on training needs and delivers training to meet those needs**

- 2.10.1 CHS ensures information from the training needs analysis is efficiently collated. This informs the content and delivery of the national curriculum and learning and development programmes.

### **2.11 Ensures that the national curriculum and learning and practice development programmes are delivered efficiently and flexibly**

- 2.11.1 CHS ensures, where possible, that training is delivered in ways, places and at times that encourage panel member participation.
- 2.11.2 CHS commissions distance learning and e-learning, where these methods are appropriate, in addition to face to face training and group work.



**2.12 Pays panel member expenses at national levels and to national timescales**

2.12.1 CHS has an efficient system for the payment of expenses which ensures fairness and convenience across Scotland.

2.12.2 CHS provides panel members with clear information and explanation on the terms of the expenses scheme and this is applied and administered nationally.

**2.13 Ensures effective policies in relation to panel member wellbeing and safety are in place**

2.13.1 CHS has effective core policies and procedures setting out expectations around pastoral support and panel member wellbeing and safety.

2.13.2 CHS, along with SCRA and other partners, makes sure there are protocols in place in relation to safety and wellbeing within the hearings centre and hearings themselves.

**2.14 Works at a strategic level with employers and others to promote the system and encourage a greater diversity of people to become panel members**

2.14.1 CHS Board members and staff use their influencing skills and their roles as ambassadors to work with partners, encouraging employers to see panel membership as a positive activity with benefits for all.

**2.15 Implements and maintains a panel member retention strategy**

2.15.1 CHS has in place a systematic programme of engagement with employers.

2.15.2 CHS represents the views and concerns of panel members to influence SCRA's practice around hearings management.

2.15.3 CHS Board and staff publicise and highlight the contribution that panel members and AST members make to the Scottish care and justice system for children and young people.

**2.16 Supports the exchange of information on practice through collection and sharing of information and research**

2.16.1 CHS uses research and data to inform practice.

2.16.2 CHS works with partners to operate the feedback loop, which provides information about the implementation and impact of compulsory supervision orders on the wellbeing of children and young people.



# Standard 3

## Panel member practice is consistent across Scotland

### National Convener and CHS commitments:

We are committed to making sure that panel member practice is consistent to improve experiences and outcomes for children and young people at hearings. We will ensure that panel member recruitment, training, practice development and review and support processes are all underpinned by robust practice procedures. We will make sure that the Practice and Procedure Manual for panel members is quality assured and is continually reviewed and kept up to date.

### Panel members:

- 3.1 Are trained to a consistent standard through a national curriculum and competence framework**
  - 3.1.1 The National Convener commissions the design, development and delivery of a national curriculum for panel members and ASTs. This is aligned with a competence framework and includes a standardised set of training resources.
  - 3.1.2 Panel members and ASTs are trained in the national curriculum and the competence framework using the standardised set of training resources.
  - 3.1.3 Panel members are assessed at the end of pre-service training to ensure that they demonstrate the competences set out in the competence framework before they begin to sit on hearings.
  - 3.1.4 CHS works closely with ASTs and training providers to make sure that the national curriculum and materials reflect local differences and needs and that training is offered locally.
- 3.2 Have access to standardised procedures and guidance manuals**
  - 3.2.1 Panel members have a Practice and Procedure Manual which is regularly reviewed by CHS.

### Area Support Teams:

- 3.3 Undertake panel practice observation, feedback and review using the agreed competence framework**
  - 3.3.1 CHS works with partners to develop and implement a practice observation and review tool to assess panel member practice, knowledge, skills and competences in line with the framework.
  - 3.3.2 ASTs consistently apply the practice observation and review tool to ensure all panel members are being assessed against the same criteria.
  - 3.3.3 ASTs have sufficient numbers of panel practice advisors to ensure that every panel member is observed in practice, ideally at least twice each year.



- 3.3.4 ASTs use an agreed observation feedback sheet for practice observation and review.
- 3.3.5 Panel members receive supportive, constructive feedback to assist with self-reflection and identifying training, learning and/or support needs.
- 3.3.6 ASTs carry out additional practice observations of individual panel members upon request and hold discussions with them where concerns about their practice have been identified.

### **3.4 Carry out an annual training needs analysis and organise local learning and development opportunities**

- 3.4.1 Each AST has at least one learning and development co-ordinator who assists with the planning and delivery of local learning and practice development programmes.
- 3.4.2 CHS and ASTs have mechanisms in place to encourage panel members to keep a learning record and to raise any training or learning needs.
- 3.4.3 ASTs complete an annual audit of practice development and training needs using a tool developed with support from CHS.

### **3.5 Ensure panel members are recommended to the National Convener for appointment and reappointment in line with agreed procedures**

- 3.5.1 Panel members demonstrate that they are meeting the agreed competences and criteria before being recommended for reappointment.

## **CHS:**

### **3.6 Ensures that AST members are prepared and equipped to undertake panel practice observation and reviews**

- 3.6.1 AST members successfully complete quality assured training and induction before taking up their roles.
- 3.6.2 AST members participate in ongoing practice development programmes for their specific roles.
- 3.6.3 CHS provides advice and support for AST members on the consistent and effective operation of the practice observation and review process.
- 3.6.4 CHS samples feedback reports and practice observations each year and provides feedback on how effectively ASTs are operating the practice observation and review process.

### **3.7 Monitors emerging issues and ensures these influence the development of the national curriculum**

- 3.7.1 CHS collates feedback from the annual training needs analysis and works with ASTs and training providers to amend and enhance the national curriculum appropriately.
- 3.7.2 CHS works with ASTs to support local practice development.

### **3.8 Gathers information on the outcomes of hearings and appeals to feed into training and practice development programmes**

- 3.8.1 CHS uses nationally collected anonymised data on the outcomes of hearings and appeals to help plan training and practice development programmes.
- 3.8.2 CHS works with relevant agencies to ensure that the national curriculum reflects emerging policy and practice issues around children and the wider child protection and care and justice sectors.



## Standard 4

### Every children's hearing is managed fairly and effectively

#### National Convener and CHS commitments:

We are committed to making sure that panel members recognise, respect and uphold the rights of children, young people, their families and relevant others within children's hearings. We will ensure that the training panel members undertake and the practice procedures and resource materials provided to guide their practice are compliant with relevant legislation. We will work with key partner agencies on behalf of panel members to influence the continual improvement of policies and practices in relation to effective hearings management.

#### Panel members:

##### **4.1 Always respect the rights of children, young people and families in relation to privacy and confidentiality**

- 4.1.1 Panel members understand and comply with confidentiality, privacy and data protection requirements.
- 4.1.2 CHS ensures that training provides panel members with the necessary knowledge to fulfil these duties and that supporting procedures are in place.

##### **4.2 Are aware of and respect differences among all who are at the hearing**

- 4.2.1 Panel members undertake equality and rights based training. CHS ensures that panel member and AST training and resource materials embed human rights and equality and diversity legislation.
- 4.2.2 ASTs provide panel members with information about the communities children and families live in and the services available locally.

##### **4.3 Understand and carry out their duties in line with human rights legislation**

- 4.3.1 Panel members undertake training on all relevant aspects of both ECHR and UNCRC as part of their training.
- 4.3.2 Panel members demonstrate knowledge of the rights of children and young people within the hearing, as well as adults and relevant persons, and apply this knowledge to decision making.
- 4.3.3 CHS ensures that learning and practice development programmes stay up to date with changes in relevant legislation and case law and that refresher training is made available as required.



**4.4 Satisfy themselves that children, young people and adults are aware of, and feel able to exercise, their rights to representation within the hearing**

- 4.4.1 Chairing panel members check that the child or young person has been informed of their rights and made aware of the relevant advocacy and support services available to them locally.
- 4.4.2 Panel members follow the regulations and procedural rules in relation to legal representation for children and young people and those adults who require it.

**4.5 Treat each child, young person and all others present in the hearing fairly**

- 4.5.1 Panel members ensure that they treat all children, young people and their families fairly, giving them the opportunity to fully participate in the hearing.
- 4.5.2 ASTs monitor whether panel member practice upholds the relevant rights of all people at the hearing as part of practice observation and review.

**4.6 Chair every hearing fairly and effectively**

- 4.6.1 Panel members complete management of hearings training and are expected to begin chairing as soon as they are ready, with appropriate support and encouragement from ASTs.
- 4.6.2 Chairing panel members follow step by step practice guidance when chairing a hearing.

**Area Support Teams:**

**4.7 Ensure the constitution of each children's panel meets legal requirements**

- 4.7.1 ASTs ensure there are sufficient panel members to sit on hearings and that panels have the appropriate mix of male and female members. They ensure that, as far as possible, panel members live or work in the local area.
- 4.7.2 CHS provides an up to date database which ASTs use to generate rotas electronically. ASTs produce rotas which ensure adequate experience is allocated to each panel.

**4.8 Respond to and manage complaints about panel members in a timely and fair way**

- 4.8.1 ASTs use the national complaints procedure to investigate and resolve any complaints in their area.
- 4.8.2 ASTs escalate complaints to the National Convener which cannot be resolved at a local level in line with procedure.

**CHS:**

**4.9 Ensures that independent legal and procedural advice is available to hearings**

- 4.9.1 CHS arranges for the provision of legal and procedural advice to panel members on commonly occurring legal and procedural issues.
- 4.9.2 CHS ensures training, learning and development resources and practice manuals provide clear guidance and advice on legal and procedural issues.
- 4.9.3 CHS makes advice on complex legal and procedural issues available to all panel members and children's hearings.

**4.10 Investigates and manages complaints which have been escalated by ASTs**

- 4.10.1 CHS investigates and manages complaints which cannot be resolved locally by ASTs.





## Standard 5

### **Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person**

#### **National Convener and CHS commitments:**

We are committed to making sure that panel members are fully trained and well supported to make decisions based on sound reasons that are in the best interests of children and young people. We will make sure that the national curriculum, training and practice development programmes assist them to do so. We will make sure that panel members are able to communicate their decisions and reasons effectively to children, young people and families at the hearing and in writing. We will establish and develop mechanisms for sharing information about outcomes and appeals in relation to panel member decision making. We will work with all relevant groups and agencies to learn from this information.

#### **Panel members:**

##### **5.1 Prepare for hearings in advance**

- 5.1.1 Panel members prepare sufficiently for every hearing through the careful reading, analysis and consideration of all information available to them.
- 5.1.2 ASTs manage the rota to ensure panel members have enough time between hearing sessions to prepare thoroughly.
- 5.1.3 CHS works with SCRA and other partners, who are responsible for providing information to children and young people about their hearings, to influence improvements in the quality and accessibility of that information.

##### **5.2 Know the legal framework and procedures for hearings and apply that knowledge**

- 5.2.1 CHS works with ASTs to ensure that training and resource materials are revised in line with legal and procedural changes and are made available locally.
- 5.2.2 Panel members know when and how to obtain legal advice.
- 5.2.3 Panel members know how to follow the correct procedure when there are concerns about the potential non implementation of a compulsory supervision order (CSO).

##### **5.3 Understand children and young people's experiences and how these impact on their wellbeing and development**

- 5.3.1 Panel members demonstrate an understanding of child development and child protection issues and apply them appropriately in their practice and decision making.
- 5.3.2 CHS supports ASTs with ongoing local learning and development on child welfare and youth justice issues.





### **Area Support Teams:**

- 5.4 Regularly review information on the recording of decisions and reasons made and use this information as part of training needs analysis**
- 5.4.1 ASTs assist CHS in operating the feedback loop to continuously improve panel member decision making and recording skills.

### **CHS:**

- 5.5 Shares information about appeals**
- 5.5.1 CHS works with SCRA to review anonymised information gathered on appeals and shares this with ASTs.
- 5.5.2 CHS uses information on appeals and information gathered through the feedback loop to inform the ongoing development of the national curriculum.



## Standard 6

### **Area Support Teams are well equipped and supported to undertake their roles**

#### **National Convener and CHS commitments:**

We are committed to recognising the important contribution that ASTs make to the Children's Hearings System. We will make sure AST members are well supported and feel that their role as volunteers is recognised. We will deliver consistent standards of quality assured training. We will treat AST members with respect, care and consideration at all times. We will make sure that all our policies and practice procedures are fair and are applied fairly. We will be open and honest in all our communication with ASTs. We will encourage, listen to, respond to and learn from their feedback, so that their experiences and views positively inform our practice.

#### **Panel members:**

##### **6.1 Engage and communicate with their AST**

- 6.1.1 Panel members cooperate appropriately with their AST, supporting and respecting its functions.
- 6.1.2 Panel members communicate responsibly with their relevant AST members to seek help, guidance or raise any concerns.
- 6.1.3 CHS supports AST members to form positive relationships with panel members and encourages active communication between the two groups.

##### **6.2 Provide information to the AST on any support issues or training needs**

- 6.2.1 Panel members contact their relevant AST member where they identify a specific learning need or require support to help them undertake their role.

#### **Area Support Teams:**

##### **6.3 Participate actively in training and commit to ongoing development**

- 6.3.1 AST members successfully complete training before they take up their roles.
- 6.3.2 CHS commissions training appropriate to the roles and responsibilities required of AST members and ensures the opportunity to participate in refresher training as needed.

##### **6.4 Reflect on their own performance regularly and engage in the practice review process**

- 6.4.1 AST members participate actively in an annual review carried out by their Area Convener.



- 6.4.2 AST members reflect upon feedback from their practice review and commit to completing any identified actions.
- 6.4.3 AST members take part in self-assessment and reflection as part of the ongoing review process.
- 6.4.4 AST members approach their relevant AST colleague where they identify a specific learning or practice development need or require support to help them undertake their role.
- 6.4.5 CHS provides a competence based review system for AST members and training in its operation.

### **6.5 Ask for training or support from CHS if they feel they need it**

- 6.5.1 CHS has positive relationships and clear lines of communication with AST members so that people know who to go to for assistance or support and are able to ask for it.
- 6.5.2 CHS is responsive to requests for training, assistance or support from ASTs.

## **CHS:**

### **6.6 Provides training and supportive, constructive reviews for Area Conveners**

- 6.6.1 CHS staff support the National Convener in the selection and appointment process for Area Conveners.
- 6.6.2 CHS staff are trained to deliver reviews in a constructive and approachable manner and to provide useful feedback.
- 6.6.3 CHS staff support and supervise Area Conveners on behalf of the National Convener and have regular communication with them. In turn Area Conveners and Depute Area Conveners support and supervise AST members.

### **6.7 Carries out an annual training needs analysis of AST members and develops and delivers training to meet identified needs**

- 6.7.1 CHS engages with AST learning and development co-ordinators (and the wider AST where relevant) to ensure that all training needs are identified.
- 6.7.2 CHS uses this information to inform training and practice development programmes.

### **6.8 Creates systems for the exchange of ideas, learning and best practice between ASTs**

- 6.8.1 CHS engages with AST members to design and run events.
- 6.8.2 CHS has appropriate processes in place to help AST members form and maintain links across Scotland.

### **6.9 Pays AST members' expenses at national levels and to national timescales**

- 6.9.1 CHS has an efficient system for the payment of expenses which ensures fairness and convenience across Scotland.
- 6.9.2 CHS provides ASTs with clear information and explanation on the terms of the expenses scheme and this is applied and administered nationally.



## Standard 7

### **Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful**

#### **National Convener and CHS commitments:**

We are committed to making sure that we are respectful in all our communication with children, young people, families, panel members, ASTs, partners and others. We will make sure that everyone is clear about who to contact and when and how, in relation to their role. We will make sure that our methods of communication and the information we publish or share is accessible. We will listen to, respond to and learn from feedback. We will ensure processes are transparent and will share performance data. We will be accountable for our actions and decisions.

#### **Panel members:**

##### **7.1 Know who to contact and how**

- 7.1.1 ASTs ensure that panel members know the name, role and functions of everyone on their AST.
- 7.1.2 Panel members know how to contact the appropriate person on their AST to obtain the information they need.
- 7.1.3 ASTs inform CHS as soon as there are any changes in the details of AST members.
- 7.1.4 CHS ensures that panel members and ASTs know who is responsible for each of the CHS functions and how to contact the relevant person within CHS.
- 7.1.5 CHS has systems which provide panel members with access to up to date information regarding ASTs, CHS and training providers.
- 7.1.6 CHS regularly communicates any changes or developments across the panel community.

##### **7.2 Know how to raise issues or concerns**

- 7.2.1 ASTs, supported by CHS, have clear arrangements in place for panel members to raise issues or concerns they may have about CHS, their AST or fellow panel members.
- 7.2.2 ASTs and panel members, as part of their induction and pre-service training, are fully informed about the complaints process.

##### **7.3 Are able to feed back their views and experiences to their AST and CHS**

- 7.3.1 CHS encourages panel members to complete an annual survey.
- 7.3.2 CHS encourages a culture of reflection and development within the panel community.
- 7.3.3 CHS facilitates reference groups for panel members to share information, highlight good practice and influence policy development.



## Area Support Teams:

### 7.4 Seek and listen to panel member feedback

- 7.4.1 ASTs actively listen to panel members' feedback and act appropriately on it.
- 7.4.2 ASTs, supported by CHS, have arrangements for gathering panel members' views and highlighting practice issues.
- 7.4.3 ASTs share panel members' experiences with CHS, who use them to inform national procedures and prioritisation of resources.

### 7.5 Are in regular communication with CHS

- 7.5.1 CHS and ASTs have formal routes for regular communication.
- 7.5.2 ASTs, with the support of CHS, use simple and effective systems to gather information on, and respond to, emerging issues in their area.

### 7.6 Seek and listen to feedback from children, young people and their families

- 7.6.1 CHS works with children's organisations to seek the views and experiences of children and young people about the Children's Hearings System and panel member practice and shares this with ASTs.
- 7.6.2 CHS works with SCRA to make sure that ASTs are kept informed of relevant research about or feedback from children, young people and families' experiences.

### 7.7 Have effective arrangements for communication with SCRA, local authorities and other key agencies

- 7.7.1 ASTs have arrangements in place for regular communication between SCRA, local authorities and other relevant agencies.
- 7.7.2 ASTs provide representatives to attend relevant meetings, groups and networks.
- 7.7.3 ASTs provide local resource directories to panel members so they are aware of the services and resources available for children and young people in their area and about the organisations involved with the Children's Hearings System.
- 7.7.4 CHS facilitates forums and reference groups for Area Conveners, Depute Area Conveners and panel representatives to share information about hearings practice in their areas and to highlight good practice, innovations or difficulties.

## CHS:

### 7.8 Seeks and acts on information and feedback from children, young people, their families, panel members and ASTs to inform national policy and practice development programmes

- 7.8.1 CHS has mechanisms to make sure that this information is used as effectively as possible.
- 7.8.2 CHS has a joint research programme with SCRA and relevant partners and ensures that panel members and ASTs are kept informed of national issues and policy development relating to children and the Children's Hearings System.



## **7.9 Communicates and represents the views and experiences of panel members and ASTs to SCRA and other key agencies at a senior and national level**

- 7.9.1 CHS and SCRA have national protocols and channels of communication to ensure that hearings management issues are regularly reviewed across SCRA Localities and ASTs.
- 7.9.2 The National Convener meets with the Principal Reporter of SCRA on a regular basis.
- 7.9.3 CHS and SCRA managers meet on a regular basis to share best practice and seek resolutions to issues highlighted by panel members, ASTs or SCRA.

## **7.10 Provides regular reports to ASTs highlighting practice issues and providing feedback on outcomes**

- 7.10.1 CHS provides performance reports to assist ASTs to explore and address issues affecting consistency and performance in their area.
- 7.10.2 CHS works with ASTs and partners to establish a formal feedback loop for the gathering of information about children's hearings' outcomes.

## **7.11 Board and staff act as ambassadors for the Children's Panel**

- 7.11.1 CHS promotes understanding and awareness of the role and contribution of the Children's Panel with partners across the Children's Hearings System.
- 7.11.2 CHS promotes understanding and recognition of the Children's Panel with relevant national organisations and networks including Scottish Government, children's services, employers and the third sector.
- 7.11.3 The Board particularly promotes understanding and recognition of the Children's Panel through engagement with employers.

## **7.12 Publishes an annual report**

- 7.12.1 CHS produces an annual report, communicating the activities and impact of the panel community.



## Standard 8

### **Functions, roles and responsibilities are clearly defined and understood within the system**

#### **National Convener and CHS commitments:**

We are committed to making sure everyone across the Children's Panel is clear as to their role, responsibilities and rights in relation to the supports, training, development opportunities and recognition they can expect in undertaking their role. We are committed to providing effective leadership to the Children's Panel. We recognise the specific responsibilities we have as paid staff and Board members, towards panel members and AST members, who volunteer their skills and time to serve on hearings or in the support of panel members.

#### **Panel members:**

- 8.1 Have a role description which is clearly linked to the selection criteria and to the skills and knowledge and competences required for the role**
  - 8.1.1 Panel members have a clear role description. This is applied alongside the competence framework during recruitment, selection, training, learning and practice development programmes and practice observation and review.
  - 8.1.2 CHS works with ASTs to make sure that the procedures in place for panel practice development and review and panel member support all reflect the panel member competence framework.
  
- 8.2 Are appointed (and reappointed) for three years once they have been trained and assessed as competent**
  - 8.2.1 CHS works with ASTs to make sure that prospective panel members understand the extent of the commitment they are being asked to make to the Children's Hearings System and the supports available to them.
  - 8.2.2 CHS ensures that panel member appointments include the safeguards necessary to promote their independence and impartiality as part of a tribunal.
  
- 8.3 Understand the rights of children and young people, families and others within the hearing and the responsibilities and authority they have as panel members in making decisions**
  - 8.3.1 CHS ensures that the national curriculum, training, learning and practice development programmes, provide comprehensive information and guidance in relation to rights and compliance with relevant legislation.
  - 8.3.2 CHS ensures that the national curriculum, training, learning and practice development programmes, include clear guidelines on decision making and support panel members in developing the skills needed to make the decisions required of them.



8.3.3 CHS ensures that the national curriculum is designed, developed and delivered by appropriately qualified people and is quality assured.

**8.4 Understand the roles of others involved in the Children's Hearings System, including SCRA, legal representatives, local authorities, safeguarders and other partners**

8.4.1 CHS and ASTs ensure effective induction via pre-service training. Functions, roles and responsibilities are clearly outlined as part of this.

8.4.2 CHS and ASTs ensure that panel members have the opportunity to meet with and learn from other partners and to build respectful and professional relationships with them.

**8.5 Are fully aware of and briefed in the complaints processes relating to panel members, ASTs and CHS**

8.5.1 CHS has a clear and comprehensive complaints handling system. Complaints are handled in a fair, thorough and proportionate manner.

**Area Support Teams:**

**8.6 Have clear guidance defining their functions, roles and responsibilities**

8.6.1 CHS works with ASTs to continually refine the Functions, Roles and Responsibilities Guidance for ASTs to ensure that each AST is able to respond appropriately to local needs and emerging issues.

**8.7 Have role descriptions for each function within the AST, which are clearly linked to selection criteria and the skills, knowledge and competences for the role**

8.7.1 AST functions are each linked to a role description. This is applied, alongside the competence framework during recruitment, selection, training, practice development programmes and review.

**8.8 Are appointed (and reappointed) for three years once they have been trained and assessed as competent**

8.8.1 CHS ensures that prospective AST members understand the extent of the commitment they are being asked to make to the Children's Hearings System and the supports available to them.

8.8.2 AST members are recruited through an open and fair process and their practice is assessed against the competence framework for their role, prior to reappointment.

**8.9 Understand the rights of children and young people, families and others within the hearing and the responsibilities and authority panel members have in the hearing**

8.9.1 CHS ensures that the national curriculum and training, learning and practice development programmes for AST members provide comprehensive information and guidance in relation to rights and compliance with relevant legislation.

8.9.2 CHS ensures that AST panel practice observation, feedback and review processes and materials are designed by appropriately qualified people and are quality assured.



**8.10 Understand the roles of others involved in the Children's Hearings System, including SCRA, legal representatives, local authorities, safeguarders and other partners**

- 8.10.1 CHS ensures effective AST induction via pre-service training. Functions, roles and responsibilities are clearly outlined as part of this.
- 8.10.2 CHS ensures that AST members have the opportunity to meet with and learn from other partners and to build respectful and professional relationships with them.

**8.11 Are fully aware of and briefed in the complaints processes relating to panel members, ASTs and CHS**

- 8.11.1 CHS has a clear and comprehensive complaints handling system. Complaints are handled in a fair, thorough and proportionate manner.

**CHS:****8.12 Provides consistent, meaningful and effective day to day support to panel members and ASTs in line with its organisational vision, mission and values**

- 8.12.1 CHS staff have clear job descriptions and role competences which set out their responsibilities and the skills, values and behaviours expected of them.
- 8.12.2 CHS staff demonstrate a commitment to continuous professional development and this is tested through annual employee performance appraisal.

**8.13 Uses the CHS annual corporate and business planning process to define the support and development priorities**

- 8.13.1 CHS uses information gathered from training needs analysis, panel practice reviews and panel member feedback to inform the corporate and business planning process and ensure that resources are directed appropriately in support of the Children's Panel.

**8.14 Engages and consults with panel members and AST members to gather information to allow continuous improvement**

- 8.14.1 CHS' performance management framework takes into account feedback from ASTs and panel members in relation to their experiences and views of CHS staff and Board performance.

**8.15 Provides strategic direction and leadership**

- 8.15.1 Board members take a broad overview of the operation of CHS and work with staff to develop vision, values and behaviours, create long term plans and support the organisation in delivering its objectives.

**8.16 Board provides governance and challenge to CHS**

- 8.16.1 Board members have clearly defined roles and responsibilities set out in the CHS framework documents. These include ensuring CHS delivers the aims and objectives set by Scottish Ministers, effective stewardship of public funds, efficient use of staff and resources and robust risk management.

**8.17 Has in place fair, comprehensive recruitment, selection and appointment processes**

- 8.17.1 CHS has in place robust recruitment policies and procedures in line with relevant national and sector guidance.
- 8.17.2 CHS staff are recruited through an open, fair and well planned process and candidates are assessed against the competence framework for their role prior to appointment.

**8.18 Understands the rights of children and young people, families and others within the hearing and the responsibilities and authority panel members have in the hearing**

- 8.18.1 CHS ensures that all staff complete a comprehensive induction programme which includes hearings observation.
- 8.18.2 CHS staff continually update their knowledge base and demonstrate commitment to professional and personal development programmes.
- 8.18.3 CHS ensures that any training programmes completed by or delivered to staff are appropriately quality assured.

**8.19 Understands the roles of others involved in the Children's Hearings System, including SCRA, legal representatives, local authorities, safeguarders and other partners**

- 8.19.1 CHS staff are fully informed of functions, roles and responsibilities across the Children's Hearings System.
- 8.19.2 CHS staff have the opportunity to meet with and learn from other partners and to build respectful and professional relationships with them.

**8.20 Staff are fully aware of and briefed in the complaints processes relating to panel members, ASTs and CHS**

- 8.20.1 CHS has a clear and comprehensive complaints handling system. Complaints are handled in a fair, thorough and proportionate manner.



# Annex 1

## Summary of functions, roles and responsibilities

This annex provides the role description for panel members. It also summarises the functions of ASTs, the National Convener and CHS. It includes a brief summary of AST roles taken from the Functions, Roles and Responsibilities Guidance published by CHS.

The duties and powers of the National Convener and of CHS to assist the National Convener are determined by the 2011 Act. Detail about the roles and responsibilities of CHS Board and staff are set out elsewhere, in the CHS corporate and business plans and in the specific job descriptions for CHS staff.

## Section A: panel members

### Key responsibilities

Panel members form an independent decision making lay tribunal within a quasi-judicial process.

They play a vital role in the Children's Hearings System, generously giving their time, skills and commitment to make decisions based on sound reasons in the best interests of each child or young person, aimed at improving his or her life.

Children's hearings make decisions that impact significantly on the lives of children, young people and their families, therefore certain commitments are required from those who choose to become panel members.

### Availability and time commitment

Panel members are expected to:

- make themselves available to sit on hearings regularly enough to develop and maintain the necessary knowledge, skills and understanding to fulfil their role competently and with confidence
- be open and honest about their availability and seek support where there are any practical, personal or work issues affecting their availability
- be prepared to undertake further or repeat training or skills development activities where these are identified as necessary by the panel member themselves, by the AST, as an outcome of practice observation, or as a result of concerns or complaints



## **Pre-service training and practice development**

Panel members commit to:

- actively engaging with an individual learning and practice development plan, including keeping a simple learning record
- completing all the stages of pre-service and in-service training required of them in line with the national curriculum, including attendance at mandatory training sessions
- ongoing practice development, through attending information, training and skills development sessions at least twice each year throughout their time as a panel member
- actively participating in ongoing practice development and review
- being observed by a panel practice advisor in hearings at least twice each year as a key part of the practice development and review process
- completing self-assessments where appropriate and taking on board feedback from panel practice observations

## **Preparation before and during the hearing**

Panel members:

- practice in line with the national standards and make good use of the procedural and practice guidance offered to them by CHS and training providers
- undertake thorough pre-hearing preparation
- demonstrate respect to children, young people, families and others at all times
- encourage effective participation by the child or young person and relevant others
- ensure that their practice in the hearing is fair and that they understand and uphold the rights of the child or young person and relevant others
- make clear, well founded decisions in the best interests of the child or young person and communicate these both orally and in writing
- ensure that the reasons for and the decisions themselves are clearly recorded in line with procedural guidance

## **Skills, behaviours and knowledge**

Panel members need to demonstrate a strong commitment to and understanding of:

- the Children's Hearings System
- the importance of putting the child or young person at the centre of the hearing

Panel members need a good working knowledge of:

- the legal framework and procedures within which the hearing operates
- the rights of all those present in the hearing
- the roles and responsibilities of all those involved with the Children's Hearings System
- the range of services and resources available for children and young people
- child development, attachment and protection issues
- the impact of abuse and neglect on the welfare of children and young people
- the policy framework and relevant national standards relating to child protection, care and youth justice



For the area in which the panel member sits on hearings, a solid understanding of:

- the economic and social environment
- issues affecting children, young people and families
- the key partners, resources and initiatives available to those children, young people and families

Panel members are skilled in:

- communicating, both orally and in writing, in language that can be easily understood by children and young people
- listening actively and sensitively to everyone in the hearing
- asking appropriate questions
- making well reasoned decisions and being able to explain the reasons for those decisions



## Section B: Area Support Teams

### Purpose

Each Area Support Team carries out functions on behalf of the National Convener, supporting members of the Children's Panel who sit on hearings in their local area effectively so that national standards are consistently met. ASTs work with local authorities, SCRA and all relevant partners towards continual improvement across the Children's Hearings System.

### Functions, roles and responsibilities

The key responsibilities of ASTs are to:

- promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at AST level
- undertake the local recruitment of panel members as part of national recruitment campaigns and in response to local needs, such as a shortage of male panel members
- interview and select potential panel members
- make recommendations of assessed applicants to the National Convener for appointment as panel members and make recommendations to the National Convener regarding panel member reappointment
- ensure that all volunteers in the Children's Hearings System have had the appropriate checks undertaken in line with Protecting Vulnerable Groups scheme (PVG checks)
- manage the rota for the Children's Panel within the AST area
- support panel members on a day to day basis
- observe and assess panel member practice, including constructive feedback to panel members in review of their practice, and ensure panel members are offered continuous learning and development opportunities
- promote local awareness and understanding of the Children's Hearings System as Scotland's care and justice system for children and young people, and the vital contribution made by panel members as unsalaried lay tribunal members
- undertake a local training needs analysis
- handle complaints about panel members
- build and develop effective working relationships with key partners in the local area

### Skills, behaviours and knowledge within the AST

AST members work individually and collectively to gain the trust and respect of their fellow AST members. They build confidence among panel members that the AST has a good understanding of the role and contribution of panel members within the Children's Hearings System.

AST members demonstrate a strong commitment to and understanding of:

- the CHS vision, mission and values
- the national standards for the Children's Panel
- the structure and functions of the Children's Hearings System and the broader child protection and care sectors



- the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- the role of panel members as lay tribunal members within the Children's Hearings System and what is needed to support them in their work
- the need for personal development and keeping their own skills and knowledge up to date
- the law, policy and practice framework relating to the Children's Hearings System
- Scottish Government policy and emerging research and practice initiatives relating to children, young people and families
- key partners, resources and initiatives available to, or affecting children, young people and families in their local area

Each member of the AST demonstrates that they can:

- communicate effectively, both in person and in writing
- work effectively and supportively as a team member
- listen actively and sensitively to views inside and outside the AST, and especially to panel members
- build effective working relationships with stakeholders and partners across the Children's Hearings System, including SCRA and relevant local authority staff

### **Local authorities and the ASTs**

The contribution and commitment of local authorities and CHS towards the support and operation of ASTs and the Children's Panel is set out in a Partnership Agreement between CHS and the relevant local authority/local authorities.

It is for each AST to determine what subcommittee structures best meet the needs of the Children's Panel in their area, taking into account local circumstances and arrangements.



## Section C: Children's Hearings Scotland

### Purpose

The 2011 Act established Children's Hearings Scotland, a non-departmental public body (NDPB), to assist and support the National Convener in fulfilling their duties and powers, which are also defined and introduced by the 2011 Act.

The National Convener:

- acts as a figurehead for panel members
- establishes the Children's Panel to replace the 32 Scottish local authority panels which were in place under the 1995 Act
- ensures panel members are consistently supported to a high standard
- establishes ASTs
- obtains the consent of the relevant local authority in establishing an AST
- invites ministerially appointed CPAC members to transfer across to the relevant AST
- considers additional local authority requests for representation on ASTs
- has clearly defined functions and powers in relation to the recruitment, selection, appointment, training, support and advice made available to panel members

Children's Hearings Scotland:

- is a NDPB which is accountable to Scottish Government ministers
- reports to a Board of no less than five and no more than eight non executive members who are appointed by Scottish Ministers to provide corporate governance
- upholds the vision for reform and modernisation of the Children's Hearings System
- upholds the CHS vision, mission and values and works to develop, establish and implement the National Standards Framework for the Children's Panel
- assists and supports the National Convener to fulfil their duties and responsibilities to members of the Children's Panel and ASTs
- works with local authorities, SCRA and all relevant partners towards continual improvement across the Children's Hearings System

### Function, roles and responsibilities

Panel members and AST members are unsalaried yet fulfil important and significant roles. The National Convener and CHS have therefore established effective systems and mechanisms for ensuring close communication and support to the Children's Panel and ASTs and for supervision and support to the Area Conveners who lead ASTs.

CHS works with ASTs, SCRA and relevant partners to ensure ASTs are supported to fulfil their functions and to assist and represent the interests of ASTs where local practice or operational problems or barriers are identified.





CHS also works with ASTs and relevant partners to gather and share information about trends, issues, problems and best practice so that the quality of panel member practice across Scotland continually improves.

CHS actively promotes and recognises the Children's Panel and the work of ASTs in support of panel members at a national level. CHS also assists ASTs to act as ambassadors for the Children's Panel and represent it to other organisations and employers locally.

## **Key responsibilities**

The key responsibilities of CHS are as follows:

- promote the CHS vision, mission and values
- establish and implement the National Standards Framework for the Children's Panel including the practice procedures to support and guide panel member and AST practice in fulfilling their functions
- undertake national publicity and recruitment campaigns for panel members and ASTs
- provide support to ASTs in undertaking the local recruitment of panel members
- provide the national framework for recruitment, interview and selection for potential panel members
- administer and scrutinise recommendations made by ASTs to the National Convener for panel member appointment and reappointment
- ensure that all volunteers in the Children's Hearings System have had the appropriate PVG checks
- administer and effectively maintain panel member records and information in line with data protection requirements
- proactively communicate with panel members and ASTs
- develop and deliver a quality assured national curriculum and learning and practice development programme
- ensure panel members are offered training and development opportunities which are appropriate to the skills and knowledge base they require
- promote national awareness and understanding of the Children's Hearings System as Scotland's care and justice system for children and young people, and the vital contribution made by panel members as unsalaried lay tribunal members
- build and develop effective working relationships with key partners at a national level to ensure that the Children's Panel influences and responds to relevant policy developments

## **Skills, behaviours and knowledge within CHS**

CHS staff and Board members work individually and collectively to gain the trust and respect of panel members, ASTs and partner agencies. CHS staff and Board work to gain the confidence of panel members by demonstrating that they understand the role and contribution of panel members to the Children's Hearings System.



CHS staff and Board members demonstrate a strong commitment to and understanding of:

- the Scottish Government vision for Scotland's children and young people
- the vision for reform and modernisation of the Children's Hearings System
- the CHS vision, mission and values
- the national standards for the Children's Panel
- the structure and functions of the Children's Hearings System and the broader child protection and care sectors
- the role of panel members as lay tribunal members within the Children's Hearings System and what is needed to support them in their role
- the need for personal development and keeping their own skills and knowledge up to date
- the law, policy and practice framework relating to the Children's Hearings System
- Scottish Government policy and emerging research and practice initiatives relating to children, young people and families
- key partners, resources and initiatives available to, or affecting children, young people and families in their local area

Each CHS staff member and Board member will:

- communicate effectively, both in person and in writing
- work effectively and supportively as a team member
- listen actively and sensitively to views inside and outside CHS, in particular those of panel members
- build effective working relationships with stakeholders and partners across the Children's Hearings System, including SCRA and relevant local authority staff



## Annex 2

### **National standards jargon buster**

#### **Area Support Team (AST)**

Under the Children's Hearings (Scotland) Act 2011, ASTs replace Children's Panel Advisory Committees (CPACs) and provide support for panel members locally.

#### **Children's Hearings Scotland (CHS)**

CHS is the dedicated national body which was created by the Children's Hearings (Scotland) Act 2011 to support the delivery of the National Convener's functions associated with the recruitment, selection, retention, training and support of panel members.

#### **Compulsory supervision order (CSO)**

Under the 2011 Act, a CSO is an order that the hearing can make which means that a named local authority is responsible for looking after the child or young person. The CSO will have conditions attached, such as where the child or young person is going to live, for example with foster carers or in residential care.

#### **European Convention on Human Rights (ECHR)**

The Convention defines the human rights that European signatory states must uphold for all people who live in them. Human rights legislation must be upheld during all legal processes.

#### **Feedback loop**

The feedback loop is a way in which CHS gathers information from local authorities about the implementation of compulsory supervision orders made in their areas, and the impact these have on the wellbeing of the children and young people. The National Convener produces an annual report using information from the feedback loop.

#### **In-service training**

In-service training is a programme of both national and local training which is provided for panel members throughout the duration of their service. In-service training is a mix of compulsory and non-compulsory training.

#### **Management of hearings training**

Management of hearings training focuses on the skills, knowledge and competences required to chair a hearing. The training comprises part of the compulsory in-service training panel members must complete after they begin to sit on hearings.

#### **National curriculum**

The national curriculum sets out the compulsory training which all panel members must complete as part of their ongoing development.

**Panel community**

The phrase 'panel community' refers to panel members, AST members and CHS staff.

**Partnership Agreement**

An agreement which outlines the support that will be provided by CHS and the council in relation to the AST and the Children's Panel.

**Pre-service training**

Pre-service training refers to compulsory training for panel members on their role and the skills and competencies they must demonstrate. All panel members must complete pre-service training successfully before beginning to sit on hearings.

**Protecting Vulnerable Groups scheme (PVG checks)**

This is the national membership scheme in place to make sure that checks are completed on all paid and unpaid staff who work with children, young people and others who are regarded as vulnerable. The scheme aims to protect people and keep them safe through vetting those who work with them.

**Scottish Children's Reporter Administration (SCRA)**

SCRA is the national body which manages the work of Children's Reporters and provides accommodation for children's hearings.

**Senior Management Team (SMT)**

The SMT of CHS is made up of the National Convener and Chief Executive, the Director of Panel and Area Support and the Director of Finance and Corporate Services.

**United Nations Convention on the Rights of the Child (UNCRC)**

An international human rights treaty which sets out the rights that all children under 18 have and are entitled to have protected.



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# Area Support Teams: Functions, Roles and Responsibilities

June 2013



children's  
hearings  
scotland







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# Background

- 1.1 The Children's Hearings (Scotland) Act 2011 (the 2011 Act) aims to improve the lives, outcomes and opportunities of Scotland's most vulnerable children and young people by bringing together certain functions associated with Children's Hearings. The Act, which came into force in June 2013, created the role of National Convener and Children's Hearings Scotland (CHS).
- 1.2 The National Convener operates independently, has a limited number of statutory functions and, for the first time, acts as an ambassador and advocate for Scotland's 2,700 volunteer Children's Panel members, to ensure that they are supported to a consistently high standard. Children's Hearings Scotland is the dedicated non-departmental public body that has a duty to support the National Convener in the delivery of the functions conferred on her by the 2011 Act.
- 1.3 The 2011 Act empowers the National Convener to establish a national Children's Panel for Scotland to replace the existing 32 local authority Children's Panels. It established Area Support Teams (ASTs) which are responsible for supporting the National Children's Panel at local level. The ASTs replaced the Children's Panel Advisory Committees (CPAC) as of 24 June 2013.
- 1.4 These reforms were driven by the desire to build on the best aspects of the current arrangements. The ethos of the system and the role of the three specially trained, lay panel members, who make decisions in the best interests of the child or young person who comes before them, was not changed. The changes were designed to place the child at the centre of the hearing and ensure that their voice and experience is heard. They aim to ensure that the rights of others are respected and that the hearing complies with the European Convention on Human Rights (ECHR).
- 1.5 CHS has a vision of a Children's Hearings System where everyone works together, making sure that all children and young people are heard, respected, valued, cared for and protected. We want to improve outcomes and experiences for children and young people in Scotland who may be at risk and we strive to do this by supporting the Children's Panel, working with partners, and using our influence to drive improvements across the Children's Hearings System. In doing so, we will adhere to our core values (right).
- 1.6 The 2011 Act stipulates that the National Convener must secure the agreement of local authorities in order to establish ASTs to support the work of panel members in the Children's Hearings System at a local level. The Act also allowed for CPAC members, who were appointed by Ministers, to transfer across to the relevant AST. In addition, the 2011 Act gives each local authority the right to appoint a member of an AST, as well as the power to make further suggestions for appointment that the National Convener must consider. The majority of AST members, however, must be National Convener rather than local authority appointees.



- 1.7 All AST members appointed by the National Convener will be volunteers, giving their time in support of the Children's Panel. In recognition of the important role previously undertaken by Panel Chairs, the 2011 Act requires that at least one member of the AST is a panel member.
- 1.8 In establishing ASTs to support the Children's Panel at local level, the National Convener recognises the importance of ensuring that all panel members receive consistent support, management, and learning and development opportunities. The functions previously delivered by the skilled serving panel members acting as Panel Chairs and Deputes, and CPAC members, are largely replicated within the ASTs in order to achieve a smooth transition to the new structures.
- 1.9 Partnership Agreements with local authorities for the provision of a clerk and administrative support for ASTs are in place. These salaried staff will play a critical role in supporting AST members and therefore panel members. As mentioned above however, the vast majority of AST members fulfilling functions delegated by the National Convener at local level are unsalaried, skilled volunteers. They play a vital role in the delivery of support and administration to the Children's Panel across Scotland.
- 1.10 The National Convener is committed to ensuring that the highest quality of supervision, support and ongoing training and development opportunities are in place for AST members across Scotland, in recognition of their commitment and contribution to the Children's Panel. The operation of ASTs is underpinned by the national standards for Scotland's Children's Panel and by more detailed procedures and policies.

## Values



**Child-centred** – making sure that everything we do is in the best interests of children and young people;



**Respectful** – treating children, young people, their families, panel and AST members, partners and each other with care and consideration;



**Fair** – making sure that everyone is treated with dignity and according to their individual needs; that our information and services are accessible and that we provide a consistent level of service to all;



**Creative** – considering innovative and imaginative ways of approaching the issues we face at work;



**Challenging** – not being complacent, but questioning ourselves and others to help us improve;



**Open** – listening, responding to and learning from, feedback; acting honestly; ensuring processes are transparent; sharing performance data and being accountable for our actions and decisions.



# The functions of Area Support Teams

## 2.1 ASTs:

- uphold the CHS vision, mission and values
- work within the CHS national standards at a local level
- carry out functions on behalf of the National Convener to support members of the Children's Panel who sit on hearings in their area
- work with local authorities, the Scottish Children's Reporter Administration (SCRA) and all relevant partners towards continual improvement across the Children's Hearings System

## 2.2 ASTs are responsible at a local level for:

- undertaking the local recruitment of panel members as part of national recruitment campaigns and in response to local needs, such as a shortage of male panel members
- interviewing and selecting potential panel members
- making recommendations of assessed applicants to the National Convener for appointment as panel members and making recommendations to the National Convener regarding panel member reappointment
- ensuring that all volunteers in the Children's Hearings System have had the appropriate checks undertaken in line with Protecting Vulnerable Groups scheme (PVG checks)
- managing the rota for the Children's Panel within the AST area
- supporting panel members on a day to day basis
- observing and assessing panel member practice, including constructive feedback to panel members in review of their practice, and ensuring panel members are offered continuous learning and development opportunities
- promoting local awareness and understanding of the Children's Hearings System as Scotland's care and justice system for children and young people, and the vital contribution made by panel members as unsalaried lay tribunal members
- undertaking a local training needs analysis
- handling complaints about panel members
- building and developing effective working relationships with key partners in the local area

2.3 ASTs are also responsible for organising panel member training at the local level. This will comprise a mixture of learning and development sessions, in conjunction with the CHS national training provider(s), to equip panel members with the skills and competencies to effectively fulfil their role on an ongoing basis. ASTs also organise information sessions on resources and initiatives available locally, awards ceremonies and an annual recognition event.

2.4 The AST can set up sub-committees for each constituent local authority, where there is more than one within the AST area, and/or for specific purposes, such as a training sub-committee.



## Support to Area Support Teams from Children's Hearings Scotland

- 3.1 The majority of AST members will be unsalaried yet undertaking significant work in their respective roles and areas. The National Convener and CHS will establish effective systems and mechanisms for ensuring good communication and support to ASTs and will provide supervision and support to the Area Conveners who will lead the ASTs.
- 3.2 CHS will work closely with ASTs, SCRA and relevant partners to ensure ASTs are supported to fulfil their functions. CHS will assist and represent the interests of ASTs where local practice or operational problems or barriers are identified.
- 3.3 CHS will also work with ASTs and relevant partners to gather and share information about trends, issues, problems and best practice, so that the quality and consistency of panel member practice across Scotland continually improves.
- 3.4 CHS will actively promote and recognise the Children's Panel and the work of ASTs in support of panel members at a national level. CHS will also assist ASTs to act as ambassadors for the Children's Panel and promote it to other organisations and employers locally.



## Local authorities and Area Support Teams

- 4.1 A Partnership Agreement between CHS and individual or groups of local authorities will set out how each will support the operation of ASTs and the Children's Panel.
- 4.2 These AST roles and responsibilities will sit alongside the Partnership Agreement agreed between CHS and each local authority. Taken together, they will set out what support will be provided to the AST, and by the AST to panel members. It will be for local authorities and ASTs, however, to determine exactly how that support is delivered. ASTs will for example have the flexibility to decide what sub-committee structures will best meet the needs of the Children's Panel in their area, taking in to account local circumstances and arrangements.



# Roles and responsibilities of Area Support Teams

## 5.1 Key responsibilities

The key responsibilities of ASTs are as follows:

- promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at AST level
- undertake the local recruitment of panel members as part of national recruitment campaigns and in response to local needs, such as a shortage of male panel members
- interview and select potential panel members
- make recommendations of assessed applicants to the National Convener for appointment as panel members and make recommendations to the National Convener regarding panel member reappointment
- ensure that all volunteers in the Children's Hearings System have had the appropriate PVG checks undertaken in line with Protecting Vulnerable Groups scheme (PVG checks)
- manage the rota for the Children's Panel within the AST area
- support panel members on a day to day basis
- observe and assess panel member practice, including constructive feedback to panel members in review of their practice, and ensure panel members are offered continuous learning and development opportunities
- promote local awareness and understanding of the Children's Hearings System as Scotland's care and justice system for children and young people, and the vital contribution made by panel members as unsalaried lay tribunal members
- undertake a local training needs analysis
- handle complaints about panel members
- build and develop effective working relationships with key partners in the local area



## 5.2 Skills, behaviours and knowledge within the AST

- 5.2.1 AST members work individually and collectively to gain the trust and respect of their fellow AST members and to build confidence among panel members that the AST has a good understanding of panel members' role as decision-makers within the independent, lay tribunal system determining care and justice interventions for children and young people in Scotland.
- 5.2.2 In order to do this, individual AST members will demonstrate a strong commitment to, and understanding of:
- the CHS vision, mission and values
  - the national standards for the Children's Panel
  - the structure and functions of the Children's Hearings System and the broader child protection and looked after sectors
  - the Scottish Government vision for the reform and modernisation of the Children's Hearings System
  - the role of panel members as lay tribunal members within the Children's Hearings System and what is needed to support them in their work
  - the need for personal development and keeping their own skills and knowledge up to date
  - the law, policy and practice framework relating to the Children's Hearings System
  - Scottish Government policy and emerging research and practice initiatives relating to children, young people and families
  - key partners, resources and initiatives available to, or affecting children, young people and families in their local area
- 5.2.3 Each member of the AST demonstrates that they can:
- communicate effectively, both in person and in writing
  - work effectively and supportively as a team member
  - listen actively and sensitively to views inside and outside the AST, and especially to panel members
  - build effective working relationships with stakeholders and partners across the Children's Hearings System, including SCRA and relevant local authority staff





## 5.3 Outline of roles within ASTs

5.3.1 There are a number of distinct roles within each AST, with recruitment, training and induction programmes developed by CHS to support ASTs and individual members to fulfil their specific roles.

### 5.3.2 The Area Convener

The Area Convener provides leadership and direction to the AST, ensuring that the AST fulfils the key responsibilities outlined in paragraph 5.1. The Area Convener is appointed by the National Convener who is responsible for ensuring their effective supervision and support, including an annual review undertaken by the National Convener or a CHS officer.

The Area Convener ensures that there are a sufficient number of panel representatives, panel practice advisors and learning and development co-ordinators to provide appropriate support, practice observation and review, and learning and development opportunities to panel members in their area. To achieve this, the Area Convener must work closely with the National Convener, the relevant local authority/authorities with whom CHS has a Partnership Agreement in place, the panel members and AST members.

The Area Convener oversees the day to day operation of the AST, including the delegation of activities to the Depute Area Convener(s) and other AST members and the establishment of sub-committees.

Serving panel members may apply to become Area Convener but will be expected to relinquish their panel membership on taking up appointment as Area Convener.

### 5.3.3 The Depute Area Convener(s)

The Depute Area Convener(s) provides leadership and direction to the AST, deputising for the Area Convener and ensuring that the AST fulfils its responsibilities. The National Convener recognises that there may be a need for more than one Depute Area Convener, depending on the structure and/or size of AST areas.

The Depute Area Convener(s) are appointed by the National Convener who is responsible for ensuring effective supervision and support to the Depute Area Convener(s), through the Area Convener on a day to day basis, including an annual review undertaken by the National Convener or a CHS officer.

The Depute Area Convener(s) supports the Area Convener to establish sub-committees as appropriate to support panel members and chair such sub-committees as delegated by the Area Convener.

Serving panel members may apply to become Depute Area Convener but will be expected to relinquish their panel membership on taking up appointment as Depute Area Convener.



#### **5.3.4 Panel representatives**

Panel representatives are serving panel members and provide leadership, guidance and pastoral support to panel members within the AST area. They act as the local point of contact for panel members, representing their interests to the AST and providing feedback to panel members from the AST.

They also have ownership of, and overall responsibility for, the preparation of the rota and for ensuring that the rota is managed out of office hours so that sufficient panel members are available to cover where there are, for example, call offs or emergency hearings convened by SCRA.

#### **5.3.5 Panel practice advisors**

Panel practice advisors are responsible for the recruitment, selection, observation and practice review of panel members in the AST area. They recommend appointments and reappointments to the National Convener, via the Area Convener.

They are delegated by the Depute Area Convener(s) to investigate complaints about panel member practice or conduct. The Area Convener ensures that there are sufficient panel practice advisors to carry out at least two practice observations of each panel member within hearings each year. The panel practice advisors undertake panel member practice observations linked to the competencies and national standards for panel members and provide constructive feedback to them. They work with the panel members, the AST, CHS and relevant training provider(s) to ensure panel members receive training and/or support to address any knowledge or skill gaps.

#### **5.3.6 Learning and development co-ordinators**

Learning and development coordinators are responsible for carrying out an analysis of local training needs. It is expected that learning and development co-ordinators will be serving panel members, although this is not an essential requirement for the role.

They promote panel member learning and development at a local level through the organisation and delivery of area meetings and panel member events within the AST area.

They work with the Area Convener and/or Depute Area Convener(s) and panel representatives to ensure that panel members are offered regular opportunities to develop their knowledge of local issues and resources.

They liaise with CHS staff to ensure panel member input to and feedback on national pre-service, core and refresher training programmes. ASTs will have flexibility to establish local learning and development sub-committees. It is envisaged that in those areas with large numbers of panel members such sub-committees will assist the learning and development co-ordinators and share their workload.



### **5.3.7 Local authority members**

Each local authority can nominate at least one member to the AST of which they are a part. It is expected that these nominees will be elected members but this is not a requirement.

Local authority members have an overview of the Children's Hearings System and the Children's Panel in their area. They act as an important link between the Children's Panel and the local authority. They facilitate communication of emerging issues and concerns to elected members and relevant local authority committees, departments and senior officers, as well as ensuring ongoing local authority support for the Children's Panel and AST.

They are not, however, directly involved in the recruitment, selection, recommendation for appointment or reappointment or practice observation and review processes undertaken by the AST panel practice advisors.

### **5.3.8 Clerk to the AST**

In each AST area there is a clerk to the AST. The clerk is a local authority employee tasked with supporting the AST in line with the Partnership Agreement between CHS and the local authority or authorities for the AST area.

In most areas, clerks are supported by local authority colleagues in providing the clerking, secretarial and administrative support to the Area Convener and AST.



## **5.4 Initial appointment to ASTs**

- 5.4.1 Appointments to the positions of Area Convener and Depute Area Convener(s) are made through a fair, open and public process of recruitment. The National Convener invites public applications to these roles. Following an interview and selection process, the National Convener appoints Area Conveners and Depute Area Convener(s) for each area.
- 5.4.2 Appointments to some AST roles have initially been made through invitation to transfer. This applied to some previous CPAC members. Panel Chairs and Deputes, whom the National Convener has invited to transfer into the role of panel representative, transferred to ASTs for the first year following implementation of the Act. Appointment of additional panel practice advisors, panel representatives and learning and development co-ordinators was undertaken in 2012/13.
- 5.4.3 To provide consistency of support to the Children's Panel, and to ensure the retention of existing knowledge and skills in support of panel members, appointments to the first ASTs were made for two, three or four years to allow reappointments to be staggered. Existing CPAC members who were eligible to transfer and who agreed to do so were appointed for three years. Existing Panel Chairs and Deputes who agreed to transfer were appointed for one year in the first instance. All new appointments to the AST were for two years.
- 5.4.4 Appointments to AST roles are made following a fair and open recruitment and selection process, and all members of the AST are appointed for a period of three years, with the possibility of reappointments following satisfactory reviews, recruitment processes are detailed in CHS' recruitment policies for ASTs.



## **5.5 Remuneration and recognition**

- 5.5.1 Area Conveners, Depute Area Convener(s), panel representatives, panel practice advisors and learning and development co-ordinators are unsalaried, volunteer roles.
- 5.5.2 Reasonable expenses incurred by all AST members in carrying out their duties are reimbursed, in line with national guidelines.
- 5.5.3 The National Convener and CHS recognise the considerable time and energy commitment asked of individuals undertaking these unsalaried skilled roles. CHS will ensure an ongoing programme of support and recognition for AST members, including an annual AST event which recognises the work undertaken by the ASTs in support of the Children's Panel.
- 5.5.4 The AST clerk and his/her support staff are local authority employees and their costs are borne by their employers.



# Detailed Role Descriptions

## 6.1 Area Convener

### 6.1.1 Purpose and functions

The Area Convener provides leadership and direction to the AST, ensuring that the AST fulfils its responsibilities to support panel members and carries out the key responsibilities outlined previously in this paper.

The role of the Area Convener is largely outward-facing, as well as high level and strategic. Due to the wide scope of the role, the Area Convener is supported by the Depute Area Convener(s). The Area Convener is responsible for the day to day oversight and management of the AST. They also oversee the activities of the Depute Area Convener(s) and have the flexibility to delegate to their Depute Area Convener(s) as appropriate.

The Area Convener is appointed by the National Convener who is responsible for ensuring effective supervision and support to the Area Convener, including an annual review undertaken by the National Convener or a CHS officer.

The Area Convener works closely with the National Convener, the relevant local authority/ authorities, AST colleagues and the AST clerk, to ensure that there are a sufficient number of panel representatives, panel practice advisors and learning and development co-ordinators to provide appropriate support, practice observation and review, and learning and development opportunities to panel members in their area.

The Area Convener oversees the establishment of sub-committees by the AST as appropriate and delegates the chairing of such sub-committees to relevant AST members. The Area Convener does not hold a budget, but liaises closely with CHS to determine the funding required annually for local activities and learning and development opportunities. They also oversee the arrangements for co-ordination and implementation of such activities and learning and development opportunities.

### 6.1.2 Support and development for Area Conveners

The Area Convener is appointed, supervised and supported by the National Convener or an appropriate CHS officer.

The National Convener or CHS officer works closely with the Area Convener to support them in their role, maintaining regular contact and assisting the Area Convener where they identify local problems or issues that require direct support or intervention from CHS.

Any complaint received about an Area Convener is dealt with by the National Convener.



### 6.1.3 Key relationships

- Depute Area Convener(s)
- panel members
- all AST members
- representatives of key partner agencies and departments, – in particular SCRA, local authorities, NHS, children's services providers
- AST clerk and their team
- local authority line manager(s) of AST clerk and their team
- National Convener and CHS staff
- training provider(s)

### 6.1.4 Key responsibilities

#### *Leading the AST*

- undertake training to ensure sound knowledge of the role of panel members and the role of the AST in support of panel members
- promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- promote the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- ensure that there are sufficient panel members within the AST area to enable all hearings to take place
- delegate effectively and appropriately to the Depute Area Convener(s) to ensure that the Area Convener can fulfil the role
- work in partnership with the Depute Area Convener(s) and members of the AST in carrying out all aspects of their role
- contribute to the annual review and development process for the Depute Area Convener(s)
- support and review the collective practice of the AST and any sub-committees
- ensure AST members have a sound knowledge of their role and responsibilities
- identify learning and development needs of the AST as a whole, working in conjunction with relevant CHS staff and training provider(s) and relevant AST members
- support and review the practice of AST members
- allocate tasks to individual AST members, recognising their specific roles and skills
- support the establishment of AST sub-committees as appropriate, and delegate responsibility for chairing of sub-committees to the Depute Area Convener(s) and/or relevant AST members
- with support from CHS, undertake an annual review of AST activities and practice, through an AST event, seeking feedback from all AST members, panel members and relevant others
- chair meetings of the AST
- liaise with the National Convener/CHS staff about the annual budget required for activities

#### *Stakeholder engagement*

- act as the figurehead for Children's Panel members and the Children's Hearings System at a local level and represent the interests of panel members nationally to the National Convener and CHS
- build relationships and engage with key partners and stakeholders locally



- promote effective relationships and open communication both within the AST and in working with key partners
- invite local Children's Reporters, local authority and other relevant partners to AST meetings, when appropriate, to discuss issues and trends
- contribute to national groups and forums as the representative of the AST, delegating this as appropriate
- work closely with the National Convener and CHS, sharing information and seeking support to address any issues identified at local level which have national relevance

#### *Communication and information sharing*

- build effective relationships and open communication between the AST, panel members locally, the National Convener and CHS
- promote the work of the Children's Panel, the local panel members and the AST and act as a spokesperson as required
- contribute to the National Convener and CHS annual report by providing the National Convener and CHS with information about the work of the Children's Panel and AST in their area
- participate in meetings of Area Conveners and other relevant networks that are established and supported by CHS for the effective sharing of information and practice across the country
- report back to AST members and panel members locally, seek their views and feedback to CHS and the National Convener

### **6.1.5 Skills, behaviours and knowledge**

The Area Convener will:

- understand and promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- understand and promote the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- understand the role of panel members and what is needed to support them in their work
- understand and be committed to the need for personal development and keeping their own skills and knowledge up to date
- be aware of the legal framework for the Children's Hearings System
- keep their knowledge of Scottish Government policy and emerging research and practice initiatives relating to children, young people and families up to date
- develop an understanding of resources and initiatives available to or affecting children, young people and families in their local area
- have experience of building and managing a team
- be skilled in managing, supporting and working with, volunteers
- have an understanding of, and commitment to, continuous personal learning and development
- have well developed report writing skills
- be experienced at chairing meetings and facilitating discussions
- promote constructive dialogue and decision making
- be confident in building and maintaining good relationships and communication with partner agencies





## 6.2 Depute Area Convener

### 6.2.1 Purpose and functions

Each AST has one or more Depute Area Convener(s) to assist the Area Convener with the carrying out of their functions and to deputise for them as appropriate and required.

The Depute Area Convener(s) provides leadership and direction to the AST, ensuring that the AST fulfils its responsibilities to support panel members and carries out the key responsibilities outlined. The Depute Area Convener(s) is appointed by the National Convener who is responsible for ensuring effective supervision and support to the Depute Area Convener(s), via the Area Convener on a day to day basis, and including an annual review undertaken by the National Convener or a CHS officer.

The Depute Area Convener(s) acts on behalf of the National Convener, sharing the workload of the Area Convener as allocated by and/or agreed with their Area Convener. They work with the relevant local authority/authorities, the panel members and AST members to ensure that there are a sufficient number of panel representatives, panel practice advisors and learning and development co-ordinators to provide appropriate support, practice observation and review, and learning and development opportunities to panel members in their area.

The Depute Area Convener(s) allocates and oversees the management of the complaints process, delegating investigations to panel practice advisors as appropriate, in line with CHS complaints and concerns procedures.

The Depute Area Convener(s) chairs sub-committees as appropriate to achieve this and also delegates the chairing of sub-committees to relevant AST members.

### 6.2.2 Support and development for Depute Area Convener(s)

The Depute Area Convener(s) are appointed and supported by the National Convener or an appropriate officer from CHS. They are supervised and supported in their role by the Area Convener for whom they deputise.

The National Convener or CHS officer works closely with the Area and Depute Area Convener(s) to support them in their role, maintaining regular contact and assisting where they identify local problems or issues that require direct support or intervention from CHS.

Any complaint received about a Depute Area Convener(s) is dealt with by the National Convener.

### 6.2.3 Key relationships

- Area Convener
- panel members
- all AST members
- representatives of partner agencies – in particular SCRA, local authorities, NHS and children's services providers
- AST clerk and their team
- local authority line manager(s) of AST clerk and their team
- National Convener and CHS staff
- training provider(s)



#### 6.2.4 Key Responsibilities

##### *Assisting the Area Convener to lead the AST*

- undertake training to ensure sound knowledge of the role of panel members and the role of the AST in support of panel members
- promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- promote the vision for the reform and modernisation of the Children's Hearings System
- alongside colleagues from CHS, facilitate induction programmes for new AST members
- assume responsibility for leadership activities as delegated by the Area Convener, in connection with, for example, AST practice, learning and development for AST members and the establishment and operation of sub-committees
- chair meetings of the AST and sub-committees as appropriate

##### *Stakeholder engagement*

- build relationships and engage with key partners and stakeholders locally
- promote effective relationships and open communication within the AST and in working with key partners
- attend regular meetings with SCRA locally to discuss practice issues and concerns
- contribute to national groups and forums as the representative of the AST
- work closely with the National Convener, Area Convener and CHS in relation to sharing information and seek support to address any issues identified at local level which have national relevance
- work with CHS and training provider(s) to ensure that the views and experiences of children and young people influence the design and delivery of panel member training and practice locally

##### *Panel member support*

- ensure that the Children's Panel operates efficiently by meeting its obligation to have suitable panel members available for hearings
- receive and oversee the investigation of complaints from or about panel members in accordance with agreed procedures. Delegate investigation to the relevant member(s) of the AST in line with the CHS complaints procedures
- work with the National Convener and CHS staff to assist with the proposed annual survey of panel members
- work with the Area Convener, learning and development co-ordinator(s) and AST clerk to organise an annual recognition event for panel members
- work with the clerk to organise information events for prospective panel members

##### *Communication and information sharing*

- maintain effective relationships and open communication between the AST, panel members locally, the National Convener and CHS.
- promote the work of the national panel, the local panel members and the AST and act as a spokesperson as required
- represent the Area Convener at local and national networks that are established by CHS for the effective sharing of information and practice across the country.
- report back to AST members and panel members locally and seek their views for feedback to CHS and the National Convener



### 6.2.5 Skills, behaviours and knowledge

The Depute Area Convener(s) will:

- understand and promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- understand and promote the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- understand the role of panel members and what is needed to support them in their work
- understand and be committed to the need for personal development and keeping their own skills and knowledge up to date
- be aware of the legal framework for the Children's Hearings System
- keep their knowledge of Scottish Government policy and emerging research and practice initiatives relating to children, young people and families up to date
- develop an understanding of resources and initiatives available to or affecting children, young people and families in their local area
- have experience of building and managing a team
- be skilled in managing, supporting and working with volunteers
- have an understanding of, and commitment to, continuous personal learning and development
- have well developed report writing skills
- be experienced at chairing meetings and facilitating discussions
- promote constructive dialogue and decision making
- be confident in building and maintaining good relationships and communication with partner agencies



## 6.3 Panel representatives

### 6.3.1 Purpose and functions

Panel representatives are serving panel members and provide leadership, guidance and pastoral support to panel members within the AST area. They act as the local point of contact for panel members and represent their interests on and to the AST.

They have ownership of, and overall responsibility for, the rota and for ensuring that the rota is managed out of office hours so that sufficient panel members are available to cover where there are, for example, call offs or emergency hearings.

Each AST must have sufficient panel representatives to ensure a ratio of one panel representative to support up to a maximum of 50 panel members. For joint AST structures, each constituent authority must have at least one panel representative per each local authority area. In every AST, one panel representative has been appointed to the role of lead panel representative, to co-ordinate and support the activities of their fellow panel representatives and to represent their interests to the AST, Area Convener, Depute Area Convener(s) and the National Convener. The National Convener agrees the appointment of additional panel representatives.

### 6.3.2 Support and development for panel representatives

Panel representatives are accountable to, and supported by, the Area Convener for the work they do supporting and representing local panel members. The National Convener and CHS ensures there are systems in place for panel representatives to communicate across ASTs and to meet together in national forums to share information and learning and developments and concerns.

### 6.3.3 Key relationships

- panel members
- Area Convener and Depute Area Convener(s)
- AST members
- AST clerk and their team
- local partners e.g. local authorities and SCRA
- panel representatives
- National Convener and CHS staff

### 6.3.4 Key responsibilities

#### *Pastoral care for panel members*

- provide support to panel members at all reasonable times, including evenings and weekends where absolutely necessary
- consider and approve requests for leave of absence from panel members
- establish peer support mechanisms for new panel members
- organise meetings with groups of panel members to discuss issues of common concern
- work with CHS staff to ensure that support or counselling is available to any panel member experiencing difficulties caused by their panel membership
- deal informally with local issues and concerns about panel members, where a formal complaint has not been made
- in conjunction with the Area Convener consider the need to remove panel members from the rota

*Panel member workload and practice support*

- undertake training to ensure sound knowledge of the role of the AST in support of panel members
- work with the AST clerk to ensure that sufficient panel members are available to cover the hearings workload, e.g. through ensuring sufficient panel members are recruited
- be responsible for the preparation of the panel member rota, with support from the AST clerk, to ensure the allocation of panel members to planned and emergency hearings is fair
- provide out of office hours support to ensure that hearings are able to take place
- ensure fairness within the hearings rota in relation to gender and balance of skills and experience
- ensure that panel members sit on hearings in their local area, other than in exceptional circumstances
- work with the AST clerk to make arrangements for the provision of panel members for out of area hearings as required
- highlight hearings management issues to the Depute Area Convener(s) and AST members and feed back to panel members how they will be resolved
- work with AST colleagues and the Depute Area Convener(s) to collate information in relation to panel workload and availability of panel members
- work with the Area Convener and AST colleagues to take any remedial action to address identified gaps or pressures for example, a gender imbalance
- work with AST colleagues responsible for recruitment and retention to ensure that future local recruitment campaigns meet the requirement of the panel locally, and to ensure participation of panel members in local recruitment campaigns
- work with the learning and development co-ordinator(s) and CHS training provider(s) to help identify and deliver local learning and development opportunities
- feedback to local panel members on national/system-wide issues

*Communications and information*

- represent panel members at local liaison meetings/committees/strategic groups (e.g. those relating to looked after children, youth justice etc) to ensure a high level of understanding of local needs and issues and the role of the Children's Panel
- represent local panel members' interests on national representative groups
- ensure that issues raised by panel members are discussed with the Area Convener and other AST members, keeping panel members informed of the steps taken by the Area Convener to address these
- hold regular meetings with local SCRA representatives to discuss practice issues and concerns
- ensure that AST colleagues who are responsible for practice observation and review of panel member practice are aware of any factors that may impinge on the ability of a panel member to practice e.g. factors that either may affect a panel member's performance or limit their availability to sit on hearings and give rise to their need for a leave of absence
- comment, where appropriate, on the suitability and availability of panel members who are due for reappointment in line with the procedures set out in the core policies and procedures for ASTs
- regularly disseminate information to panel members and provide feedback on training, practice and issues within the system



- contribute to the local authority integrated children's services plan where appropriate
- organise talks and information sessions for local groups and organisations to publicise the work of the Children's Hearings System and generate interest from prospective panel members
- maintain effective relationships with the Area Convener and all other AST members

### **6.3.5 Skills, behaviours and knowledge**

Panel representatives will:

- understand and promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- understand and promote the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- understand the role of panel members and what's needed to support them in their work
- understand and be committed to the need for personal development and keeping their own skills and knowledge up to date
- be familiar with the law relating to the Children's Hearings System
- keep their knowledge of Scottish Government policy and emerging research and practice initiatives relating to children, young people and families up to date
- be serving panel members for at least two years
- be able to build and maintain good links and communication with panel members using a variety of methods
- be willing to undertake and complete training in basic coaching skills
- have good listening skills and an ability to coach and support panel members
- have a good understanding of needs in terms of hearings in the local area
- have an understanding of, and commitment to, continuous personal learning and development
- have a good understanding of the competence framework for panel members and of the learning and development opportunities available to panel members
- be able to build trust through understanding their obligations around data protection and confidentiality



## 6.4 Panel practice advisors

### 6.4.1 Purpose and functions

Panel practice advisors act on behalf of the National Convener and CHS in relation to the national recruitment of panel members at local level and make recommendations to the National Convener via the Area Convener and Depute Area Convener(s) for panel member appointment and reappointment.

They are also allocated responsibility for investigations into complaints about panel member practice or conduct by the Depute Area Convener(s).

The Area Convener ensures that there are sufficient panel practice advisors to carry out at least two practice observations of each panel member within hearings each year. The panel practice advisors undertake panel member practice observations linked to the competencies and national standards for panel members and provide constructive feedback to panel members. Panel practice advisors will work with panel members, the AST, CHS and relevant training provider(s) to ensure panel members receive training and support to address any knowledge or skill gaps.

### 6.4.2 Support and development for panel practice advisors

Panel practice advisors are accountable to, and supported by, the Area Convener in relation to their work in observing and reviewing panel member practice. The Area Convener may delegate this aspect of their role to the Depute Area Convener(s). Support includes individual meetings, as well as meetings between the Area/Depute Area Convener(s) and the panel practice advisors as a group.

### 6.4.3 Key relationships

- Area Convener/Depute Area Convener(s)
- other AST members
- potential panel members and current panel members
- AST clerk and their team
- local authority member of the AST
- National Convener and CHS staff

### 6.4.4 Key responsibilities

#### *Panel member recruitment*

- undertake training to ensure sound knowledge of the role of panel members and the role of the AST in support of panel members
- work with CHS, the Depute Area Convener(s), AST colleagues and in particular panel representatives to participate in local recruitment campaigns to the Children's Panel
- deliver or participate in information events for prospective panel members organised locally
- take part in interview and selection processes locally which are in line with CHS recruitment and selection standards
- take part in interview panels to select potential panel members
- make recommendations to the National Convener, through the Area Convener, on the suitability of potential panel members





#### *Panel member practice observation and review*

- plan and manage the panel member practice observation and review feedback process in collaboration with AST colleagues and in line with CHS national standards
- undertake a reasonable number of practice observations within hearings, in line with the CHS competence and skills framework for panel member practice
- as part of the learning and development and review process, assess panel member behaviour and practice against the competence framework and prepare constructive feedback for each panel member following observation
- give verbal and written feedback to the panel member following each practice observation and competence and skills review, ensuring the panel member has a personal development plan in place, identifying any knowledge or skills gaps and/or support needs
- use standardised CHS templates to record panel member practice observations, feedback and recommendations and follow agreed policies in relation to the observations and feedback records
- ensure that where there are concerns about panel member conduct and/or practice that these are explored openly with the panel member and the Area Convener is informed and involved where necessary
- make recommendations for reappointment to the National Convener, through the Area Convener

#### *Complaint handling*

- investigate and resolve or refer complaints about panel member practice following CHS complaints procedures
- report the outcome of complaints or refer complaints which require to be escalated to the Depute Area Convener(s)

### **6.4.5 Skills, behaviours and knowledge**

Panel practice advisors will:

- understand and promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- understand and promote the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- understand the role of panel members and what's needed to support them in their work
- be aware of the legal framework for the Children's Hearings System
- understand and be committed to the need for personal development and keeping their own skills and knowledge up to date
- be fair and non-judgemental, treating every panel member in a respectful manner
- have an understanding of, and commitment to, continuous personal learning and development
- have a good understanding of the competence framework for panel members and of the learning and development opportunities available to panel members
- be able to analyse objectively and assess information and draw clear conclusions





- be experienced in giving face to face and written feedback
- be able to articulate their recommendations confidently and sensitively and to give clear reasons for their recommendations in person and in writing
- have good organisational and planning skills
- be willing to undertake the necessary training to develop skills in relation to interviewing, panel member practice observations, assessment and feedback
- show good attention to detail in writing up a note of their practice observations
- respect confidentiality appropriately
- have the skills to engage effectively with AST colleagues, key partners locally and CHS



## 6.5 Learning and development co-ordinators

### 6.5.1 Purpose and functions

Learning and development co-ordinators are responsible for carrying out an analysis of local training needs.

They also promote panel member learning and development at local level through the organisation and delivery of area meetings and panel member events within the AST area.

They work with the Area Convener, Depute Area Convener(s) and panel representatives to ensure that panel members are offered regular opportunities to develop their knowledge of local issues and resources.

They liaise with CHS staff to ensure panel member feedback informs the ongoing development of the national pre-service, in-service and any other training programmes.

ASTs determine their sub-committee structure including the establishment of any learning and development sub-committees.

### 6.5.2 Support and development for learning and development co-ordinators

Learning and development co-ordinators report to, and are supported by, the Area Convener and/or Depute Area Convener(s).

CHS and the national training provider(s) also work closely with the learning and development co-ordinators and respond to gaps identified by them at the local level.

### 6.5.3 Key relationships

- Area and Depute Area Convener(s)
- AST members
- panel members
- AST clerk and the clerk's team
- CHS staff
- CHS training provider(s)
- managers and project workers in local area children's services
- AST sub-committees where appropriate
- other partners who may identify learning or shared learning and development needs e.g. SCRA

### 6.5.4 Key responsibilities

*Panel member and AST learning and development opportunities*

- undertake training to ensure sound knowledge of the role of panel members and the role of the AST in support of panel members
- work with panel representatives, the Depute Area Convener(s), the AST clerk and CHS training provider(s) to prepare an annual learning and development calendar for the AST which complements the national curriculum for panel members and AST members
- work with this same group to organise a mix of evening meetings, seminars and visits for panel members within the AST area, which develop localised knowledge for the Children's Panel regarding issues faced by children and families in their area and highlighting the resources and services available to them



- be aware of the local training budget allocated to the AST and help plan learning and training events accordingly
- provide regular updates to the AST and CHS on the plans for, and delivery of, local learning and development events, with a focus on the impact of learning and development, what they will do differently and what they still need to know

#### *Recruitment*

- assist with local recruitment through helping to organise information sessions for prospective panel members

#### *Training needs analysis*

- identify local skills and knowledge gaps through regular discussions with panel members and also with the national training provider(s) and AST panel practice advisors who have an overview of local panel member practice issues.
- along with the national training provider(s), CHS staff and other AST colleagues identify, share and embed best practice approaches

#### *Panel member learning and development and recognition*

- work with panel representatives and local partner organisations to gather information about resources and initiatives that panel members should be aware of
- help with the identification and organisation of visits to local facilities and organisations in order to raise panel member awareness about local resources
- organise the annual event/ceremony for panel members in recognition of their commitment to the Children's Panel at the local level

### **6.5.5 Skills, behaviours and knowledge**

The learning and development co-ordinator will:

- understand and promote the CHS vision, mission and values
- uphold the national standards for the Children's Panel
- understand and promote the Scottish Government vision for the reform and modernisation of the Children's Hearings System
- be aware of the legal framework for the Children's Hearings System
- understand the role of panel members and what is needed to support them in their work
- understand and be committed to the need for personal development and keeping their own skills and knowledge up to date
- develop a sound knowledge of the law relating to the Children's Hearings System
- keep their knowledge of Scottish Government policy and emerging research and practice relating to children, young people and families up to date
- be fair and non-judgemental, treating every panel member in a respectful manner
- have an understanding of and commitment to continuous personal and learning and development
- have a good understanding of the competence framework for panel members and of the learning and development opportunities available to panel members
- have an understanding of approaches to training, and in particular to adult learning and the different ways that people learn
- have excellent organisational skills
- have the skills to engage effectively with AST colleagues, CHS and key partners locally



## **6.6 Local authority member of the AST**

### **6.6.1 Purpose and functions**

Each local authority can nominate at least one member to the AST of which they are a part. The current practice is that these nominees will ordinarily be elected members but this is not a requirement under the Act.

Local authority nominees have an overview of the Children's Hearings System and the Children's Panel in their area. They are aware of local issues and act as an important link between the Children's Panel and the local authority elected members and relevant local authority senior officials and departments. They are not directly involved in panel member recruitment, selection, recommendation for appointment or reappointment, or practice observation and review processes undertaken by the AST panel practice advisors.

### **6.6.2 Support and development for local authority AST members**

The local authority members may be elected members or officers employed by the local authority or one of the local authorities who have signed up to the Partnership Agreement with CHS for the AST.

The local authority members are accountable to their local authority but in joining the AST they agree to respect the CHS vision, mission and values.

### **6.6.3 Key relationships**

- Area Convener/Depute Area Convener(s)
- all other AST members
- panel members
- AST clerk and their team
- National Convener and CHS staff

### **6.6.4 Key responsibilities**

- undertake training to ensure sound knowledge of the role of panel members and the functions of and roles within ASTs
- act as the key link between the local authority and the AST
- work closely with the Area Convener and AST members and advise on the local authority perspective on particular matters, emerging issues etc
- meet with appropriate local authority officials (e.g. social work and education directors) at regular intervals to ensure that there is continuing dialogue between the Children's Panel and the local authority
- consider where and how the local authority might provide any additional assistance to panel members locally
- facilitate partnership working and effective communication between the AST, panel members, other partners and the local authority



### 6.6.5 Skills, behaviours and knowledge

The local authority member of the AST will:

- understand the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- promote the vision for the reform and modernisation of the Children's Hearings System
- have a sound understanding of the role of the Children's Panel within the Children's Hearings System
- be aware of the legal framework for the Children's Hearings System
- develop a good understanding of the competence framework for panel members and of the learning and development opportunities available to panel members
- have a good understanding of both the local authority environment and the relationship with the Children's Hearings System
- be able to engage with key partners locally and build and maintain good links and communication with local partners
- have a good understanding of needs in terms of hearings in the local area
- promote constructive dialogue and decision making



## **6.7 Clerk to the AST**

### **6.7.1 Role of the clerk**

The clerk to the AST acts as the central point of contact for AST and panel members. While not a member of the AST, he/she plays an integral role, providing support to the Area Convener and the AST in general. The clerk is a local authority employee and draws on colleagues within the local authority for administration and secretarial resources, to ensure that the AST gets the support it needs.

The Partnership Agreement between CHS and the local authority or local authorities for the AST, sets out what both parties will provide to support the work of the panel members and AST in that area.

The clerk and the administration team are responsible for ensuring the effective operation of the databases and administration systems required to manage the Children's Panel at a local level and for maintaining panel members' records and contact details within data protection requirements. They support the panel representatives in the preparation of panel member rotas and work with them to ensure that there are sufficient panel members available for all hearings, for example when there are call offs or emergency hearings.

The clerk and the team also support the Area Convener, the AST and panel members in relation to practical arrangements such as planning local events and training, preparation for meetings, minute taking and general administrative support.

### **6.7.2 Support and development for the AST clerk**

The clerk is employed by the local authority (or one of the local authorities) with whom CHS has in place a Partnership Agreement for the area which the AST covers.

In a joint AST, it is for the local authorities to agree how they wish to provide clerking support to the AST, how many staff are required, which authority or authorities they should be employed by and how those posts are funded. The clerk is line managed by a member of local authority staff.

The National Convener through delegation to the Area Convener and CHS staff will ensure that there are representation and feedback mechanisms in place for the clerk in relation to their role in supporting the AST and the Children's Panel.

### **6.7.3 Key relationships**

- Area Convener/Depute Area Convener(s)
- other AST members
- panel members
- local authority colleagues
- SCRA staff, including Locality Reporters
- CHS staff
- training provider(s)



#### 6.7.4 Key responsibilities

##### *General support to the AST*

- undertake training to ensure a sound knowledge of the role of panel members and ASTs
- make all arrangements for AST and sub-committee meetings including organising accommodation; preparation, agreement and issuing of agendas; attendance at meetings; preparation of reports and minutes; provision of appropriate advice at meetings; ensuring that all decisions of the AST are recorded
- provide general secretarial and administrative support to the Area Convener and Depute Area Convener(s)
- oversee practical arrangements for practice observation of panel members by AST panel practice advisors
- make arrangements for the recruitment and selection of potential AST members, including recommendations to the National Convener
- ensure that all volunteers in the Children's Hearings System have had the appropriate PVG checks
- formulate AST responses to formal consultations
- process, check and pay AST members' expenses claims in line with CHS procedures
- support AST members who are dealing with complaints
- arrange for the induction and training of AST members
- assist the Area Convener and Depute Area Convener(s) with the preparation of reports to the National Convener and the AST annual report
- maintain the relevant data and information concerning panel member workload and allocation to inform local training and recruitment strategies

##### *Panel member appointment and reappointment*

- support the recruitment process through the preparation of local publicity and promotion; arranging information events; issuing of application packs; organising and administering interviews; submitting the recommendations reached by the panel practice advisors and Area Convener and Depute Area Convener(s) to the National Convener; preparing reports on evaluation and feedback
- provide support for the panel member reappointment process through the preparation of paper work for reappointment discussions and submission of recommendations to the National Convener

##### *Support to panel representatives and panel members*

- provide general secretarial and administrative support for AST panel representatives
- support AST sub-committees and learning and development co-ordinators in the preparation and delivery of local training analysis surveys and learning and development events, including arrangements for accommodation, catering etc
- check and process claims for the payment of panel member expenses in line with CHS procedures
- maintain individual panel member files including records of attendance at training and the outcomes of practice observation reviews and feedback
- support the learning and development co-ordinators to organise the annual event/ ceremony for panel members in recognition of their commitment to the Children's Panel at the local level and nationally



#### *Rota management*

- provide administrative support to the panel representatives in the preparation of rotas for hearings, including emergency hearings, and hearings taking place in secure accommodation
- administer changes to the rota
- work with the panel representatives to ensure arrangements are in place for effective out of hours cover
- support the panel representatives to maintain up to date records of panel member availability
- work with the Area Convener, Depute Area Convener(s) and AST colleagues to ensure the availability of sufficient panel members

#### *Communications and engagement*

- attend relevant local meetings and national representative groups, seminars etc
- liaise with all key local partners, e.g. panel members, SCRA, local authority staff, training provider(s)
- maintain a telephone answering/enquiry service in relation to the AST and the Children's Panel
- communicate with CHS staff
- maintain confidentiality and comply with data protection, freedom of information and equalities legislation

### **6.7.5 Skills, behaviours and knowledge**

The AST clerk will:

- understand the CHS vision, mission and values
- uphold the national standards for the Children's Panel at a local level
- understand the role of panel members and what's needed to support them in their work
- be aware of the legal framework for the Children's Hearings System
- have excellent organisational skills
- be able to build and maintain effective working relationships with a range of different partners
- have developed skills in e-communication and data management, including word processing, database development, data analysis and reporting
- have demonstrable ability to maintain databases and electronic and paper filing systems, and to retrieve information from these
- have experience of servicing boards or committees
- have experience of managing a budget and providing financial reports
- pay excellent attention to detail
- be resourceful and able to work on his/her own initiative
- have experience and skills in providing high standards of customer care and in particular demonstrating courtesy and helpfulness to internal and external stakeholders face to face, by telephone and in writing.






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CHS is committed to minimising printing and we have only printed a small quantity of this document to save paper. If you require a copy in an alternative format and/or language, please contact us to discuss your needs.

# Panel member and Area Support Team member expenses policy







## 1. Introduction

1.1 This policy sets out CHS' scheme of expenses and details the types of expenses panel members and volunteer Area Support Team (AST) members can claim for, as well as CHS' rates of payment. CHS values the significant time and effort that panel members dedicate to their roles as tribunal members and also recognises the commitment of unsalaried members of Area Support Teams in support of the Children's Panel. CHS understands that their commitment to the Children's Panel may cause them to incur expenses.

1.2 CHS is committed to:

- ensuring that panel members and AST members are not left out-of-pocket as a result of their volunteering
- reimbursing all reasonable expenses in an accessible, fair and timely manner

1.3 Out-of-pocket expenses for volunteers are defined in best practice across the voluntary sector as including:

- travelling expenses to and from where they are working as a volunteer
- other subsistence costs – e.g. food and drink
- any special clothing and/or tools
- training
- childcare

*Scottish Council for Voluntary Organisations, 25 August 2012*

1.4 Reasonable expenses are those necessarily incurred while undertaking approved panel member and AST activities. A list of approved activities is attached as Appendix 1. Only reasonable expenses as set out in this policy will be reimbursed.

1.5 Panel members and AST members must ensure that their attendance is recorded at events, as expenses claims will not be paid without proof of attendance.

1.6 The authority to determine and pay allowances to children's panel members is given to the National Convener in the Children's Hearings (Scotland) Act 2011 (Schedule 2 Section 4) and determinations of allowances are subject to the approval of Scottish Ministers. The authority is given in Schedule 1 Section 10 (9) for CHS to pay expenses and allowances determined by the Scottish Ministers to those to whom a function of the National Convener is delegated.

1.7 This expenses policy supports CHS' vision, mission and values, as well as the commitments made in the National Standards for the Children's Panel.



## 2. CHS' commitment to paying expenses

- 2.1 CHS will reimburse all reasonable and necessary expenses which panel members and AST members incur in order to fulfil their roles.
- CHS will provide an accessible, fair and timely process for the claiming and reimbursement of expenses
  - CHS may reimburse the actual value of all reasonable expenses subject to maximum limits
  - CHS will only reimburse expenses upon provision of receipts (except in the case of mileage or un-ticketed parking) – if a receipt cannot be provided, any payment will be at the discretion of CHS
  - CHS will only be able to reimburse expenses which are claimed within three months of the date on which they were incurred
  - CHS will be guided by HM Revenue and Customs on recommended mileage rates and passenger payments
  - CHS will endeavour to provide accommodation and catering for large-scale events in order that panel members and AST members do not incur unnecessary expense in order to attend
  - CHS will endeavour to organise national events and meetings in locations where there are convenient public transport links
- 2.2 CHS and clerks to the ASTs will manage and monitor expenses claims and CHS will review the expenses policy after one year. CHS will seek feedback from panel members and AST members on the policy's operation and it will be reviewed every two years thereafter.

## 3. Considerations for panel members and AST members

- 3.1 CHS recognises that being present at a hearing on time is the most important factor for panel members when making decisions about how they will travel and what accommodation they will need, and this should always take precedence. Where there are a range of travel options available which are convenient and practical, CHS asks that panel and AST members consider the environment and getting best value when making their choices, and as far as possible try to:
- use public transport where it is convenient and more cost effective than private transport
  - share private transport with other panel members and AST members if this is possible and practical
  - book travel and accommodation as far in advance as possible to secure the lowest rate available
  - use videoconferencing and teleconferencing facilities for AST business where these are available and appropriate to reduce the need for travel – CHS will encourage the use of videoconferencing to minimise the time commitment required from volunteers



## 4. Expenses panel members can claim

4.1 Panel members can claim for:

- mileage, including car, motorbike and bicycle
- parking
- public transport, including bus, train, ferries and flights and taxis (taxis in certain circumstances only)
- subsistence, including accommodation and meals
- financial loss, including dependant care costs and loss of earnings

## 5. Expenses AST members can claim (see section 10)

5.1 In addition to the expenses panel members can claim for which are listed above, AST members can also claim for:

- telephone calls, text messages and postage costs incurred in respect of their duties
- essential printing and photocopying costs

## 6. Costs which cannot be claimed

6.1 Panel members and AST members will not be reimbursed for:

- any fees or fines incurred as a result of the improper use of transport (e.g. parking and speeding fines)
- any expenses which are already provided by another party
- any expenses which should be more appropriately paid to someone else (e.g. mileage claims when another panel member has provided transport and incurred the expense)
- any non-essential additional costs a panel member or AST member chooses to pay (e.g. tipping of taxi drivers or restaurant staff)
- any expenses for meals and refreshments when these have been provided free of charge by CHS or any other body (e.g. lunch at training events)
- the purchase of alcohol



## 7. Travel expenses

### 7.1 Mileage claims

7.1.1 Motorists are responsible for ensuring they have appropriate insurance cover. CHS will not contribute to the cost of motor insurance.

7.1.2 Mileage claims should be as precise as possible. Motorists should claim for the number of miles travelled, however if exact figures are not available mileage should be calculated using an online route planner tool (e.g. Google maps, AA Route Planner).

#### 7.1.3 *Cars and vans*

- mileage may be paid to car and van users at 45p per mile for the first 10,000 miles in the tax year, then at 25p per mile thereafter

#### 7.1.4 *Motorcycles*

- mileage may be paid to motorcycle users at 24p per mile

#### 7.1.5 *Bicycles*

- mileage may be paid to bicycle users at 20p per mile

#### 7.1.6 *Passengers*

- an additional rate of 5p per mile may be paid to drivers carrying other panel members or AST members as passengers

#### 7.1.7 *Parking*

- reasonably incurred parking costs may be reimbursed in respect of time spent carrying out panel or AST activity. Wherever possible, parking costs should be supported by a receipt
- panel members are encouraged to use free parking whenever available

### 7.2 Public transport claims

#### 7.2.1 *Buses and trains*

- bus and train costs may be paid in full upon production of a ticket for the lowest available rate
- CHS will not contribute to the cost of travel passes

#### 7.2.2 *Ferries and flights*

- ferry and flight costs must be approved by CHS, or a person with delegated authority from CHS, prior to travel – costs may be paid in full upon production of a ticket for the lowest available rate





### 7.2.3 Taxis

- CHS will pay for taxi fares when a panel member or AST member has accessibility needs which require it, or when it is more economical for group travel than any other mode of transport
- CHS will pay for taxi fares where a panel member or AST member requires to use a taxi for reasons of personal safety, otherwise, taxi fares may be paid in exceptional circumstances only
- taxi fares may be paid in full upon production of a receipt

## 8. Subsistence claims

### 8.1 Accommodation

- overnight accommodation must be approved and booked in advance by CHS, or a person with delegated authority from CHS, except in emergency circumstances
- the cost of overnight accommodation may be paid up to a maximum of £80 per night for bed and breakfast and upon production of a receipt
- the cost of overnight accommodation on a ferry may be paid upon production of a ticket for the lowest available rate – flexibility in exceptional circumstances is at the discretion of CHS
- no claim should be made if overnight accommodation is provided free of charge by CHS or any other body

### 8.2 Meals

- in exceptional circumstances, panel members and AST members may require to claim for meals – CHS may reimburse meal costs at its discretion
- when a panel member or AST member undertakes approved activities and is obliged to take a meal away from their home or work base which requires them to incur additional expense, they may claim for the cost of the meal up to maximum limits – the circumstances must have made it unavoidable for them to spend more than they normally would have done
- breakfast costs will be paid up to a maximum of £5.10 and upon production of a receipt
- lunch costs will be paid up to a maximum of £7.00 and upon production of a receipt
- dinner costs will be paid up to a maximum of £12.95 and upon production of a receipt

## 9. Financial loss claims

### 9.1 Dependant care

- care costs may be paid up to a maximum of £3.74 per hour per dependant, and upon provision of a receipt – care costs may only be paid for the number of hours spent on panel or AST activities and travelling to and from these commitments
- childcare costs will only normally be paid for children who are looked after in registered childcare – any exceptions will be at the discretion of CHS – proof of registration must be submitted to CHS



- dependant care costs will only normally be paid for dependants who are looked after by a registered care provider – any exceptions will be at the discretion of CHS – proof of a care provider's registration must be submitted to CHS
- no payment will normally be made to anyone who is a parent, step-parent, guardian, sibling or child of the dependant, or who is living within the same household as the dependant – any exceptions will be at the discretion of CHS
- CHS will not reimburse, or contribute towards, costs for existing care arrangements that panel or AST members may already have for their dependants

## 9.2 Loss of earnings

- loss of earnings expenses may be paid at £27.21 for less than four hours service and £54.43 for more than four hours service maximum per day
- CHS is only able to pay loss of earnings expenses where an employer grants the panel member or AST member unpaid time off to undertake panel activities – evidence from an employer stating the employee's hourly rate and confirmation that they are not being paid for time spent out of work must be submitted to CHS – this must include confirmation that they are not providing flexi credit to cover any time out of work
- self-employed panel members who are unable to vary their hours of work must provide evidence from their accountant of their actual hourly earnings based upon their most recent accounts and calculated at a 35 hour week, and submit this to CHS – please note that if you are self-employed you may be liable to business income taxation on any payment for financial loss
- no claim can be made by panel members and AST members who work shifts or have flexible working arrangements and can undertake panel activities without financial loss
- dependant care expenses and loss of earnings expenses cannot be claimed for the same period

## 10. Telephone, postage, photocopying and printing claims (AST members only)

### 10.1 Telephone calls, text messages and postage

- those not provided with mobile phones by CHS (for panel and AST business use only) may be reimbursed for telephone call and text message costs to their full value upon production of an itemised telephone bill
- postage may be reimbursed in full upon production of receipts

### 10.2 Photocopying and printing

- whenever possible and practical, AST members should pass AST and panel-related documents to the clerk to the AST for printing and photocopying
- in exceptional circumstances where AST members require to print or photocopy AST and panel-related documents at home, ink cartridges may be requested from CHS up to a maximum of one cartridge in a six month period
- if public copying or printing facilities are used, copy costs may be reimbursed only on production of a receipt



## 11. How to claim expenses

11.1 Panel members and AST members should complete an expenses form and submit it in hard copy, attaching all receipts, to their AST clerk, within three months from the date the expense was incurred, for approval and payment.

### Appendix 1

#### **Approved panel member and AST member activities**

Panel members and AST members may be reimbursed for expenses claims incurred while attending the following approved activities:

1. Hearings
2. All national training linked to the national curriculum
3. Other local training linked to the national curriculum which has been approved by the National Convener
4. AST meetings and/or AST sub-committee meetings as agreed by the Area Convener
5. Other approved meetings (as set out in the Core policies for the operation of the Children's Panel and Area Support Teams)
6. Local agency meetings which have been agreed by the Area Convener or Depute Area Convener
7. Forums and events which have been organised or sponsored by CHS
8. Other legitimate panel business as agreed by CHS



# Complaints handling procedure







## 1. The Complaints Handling Procedure

- 1.1 This document sets out for the Board and staff of Children's Hearings Scotland (CHS), Area Support Team (AST) members, panel members and clerks, how to handle complaints. Another document provides information for those who come into contact with the Children's Hearings System on the complaints procedure. Together, these form our complaints handling process (CHP).
- 1.2 The CHP explains how complaints made against Board and staff of CHS, AST members and panel members are to be handled and should be read and understood in that context.
- 1.3 This CHP should be used where a panel member or AST member wishes to make a complaint against a panel member or AST member.
- 1.4 Complaints solely against clerks to the AST about a service that they provide for the AST are not to be handled under CHS' CHP. Clerks are local authority employees and accordingly, complaints against them should be handled under the local authority's own complaints handling process.
- 1.5 Complaints solely against local authority members of the AST are not to be handled under CHS' CHP. These will be handled under the local authority's process for this.
- 1.6 This document contains references and links to more details on parts of the procedure, such as how to record complaints and the criteria for signing off and agreeing time extensions. It explains how to process, manage and reach decisions on different types of complaints.
- 1.7 The language used reflects its status as an internal document. So "we" and "our" refers to CHS.
- 1.8 When using this document, please also refer to the "SPSO Statement of Complaints Handling Principles" and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO. ([www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk))



## 2. What is a complaint?

2.1 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.'**

2.2 A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with CHS' policy
- treatment by or attitude of a member of the CHS Board, CHS staff member, panel member or AST member
- disagreement with a decision where an individual cannot use another procedure (for example an appeal) to resolve the matter
- CHS' failure to follow the appropriate administrative process

This list does not cover everything.

**Appendix 1** provides an example of a complaint we may receive, and how this may be handled.

2.3 A complaint is **not**:

- 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
- disagreement with a decision where a statutory right of appeal exists
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision

You must not treat these issues as complaints, and should instead direct individuals to use the appropriate procedures.

**Appendix 2** gives more examples of 'what is not a complaint' and how to direct individuals properly.





### 3. Handling anonymous complaints

- 3.1 We value all complaints. This means we treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it. Any decision not to pursue an anonymous complaint must be authorised by the Deputy Area Convener of the relevant AST. In some circumstances, and where appropriate, the Director of Panel and Area Support would be required to provide authorisation. This would include an anonymous complaint against an Area Convener or Deputy Area Convener.
- 3.2 If an anonymous complaint makes serious allegations, we will refer it to the Director of Panel and Area Support immediately.
- 3.3 If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

### 4. What if the individual doesn't want to complain?

- 4.1 If an individual has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve services where things have gone wrong. Encourage an individual to submit their complaint and allow us to deal with it through the CHP. This will ensure that an individual is updated on the action taken and gets a response to their complaint.
- 4.2 If, however, an individual insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that an individual's details are not recorded on the complaints database and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.
- 4.3 Please refer to the example in **Appendix 1** for further guidance.

### 5. Who can make a complaint?

- 5.1 Anyone who receives, requests or is affected by our services can make a complaint. Sometimes an individual may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as an individual has given their personal consent.



## 6. Complaints involving more than one service or organisation

- 6.1 If a complaint relates to the actions of two or more of CHS' activities, e.g. the actions of a panel member and a CHS staff member, you must tell the individual, who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised.
- 6.2 If an individual complains to CHS about the service of another agency or public service provider, but CHS has no involvement in the issue, the individual should be advised to contact the appropriate organisation directly. However, where a complaint relates to a service provided by CHS and the service of another agency or public service provider, (e.g. a regulator, commissioner or a government department), and CHS has a direct interest in the issue, you must handle the complaint about CHS through the CHP. If you need to make enquiries to an outside agency in relation to the complaint always take account of data protection legislation and our guidance on handling personal information.
- 6.3 Such complaints may include:
- the treatment by or attitude of a Children's Reporter and a panel member at a children's hearing
  - inadequate standard of service from the clerk to the AST and an AST member

## 7. The Complaints Handling Process

- 7.1 The CHP aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff and volunteers.
- 7.2 Our complaints process provides two opportunities to resolve complaints internally:
- 1 frontline resolution, and**  
**2 investigation.**
- 7.3 For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job or role description within CHS but means seeking to resolve complaints at the initial point of contact where possible.



| Frontline resolution   | Investigation  | Independent external review<br>(Scottish Public Services<br>Ombudsman (SPSO)<br>or other)                     |
|--|--|---|
| For issues that are straightforward and easily resolved, requiring little or no investigation.   | For issues that have not been resolved at the frontline or that are complex, serious or ‘high risk’.           | For issues that have not been resolved by CHS.  |
| ‘On-the-spot’ apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.          | A definitive response provided within 20 working days following a thorough investigation of the points raised. | Complaints progressing to the SPSO will have been thoroughly investigated by CHS.                             |
| Complaints addressed by any CHS Board member, CHS staff member, AST member or panel member, or alternatively referred to the appropriate point for frontline resolution. | Responses signed off by senior post holders.   | The SPSO will assess whether there is evidence of service failure or maladministration not identified by CHS. |
| Complaint details, outcome and action taken recorded and used for improvement.   | Senior post holders have an active interest in complaints and use information gathered to improve services.    |   |

## 8. Stage one: frontline resolution

8.1 Frontline resolution aims to quickly resolve straightforward complaints that require little or no investigation. Any CHS Board member, CHS staff member, AST member or panel member may deal with complaints at this stage.

8.2 The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of provided service as possible.

This may mean a face to face discussion with an individual, or asking an appropriate member of CHS or an AST to deal directly with the complaint.

8.3 In practice, frontline resolution means resolving the complaint at the first point of contact with an individual, either by the member of staff or volunteer receiving the complaint or other identified staff or volunteer.



- 8.4 In either case, you may settle 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. You may also explain that, as an organisation that values complaints, we may use the information when we review standards in the future.
- 8.5 An individual can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. You must always consider frontline resolution, regardless of how you have received an individual's complaint.

## 9. What to do when you receive a complaint

- 9.1 On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. An individual may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing an individual to pursue another element through an alternative route (see **Appendix 2**).
- 9.2 If you have received and identified a complaint, record the details on our complaints system.
- 9.3 Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give an individual a suitable response. You must escalate these complaints immediately to the investigation stage.
- 9.4 Where you think frontline resolution is appropriate, you must consider four key questions:
- What exactly is an individual's complaint (or complaints)?
  - What does an individual want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I can't resolve this, who can help with frontline resolution?

## 10. What exactly is an individual's complaint (or complaints)?

- 10.1 It is important to be clear exactly what an individual is complaining about. You may need to ask an individual supplementary questions to get a full picture.

## 11. What does an individual want to achieve by complaining?

- 11.1 At the outset, clarify the outcome an individual wants. Of course, an individual may not be clear about this, so you may need to probe further to find out what they expect and whether they can be satisfied.



## 12. Can I achieve this, or explain why not?

12.1 If you can achieve the expected outcome by providing an on the spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is suitable, you may wish to follow the SPSO's guidance on the subject:

### 12.2 SPSO guidance on apology

An individual may expect more than we can provide. If an individual's expectations appear to exceed what the organisation can reasonably provide, you must tell them as soon as possible in order to manage expectations about possible outcomes.

You are likely to have to convey the decision face to face or on the telephone. If you do so face to face, by telephone or by email, you are not required to write to an individual as well, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and passed to an individual.

## 13. If I can't resolve this, who can help with frontline resolution?

13.1 If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to someone who can try to resolve it.

## 14. Timelines

14.1 Frontline resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

14.2 You may need to get more information from other areas to resolve the complaint at this stage. However, it is important to respond to an individual within five working days, either resolving the matter or explaining that the AST or CHS will investigate their complaint.

### 14.3 Extension to the timeline

14.3.1 In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with an individual. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

14.3.2 When you ask for an extension, you must get authorisation from the appropriate individual, who will either be the Depute Area Convener or the Director of Panel and Area Support. The appropriate individual will decide whether you need an extension to effectively resolve the complaint. Examples of when this may be appropriate include staff, volunteers or contractors being temporarily unavailable. If, however, the issues



are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. You must tell an individual about the reasons for the delay and when they can expect your response.

14.3.3 If an individual does not agree to an extension but it is unavoidable and reasonable, the Depute Area Convener or the Director of Panel and Area Support must decide on the extension. You must then tell the individual about the delay and explain the reason for the decision to grant the extension.

14.3.4 It is important that such extensions do not become the norm. Rather, the timeline at the frontline resolution stage should be extended only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint.

14.3.5 The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics must go to the AST and to CHS' senior management team on a quarterly basis.

14.3.6 **Appendix 3** provides further information on timelines.

## 15. Closing the complaint at the frontline resolution stage

15.1 When you have informed an individual of the outcome, you are not obliged to write to them, although you may choose to do so. You must ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision reached and given to an individual. The complaint should then be closed and the complaints system updated accordingly.

## 16. When to escalate to the investigation stage

16.1 You must escalate a complaint to the investigation stage when:

- you tried frontline resolution but an individual remains dissatisfied and requests an investigation – this may happen immediately when you communicate the decision at the frontline stage, or some time later
- an individual refuses to take part in frontline resolution
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high risk or high profile issues

16.2 When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system.



- 16.3 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 a staff member of CHS' direct input. Potential high risk or high profile complaints can be defined 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 our operations
  - present issues of a highly sensitive nature, for example concerning:
    - a particularly vulnerable person
    - child protection

## 17. Stage two: investigation

- 17.1 Not all complaints are suitable for frontline resolution. Such complaints are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.
- 17.2 An investigation aims to establish all the facts relevant to the points made in the complaint and to give an individual a full, objective and proportionate response that represents our final position.

## 18. What to do when you receive a complaint for investigation

- 18.1 It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the individual and CHS understand the investigation's scope.
- 18.2 It may be helpful to discuss and confirm these points with the individual at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the individual, consider three key questions:
- 1 What specifically is the individual's complaint or complaints?
  - 2 What does the individual want to achieve by complaining?
  - 3 Are the individual's expectations realistic and achievable?
- 18.3 It may be that the individual expects more than we can provide. If so, you must make this clear to them as soon as possible.
- 18.4 Where possible you should also clarify what additional information you will need to investigate the complaint. An individual may need to provide more evidence to help us reach a decision.



- 18.5 Details of the complaint must be recorded on the system for recording complaints. Where appropriate, this will be done as a continuation of frontline resolution. The details must be updated when the investigation ends.
- 18.6 If the investigation stage follows attempted frontline resolution, you must hand over all case notes and associated information to the person responsible for the investigation, and record that you have done so.

## 19. Timelines

19.1 The following deadlines are appropriate to cases at the investigation stage:

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

### 19.2 Extension to the timeline

19.2.1 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-day limit. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.

19.2.2 If there are clear and justifiable reasons for extending the timescale, the Deputy Area Convener or Director of Panel and Area Support will set time limits on any extended investigation, as long as an individual agrees. You must keep an individual updated on the reason for the delay and give them a revised timescale for completion. If an individual does not agree to an extension but it is unavoidable and reasonable, then the Deputy Area Convener or Director of Panel and Area Support must consider and confirm the extension. The reasons for an extension might include the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from others but they cannot help because of long term sickness or leave
- you cannot obtain further essential information within normal timescales
- operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions
- an individual has agreed to mediation as a potential route for resolution

19.3 These are only a few examples, and you must judge the matter in relation to each complaint. However, an extension would be the exception and you must always try to deliver a final response to the complaint within 20 working days.

19.4 As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics must go to the AST or senior management team of CHS on a quarterly basis.

19.5 **Appendix 3** provides further information on timelines.





## 20. Mediation

- 20.1 Some complex complaints, or complaints where individuals and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further.
- 20.1 Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions.
- 20.2 If you and an individual agree to mediation, revised timescales will need to be agreed.

## 21. Closing the complaint at the investigation stage

- 21.1 You must let an individual know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. You must record the decision, and details of how it was communicated to an individual, on the system for recording complaints. You must also make clear to an individual:
- their right to ask SPSO to consider the complaint
  - the time limit for doing so
  - how to contact the SPSO

## 22. Independent external review

- 22.1 Once the investigation stage has been completed, an individual has the right to approach the SPSO if they remain dissatisfied.
- 22.2 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.
- 22.3 The SPSO recommends that you use the wording below to inform individuals of their right to ask SPSO to consider the complaint.

The SPSO also provides a leaflet, *The Ombudsman and your organisation*, which you may find helpful in deciding how and when to refer someone to the SPSO.



## 23. Information about the SPSO

23.1 The SPSO is the final stage for complaints about public services in Scotland. This includes complaints about the Scottish Government, public bodies, agencies and other government sponsored organisations.

23.2 If you remain dissatisfied with an organisation after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through the organisation's own complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about or
- that have been or are being considered in court

23.3 The SPSO's contact details are:

**SPSO**  
**4 Melville Street**  
**Edinburgh**  
**EH3 7NS**

**SPSO**  
**Freepost EH641**  
**Edinburgh**  
**EH3 0BR**

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)**

Mobile site: **<http://m.spsso.org.uk>**

## 24. Governance of the Complaints Handling Process

### 24.1 Roles and responsibilities

24.1.1 Overall responsibility and accountability for the management of complaints lies with the National Convener/Chief Executive, the Director of Finance and Corporate Services and the Director of Panel and Area Support.

24.1.2 Our final position on the complaint must be signed off by an appropriate senior post-holder and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures an individual that their concerns have been taken seriously.

24.1.3 **The National Convener/Chief Executive:** The National Convener/Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all our activities. 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 National Convener/Chief Executive may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior post-holders. Regular management reports assure the National Convener/Chief Executive of the quality of complaints performance.

24.1.4 **Directors of CHS/Depute Area Conveners:** On the National Convener/Chief Executive's behalf, Directors and Depute Area Conveners 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
- in the case of Directors, deputising for the National Convener/Chief Executive on occasion

However, Directors/Depute Area Conveners may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other individuals. Where this happens, Directors/Depute Area Conveners should retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing decision letters to individuals, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

24.1.5 **Complaints investigator:** The complaints investigator is responsible and accountable for the management of the investigation. They will also be involved in coordinating all aspects of the response to an individual. This may include preparing a comprehensive written report, including details of any procedural changes that could result in wider opportunities for learning across the organisation.

24.1.6 **All staff and volunteers:** A complaint may be made to any member of CHS. So everyone must be aware of the CHP and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff and volunteers to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

24.1.7 **CHS' 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.



## 25. Complaints about senior post holders

- 25.1 Complaints about senior post holders can be difficult to handle, as there may be a conflict of interest for those investigating the complaint. When serious complaints are raised against senior post-holders, 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.
- 25.2 Accordingly, complaints against an Area Convener or a Depute Area Convener will be handled by a CHS member of staff.

## 26. Recording, reporting, learning and publicising

- 26.1 Complaints provide valuable feedback. One of the aims of the CHP is to identify opportunities to improve services across CHS. We must record all complaints in a systematic way so that we can use the complaints data for analysis and management reporting.

By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce improvements.

## 27. Recording complaints

- 27.1 To collect suitable data we must record all complaints in line with SPSO minimum requirements, as follows:

- an individual's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage
- the underlying cause of the complaint and any remedial action taken

- 27.2 We have structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy those making a complaint.



## 28. Reporting of complaints

- 28.1 Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.
- 28.2 On a quarterly basis we publish the outcome of complaints and the actions we have taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help individuals see that we value their complaints.
- 28.3 We must:
- publicise on a quarterly basis complaints outcomes, trends and actions taken
  - use case studies and examples to show how complaints have helped improve services
- 28.4 This information should be reported regularly (and at least quarterly) to the AST and CHS' senior management team.

## 29. Learning from complaints

- 29.1 At the earliest opportunity after the closure of the complaint, the complaints handler should always make sure that the individual and those involved at the appropriate level understand the findings of the investigation and any recommendations made.
- 29.2 Senior post holders will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.
- 29.3 As a minimum, we must:
- use complaints data to identify the root cause of complaints
  - take action to reduce the risk of recurrence
  - record the details of corrective action in the complaints file
  - systematically review complaints performance reports to improve service delivery
- 29.4 Where we have identified the need for service improvement:
- the action needed to improve services must be authorised
  - a member of the AST or CHS member of staff 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 area should be monitored to ensure that the issue has been resolved
  - we must ensure that staff and volunteers learn from complaints



## 30. Publicising complaints performance information

30.1 We also report on our performance in handling complaints annually in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

## 31. Maintaining confidentiality

31.1 Confidentiality is important in complaints handling. It includes maintaining an individual's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of individuals' information.

## 32. Managing unacceptable behaviour

32.1 People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in an individual acting in an unacceptable way. Individuals who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

32.2 An individual's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff and volunteers.

32.3 We will, therefore, apply our policies and procedures to protect volunteers and staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from individuals. Where we decide to restrict access to an individual under the terms of our unacceptable actions policy, we have a procedure to communicate that decision, notify an individual of a right of appeal, and review any decision to restrict contact with us. This will allow an individual to demonstrate a more reasonable approach later.



### 33. Supporting an individual

- 33.1 All members of the community have the right to equal access to our CHP. People who do not have English as a first language may need help with interpretation and translation services, and other individuals may have specific needs that we will seek to address to ensure easy access to the CHP.
- 33.2 We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help an individual where appropriate.
- 33.3 Several support and advocacy groups are available to support individuals in pursuing a complaint and individuals should be signposted to these as appropriate.

### 34. Time limit for making complaints

- 34.1 This CHP sets a time limit of six months from when an individual first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.
- 34.2 We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.
- 34.3 If it is clear that a decision not to investigate an individual's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.



## Appendix 1: complaints

| Complaint  | Possible actions to achieve resolution   |
|--|--|
| <p>An individual expresses dissatisfaction in line with the definition of a complaint, but does not want to complain – just wants to tell us about the matter.</p> | <p>Tell an individual 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 customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if an individual 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 an individual that they will not be contacted again about the matter.</p> |





## Appendix 2: what is not a complaint

A concern may not necessarily be a complaint. For example, an individual 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 an individual has to keep on asking for service.

An individual may also be concerned about a decision made by the organisation. These decisions may have their own specific review or appeal procedures, and, where appropriate, individuals must be directed to the relevant procedure.

Example 1: An individual who expresses dissatisfaction with the decision of a children's hearing. This would be handled through the appeals procedure.

Example 2: Non-attendance of a panel member or AST member at either training or local learning and development opportunities. This would be handled through the local pastoral support arrangements, the reappointment process or ultimately through the process for removing a panel member.

Example 3: A panel member who regularly calls-off from attending their allocated children's hearings. This would be handled through the local pastoral support arrangements, the reappointment process or ultimately through the process for removing a panel member.

Example 4: An AST member who is not fulfilling the functions of their role. This would be handled through the support and supervision process, the reappointment process or ultimately through the process for removing an AST member.

Example 5: A panel member who does not effectively chair children's hearings. This would be handled through the local pastoral support arrangements, which may include identifying additional training. It could also be handled through the reappointment process or ultimately through the process for removing a panel member.

Example 6: A panel practice advisor who does not provide meaningful or sufficient feedback to a panel member. This would be handled through the support and supervision process, which may include identifying additional training. It could also be handled through the reappointment process or ultimately through the process for removing an AST member.



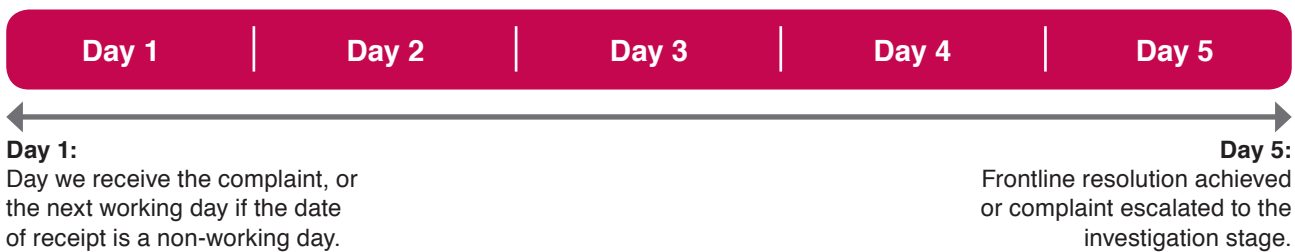
## Appendix 3: timelines

### General

In this procedure, ‘day’ means a working day. References to timelines throughout the CHP relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

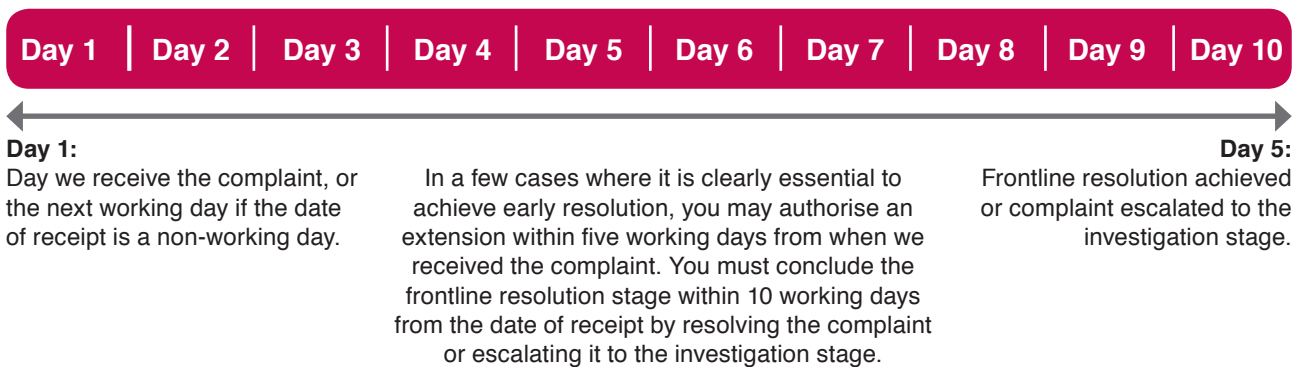
### Timelines at frontline resolution

You must aim to achieve frontline resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



### Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage in line with the procedure, the revised response time must be no longer than 10 working days from the date we receive the complaint.



In a few cases where it is clearly essential to achieve early resolution, you may authorise an extension within five working days from when we received the complaint.

You must conclude the frontline resolution stage within 10 working days from the date of receipt by resolving the complaint or escalating it to the investigation stage.



### Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and an individual wants to escalate the complaint to the investigation stage, you must pass the case for investigation without delay. In practice this will mean the same day that an individual is told it will happen.

### Timelines at investigation

You may consider a complaint at the investigation stage:

- after attempted frontline resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset

### Acknowledgement

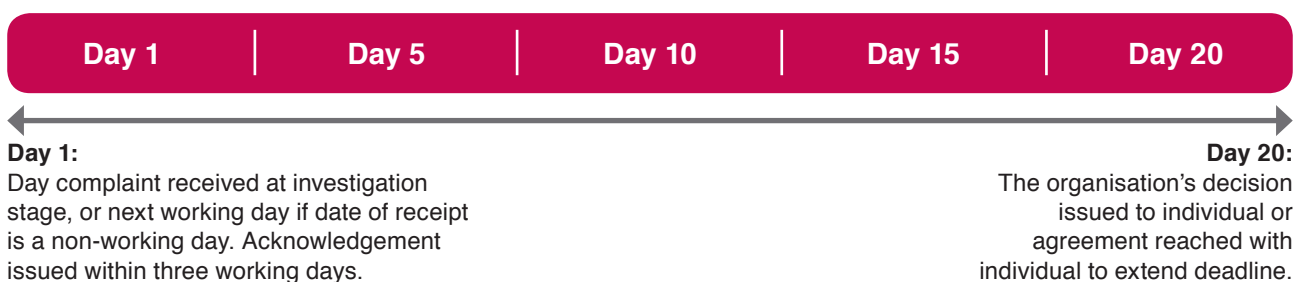
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day an individual asks for an investigation after a decision at the frontline resolution stage – you should note that an individual may not ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset

### Investigation

You should respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to an individual, and agree with them a revised timescale.



### **Timeline examples**

The following illustration provides examples of the point at which we conclude our consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.

The circumstances of each complaint are explained below:

#### ***Complaint 1***

Complaint 1 is a straightforward issue that may be resolved by an on the spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

#### ***Complaint 2***

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the frontline resolution stage.

#### ***Complaint 3***

Complaint 3 refers to a complaint that we considered appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

#### ***Complaint 4***

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution, rather we investigated the case immediately. We issued a final decision to an individual within the 20-day limit.

#### ***Complaint 5***

We considered complaint 5 at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline stage an individual was still dissatisfied. At their request, we conducted an investigation and issued our final response within 20 working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for frontline resolution and investigation.

#### ***Complaint 6***

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with an individual for concluding the investigation beyond the 20-day limit.



## Appendix 4: the complaints handling procedure – complaints against panel members and AST members

### STEP 1

An individual may complain about a panel member or AST member in person, by phone, by email or in writing. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline resolution) or stage 2 (investigation) of the complaints handling procedure. This can be handled by any panel member, AST member, CHS Board member or CHS staff member.



### STEP 2

#### Stage 1 frontline resolution

This can be handled by any panel member, AST member, CHS Board member or CHS staff member, or if more appropriate, referred to the Deputy Area Convener of the AST. The Deputy Area Convener may designate a panel practice advisor to handle the complaint.



### STEP 3

#### Stage 2 investigation

The investigation will be handled by a panel practice advisor appointed by the Deputy Area Convener.

Where appropriate, complaints will be investigated by a CHS member of staff.



## Appendix 5: the complaints handling procedure – complaints against Board and staff members of CHS

### STEP 1

An individual may complain about a Board or staff member in person, by phone, by email or in writing. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline resolution) or stage 2 (investigation) of the complaints handling procedure. This can be handled by any CHS Board member or CHS staff member, as appropriately identified.



### STEP 2

#### Stage 1 frontline resolution

This can be handled by any CHS Board member or CHS staff member, as appropriately identified.



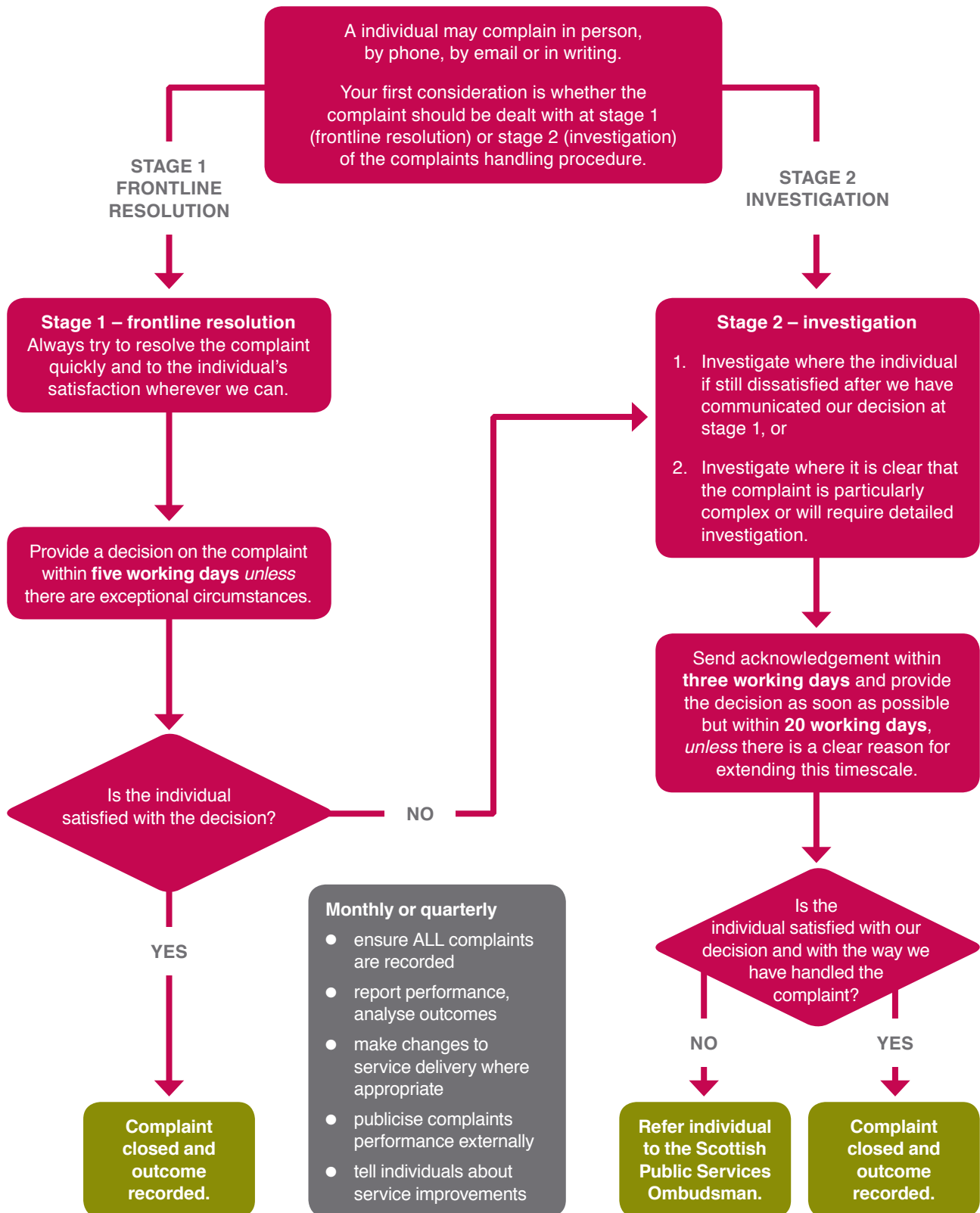
### STEP 3

#### Stage 2 investigation

The investigation will be handled by the Chair, National Convener/Chief Executive or a Director of CHS, as appropriate.



### The complaints handling procedure







# Health and safety policy statement







## 1. Health and safety

- 1.1 Children's Hearing Scotland is committed to putting in place arrangements to safeguard the health and safety of employees, volunteers and others affected by our undertakings, in compliance with the Health and Safety at Work etc. Act 1974 and the Management of Health & Safety at work Regulations 2003.
- 1.2 We will take a proactive approach to health and safety management and intend to:
  - (a) create and maintain a positive health and safety culture
  - (b) meet our responsibilities to our employees, volunteers and others in a way that recognises that legal requirements are the minimum standard
  - (c) adopt a planned and systematic approach to the implementation of the health and safety policy
  - (d) identify and assess the risks associated with all of our activities, with the aim of controlling the risks
  - (e) plan for health and safety including the setting of realistic short and long term objectives, deciding priorities and establishing performance standards
  - (f) maintain and review health and safety performance on a regular basis to make sure high standards are maintained
  - (g) allocate resources to meet the requirements of this policy
- 1.3 Everyone has some responsibility for health and safety, although the CHS Board, managers and staff bear a greater level of responsibility for ensuring that appropriate arrangements are in place.



# Data protection policy







## 1. Scope of the policy

- 1.1 Children's Hearings Scotland (CHS) is required to maintain certain personal data about individuals for the purposes of satisfying our operational and legal obligations.
- 1.2 The Data Protection Act 1998 (the DPA) places obligations on CHS employees (permanent and temporary, including contractors), CHS Board, Area Support Team (AST) members and panel members to protect the information of all data subjects.
- 1.3 CHS (including AST members and panel members) is a data controller, as defined in Section 1 of the DPA, and is obliged to ensure that all of the DPA requirements are implemented.

## 2. Policy aims

- 2.1 This policy summarises the key principles of the DPA and sets out how CHS meets its legal obligations and requirements to ensure that all data is held and processed in compliance with the DPA.
- 2.2 This policy will be reviewed annually or as appropriate to take into account changes to legislation that may occur, and/or guidance from the Scottish Government and/or the Information Commissioner.
- 2.3 Any breach of this policy by CHS employees could be considered as a breach of CHS' Disciplinary Policy.

The National Convener will investigate (or appoint a named person to investigate) any breaches of this policy by a National Convener appointed AST member or panel member.

### 3.1 Relationship to other policies

- 3.1 This policy interacts with the following CHS policies:
  - records management
  - records retention schedule
  - information security (including information breach notification)
  - business continuity plan
- 3.2 This policy will be supported by additional procedures and checklists.



## 4. Legislative framework

### 4.1 The Data Protection Act 1998

The Data Protection Act 1998 (the DPA) establishes a framework of rights and duties which are designed to safeguard personal data. This framework balances the legitimate needs of organisations to collect and use personal data for business and other purposes, against the right of individuals to respect for the privacy of their personal details. Compliance with the DPA will largely satisfy wider statutory requirements.

4.2 The DPA applies to paper and electronic records and audio and visual recordings, and does not differentiate between these different types of records.

4.3 Compliance with the DPA is regulated by the Information Commissioner's Office (ICO). There are legal implications for failing to comply with the DPA. The ICO has powers to issue an enforcement notice (breach of which is a criminal offence) and to fine organisations up to £500,000 for failing to comply with the DPA. If an individual unlawfully obtains or discloses personal data they could be committing a criminal offence.

4.4 There are also wider implications for failing to comply with the DPA:

- disclosure of personal data may put individuals at risk
- there is a risk of compensation claims by those affected
- the ICO can publicise security breaches leading to reputational damage
- stakeholders may lose trust in the way CHS manages personal data

## 5. Definitions

5.1 **Data** means information which:

- a) is being processed by means of equipment operating automatically in response to instructions given for that purpose
- b) is recorded with the intention that it should be processed by means of such equipment
- c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system-
- d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68 or
- e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d)

5.2 Paragraphs (a) and (b) make it clear that information that is held on computer, or is intended to be held on computer, is data. Data is also information recorded on paper if you intend to put it on computer.





5.3 A **relevant filing system** is defined as:

*“any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.”*

5.4 The ICO's view is that this definition is intended to cover non-automated records that are structured in a way which allows ready access to information about individuals. As a broad rule, the ICO considers that a relevant filing system exists where records relating to individuals (such as personnel records) are held in a sufficiently systematic, structured way as to allow ready access to specific information about those individuals.

5.5 **Personal data** means information about a living individual who can be identified from that information and other information which is in, or likely to come into, the Data Controller's possession. This can include application forms, disciplinary records, complaint information, contact details etc.

5.6 **Sensitive Personal Data** is information covering:

- the racial or ethnic origin of the data subject
- political opinions
- religious or other beliefs of a similar nature
- membership of trade unions
- physical or mental health or condition
- sexual life
- the commission of any offence or criminal records

5.7 Sensitive personal data must be collected using opt-in consent and should be carefully handled. Additional security measures may be necessary to protect sensitive personal data.

5.8 The **Data Controller** is a person (usually an organisation) who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

5.9 The **Data Processor** means any person (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller.

5.10 The **Data Subject** is the living individual who is the subject of the personal information.

5.11 Further information about definitions is available from the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk).



## 6. Responsibilities

### 6.1 CHS staff and Board

The National Convener and Chief Executive, as Accountable Officer, has overall responsibility for data protection and information security.

The Director of Finance and Corporate Services is designated as CHS' Senior Information Risk Owner (SIRO). The SIRO is a senior member of staff responsible for information risk in the organisation.

Information Asset Owners have been assigned to particular information assets held by CHS.

The implementation of, and compliance with, this policy is delegated to the Data Protection Officer (DPO). The DPO for CHS is the Performance and Research Officer. The DPO must ensure that:

- the Data Protection Notification and Data Protection Policy are kept up to date
- support all members of staff, as well as AST and Panel members, to comply with their obligations under the DPA
- issue guidance and training
- monitor and report on the proper functioning of data protection systems

Each CHS employee is responsible for ensuring that they are familiar with and comply with this policy.

### 6.2 Area Support Team members

The National Convener is responsible for ensuring that AST members processing personal data receive the appropriate level of training to support the implementation of this policy.

The National Convener has primary responsibility for ensuring that all collection and processing of personal data complies with the DPA and its principles. The DPO is responsible for identifying and publicising data protection responsibilities within the ASTs. The Area Conveners are responsible for monitoring compliance in their AST and highlighting any data protection issues or concerns to the DPO.

All AST members processing personal data are responsible for ensuring that they are familiar with and comply with this policy.

### 6.3 Panel members

The National Convener is responsible for ensuring all panel members receive the appropriate level of training to support the implementation of this policy. Data protection training will be delivered by the national training provider(s).

The National Convener has primary responsibility for ensuring that all collection and processing of personal data complies with the DPA and its principles. The DPO has responsibility for identifying and publicising Data Protection responsibilities within the panel



community. ASTs will be responsible for monitoring compliance of panel members and highlighting data protection issues to the DPO.

All panel members are responsible for ensuring that they are familiar with and comply with this policy.

## 7. Data protection principles

### Principle 1 – Personal data shall be processed fairly and lawfully

In practice, the first data protection principle means that CHS and ASTs must:

- have legitimate grounds for collecting and using personal data
- not use the data in ways that have unjustified adverse effects on the individuals concerned
- be transparent about how we intend to use the data, and give individuals appropriate privacy notices when collecting their personal data
- handle people's personal data only in ways they would reasonably expect
- make sure we do not do anything unlawful with the data

#### 7.1 Conditions for processing

Processing means collecting, using, disclosing, retaining or disposing of personal data. If any aspect of processing is unfair, there will be a breach of the first data protection principle.

Before we can process any individual's personal data we must ensure that conditions for processing are met. The conditions for processing are set out in Schedule 2 and Schedule 3 of the DPA. The conditions for processing are more exacting when sensitive personal data is involved.

#### 7.2 Privacy notices

When personal data is collected about individuals, they should be told exactly how that information is to be used. This is called a privacy notice. The notice should tell them:

- our identity
- the reasons (purposes) for which we intend to process the information
- who the information might be shared with (and what they will use the data for)
- how we will ensure that the information is kept securely
- how long we will keep the information for
- whether collection of the information is optional or mandatory and what the consequences might be of not collecting the information
- how they can access the information
- if the information is to be transferred overseas
- who they can contact for more information or to make a complaint
- how they can make a complaint to the ICO



If individuals are informed at the outset what their information will be used for, they will be able to make an informed decision about whether or not to enter into the relationship.

CHS publishes a privacy notice on our website informing data subjects how we will use their personal information.

If we think that an individual would be surprised about the use of their information, or we are processing it in a different way from which it was originally collected we will actively communicate this privacy notice. We will also actively communicate the notice when collecting sensitive personal data, or if we are going to share the info with an organisation that would be unexpected.

### **7.3 Disclosure of personal information to third parties**

Information about identifiable individuals should only be disclosed on a need to know basis.

Disclosures of information may occur because of a legal requirement, for example an employer is legally required to disclose details of its employees' pay to HM Revenue and Customs (HMRC) in the usual course of administering its Pay As You Earn (PAYE) arrangements.

The validity of all requests for disclosure of personal data without consent from the data subject must be checked. The identity of those requesting data and their legal right to request or demand information must be validated. The reasons for any disclosure made without consent must be documented.

Police officers or others requesting information for the purposes of a criminal investigation should be asked to put their request in writing. The request should include:

- what information is needed
- why it is needed
- how the investigation will be prejudiced without it

This requirement can be set aside where the request is made in an emergency (i.e. a person is in immediate and imminent risk of serious harm).

Decisions related to disclosure of information to third parties must be taken at an appropriately senior level.

### **7.4 Information sharing**

CHS will establish Information Sharing Protocols/Data Access Agreements where necessary in order to ensure the secure and lawful transfer of information between parties.

### **7.5 Privacy Impact Assessments**

CHS will conduct Privacy Impact Assessments (PIAs) prior to initiating a project which will involve the collection/use of personal data, in order to assess the privacy risks to individuals.



7.6

**Principle 2 – Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes**

In practice, the second data protection principle means that CHS and ASTs must:

- be clear from the outset about why we are collecting personal data and what we intend to do with it
- comply with the DPA's fair processing requirements – including the duty to give privacy notices to individuals when collecting their personal data
- comply with what the DPA says about notifying the Information Commissioner
- ensure that if we wish to use or disclose the personal data for any purpose that is additional to or different from the originally specified purpose, the new use or disclosure is fair.

### 7.7 Notification

CHS must provide an annual notification to the Information Commissioner, summarising the purposes for which personal data is used by the organisation. This process is known as notification. Failure to submit the annual notification or to keep it up to date is a criminal offence. The notification covers processing undertaken by CHS (or on our behalf by the clerks to the AST), ASTs and panel members.

### 7.8 Incompatible re-use of information

CHS will be open and transparent about the way in which we process personal data.

Personal data must not be re-used for any purpose that is incompatible with the original purpose for which it was collected.

### 7.9 CCTV

Personal data in the form of images is collected by CCTV cameras in operation at the entrances to Ladywell House and in the car park. These cameras are owned by National Records of Scotland and the images are monitored by the Scottish Government. The images are held in line with Scottish Government policies and procedures.

7.10

**Principle 3 – Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed**

In practice, the third data protection principle means that CHS and ASTs should ensure that we:

- hold personal data about an individual that is sufficient for the purpose we are holding it for in relation to that individual
- do not hold more information than we need for that purpose

Any data collected from individuals must be complete but not excessive, and the level of data retained on CHS systems should be appropriate for current, existing purposes.



Personal data should not be held on the off chance that it may be useful in the future. However, it is permissible to hold personal data for a foreseeable event that may never occur.

Where sensitive personal data is concerned, it is particularly important to make sure that we collect or retain only the minimum amount of information we need.

All CHS staff and AST members must comply with the CHS Records Management Policy, Record Retention Schedule and associated procedures.

7.11

**Principle 4 – Personal data shall be accurate and, where necessary, kept up to date**

In practice, the fourth data protection principle means that CHS, ASTs and panel members must:

- take reasonable steps to ensure the accuracy of any personal data we obtain
- ensure that the source of any personal data is clear
- carefully consider any challenges to the accuracy of information
- consider whether it is necessary to update the information

The law recognises that it may not be practical to double check the accuracy of every item of personal data we receive. The DPA makes special provision about the accuracy of information that individuals provide about themselves, or that is obtained from third parties.

Each Information Asset Owner will undertake a regular audit of their information asset to ensure that it is accurate and up to date.

**7.12 Panel member database**

It is the responsibility of each panel member to ensure that their name, contact details, availability and certain training information are accurate and up to date. They may update their own record or notify CHS of any changes, and we will update their record on their behalf.

CHS and ASTs are responsible for ensuring that the remaining record is accurate and up to date. The Panel Database Administrator will undertake regular audits of the panel member database.

For the purposes of communicating with panel and AST members, contact details must be downloaded from the relevant database on the day of the communication and date stamped. Out of date contact lists must not be used.



7.13 **Principle 5 – Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes**

In practice, the fifth data protection principle means that CHS and ASTs must:

- review the length of time we keep personal data
- consider the purpose or purposes we hold the information for in deciding whether (and for how long) to retain it
- securely dispose of information that is no longer needed for this purpose or these purposes
- update, archive or securely dispose of information if it goes out of date

CHS staff and AST members must ensure that they are aware of, and comply with, CHS Records Management Policy, Record Retention Schedule and associated procedures.

7.14 **Principle 6 – Personal data shall be processed in accordance with the rights of data subjects**

This is the sixth data protection principle, and the rights of individuals that it refers to are:

- a right of access to a copy of the information comprised in their personal data
- a right to object to processing that is likely to cause or is causing damage or distress
- a right to prevent processing for direct marketing
- a right to object to decisions being taken by automated means
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed
- a right to claim compensation for damages caused by a breach of the DPA

**7.15 Subject Access**

Individuals have a right to request any personal data held by CHS in whatever form.

CHS has a procedure to deal with requests for access to information which are known as Subject Access Requests (SARs). SARs will be handled by CHS centrally. If a SAR is received by an AST or by the clerk's office, the DPO should be notified immediately. All SARs must be sent to the CHS Information mailbox at [information@chs.gov.uk](mailto:information@chs.gov.uk) as soon as they are received.

SARs will be acknowledged by the DPO within two working days (a request for proof of identification can be made at this time). The SAR will be responded to within 40 days of receipt of the request/identification.

If any delays occur, the DPO will write to the data subject explaining the reason.

CHS can charge a fee of £10 for each occasion that access is requested.





7.16

**Principle 7 – Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data**

In practice the seventh data protection principle means that CHS must have appropriate security measures to prevent the personal data you hold being accidentally or deliberately compromised. In particular, CHS, ASTs and panel members must:

- design and organise our security to fit the nature of the personal data we hold and the harm that may result from a security breach
- be clear about who is responsible for ensuring information security
- make sure we have the right physical and technical security, backed up by robust policies and procedures and reliable, well-trained staff and volunteers
- be ready to respond to any breach of security swiftly and effectively

### 7.17 Keeping personal information secure

*Organisational security:*

- CHS has an Information Security policy (which includes procedures for information breach) and supporting procedures which all staff and volunteers have read and understood
- CHS has a business continuity plan which is reviewed and tested on an annual basis
- CHS has an appointed DPO who is responsible for data protection and information security

*Staff and volunteers:*

CHS staff and AST members:

- only authorised people can access, alter, disclose or destroy personal data and those people only act within the scope of their authority
- CHS staff and AST members undergo mandatory data protection training and this training is refreshed on a regular basis
- CHS staff must read, understand and comply with CHS' Data Protection and Information Security Policy
- personal information must not be disclosed, either orally or in writing, accidentally or otherwise to any unauthorised third party

Panel members:

- panel members must ensure they follow CHS and SCRA guidance on keeping panel papers, and the information contained within them, secure
- panel members will undergo data protection training as part of their induction training

Office environments and working practices must take account of the security necessary to prevent the loss, theft, damage or unauthorised access to personal information. CHS staff, AST members and panel members must comply with CHS' Information Security Policy and accompanying guidance which provides further information on keeping personal information secure.



*Physical security:*

- access to the CHS office is governed by the Scottish Government's Security Policy
- visitors must be signed in and out and escorted whilst on the premises
- confidential paper waste must be disposed of in the office shredding bin and a member of CHS or NRS staff must witness paperwork being shredded
- CHS operates a clear desk policy
- personal information in the form of manual records must be kept in a locked filing cabinet, drawer or other secure area
- personal information must not be taken out of the CHS office in the form of hard copy

*IT security:*

- IT equipment provided to AST members by CHS (e.g. mobile phones, laptops) must be kept safe and secure at all times. IT equipment must not be used by anyone other than the allocated user without permission from CHS
- IT equipment must be disposed of in a secure manner
- access to sensitive personal data is provided extra protection by controlled access
- personal information in the form of computerised records will be kept on a secure IT system which is password protected
- personal information must not be kept on a portable data storage device (e.g. CD, memory stick)
- when laptops are taken out of the CHS office, they must be kept in a secure location at all times
- staff must lock their computer screens (ctrl alt del) when away from their desks
- laptops must be locked to their docking station when in the office

**7.18 Data Processors**

Where CHS uses a contractor to process personal data on its behalf, the contractor must sign a data processing agreement which ensures that they are taking adequate steps to comply with Principle 7 (and all other DPA requirements) on CHS' behalf. CHS retains legal responsibility for the actions of processors, and so those managing contracts must ensure that all security procedures necessary are specified in the contract, and it is subsequently monitored to ensure that they are in place.

- 7.19 **Principle 8 – Personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data**

Any member of CHS staff or AST member who is required to send personal identifiable information in any format to countries outside the EEA, must discuss this with the DPO Officer, as the levels of protection for the information may not be as comprehensive as those in the UK.



## 8. Staff Awareness

### 8.1 Training

All CHS staff undergo mandatory data protection training which is refreshed on a regular basis. Staff must acknowledge that they have attended and understood the training. Additional training will be provided if necessary.

### 8.2 Breaches of the policy

#### *CHS staff and Board*

The Director of Finance and Corporate Services must ensure that all CHS staff familiarise themselves with the content of this policy.

All personal data recorded in any format must be handled securely and appropriately in line with the DPA, CHS staff and AST members must not disclose information for any purpose outside their normal role.

Employees should be aware that it is a criminal offence to deliberately or recklessly disclose personal data without the authority of the CHS (the data controller).

Any deliberate or reckless disclosure of information by a member of CHS staff will be considered as a disciplinary issue.

#### *AST members and panel members*

The National Convener will investigate (or appoint a named person to investigate) any breaches of this policy by a National Convener appointed AST member or panel member.

# Equalities scheme







## 1. Equality and diversity policy statement

- 1.1 Children's Hearings Scotland (CHS) is committed to achieving equality for all employees and volunteers. We recognise that people can be discriminated against for reasons including age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. CHS opposes discrimination on any of these grounds.
- 1.2 All employees and volunteers can expect to work in an environment free from harassment and bullying. All employees and volunteers can expect to be treated with dignity and respect.

## 2. General duty

- 2.1 CHS' general duty requires public authorities to pay 'due regard' to the need to:
  - eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010
  - advance equality of opportunity between people who share a characteristic and those who do not
  - foster good relations between people who share a relevant protected characteristic and those who do not

These three requirements apply across the 'protected characteristics' which are defined in the Equality Act 2010.

These are: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Only the requirement to eliminate discrimination applies to the protected characteristic of marriage and civil partnership.

- 2.2 The purpose of the general duty is to require authorities to proactively consider equality when carrying out their work. The duty encourages the mainstreaming of equality into authorities' core business so it is not a marginal activity but a key component of what authorities do.
- 2.3 The general duty applies across an authority's functions. This means that the duty applies to policy making, service provision, employment matters and in relation to enforcement or statutory discretion and decision making. It also applies to a public authority's functions in relation to procurement and the contracting out of services.
- 2.4 'Due regard' comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. The greater the relevance of a function to equality, the greater the regard that should be paid.



2.5 CHS aims to ensure that:

- all employees, volunteers and applicants are treated fairly, with respect and are not subject to unjustifiable requirements or conditions
- no group or individual is unfairly excluded or disadvantaged, either in terms of accessibility and availability of services, or in terms of recruitment, employment or procurement
- it continuously improves its approach to equality, by providing appropriate training for employees and volunteers, ensuring policies and practices promote equality and by regularly monitoring and publishing its progress

2.6 This policy applies to all potential and existing employees and volunteers. CHS recognises that achievement of the aims of the policy requires full commitment from all of the aforementioned groups as well as partner agencies.

2.7 Equality impact assessment is a business improvement tool to assist CHS in identifying ways to improve delivery of our functions and is a significant source of information to inform our decision making.

2.8 All projects and policies will be assessed using the Scottish Government's Environmental Impact Assessment (EIA) template. However we will continue to look at how we can improve the tool and the training we provide to our employees and where relevant volunteers on its use.

### **3 Roles and responsibilities**

3.1 Overall responsibility for ensuring the promotion of equality of opportunity rests with the Chief Executive/National Convener, the Senior Management Team (SMT) of CHS and Area Conveners in relation to Area Support Team (AST) activities in support of the Children's Panel.

3.2 The Director of Finance and Corporate Services has responsibility for monitoring CHS' Equality Scheme and ensuring appropriate training is provided to employees and volunteers. The Director of Finance and Corporate Services is also responsible for ensuring the scheme is regularly reviewed in line with best practice, feedback, monitoring and legislation.

3.3 In terms of employment, all CHS officers must apply employment practices, procedures and conditions of service fairly and consistently and ensure staff conduct themselves in accordance with this scheme. In terms of volunteers, CHS must work with ASTs to identify and remove practices or barriers which may lead to discrimination, or offer appropriate alternatives. In both cases CHS officers and Area Conveners must take immediate action to address any discrimination, taking advice as appropriate.

3.4 All employees and volunteers have a duty to accept personal responsibility for the practical application of this scheme. In order to eliminate discrimination and promote equality of opportunity, the scheme should be understood and supported by everyone. Serious breaches of this policy will be dealt with under CHS' Disciplinary Policy and Procedure, where CHS officers are concerned. AST members and panel members will be offered and expected to undertake



training in relation to equality and diversity and role specific responsibilities (for example AST members involved in recruitment activities). Where it is alleged that this policy has been breached by a panel member or AST member, the Area or Depute Area Convener should deal with the matter under the Supervision and Support policy framework, up to and including potential recommendation to the National Convener for removal depending on the circumstances.

All employees and volunteers should challenge discrimination and/or report any unacceptable behaviour to their manager, panel representative or Area or Depute Area Convener. This applies to unacceptable behaviour that comes from any person whether they be a member of CHS staff, volunteer, visitor or employee of other organisations. Where such a concern relates to the behaviour of an Area Convener or Depute Area Convener, this should be reported directly to CHS.

Employees and volunteers have a responsibility to act in a manner appropriate to this policy, whilst in the course of their employment or panel or AST business, and to uphold the principles of fairness and equality in all aspects of their behaviour. This policy covers all CHS and AST or panel related activity.

## **4. Equal opportunities in practice**

### **4.1 Volunteers**

Volunteers and potential volunteers will be treated fairly, openly and honestly and with dignity and respect. Each function must ensure that all volunteers receive fair and equal treatment and are not subject to discrimination.

CHS will also seek to ensure that no condition or requirement, which cannot be shown to be justifiable, will be imposed on volunteers.

### **4.2 Employment**

All employees and potential employees will be treated fairly and equally. Decisions relating to recruitment, selection, training, promotion and reward will be based on objective and job related criteria. Managers will provide appropriate training, advice, policies and procedures.

No applicant or employee will receive less favourable treatment than another person on the grounds stated in paragraph 1 of this policy. No applicant or employee will be placed at a disadvantage by requirements or conditions that have a disproportionately adverse effect on them and which cannot be shown to be justifiable in terms of the post. Each individual will be assessed according to his/her capability to carry out a given job.

CHS wishes to create and maintain a positive working environment that will enable all individuals to feel valued and maximise their potential. This will ensure their contribution to the overall success of the organisation.

Further guidance for AST members, in relation to panel member recruitment, is set out in the core policy 'Recruitment, selection and recommendation to the National Convener for appointment of panel members.'



## 5. Equal pay

- 5.1 CHS recognises that equal pay between men and women is a legal right under both domestic and European law and is committed to the principle of equal pay for all our employees. We aim to eliminate any sex bias in our pay systems and will extend our monitoring processes to include race, disability and age in the future.
- 5.2 CHS understands that it is important that employees have confidence in the fairness and transparency of the pay system and we are therefore committed to working in partnership with staff.
- 5.3 CHS commits to:
- eliminate any unfair, unjust or unlawful practices that impact on pay
  - take appropriate remedial action

This will be achieved by:

- regularly undertaking equal pay reviews in line with the Single Equality Act 2010 for all current staff and determining starting pay for new staff
- planning and implementing actions in partnership with staff
- providing training and guidance for those involved in determining pay
- informing employees of how these practices work and how their own pay is determined

## 6 Positive action/positive discrimination

- 6.1 CHS aims to ensure the composition of our workforce reflects that of the population. Positive action will be considered where under representation of particular groups is identified. Positive action allows employers to give employees or potential employees from under represented groups support and encouragement to apply for particular posts. The purpose is to encourage applications from employees of a particular sex or race who are currently under represented.

It must be stressed that the law does not allow employers to make recruitment and selection decisions simply on the basis of sex or race. Employers cannot deliberately set out to recruit from an under represented group to “right the balance”. This is known as positive discrimination and is not permitted under the law.

Advice should be sought from Human Resources before considering any positive action.





## 7 Implementation

- 7.1 This scheme is fully supported by the Board and SMT.
- 7.2 This scheme will be communicated to all staff and volunteers, providing training as necessary, to ensure that they are aware of the policy and its implications for their work, duties and behaviour. This will be reinforced with ongoing awareness raising and training as required.
- 7.3 Monitoring and publication of equalities information including recruitment monitoring, workforce monitoring and other feedback, will be analysed and reported regularly, taking action where appropriate.
- 7.4 CHS will work in partnership with staff, ASTs and other external bodies as necessary to develop and implement an Equalities Scheme Action Plan containing measurable and achievable targets to improve our approach to equality.
- 7.5 The best way to promote equality is to mainstream it into all policies, practices and procedures. In practice, this should include ensuring equality strategies and considerations are reflected in new policies and procedures and in corporate business and team plans.

## 8. Complaints

- 8.1 Any employee or volunteer who believes that they have been unfairly treated within the scope of this policy, may raise the matter through the Grievance Policy or Dignity at Work Policy (CHS employees) and the complaints policy (panel and AST members).
- 8.2 Any applicant who believes they have been unfairly treated during the recruitment and selection process may complain in writing to the Director of Finance and Corporate Services within three months of the action in question.
- 8.3 Any volunteer who believes they have been subject to unfair treatment may raise a complaint with their Area or Depute Area Convener in the first instance, or direct with CHS where the complaint relates to the Area or Depute Area Convener.

## 9. Monitoring and review


- 9.1 CHS has a duty to ensure equality of opportunity in employment and volunteering. This will be monitored on an ongoing basis to assess whether the aims of this scheme are being achieved and to highlight areas where further action is required.
- 9.2 This scheme will be reviewed annually by the Director of Finance and Corporate Services to ensure continued compliance with CHS General Duty, legislation and best practice.



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# Recruitment, selection and recommendation to the National Convener for appointment of panel members







## 1 Introduction

- 1.1 The National Convener is responsible for the appointment of such number of members to the national Children's Panel as he/she considers appropriate under Schedule 2 of the Children's Hearings (Scotland) Act 2011 (the 2011 Act).
- 1.2 Schedule 2 paragraph 1 states:
  - 1 (1) The National Convener may make arrangements for the recruitment of persons as members of the Children's Panel (a person appointed as a member being referred to in this schedule as a "panel member").
  - (2) It is for the National Convener to appoint persons as panel members from those recruited under sub-paragraph (1).
- 1.3 The National Standards for the Children's Panel (and specifically Standard 8, Annex 1) set out the National Convener's expectations in relation to the values, skills, behaviours and attributes which panel members require in order to fulfil their functions, including commitment and availability.
- 1.4 The 2011 Act is clear that members of the national Children's Panel are expected to service the hearings scheduled to take place in the area in which they live and/or work.
- 1.5 Panel members are appointed or reappointed for a statutory three year period.
- 1.6 The National Convener has delegated responsibility for the recruitment, interview and selection of persons to be recommended to the National Convener for appointment as members of the Children's Panel, to Area Support Teams (ASTs), specifically through the 'Area Support Teams Functions, Roles and Responsibilities'.
- 1.7 This policy sets out the National Convener's guidance to ASTs in relation to the approach to be taken at each stage of the selection process, when considering applications to membership of the Children's Panel.



## 2 Recruitment of new panel members

### 2.1 Recruitment campaigns

- 2.1.1 Children's Hearings Scotland (CHS) will be responsible for funding and coordinating national panel member recruitment campaigns. This includes the production of publicity and advertising such as posters, television or other media adverts seeking expressions of interest from people interested in applying to become members of the Children's Panel.
- 2.1.2 CHS will ask ASTs to assist with a regular review, every 12 to 18 months, in relation to panel member retention rates and hearings activity. On this basis CHS will work with ASTs to 'target' recruitment activity to ensure that there are sufficient numbers of panel members, with appropriate gender balance, to fulfil the rota requirements across each AST.
- 2.1.3 Prior to any national publicity/recruitment campaign, CHS will ask Area and Depute Area Convener(s) to consult with relevant members of the ASTs, in particular the panel representatives and schedulers, to advise the National Convener of the need for local recruitment of new members to the national panel.
- 2.1.4 ASTs should ensure they have effective systems in place for monitoring hearings activity, scheduling and the numbers and pattern of panel member resignations, in order to ensure that the AST maintains sufficient numbers of panel members and an appropriate gender balance to fulfil the rota requirements of the AST area. Area and Depute Area Conveners should have a clear overview of panel member recruitment and retention for their area, in order to predict likely numbers of panel members required whilst planning for recruitment campaigns.
- 2.1.5 CHS will be responsible for handling initial responses to any national publicity and recruitment adverts and potential applicants will be referred to the AST, through the clerk to the AST or a member of his/her team where applicable.
- 2.1.6 CHS will ensure that the AST has access to sufficient numbers of the standardised application form for potential panel members and to all other templates and forms as outlined in this policy. A copy of the application form is attached to this policy as an annex.
- 2.1.7 CHS will support ASTs to put the relevant localised information in place to inform potential panel members of the AST support arrangements, rota expectations, panel practice observation arrangements, learning and practice development opportunities (for example panel member meetings and resource visits) and AST structures locally.
- 2.1.8 Each AST will be expected to prepare such information events/briefings for potential panel members during the recruitment/advertising stage as is appropriate. This will to minimise the risk of 'speculative' applications from individuals who have not fully understood the responsibilities and expectations relating to membership of the Children's Panel.



- 2.1.9 Local authorities through the clerk and/or his/her team will wherever possible plan, arrange and provide suitable accommodation and facilities for such events and for recruitment activities including interviews, in line with the partnership agreement between the local authority/ies and CHS for the AST.
- 2.1.10 CHS will ensure that ASTs have access to up to date presentations and/or information films to inform potential panel members about the national Children's Panel during such information sessions.
- 2.1.11 CHS will advise ASTs of the timetable for any planned national recruitment campaign and the corresponding dates for the submission of recommendations for new appointments to the national panel. CHS will ensure sufficient lead in time to such campaigns, bearing in mind the scale of recruitment and the potential impact for volunteers, particularly those AST members and panel members supporting the recruitment process and the implications for local authority staff and accommodation availability. The timetable for the recruitment and appointment process should ensure that CHS has sufficient time to consider the recommendations and issue appointment letters prior to the commencement of pre-service training.
- 2.1.12 In addition to national recruitment campaigns, ASTs may also undertake in-year recruitment, with the consent of the National Convener.

### **3 Managing applications**

#### **3.1 Information for applicants**

- 3.1.1 The panel member application form will be available to potential panel members online, once they have attended an information event or have requested an application form following initial contact, or through paper copies being issued by the AST. Applicants who apply online or by telephone, should be able to download or receive the relevant forms and information to assist with their application within three working days of enquiry.

#### **3.2 Method of application**

- 3.2.1 All potential panel members should complete the standard application form for membership of the Children's Panel. The use of this standardised application form and the use of the standard guidance to accompany it, ensures that applicants provide the required information in a consistent manner. This should help ASTs to assess and compare applications systematically, against the selection criteria set out in the national standards, the panel member competencies and associated short listing template.
- 3.2.2 A Curriculum Vitae (CV) should not normally be considered.





3.2.3 An applicant who cannot complete an application form personally (for example because of literacy difficulties or disability) should not be automatically excluded from consideration. If such a potential panel member makes contact with the AST, the AST should consider whether the potential panel member may need assistance to complete the application form or requires a particular format of the form. If so, the AST should contact CHS for assistance.

### **3.3 Submission of applications**

3.3.1 A potential panel member may submit a standard application form either by post or by electronic means, for example by e-mail. CHS will work with ASTs towards encouraging and enabling the majority of application forms to be submitted electronically.

3.3.2 All applications should be acknowledged by the AST within a week of their receipt.

## **4 Equal opportunities**

- 4.1 The Children's Hearings System promotes equal opportunities. CHS has clear policies in relation to Equality and Diversity and panel members are selected on the basis of merit from a wide variety of backgrounds and experiences. (Please see CHS Equalities Scheme).
- 4.2 Recruitment activities are expected to invite and encourage people from all sectors of local communities to join the Children's Panel.
- 4.3 ASTs should make every effort to maintain a balance of diversity amongst the panel members who service the hearings in their area, including in respect of gender, geographic location, occupation, sexual orientation, disability and ethnicity.
- 4.4 It is recognised that adults of all ages and backgrounds can make a valuable contribution to the children's panel. While panel members must be at least 18 years of age, there is no upper age limit.<sup>1</sup>
- 4.5 ASTs must follow CHS guidance and pay careful attention to ensure that the recruitment and selection process is applied fairly and without discrimination at each stage of the process.

<sup>1</sup> The upper age limit of 67 was removed in 2005 prior to the implementation of age discrimination legislation.



- 4.6 The final section of the standardised application form seeks information, in confidence, on the ethnic origin of applicants. If appointed, this information will be stored on the member's personal record. This data is used to provide statistical information only on the ethnicity of those who apply and are subsequently appointed as members of the national Children's Panel. This complies with a requirement placed upon the Scottish Government and its agencies by the Public Appointments Commissioner for Scotland's guidance on public appointments procedures.
- 4.7 Applications will be monitored to help ensure that no one is discriminated against on the grounds of gender, race, colour, nationality, religion, marital status, disability, age or any other grounds which cannot be justified. Applicants are asked to provide information relating to certain characteristics in confidence, which CHS will ensure is anonymised and analysed to ensure best practice.
- 4.8 CHS will work with ASTs to ensure that all recruitment materials, interview questions and other assessment exercises, which assist in selection (for example group discussion exercises), are designed and used in line with best practice in relation to fair recruitment practices.
- 4.9 All applicants invited to interview should be advised in writing of the outcome of their interview and whether they are being recommended to the National Convener for appointment.
- 4.10 As stated, CHS is committed to appointment on the basis of merit, diversity, equality and accessibility. Consideration must be given to disability related reasonable adjustments that an applicant might request to enable them to participate fully in the selection process. If an applicant requires any materials relating to the recruitment process in an alternative format, the AST should contact CHS for assistance.
- 4.11 Applicants should not be disadvantaged due to financial circumstances. Applicants can claim for reasonable expenses incurred in attending an interview from CHS, via the CHS expenses scheme. It is expected that the most efficient and economic means of travel will be used and reimbursement will normally be restricted to that amount. In rare circumstances, where an overnight stay is necessary, the clerk to the AST should contact CHS to prearrange this. Receipts must be provided in support of all claims.
- 4.12 Any complaints about the recruitment process should be logged in line with the CHS Complaints Handling Policy.



## 5 The application form

- 5.1 A standardised application form is available to all recruiting ASTs for issue to prospective applicants. ASTs should ensure that they have the latest available form.
- 5.2 A standardised reference form and letter requesting references are also available for ASTs. ASTs should ensure that they use the most up to date version of this form. Annex 1 provides the templates for both the application form and reference form.
- 5.3. Due to an amendment to the Data Protection Act in 2008, electronically signed/typewritten application form declarations and references are now acceptable, without the need to obtain original signatures. The email address of the sender should be checked by the AST member or clerk to the AST who is involved in the administration of application forms, to validate the declaration/reference form. When submitting application forms/references to the National Convener and CHS, the ASTs are asked to confirm that the sender's email address has been checked/ validated.
- 5.4 If completing a paper application form, applicants are required to sign the declaration on the application form. This is to confirm that, to the applicant's best knowledge, the information provided on the application form is true at the date of signing. Information subsequently discovered to be false, misleading or withheld may disqualify the application or any appointment based upon this information.
- 5.5 All panel practice advisors (PPAs) and any other AST member involved in the recruitment process, should familiarise themselves with this policy and with the application form and accompanying guidance notes. Any AST member involved in recruitment should also have completed the relevant training module prior to engaging in interview and selection activities.

## 6 Eligibility to apply for panel membership and assessing suitability

- 6.1 Before an application for panel membership can be progressed to the point of recommendation, the AST must be satisfied that the prospective member meets the following essential requirements of panel membership:
  - residence requirement, including right to work in the UK
  - no obvious conflicts of interest
  - can meet the national standards (Standard 8, Annex 1) and AST's expectations in relation to their availability for the servicing of hearings and participation in ongoing training
  - conduct to date has been compatible with panel membership
- 6.2 **Residence requirement**
  - 6.2.1 Prospective panel members are expected to live and/or work within the local authority area where they will serve on the Children's Panel. This is in order that wherever practicable, the three panel members live or work in the home local authority of the child or young person before them, in line with the expectations of the 2011 Act.



6.2.2 Therefore prospective panel members should be expected to provide evidence that they live or work within the area in which they intend to serve if appointed.

6.2.3 Where a joint AST has been formed between two or more local authority areas, applicants may apply to service hearings held in one or all of the local authority areas served by the AST. In such cases, the applicant must still satisfy the AST that they have a good knowledge of the area to which they are recommended for appointment. Prospective panel members should be asked to clearly indicate the 'home' local authority area in which they live or work and to which they may be 'linked' for scheduling purposes if appointed. It should be clearly explained during the recruitment process that panel membership is of the national Children's Panel. However, to ensure compliance with the 2011 Act, effective supervision and support of panel members, monitoring of their practice and effective and fair scheduling of the rota, panel members will be appointed to the Children's Panel within an Area Support Team area.

### 6.3 Right to work in the UK

6.3.1 Persons taking up public appointment in the UK, including membership of the Children's Panel must have the right to work in the UK. Applicants are asked to confirm on the application form that they have this right. Cases of doubt are expected to be very few and far between, but they may arise due to a combination of factors. For example, an applicant has not ticked the "right to work" box and they have indicated on their application form that they have not lived in the area for very long and do not know the area very well. In these circumstances, the AST is entitled to ask for documentary evidence of the applicant's right to work in the UK.

Documentary evidence may include one or more of the following:

- a passport describing the holder as a British citizen or as having the right of abode in (or an entitlement to re-admission to) the United Kingdom, or the right to work here
- a certificate of registration or naturalisation as a British Citizen
- a birth certificate evidencing birth in the United Kingdom or in the Republic of Ireland
- a European Economic Area (EEA) passport or national identity card or passport
- a passport or travel document endorsed to show that the person is exempt from immigration control, or a letter issued by the Home Office confirming that the person named has such status (Immigration and Nationality Department (IND) stamp/entry clearance certificate)
- a United Kingdom residence permit
- a letter issued by the IND confirming the individual's status
- documents or an acceptable combination of documents from Lists A and B produced by the UK Border Agency: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

6.3.2 It is expected that for the few situations where this applies, the clerk to the AST would contact the applicant (if they have met the short listing criteria) and outline the documentary evidence to be brought to interview. A standard template setting out which documentary evidence has been produced for the AST in relation to this requirement should be completed by the clerk.



6.3.3 If following interview, the applicant is subsequently recommended to the National Convener for appointment, the documentary evidence provided should be copied. It should then be signed along with the completed template, by a member of the interview panel and submitted securely to CHS, along with all other application and recruitment papers.

#### 6.4 Identifying and disclosing conflicts of interest

6.4.1 It is imperative that panel member appointments do not present any potential, perceived or actual conflicts of interest. This is because decisions made by hearings served by such appointees may be liable to challenge, for example, on European Convention on Human Rights (ECHR) grounds as to the independence and impartiality of tribunals. This could have a negative impact on children, young people and families, including delays in decision making and outcomes.

6.4.2 Furthermore, in order to prevent legitimate challenges, the only solution where obvious conflicts of interest arise may be for the hearing to defer. Whilst the problems and distress associated with deferred hearings are clearly recognised, that action may be the only recourse to ensuring that the rights of the children and families concerned are protected.

6.4.3 Applicants and members of ASTs should, therefore, note the particular sensitivities associated with the Children's Hearings System. This includes the need for applicants to highlight in their applications **any** existing professional, voluntary or personal connections with the system, so that the potential for a conflict of interest may be considered by the AST.

6.4.4 Should an applicant fail to disclose a known conflict of interest at the point of application and/or during the selection process, this may affect the validity of any subsequent appointment.

6.4.5 It is not possible to set out a comprehensive list of potential, actual or perceived conflicts of interests, but some clear examples are detailed below.

##### 6.4.6 Occupation

People in certain occupations are not eligible to become panel members as they present an unmanageable conflict of interest, whether actual or perceived. These are:

- serving police officers, including special constables
- relevant social work employees, including registered social workers, social care workers and administrative workers who work directly with, or are involved in supporting direct work with, children, young people and families within the local authority area(s) served by the AST – this particularly applies to those who are involved with supervising children (from the local authority area(s) served by the AST) who are subject to compulsory supervision orders (CSO)



Certain occupations may create a conflict of interest for applicants, whether actual or perceived and careful consideration should be given as to whether or not this actual or perceived conflict of interest may be manageable. These include:

- Justices of the Peace who serve in the Justice of the Peace Court, or are likely to be selected to do so
- positions that involve making regular referrals to hearings or to the Principal Reporter, for example certain local authority staff based in education services and staff in NHS roles who may be involved in such referral processes
- positions concerned, wholly or mainly, with children on compulsory supervision orders (such as staff who are registered with the Scottish Social Services Council and are working in residential care, secure care accommodation, residential school care services or residential assessment centres)
- employees or volunteers working or volunteering for private or not for profit organisations and service providers who are working with looked after and vulnerable children, young people and families within the local authority area(s) served by the AST – for example, the risk of unmanageable or problematic conflict of interest regularly arising where such individuals have access to information on file about families, or regularly attend hearings as key workers or representatives for children
- foster carers may be looking after children and/or young people who are subject to compulsory supervision orders and this clearly presents a potential for conflict of interest that needs to be managed carefully – one option is for the applicant (or panel member who becomes a foster carer while in service) to apply for panel membership in a neighbouring AST area – applicants should not be recommended to serve on hearings in the same community in which they foster

In making an assessment of the potential actual or perceived risk, the AST should take into account the likelihood of the above mentioned individuals being able to predict and minimise the scope for meeting the same families in their different roles.

- 6.4.7 There are a number of other occupations and personal situations that might give rise to a potential, actual or perceived conflict of interest.

*Partners/relatives of other panel members or the Children's Reporter*

There is no formal bar to spouses, partners or other relatives of panel members applying to the same AST for membership of the national panel. However, it may be that on occasions, for example within a small AST area with one hearing centre, that it is not possible to appoint both parties.

Ideally, to maintain the impartiality of individual hearings, panel members who are close relatives or partners should not sit on hearings in the same hearing centre.

They should never sit on a deferred or review hearing for a child whose case was considered previously by their relative/partner and this may be very difficult to prevent within a small AST. Therefore it is unlikely that partners will be able to be recommended for appointment if one partner is already a serving panel member within that AST.





Applicants must declare at the point of application known, close relationships with relatives or friends, who are serving panel members in the area to which they are applying. In particular, very close relationships, such as marriage or partnerships, parent/child, siblings or close in laws, members of the same household or close colleagues or friends, should be declared. Similarly, applicants should declare any relative or close friend relationship with a Children's Reporter or other members of Scottish Children's Reporter Administration (SCRA) staff in the AST area to which they are applying. Failure to disclose such relationships could lead to invalidation of any appointment made, based on incomplete information relating to a conflict of interest.

#### *Personal or professional interest*

In addition to occupations which may present a direct actual or perceived conflict of interest, as outlined at 6.4.5, there may be situations where an applicant's personal, business, professional or financial interests could lead to a perceived conflict of interest. For example, where prospective panel members may know, or be directly working with, children, young people and their families who might appear before them. Applicants should declare any personal, business, professional or financial interests which might potentially undermine confidence in the independence and fairness of the tribunal, or conflict with the expectations of panel member conduct as set out in the national standards.

It is not possible to provide a comprehensive list of such situations, but some examples could include:

- applicants who are journalists by occupation, particularly those who may have a professional interest in covering stories relating to the Children's Hearings System
- applicants who have a business and/or financial interest in the Children's Hearings System within the AST area, for example applicants who operate residential care facilities for looked after children or young people within the AST area
- applicants who have a political interest in services and resources for children, young people and families who are involved with the Children's Hearings System, for example local authority managers who are involved in budget allocation relating to such services, or persons who are involved in local campaigning, for example against local authority plans to establish a children's home within the AST area
- persons who are the parent, or have relevant person status, of a child or young person currently subject to a compulsory supervision order

## **6.5 Dealing with a possible conflict of interest**

6.5.1 Where a possible conflict of interest is identified for an applicant, or a **perception** of conflict is apparent, the AST should consider the relevant particulars of each individual case carefully. This should include the applicant's statement and description of the potential conflict, the applicant's job/role description if the conflict relates to a paid or volunteer role and the views of the applicant.



- 6.5.2 If appropriate, the AST should explain to the applicant that in order to reach a determination about manageability of the actual or perceived conflict of interest or potential for such, the AST requires further information from a third party, such as his/her employer.
- 6.5.3 If a potential for conflict exists, but the assessment is that this is manageable, the AST should, where possible, agree a strategy for avoiding the conflict, seeking advice from CHS as required. Strategies for avoiding conflict may for example involve the prospective panel member sitting on hearings only in a part of the AST local authority area(s) other than that in which s/he works or fosters.
- 6.5.4 If following the steps above it is assessed that conflict is unavoidable or cannot be managed, the individual should not be recommended for panel membership.
- 6.5.5 On submitting recommendations on appointment to CHS and the National Convener, ASTs should highlight any actual, potential or perceived conflicts of interest, providing a brief explanation as to how these were explored and what strategy will be put in place to avoid actual conflict (as at 6.5.3).

## **6.6 Commitment and availability**

- 6.6.1 At each stage of the selection process the PPAs and any other AST members delegated these tasks, will consider the availability of applicants. This should include during recruitment briefings and information sessions with prospective panel members, considering application forms, short listing and interviewing and finally in making their recommendations for the appointment of panel members.
- 6.6.2 In doing so, they should liaise with and involve the lead and/or panel representative and the clerk to the AST with regard to the availability of current members, and with the Children's Reporter regarding the anticipated number and timing of hearings.
- 6.6.3 The number of hearings a panel member may be expected to sit on will vary according to the needs of the local area. However, this variance should only be within acceptable parameters and all panel members should expect to sit on a fair (and broadly equal) share of the hearings. While some ASTs require their members to sit on one or two sessions per month, smaller ASTs may find the requirement is slightly less. The national standards set out expectations around panel member availability. It should be made clear to applicants that where possible, (see above at 6.6.2), applicants must be able to commit to at least one session of hearings each month, to ensure a fair sharing of the rota and to ensure that the panel member is serving regularly enough to maintain skills, knowledge and confidence in their role and functions.
- 6.6.4 ASTs should make sure that, at the recruitment stage, applicants are made aware of the expected frequency, number of hearings and the interval between sessions or hearings to which panel members in that AST area will be expected to commit.





- 6.6.5 The National Convener has set out expectations in relation to panel membership and training in the national standards, particularly Standard 2 and Standard 8, Annex 1. There is a requirement for panel members to attend pre-service training and, on qualifying as a panel member, ongoing national and local training, learning and practice development. Applicants to the Children's Panel should, therefore, be encouraged to be as open as possible about their capacity and availability during what would be a three year appointment, particularly if it is known that this may be subject to change during that time.
- 6.6.6 National standard 8, Annex 1 sets out the key responsibilities of panel members to:
- make themselves available to sit on hearings regularly enough to develop and maintain the necessary knowledge, skills and understanding to fulfill their role competently and with confidence
  - be open and honest about their availability and seek support where there are practical, personal or work issues affecting their availability
  - be prepared to undertake further or repeat training or skills development activities where these are identified as necessary by the panel member themselves, by the AST as an outcome of practice observation, or as a result of concerns or complaints
- 6.6.7 During shortlisting and the subsequent interview and selection processes, ASTs should make sure that applicants understand the time commitment and demands of panel membership. Availability should be discussed in detail along with these areas within the individual interview.

## **6.7 Right to time off work**

- 6.7.1 Employers' attitudes to granting time off work may affect panel members' availability. Section 50 of the Employment Rights Act 1996 provides that an employer is required to permit an employee who is a member of a specified body, for example a statutory tribunal, including a children's hearing, to take time off during the employee's working hours. This is for the purposes of attending a meeting of that body or to carry out other activities approved by that body for the purposes of discharging its functions.
- 6.7.2 However, under section 50(4) of the Act, the amount of time and the occasions on which an employee is allowed to take off and the conditions attached to taking that time off are "those that are reasonable in all circumstances". What is considered "reasonable" will depend on certain factors specified in paragraph 50(4) of the Act. These include the circumstances of the employer's business and the effect of the employee's absence on the running of that business. It can also depend on any other time off that an employee has been granted, for example, to carry out trade union duties.
- 6.7.3 It should be noted that a statutory right to time off work for public duties under section 50 of the Employment Rights Act 1996, does not in itself carry an entitlement to pay during that time off, although there may be a contractual right to that effect. Many employers allow paid time off for employees to sit on children's hearings but others do



not. Where such support is not provided, a loss of earnings allowance, in accordance with CHS's national expenses policy, is payable to the panel member. However, this may not compensate the panel member fully for the actual loss of earnings and applicants should be made aware of the terms of this scheme should they wish to take this into consideration.

- 6.7.4 Applicants to the Children's Panel should, therefore, be encouraged to discuss the need for time off and to seek the views of their employers/managers/employees as applicable, regarding the need for time off from work to service hearings. This should be done before their application is progressed and recommendations are made to the National Convener.
- 6.7.5 In making considerations, ASTs must also balance the need for panel members to maintain their skills on hearings with a realistic approach to acknowledging the demands of panel members' work and other commitments.

## **6.8 Conduct to date is compatible with the appointment as panel member**

6.8.1 The recruitment process includes the taking up of references and a check of applicant's criminal convictions to date. In addition, careful consideration should be given to the values, attitudes and behaviours demonstrated and evidenced by the applicant, through the content of their application form, their responses at interview and during any group assessment or other selection activity.

### *6.8.2 References*

Applicants are required to provide satisfactory references from two persons who know them well (for at least two years unless exceptional circumstances apply) through work, voluntary activity or socially. References should not be provided by close relatives or partners. Close relatives include spouses or partners, parents or children, siblings and grandparents. Where the AST is concerned about other relationships between the applicant and the referee, this should be discussed with the applicant and where appropriate the applicant should be asked to identify alternative referees.

It is best practice to ensure the validity and 'safety' of references provided, as in some circumstances the credibility of the referee or reference may need to be followed up. Therefore ASTs and clerks handling the administration of references, must only issue the agreed template to referees and should be careful to check the validity of the contact details and position or role of named referees where there are doubts over this.

AST members and clerks involved in processing reference requests should refer also to section 6.4 of this policy.

The standard reference form is designed to ensure that any concerns about unsuitability or conflict of interest in relation to panel membership are identified prior to any recommendation being made to the National Convener. (See Annex 1)



### 6.8.3 *Criminal Convictions and safe recruitment and selection*

Children's Panel membership involves a considerable responsibility and panel members not only have direct contact with vulnerable children, young people and families within the hearing itself, but are in a position of trust. This gives them access to highly detailed and sensitive information about children's lives, including personal details such as home addresses and dates of birth contained in panel papers. It is absolutely critical that the significant risks associated with an inappropriate appointment are minimized. Every potential panel member, who is recommended to the National Convener, must be safely checked in line with these procedures and those set out in the Protecting Vulnerable Groups (PVG) policy and procedure.

Applicants for Children's Panel membership are exempt from the Rehabilitation of Offenders Act 1974. This means that they are obliged to answer the question on the application form which asks for information about court appearances (including armed services disciplinary proceedings). It is essential for ASTs, when considering applications, to have all of the necessary information available to them. If the appropriate part of the application form is not completed, it should be returned to the applicant for this to be done. The information should include the nature and date of the offence(s) and the penalty imposed by the court or tribunal.

ASTs should confirm or clarify all convictions and any other related concerns that have been declared on the applicant's application form as necessary. Applicants for panel membership with previous convictions are not automatically excluded from appointment. Each case should be considered on its merits. Much will depend on the nature, seriousness and number of the offence(s), whether the offence(s) has/have been declared on the application form, the age of the applicant at the time of the offence and the length of time that has elapsed since the offence was committed.

When ASTs interview applicants, they should discuss tactfully any convictions or pending court appearances that the applicant might have. In most cases, it will be obvious that there is no bar to accepting the applicant. For example, childhood appearances before a hearing, or minor offences committed as an adult, such as minor road traffic offences, will not normally be regarded as obstacles to becoming a panel member. Where this is the case, the recommendation to the National Convener should note that the AST did discuss the matter with the applicant and did not consider the conviction to be an obstacle to appointment and the reasons why.

Recent and/or more serious offences, such as those which attracted a custodial sentence or heavy fine, must be carefully explored given the nature of panel membership.

ASTs should consider carefully the circumstances and gravity of offences before making a decision as to the suitability of an applicant. If ASTs consider that applicants with recent or more serious offences would make effective panel members, the



recommendation to the National Convener must be accompanied by a detailed note prepared by the clerk to the AST. This must indicate that the issue has been considered and set out the basis for the AST's decision, including who met with the applicant (ordinarily the Area Convener or Depute Area Convener and the lead panel representative), details of the discussion which took place and reasons for recommending the individual for appointment.

A section of the recommendation for appointment standard template addresses this issue and must be completed where a panel member has disclosed previous convictions or court appearances.

There are certain criminal convictions which would in almost every circumstance bar applicants from appointment as a panel member:

- murder
- convictions for violence against others, for example serious assault
- convictions for violence and sexual offences against children or young people
- other serious sexual offences
- convictions for neglect and abuse of children or young people
- convictions for domestic violence
- offences involving crimes of hate, for example racist abuse
- convictions for serious offences involving abuse of a position of trust, for example significant fraud or theft from an employer or convictions for theft from a vulnerable person whilst employed as a health or social care worker

Some of these would automatically prevent panel membership, as panel membership is listed in relation to the PVG Scheme. People on the list as being unsuitable to work with children and young people, or those who have committed an offence which would lead to inclusion on this list, cannot become panel members. CHS would be in breach of legislation if a person in these circumstances was appointed to panel membership.

Where an applicant has disclosed any serious offence, particularly offences involving violence or significant harm to others, the AST members delegated with the task of short listing for interview should alert the Area or Depute Area Convener. The Area or Depute Area Convener will decide whether the nature of the offence should prevent the applicant from being called for interview, and if not what additional time or separate meeting is required either or pre or post interview to consider the matter.

#### *6.8.4 Membership of the Protecting Vulnerable Groups Scheme*

All successful applicants will be required to join the Protecting Vulnerable Groups (PVG) Scheme, which will reveal any convictions held in relation to the applicant.



#### 6.8.5 *Undeclared convictions*

The appointment letter sent to new panel members highlights:

- the appointment is subject to continued participation in the PVG Scheme in respect of regulated work with children
- the AST takes the view that any conviction or other information on a scheme record does not indicate unsuitability for appointment as a member of the Children's Panel

If the scheme record reveals any convictions not declared on the application form, the AST should discuss the discrepancy with the individual. In these circumstances, two AST members should meet formally with the individual to confirm that the details on the scheme record are correct and seek an explanation for non-disclosure. Ideally this meeting should include the Area or Depute Area Convener and lead panel representative (see also 6.8.3).

Based on the outcome of this meeting, the AST will either note the reasons as to why they continue to support the recommendation for panel membership, (for example the non-disclosed conviction related to a minor traffic offence which the applicant had overlooked), or inform the National Convener and CHS that the failure to disclose and/or the nature of the non-disclosed offence is such that the applicant cannot be recommended for appointment to panel membership. A note of the meeting with the applicant and the reasons for the continued or withdrawn recommendation should be prepared by the clerk and the relevant section of the recommendation form should also be completed.

#### 6.8.6 *Interview and selection in relation to the competencies and National Standards for the Children's Panel*

CHS recognises the depth of experience and skills within ASTs, in relation to employing effective methods for selection which give applicants the opportunity to evidence and demonstrate their values, skills and aptitude in relation to the competencies for panel membership.

CHS will work with ASTs to ensure that that a resource bank of suitable interview questions and group work tasks, which link with the panel member competencies, is developed and maintained for use during panel member recruitment. This is available to all AST members involved in recruitment, through the CHS portal.

ASTs should use the CHS templates for recommendation for appointment and the standardised forms including reference request forms as referred to throughout. (See also 2.8.7).

CHS will promote a 'competence' approach to recruitment and selection. This means that applicants will be asked at each stage of the process – from completing the application form to the questions asked during interview – to give specific examples of their values, attitudes, skills and experience. For example the application form asks applicants to address the selection criteria (the panel member competencies and



Standard 8, Annex 1).

Applicants are encouraged to give specific examples/evidence of where, when they acquired and, how they have demonstrated, the values, skills and qualities that are required for panel membership.

A good application should be structured to ensure that it flows in a clear and logical way. Applicants are given guidance on completing the form in their application pack.

When setting up interviews for potential panel members, or when preparing group tasks which are to be assessed as part of the selection process, ASTs should ensure that:

- interview questions are designed to encourage applicants to provide evidence and examples of their aptitude, values and attitudes and skills and experience
- interview questions are pre-planned and consistent, so that each applicant is asked the same range of questions, which link with the panel member competencies, national standards and requirements for appointment as set out in this policy
- interview questions encourage applicants to demonstrate what they did, the reasons for their actions, what happened, what they took into account and the outcome, where possible in relation to actual experience. For example, a question considering team work might be *“when the three panel members sit together on a children’s hearing, they must be able to work together effectively as a team. Can you tell us about a time when you have been part of a team working on a project, in any role you have had in an employment, volunteering or personal capacity? What did you personally contribute to the team and to the project?”*
- or in relation to managing difficult situations: *“due to the nature of the discussions which need to take place within the hearing, and the decision making powers of the panel, sometimes children and families can become upset and distressed or angry during the hearing. Can you talk us through a time when you have had to manage a difficult situation where someone was distressed and angry and this was directed at you? How did you respond to this and what did you do to manage the situation?”*
- interview panels avoid bland or hypothetical “what if” questions when exploring skills, behaviours and knowledge, in relation to suitability. For example *“panel members need to work as a team. What do you think makes a good team member?”* or *“due to the nature of the discussions which need to take place within the hearing, and the decision making powers of the panel, sometimes children and families can become upset and distressed or angry during the hearing. What would you do if you were a panel member and this happened?”*

ASTs should agree locally the range of selection steps which will lead to the AST being in a position to provide the National Convener with the documentation and evidence required under 6.8.7.





As a minimum this should include:

- effective short listing practice in line with this policy and the agreed short listing criteria
- where possible, either applicant attendance and participation at an AST information session, which precedes application form completion, and/or some form of group activity or task relating to suitability against the panel member competencies (for example a written task, or scenarios exercise, or a 'values and attitudes' group work activity) which has been agreed with CHS and is part of the recruitment resource bank of materials available to ASTs for panel member recruitment
- the Area and Depute Area Convener will delegate short listing activities to PPAs and other relevant AST members, for example panel representatives, who will consider applications and undertake interviews and assessments for the selection of potential panel members. PPAs will submit the completed papers arising from interviews and checks along with the recommendation template to CHS and the National Convener via the Area Convener and Deputy Area Convener(s) (see paragraph 6.4.1 of the AST Functions, Roles and Responsibilities)
- an individual interview, conducted by at least two people trained in interview techniques, with a gender balance, and using set questions related to the panel member competencies and the panel membership requirements as set out in Standard 8, Annex 1 and this policy
- evidence that the AST has taken into account feedback from children and young people on their experience of panel member's practice and that this is reflected in the interview questions and any other selection activities that are undertaken
- CHS will work with ASTs to encourage the involvement of children and young people in the recruitment process, including with the preparation of materials and selection exercises to form part of the resource pack and where possible and appropriate, in the selection process itself. Further detailed information and materials are available from CHS and via the portal. (Annex 2 attached to this policy sets out a summary of young people's views as shared at the national consultation All About Me events in 2012)
- all relevant checks as set out in this policy and the CHS Guidance in relation to the PVG scheme



## 7 Conditions for successful confirmation of selection and recommendation for appointment

7.1 Recommendations for appointment to panel membership must be submitted to the National Convener by the deadline set by CHS. The AST must submit the following for each recommended applicant:

- the application form or a copy of the application form (as indicated by CHS)
- two references or copies of two references (as indicated by CHS) from individuals who know the applicant well and have known them for at least two years, but who are not related to them (see 6.4 and 6.8.2)
- the relevant PVG information included on the applicant's PVG certificate (not the document itself or a copy of the document)

7.2 CHS will undertake separate further scrutiny of all application forms and references before submission to the National Convener.

Guidance on the management, processing and retention of all records is to be found in the 'Records Management Policy' and in CHS' Retention and Disposal Schedule. CHS will also provide detailed guidance on how and where to save and/or copy documents within the CHS portal or through email or paper copies.

7.3 No individual should be given the impression that appointment is automatic on submission of his/her details, interview and subsequent recommendation by the AST. The final decision on appointments rests with the National Convener.

7.4 The letter of appointment will usually be issued in December if this follows a late summer/ autumn campaign, with panel members beginning to serve in April or May the following year. Equivalent time frames apply for campaigns held at different stages in the year.

7.5 The letter of appointment makes clear that appointment will follow automatically unless an individual's circumstances change and/or CHS has been advised of any concerns by the AST and/or the training provider(s) in the interim before the appointment period commences.

7.6 No further letter confirming the appointment will be issued by CHS unless circumstances have changed to the extent that the appointment or the period of appointment has to be withdrawn or reviewed.





## 8 Period of first appointment

- 8.1 The period of appointment is three years, from appointment date. This is clear in the 2011 Act. This appointment period is in keeping with wider public appointments policy. There are also tighter procedures for the removal of panel members and the National Convener has the right to not reappoint those panel members who are unable to meet the conditions for reappointment.
- 8.2 **Pre-service training**
- 8.2.1 A condition of appointment is that panel members complete, to a satisfactory standard, all elements of the pre-service training. Thereafter they must complete the management of hearings training, leading to the Professional Development Award (PDA) for panel membership.
- 8.2.2 On the satisfactory completion of pre-service training, the training provider(s) will write to all prospective panel members to advise them that they have been successful. The trainer will also update the relevant panel member record in this respect. Where a panel member fails to complete his/her training to a satisfactory standard, the training provider(s) will notify the relevant AST and CHS.
- 8.2.3 CHS will through contract management of the training provision, require the training provider(s) to keep relevant AST members and CHS staff informed of progress and attendance and any additional support requirements for individual panel members as they undertake the pre-service training.
- 8.2.4 ASTs will be able to seek appropriate further information from the training provider in relation to pre-service training and should also check that each prospective panel member has completed, to a satisfactory standard, their pre-service training.
- 8.2.5 Where a panel member fails to complete their pre-service training, or there are concerns about the panel member's attendance, conduct, progress or commitment, the Area Convener or Depute Area Convener should be made aware. The Area Convener or Depute Area Convener should arrange for an appropriate AST member, for example a panel representative or learning and development co-ordinator, to meet with the panel member and explore options.
- 8.2.6 Where such a meeting leads to the AST assessing that the panel member is not going to be able to meet the requirements of appointment, CHS should be advised immediately, to allow time for action to be taken prior to the appointment becoming effective.
- 8.2.7 CHS will write to the individual to inform them that, as they have not met the terms of the appointment letter, the AST is going to withdraw recommendation for appointment. There is no appeal against this decision. Once the clerk to the AST has received confirmation of the National Convener's decision, he/she should ensure that the individual's name is not included in the list of panel members published in accordance with Schedule 2 of the 2011 Act. (See section 8.3).



### 8.3 Welcome and induction

8.3.1 CHS will ensure that each new panel member receives the necessary information has access to all relevant core policies and practice resources to support them in their role, including the National Standards for the Children's Panel, the Practice and Procedure Manual and all applicable core policies for the operation of the Children's Panel and ASTs, in line with the commitments set out in national standards 2, 7 and 8.

8.3.2 ASTs should send a letter of welcome to new panel members around the time of appointment; subject to checking as in section 8.2 that there are no outstanding concerns about the individual and the panel member is ready to take up service.

8.3.3 The national standards set out expectations around local welcome and induction for new panel members, and the welcome letter should include access to information about what support the panel member can expect from the AST and about the panel at local level. Specifically at Standard 2 2.6:

“ASTs will make sure that upon appointment, panel members are given accessible information about who to contact and how. This includes management of the rota, training, learning and development issues, practice issues and practical and personal support”.

8.3.4 ASTs should pay particular attention to any specific equality issues that need to be addressed, for example where SCRA will be required to make provision for panel members with mobility difficulties or sight impairment in terms of access to hearing centres and formatting of panel papers.

## 9 National Convener's duty to publish a list of current panel members

9.1 Under paragraph 2 of Schedule 2 of the 2011 Act, the National Convener has a statutory duty to publish the following information in respect of current panel members:

- the member's name
- the local authority area in which the member resides
- if the member works, the local authority area in which the member works

9.2 There is also a requirement for the National Convener to make this list available for public inspection upon request.

9.3 CHS will publish this information on the CHS website and prospective panel members should be made aware at the appointment stage that this will happen.



## Annex 1: Application for membership of the national Children’s Panel

Please complete this form in black ink and block letters or typescript and return it to the clerk to the Area Support Team (AST) in the stamped addressed envelope provided, or by email at the following address [insert email address]

Please refer to the accompanying guidance as you complete each section of the application form.

| Section 1<br>Personal details   |  |         |
|---|--|---------|
| Title   | First name<br><br>Middle name(s)   | Surname |
| <input type="checkbox"/> Male<br><input type="checkbox"/> Female<br>(Please tick)                             | Date of birth<br><br>...../...../..... (dd/mm/yyyy)  |         |
| Home address (including postcode)<br><br>House number/name:<br><br>Street:<br><br>Town/City:<br><br>Postcode: | Contact details<br>Please indicate by ticking next to the email address/ telephone number which is the most suitable for us to use to keep in contact with you during the application process.<br><br><input type="checkbox"/> Home Tel. Number: .....<br><input type="checkbox"/> Business or Work Tel. Number:.....<br><input type="checkbox"/> Mobile Tel. Number: .....<br><input type="checkbox"/> Email Address: ..... |         |



**Section 2  
Occupation details**

Please tick the box that most accurately describes your current occupation or employment status.

Are you:

- |   |   |
|---|---|
| <input type="checkbox"/> Employed full-time | <input type="checkbox"/> Retired              |
| <input type="checkbox"/> Employed part-time | <input type="checkbox"/> At home parent/carer |
| <input type="checkbox"/> Self-employed      | <input type="checkbox"/> Student              |
| <input type="checkbox"/> Jobseeker          |   |

Do you hold any volunteer or unpaid roles where you regularly commit time as a volunteer?

- Yes  No

Please give details including the name, nature, address and postcode of the organisation for which you volunteer:

Please give details of your current occupation including a brief outline of your job role or business if in paid employment or self-employed. Please also give details of any previous employment or occupation.  
Current occupation details:

Previous occupation details:

Name of most recent or current employer and full work address including postcode (if currently employed or retired from employment).

**For official use only by AST**

| <b>PVG membership or scheme member update.</b> | <b>Reference requested</b> | <b>Reference received</b> |
|--|----------------------------|---------------------------|
| Yes  | 1                          | 1                         |
| No   | 2                          | 2                         |
| Applied for                                    |                            |                           |



### Section 3 Right to work in the UK

Only individuals who have a right to work in the United Kingdom are eligible for public appointments, including membership of the Children's Panel. If there is any doubt regarding your status, we may need to check your details with other agencies. Please refer to the guidance on completing this form before completing this section.

**Are you eligible to work in the United Kingdom?**

Yes  No

### Section 4 Time off work

*Under Section 50 of the Employment Rights Act 1996, an employer shall, with certain exceptions, permit an employee who is a member of a Children's Panel to take reasonable time off for the purpose of attending hearings.*

However this does not necessarily mean that that such time off will be paid. Please refer to the guidance on completing this application form before completing this section. You may find it useful to pass on to your employer the Information for Employers leaflet contained in your information pack.

**Have you discussed time off with your employer?**

Yes  No  Not applicable



## Section 5 Conflicts of interest

Some people are likely to be excluded from membership of the Children's Panel because of potential conflicts of interest. Examples include: police officers and special constables; justices of the peace who serve in the District Court; social workers working with children and families in the area where the person would be serving on the Children's Panel; foster carers looking after children in that area; individuals who are involved in referrals to hearings; parents of children who are presently the subject of a compulsory supervision order.

In considering applications, the Area Support Team (AST) also needs to be aware of any personal, professional or business conflicts of interest that might be actual or perceived, for example from applicants who are closely related to a panel member serving in the area where the applicant would be serving. Please carefully consider the guidance on completing this section of the application form before you answer the questions below:

**Are you closely related to a serving panel member, AST member or Children's Reporter within the area to which you are applying?**

Yes

No

**IF YES,** please provide details:

**Are you aware of any other possible conflict of interest which might arise, should you be appointed, either personally in relation to your employment or in your connection with any individuals or organisations?**

Yes

No

**IF YES,** please provide details:



**Section 6**  
**Connections with area**

Which local authority area do you live in? (please state)

.....

Which local authority area do you work in? (please state)

.....

How many years have you worked and/or lived in the areas indicated above?

.....

How well do you know the area? Please give details of your knowledge and links with the area and community:

.....  
.....  
.....  
.....  
.....

**Section 7**  
**Criminal convictions**

**A**

The Protection of Vulnerable Groups (Scotland) Act 2007 (the PVG Act) makes it an offence for individuals who are barred from regulated work with children to be appointed to a Children’s Panel.

**I confirm I am not on the list of those disqualified from working with children under the Protection of Vulnerable Groups (Scotland) Act 2007.**

**Signature**..... **Date**..... **dd/mm/yyyy)**



**B**

All applicants for panel membership who are not already members of the PVG Scheme will undergo a scheme record check by Disclosure Scotland. The scheme record confirms whether an individual is under consideration for listing. It also includes vetting information in relation to the individual including:

- convictions and cautions held on central records in the UK
- whether the individual is included on the sex offenders register
- relevant non-conviction information provided by police forces
- prescribed civil orders

A PVG Scheme Record Update will be requested from Disclosure Scotland in respect of those applicants who are already members of the PVG Scheme in respect of children.

Are you currently a member of the PVG scheme?

Yes  No

If yes, please give your PVG number here .....

You **must** provide all information on criminal convictions regardless of where or when the offence was committed. This covers the following:

- panel member appointments fall within The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 (as amended). Offences 'spent' under the Rehabilitation of Offenders Act 1974 may be identified by Disclosure checks and you should, therefore, declare them
- offences committed outside Scotland or while in the armed forces
- motoring offences
- cautions

**Policy on recruitment of ex-offenders:**

The National Convener – and the AST on his/her behalf – will consider an applicant's suitability for panel membership as a whole in light of all of the information available. We undertake to treat all applicants fairly and not to discriminate against the subject of a PVG Scheme check on the basis of conviction or other information revealed. Consequently, previous convictions will not necessarily prevent you from becoming a panel member, unless such convictions mean that you are ineligible for panel membership.

The Children's Panel is involved in making decisions about young people who themselves may have been involved in offending behaviour. CHS recognises that some people may bring with them into panel membership previous difficult life experiences, including involvement with the criminal justice system. It is important that you are wholly open and honest about any history or background on this application form, as failure to disclose previous offending behaviour may affect any possibility of recommendation for appointment.

**Have you ever been convicted of an offence? (Tick one box)**

Yes  No





**B (continued)**

**Do you have a court appearance pending? Tick one box)**

Yes

No

If you have answered YES to either of the above, or there is any other information in relation to criminal activity or convictions that the AST should be aware of, please supply details below:

Please disclose details of all pending or past court appearances or criminal convictions:

| Date | Court | Offence | Sentence/ Disposal |
|------|-------|---------|--------------------|
|      |       |         |                    |
|      |       |         |                    |
|      |       |         |                    |

Please continue on a separate sheet if necessary.



**Section 8  
Panel membership**

**Have you applied before for membership or been a member of the Children's Panel?**

Yes  No

If YES please give details:

**Have you also applied to another Area Support Team to become a member of the Children's Panel at this point?**

Yes  No

If YES please give details:

**Section 9  
Availability for training**

Panel members have to undertake training as well as attend children's hearings and relevant meetings. More information is available in your information pack. Details of the pre-service training course for panel members are listed on a separate sheet in your information pack. Your appointment is subject to satisfactory completion of pre-service training.

**If appointed, will you be able to attend these training dates?**

Yes  No

If a particular date is problematic it may be possible to offer an alternative and this can be discussed at interview. **Which date is unsuitable?**

.....



## Section 10 Availability for hearings

Children's hearings are mostly held during the day and occasionally in the evening. The hearings rota is made up some weeks in advance and the expectation regarding your availability for hearings is detailed on a separate sheet in your information pack. If you are shortlisted for interview, the AST members on your interview panel will discuss availability and time commitment with you. ***Please indicate your availability on the attached form.***

## Section 11 Equal opportunities

Appointments to the Children's Panel are made by the National Convener, who values diversity and welcomes applications from all sections of the community. Children's hearings, training sessions and meetings are held in a variety of locations. If you feel you may require any reasonable adjustments to enable you to attend for interview or to undertake your duties as a member of the Children's Panel, please provide details in order to allow us to make arrangements. **What adjustments do you require?**



## Section 12

### Background information and personal statement in support of your application

#### Why do you want to join the Children's Panel?

Please provide as much information as possible that you feel is relevant to your application. Please explain what qualities and experience you have and why you want to be considered for panel membership. Please read the guidance on completing this section of your application form carefully.

Please give examples of your skills, experience and knowledge relevant to panel membership. This may have been gained through personal and family situations or work related, volunteering or community activities:

- your ability to relate to children, young people and their families
- your communication skills, in person and in writing
- your approach to working with others as a team
- any experience of making difficult decisions in any personal or work role you have held

*Please continue on a separate sheet if necessary*



### Section 13 References

Please give the names and addresses of two people to whom you are well known personally (ideally for at least two years) and who will provide a reference as to your suitability to carry out the duties of a panel member. **These people should not be a partner or related to you. Please refer to the guidance on completing this form for further details.** Please make sure that you have the agreement of the referees that CHS can contact them to provide a reference in relation to your application.

|  | First referee | Second referee |
|--|---------------|----------------|
| <b>Full name</b>   |               |                |
| <b>Full address including post code</b><br><br>Email address:<br>Telephone contact number:   |               |                |
| <b>Occupation</b>  |               |                |
| <b>How long known to you?</b>  |               |                |
| <b>In what capacity (for example your college tutor, previous line manager, current employer, chair of community group you volunteer with)</b> |               |                |

**Section 14  
Advertising**

Please indicate where you first heard about this year's recruitment campaign – this information will assist us in planning and managing future recruitment campaigns. Please state which newspaper or radio station if known.

**Radio**  
(Which station?)

**Television**  
(Which programme?)

**Newspaper**  
(Which publication?)

**Other source**  
(Please specify)



**Declaration**

The information you have provided in this form will be processed by CHS in line with the Data Protection Act 1998 (the DPA). This means that we will hold your information securely and for no longer than is necessary. We will not hold any more information than is necessary to carry out our role and we will take steps to ensure that information held is accurate and up to date.

The information you have provided will be processed to inform the recruitment process and, if your application is successful, to support you in fulfilling your role as a panel member and to meet CHS’ obligations under the Children’s Hearings (Scotland) Act 2011 and other relevant legislation.

If your application is successful and you become a panel member, we may be required to share your information with other partner’s within the Children’s Hearings System:

| Organisation  | Purpose for sharing information  |
|---|--|
| Scottish Children’s Reporters Administration (SCRA)                           | <ul style="list-style-type: none"> <li>● to issue panel papers</li> <li>● to allow local issues to be addressed with AST members</li> <li>● to ensure that any necessary arrangements are made to support you</li> </ul> |
| Training providers  | <ul style="list-style-type: none"> <li>● to organise and deliver training events</li> <li>● to ensure that any necessary arrangements are made to support you</li> </ul>   |
| Local authorities (for example the clerk to the AST and their team)           | <ul style="list-style-type: none"> <li>● to support you in your role as a panel member or AST member, for example, processing expenses, organising meetings, arranging local training events etc</li> </ul>              |
| Other panel and AST members (within the Panel pal database and online portal) | <ul style="list-style-type: none"> <li>● to enable last minute rota changes and effective communication between members</li> </ul>   |
| IT and communications providers   | <ul style="list-style-type: none"> <li>● to enable third parties to provide IT and communications systems for CHS (e.g. panel member database and the online portal)</li> </ul>  |



## Declaration

If your application is unsuccessful, we will keep your information in line with CHS' Retention and Disposal Schedule.

CHS' full privacy statement can be found on our website at [www.chscotland.gov.uk](http://www.chscotland.gov.uk).

Please ensure you sign and date this statement, otherwise your application cannot be processed.

**I declare that the information provided is, to the best of my knowledge, correct and I consent to it being used and verified for the purposes set out above. I understand that if it is subsequently discovered that any statement is false or misleading or I have withheld relevant information, my application may be disqualified.**

Signature .....

Date ..... (dd/mm/yyyy)

Please now ensure you have completed all sections of this form and return it to the clerk to the AST at the following postal or email address: [insert email address or postal address]





## ANNEX 1A: Children's Panel equality monitoring form

### CONFIDENTIAL

Please note that this form is always removed prior to short-listing.

CHS operates an Equal Opportunities Recruitment and Selection Policy which aims to ensure that no applicant is treated less favourably than any other. For the policy to be effective, monitoring of applications require to be carried out to help ensure that no one is discriminated against in relation to the protected characteristics as defined in the Equality Act 2010. These characteristics include age, disability, marriage and civil partnership, race, religion or belief. In addition CHS has a duty to report on ethnicity and membership of the Children's Panel.

Your assistance would be greatly appreciated in providing information which will be treated in the strictest confidence. The information will not be taken into account in assessing information on your application form.

PLEASE TICK THE APPROPRIATE BOXES

| Sex      |                                      |  |
|----------|--------------------------------------|--|
| Are you: | <input type="checkbox"/> Male        | <input type="checkbox"/> Female            |
|          | <input type="checkbox"/> Transsexual | <input type="checkbox"/> Prefer not to say |

| Age            |  |
|----------------|--|
| Date of Birth: | <input type="checkbox"/> Prefer not to say |

| Marital/civil partnership status  |                                 |  |
|---|---------------------------------|--|
| <input type="checkbox"/> Married or in a civil partnership                                    | <input type="checkbox"/> Single | <input type="checkbox"/> Other*            |
| <input type="checkbox"/> *Other – A widowed, B separated, C divorced, D living with a partner |                                 | <input type="checkbox"/> Prefer not to say |



**Race**

The categories shown below are as used in the Scottish census collection and as recommended by the Equality and Human Rights Commission (EHRC). Please choose one section from A to E, and then tick the appropriate box to indicate your ethnic background.

**A. White:**

- Scottish                       English                       Welsh                       Irish                       British
- Any other White background .....

**B. Mixed:**

- Any Mixed background .....

**C. Asian, Asian Scottish or Asian British**

- Indian                       Pakistani                       Bangladeshi
- Any other Asian background .....

**D. Black, Black Scottish or Black British**

- Caribbean                       African
- Any other Black background .....

**E. Chinese or any other ethnic group**

- Please specify .....
- Prefer not to say

**Religion/belief**

|                                    |                                      |  |
|------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> Christian | <input type="checkbox"/> Muslim      | <input type="checkbox"/> Buddhist          |
| <input type="checkbox"/> Sikh      | <input type="checkbox"/> Jewish      | <input type="checkbox"/> Hindu             |
| <input type="checkbox"/> None      | <input type="checkbox"/> Other ..... | <input type="checkbox"/> Prefer not to say |

**Disability**

Do you consider yourself to have a disability?

- Yes                       No                       Prefer not to say

If yes, what is the nature of your disability?



|  |
|--|
|  |
| Name: .....  |
| <b>To which AST did you apply for membership of the Children’s Panel:</b><br>..... |

### Data Protection statement

This information has been collected for the following purposes:

- monitoring applicants that apply to be a panel member
- ensuring that CHS fulfils its duties under the Children’s Hearings (Scotland) Act 2011 to have a panel which is representative of the child or young person’s local community
- helping CHS to meet our responsibilities under the Equality Act 2010
- ensuring that CHS plans support for panel and AST members appropriately

We may publish statistics based on the information you have provided in this form, however any statistics published will be fully anonymised.

#### If your application is successful

The information collected in this form will be stored securely in CHS’ online portal against your record. Access controls will be put in place to ensure that only those who require access to this information can view it. Information stored in the online portal will be kept in line with our Retention and Disposal Schedule.

#### If your application is not successful

The information collected on this form will be stored anonymously (removing your name and any characteristics by which you can be identified) on CHS’ system. Your original form will be securely destroyed.



## ANNEX 1b: Standard letter requesting references and reference form

Dear

### The Children's Panel

Reference in respect of .....

The above named person has recently applied to serve as a member of the national Children's Panel. If successful, she/he will serve as a panel member on children's hearings held in [AST/area]. She/he has given your name as a referee.

Members of the Children's Panel are recruited from people from all walks of life and should have a keen interest in children and young people and the ability to listen to and communicate with them and their families.

The Children's Panel is Scotland's largest tribunal and is our unique system for making decisions about the best interests of children and young people who are in need of care, protection and guidance and/or may have committed offences. Panel members are lay tribunal members who receive full training before they take on the public duty of panel membership, sitting on children's hearings as one of a panel of three panel members who make significant decisions as outlined. Therefore, members of the panel have a very important role to play in society.

The skills required to be an effective Panel member include:

- an ability to listen to and communicate effectively with children and their families
- an ability to work as a member of a team
- an ability to read, understand and process complex and sensitive information and reports
- capacity to take responsibility for making difficult decisions
- an ability to maintain confidentiality
- the commitment and availability to undertake training and attend hearings

Successful applicants will receive comprehensive training to develop and enhance these skills.

The Area Support Team which supports the panel members servicing hearings held in [AST/area] would be very grateful if you would complete the enclosed form and return it no later than .....

If you have any queries, please do not hesitate to contact .....

Yours sincerely

Clerk  
[AST/area]



## Annex 1c: Reference for appointment as a member of the Children’s Panel

### CONFIDENTIAL

Name of applicant: .....

1. How long have you known the applicant?

.....  
.....

2. In what capacity?

.....  
.....

3. Based on your knowledge of the applicant, please comment on your knowledge of the applicant’s strengths and any weaknesses in relation to:

a) Reliability and commitment

.....  
.....

b) Honesty and trustworthiness

.....  
.....

c) Working as a member of a team

.....  
.....

d) Communication skills and ability to relate to other people, particularly children and young people

.....  
.....



e) Understanding written and verbal reports and analysing information

.....  
.....

f) Taking responsibility for reaching and making decisions

.....  
.....

f) Approach to confidentiality

.....  
.....

4. Based on your knowledge of the applicant overall, what particular qualities and experience do you feel that the applicant can bring to the work of the Children's Panel?

.....  
.....  
.....

5. Do you have any reservations about the applicant's suitability to be a panel member?

.....  
.....  
.....

Under the terms of the Data Protection Act 1998, I agree that the information provided in this reference may be shared and processed for the purposes of appointment to the Children's Panel by the Area Support Team and Children's Hearings Scotland.

Signature .....

Date .....

**Data Protection statement:** Please note that the information provided by you will be held in accordance with the provisions of the Data Protection Act 1998. We shall comply with the provisions of the Act when processing the personal information provided by you on this form. We will not use the personal information provided by you for any other purpose than that set out above.



## Annex 2: Children and young people's views of qualities and behaviours important for panel membership

(Taken from All About Me conference papers, 2012)

### Not important

- gender
- practising religion
- previous criminal convictions (within reason)
- age
- qualifications
- in employment

### Very important

- ability to understand young people
- sensitive to young people
- be willing to attend training
- up to date knowledge of legislation
- up to date knowledge of environment and context of young people's lives
- non-judgemental
- recognise how difficult it is to attend a hearing and have your life discussed in front of you
- look beyond the papers in front of them

*\*Mixed opinion whether panel members should have had children of their own\**

### Characteristics of a good panel member

- good listener
- reliable
- kind
- good communicator
- caring
- makes an effort
- confident in themselves
- understands their role and legislation
- does not judge
- gives young people the time to say what they need to say



## OTHER POINTS

- strong feeling that Children's Reporters have a responsibility to make arrangements for panel members to speak to young people on their own for a period within each hearing
- most young people talked about feeling that would be beneficial but that it is very difficult for them to initiate this if it would anger a parent or guardian, whereas if it was the reporter's direction – it takes away the responsibility from them
- it was felt that between an hour and two hours was the most young people should be asked to sit in a hearing – anymore than two hours was just far too long
- hearing rooms still very intimidating and scary for most young people – why can't there be a range of options of styles of rooms depending on the individual circumstances of the hearing – all young people thought they would respond better in a more relaxed comfortable environment where they were treated respectfully as young adults
- paperwork for the hearings needs to be age appropriate i.e. have your say materials need to be designed in language appropriate for younger and older children and young people – one size does not fit all
- universally, young people felt uncomfortable when their hearing was attended by education staff/teachers – they understood that these professionals needed to know what was going on and the outcome of the hearing; it was a detrimental move to have them actually present and privy to all sorts of private information – it made school really hard afterwards
- at the end of each hearing, there should be a simple summing up in language that the young person is familiar with and an explanation which puts the decisions into context for them – most of the young people spoke about leaving the hearing room not having understood what had happened or been decided
- young people talked about feeling distressed that they felt a lot of old information kept being repeated over and over in every meeting and that not enough attention was paid to the present





# Competence framework for panel members







## 1 Introduction and background

- 1.1 Children's hearings are legal tribunals and panel members are trained lay tribunal members. In order for panel members to be able to take up appointment they must be assessed as having satisfactorily completed comprehensive training. During this training, potential panel members must demonstrate the ability to meet a range of competencies linked to their important role as decision makers within Scotland's unique care and justice system for children and young people.
- 1.2 The National Convener published the National Standards for the Children's Panel in July 2012 and these set out the core values, principles and behaviours expected to be demonstrated by panel members in fulfilling their duties.
- 1.3 The national standards also set out what panel members can expect in return in terms of support and training from the National Convener, Children's Hearings Scotland (CHS) and training providers acting on the National Convener's behalf.
- 1.4 The competencies set out in the following pages are therefore directly linked to the national standards. They also provide a framework for panel member practice and for those Area Support Team (AST) members – particularly panel practice advisors (PPAs) – who are observing panel members in practice and making recommendations to the National Convener for reappointment of panel members.

## 2 The format of the framework

- 2.1 The framework has been in place since 2003 but was updated in 2012 and again in 2013 to reflect the provisions of the Children's Hearings (Scotland) Act 2011 (the 2011 Act) and the National Standards for the Children's Panel.
- 2.2 There are eight National Standards for the Children's Panel:
  - **Standard 1:** Children and young people are at the centre of everything that we do
  - **Standard 2:** Panel members are well equipped and supported to undertake their role
  - **Standard 3:** Panel member practice is consistent across Scotland
  - **Standard 4:** Every children's hearing is managed fairly and effectively
  - **Standard 5:** Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person
  - **Standard 6:** Area Support Teams are well equipped and supported to undertake their roles
  - **Standard 7:** Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful
  - **Standard 8:** Functions, roles and responsibilities are clearly defined and understood within the system
- 2.3 Of these, Standards 1,2,3,4, and 5 all link closely to the competence framework.



- 2.4 The framework has been updated to include seven main competencies, each one representing a core element of the panel member role.
1. Law and procedure (Standards 1,3,4,5)
  2. Equal treatment (Standards 1,3,4,5)
  3. Communication and children's views and participation (Standards 1,3,4,5)
  4. Conduct of hearing (Standards 1,3,4,5)
  5. Management of information (Standards 1,3,4,5)
  6. Decision making (Standards 4,5)
  7. Protecting rights (Standards 1,3,4,5)
- 2.5 Standard 8, Annex 1 sets out the key responsibilities of panel members and these also link closely to the competencies. The Annex is referenced in the competence framework.

### **3 Competencies and practice indicators**

- 3.1 Each competence aims to describe the elements of behaviour, knowledge and skill which represent best practice in relation to the relevant aspect of the role or functions of the panel member.
- 3.2 A competence can be defined as a learned skill or expressed behaviour assessed through observation of practice or performance. For each competence there are positive indicators which describe the behaviours which might be observed, or the requirements that might be met (for example during a reappointment interview), which demonstrate a competence.
- 3.3 Each member of a hearing must be able to demonstrate their ability to meet the competencies. There are additional competencies and practice indicators which apply to the chairing member, as they have additional duties in law.



## 4 Using the competence framework

- 4.1 The framework provides individual panel members with a summary of the knowledge, skills and behaviours which represent best practice. Alongside the National Standards for the Children's Panel (specifically Standard 8, Annex 1) panel members are encouraged to refer to the competencies when reflecting on their practice within hearings.
- 4.2 PPAs will refer to the competencies and to the relevant checklists within the Practice and Procedure Manual when undertaking panel practice observations and giving constructive feedback to panel members on their practice.
- 4.3 Panel members should be encouraged and supported to be self critical about their performance and proactive about identifying training needs.
- 4.4 Assessment and feedback against the competencies can enable individual training needs, best practice and worries about individual practice, to be accurately identified through effective observation by PPAs.
- 4.5 Through the links across the AST, general issues relating to training needs can be shared with the learning and development co-ordinators (LDCs). LDCs will liaise with the other AST members and with the national training provider(s) to ensure that **practice** and in practice issues inform the development and design of the national curriculum training programmes, supporting panel members to undertake their role competently and with confidence.



## 5 The competencies

### 5.1 Law and procedure

Panel members demonstrate an appropriate level of knowledge of the law, procedure and best practice in children’s hearings and this is evident in their practice.

#### Each member of the hearing:

##### 5.1.1

Understands the legal framework and procedures of children’s hearings

##### *Knowledge and practice indicators:*

- is able to accurately describe and explain (in outline) the legal framework and procedures of a children’s hearing
- can describe the roles and responsibilities of those involved in the Children’s Hearings System
- acknowledges any gaps in own knowledge and seeks information or views from relevant sources to clarify
- is familiar with and refers to the Practice and Procedure Manual provided to panel members by the National Convener
- attends mandatory and other relevant training and takes active interest in keeping their knowledge up to date
- demonstrates that they are familiar with the step by step guidance provided by the National Convener in the Practice and Procedure Manual for panel members and applies in practice

##### 5.1.2

Understands the principles underlying the Children’s Hearings System and upholds them in practice

##### *Knowledge and practice indicators:*

- within the hearing keeps focus on the welfare of the child
- demonstrates ability to regard the need to safeguard and promote the welfare of the child throughout the child’s childhood as the paramount consideration
- shows that they are considering immediate, medium and longer term impact of decisions on the child
- actively seeks the views of the child and encourages the child’s participation – in whatever form this takes – and takes account of the child’s views
- demonstrates through their decision making, understanding of the beneficial order principle
- keeps focused on the role of the panel member – shows understanding that their role is to make a decision and not to lecture or mentor
- maintains the rights of the child and others present at the hearing
- questions and/or gives an opinion where others appear to be overlooking rights
- understands the need to maintain confidentiality and follows guidance in relation to storing papers safely and returning them to the Children’s Reporter at the end of the hearing



|   |  |
|---|--|
| <p>5.1.3<br/>Understands and accesses legal information or advice through the office of the National Convener</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● appears well prepared and has carefully read papers</li><li>● ensures views and information are obtained during the hearing from all sources</li><li>● shows an interest in hearing the views and opinions of others, including the Children's Reporter, the professionals attending and fellow panel members</li><li>● understands and can describe the 'stages' set out by the National Convener in relation to advice and has awareness of when to obtain formal advice from the National Convener</li><li>● knows how to access training and learning and reference materials from CHS and shows an active interest in keeping knowledge up to date</li></ul> |
|---|--|

| <b>The chairing member:</b>   |  |
|---|--|
| <p>5.1.4<br/>Has the knowledge and understanding of the procedures and best practice to effectively chair children's hearings and fulfil their duties</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● is able to describe the responsibilities of the chairing member as set out in the Practice and Procedure Manual provided to panel members by the National Convener</li><li>● accurately applies the relevant rules and procedures during the hearing and the guidance set out in the Practice and Procedure Manual provided to panel members by the National Convener, specifically the duties of the chairing member</li><li>● obtains views from appropriate sources when required</li><li>● enables all participants to express their views during the hearing and takes account of them</li><li>● maintains the rights of the child and others present at the hearing</li></ul> |





## 5.2 Equal treatment

Panel members ensure and promote equal treatment for all involved in children’s hearings.

| <b>Each member of the hearing:</b>  |  |
|---|--|
| <p>5.2.1<br/>Is aware of and respects cultural and other differences among all who appear before a hearing, including differences in age, beliefs, gender, race, religious customs, sexual orientation, class, lifestyles, language and any physical or learning disability</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● uses correct forms of address and appropriate language</li> <li>● asks questions and encourages and engages in discussion in a manner that is sensitive to people’s circumstances</li> <li>● encourages participation from everyone and shows patience and tolerance where individuals require additional time, for example for translation</li> <li>● shows through their questioning and consideration of information that they are open minded and fair and does not dismiss anyone’s contribution on the basis of who the contributor is</li> <li>● promotes fair and equal treatment, by appropriate approach, attitude and non verbal behaviour</li> <li>● ensures that the needs and rights of everyone attending the hearing are properly accommodated</li> <li>● shows an active interest in developing learning and awareness of equality and diversity issues and attends relevant training</li> </ul>              |
| <p>5.2.2<br/>Facilitates and encourages the participation of the child or young person and family and all other parties to ensure a fair hearing takes place</p>  | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● explains in straight forward, everyday language the procedural, legal and other issues covered in the hearing, as appropriate, and seeks clarity of children’s (and others’) understanding</li> <li>● shows skill in seeking the views and participation of children and young people who may find it difficult to speak, for example using ‘pause’ and other techniques</li> <li>● takes necessary account of all factors that may discriminate and undermine full and effective participation</li> <li>● appears open minded and shows that they have not prejudged the outcome of the hearing</li> <li>● demonstrates, through the questions they ask and the contributions they make, their understanding of the need to protect rights and enable participation where there is a lack of capacity to understand and participate</li> <li>● maintains the rights of the child and others present at the hearing</li> </ul> |



### 5.3 Communication and children's views and participation

Panel members ensure effective and purposeful communication at a children's hearing.

#### Each member of the hearing:

|  |  |
|--|--|
| <p>5.3.1<br/>Communicates effectively</p>  | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● shows care, warmth and respect towards children and young people and their families</li><li>● asks clear, concise and relevant questions which are understood by those to whom they are addressed</li><li>● uses open ended questions wherever possible, avoiding leading or shaping what is said by participants</li><li>● employs active listening skills by being attentive, checking perceptions and allowing time for responses</li><li>● shows empathy through sensitive choice of words and non verbal communication, where children and/or family members become upset</li><li>● shows a willingness to try to communicate where there are barriers – for example using humour appropriately</li><li>● demonstrates appropriate body language through suitable posture, gestures, facial expressions and eye contact</li><li>● regularly checks the understanding of all participants without being patronising</li><li>● enables those present to participate in the discussion and contribute to the decision making process</li><li>● demonstrates awareness of own and others' non verbal behaviour and its impact on the child and others at the hearing</li></ul> |
| <p>5.3.2<br/>Communicates purposefully</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● ensures the child has opportunities at all stages of the hearing to express their views</li><li>● decides where appropriate to speak to the child on their own</li><li>● avoids using terminology, jargon and acronyms, which can inhibit participation – when these are used by others, explains the meaning</li><li>● assists with pacing the hearing, taking account of the child's stage of development, understanding, level of distress and attention span</li><li>● helps create a positive tone at the hearing through own verbal and non verbal contributions, avoiding lecturing, threatening or mentoring</li><li>● demonstrates sensitivity in situations where there is a high level of emotion, such as stress, distress, anger or conflict</li><li>● gives verbal decisions and reasons using clear and concise language so that the family understand them</li><li>● checks that what they have said has been understood</li></ul>  |



### The chairing member:

#### 5.3.4

Communicates effectively and purposefully

#### *Knowledge and practice indicators:*

- explains any relevant legal or procedural issues to the child and family in language they can understand
- is able to explain the grounds for referral to the child and relevant persons in language they can understand
- seeks clarity that the grounds have been understood and provides the child or relevant persons with the opportunity to accept or deny them (where relevant)
- explains the purpose of the hearing to the child and relevant persons clearly
- facilitates effective communication between the hearing members and everyone present
- gives own verbal decisions and reasons reflecting the content of the discussion – uses clear and concise language
- gives the hearing's decisions and reasons using clear and concise language so that the family understand them
- checks that they have been understood and makes every attempt to rephrase so that the child or young person is clear
- ensures that the record of the hearing's decisions and reasons clearly and adequately reflects the verbal reasons

## 5.4 Conduct of hearing

Panel members ensure a fair and effective hearing.

### Each member of the hearing:

#### 5.4.1

Conducts themselves in a manner that establishes and maintains the independence and authority of the hearing

#### *Knowledge and practice indicators:*

- arrives in sufficient time to have an adequate pre-hearing planning discussion
- recognises and discloses any potential conflict of interest
- anticipates possible difficulties that may arise in the hearing and devises ways of dealing with them
- behaves in a measured, calm and non-confrontational manner
- appropriately assists the chairing member in ensuring that all legal procedures have been carried out
- gives support to the other panel members and works as a team member
- demonstrates respect and has an awareness of own style of working and its effect on the functioning of the team and others at the hearing



**The chairing member:**

5.4.2

Manages the hearing in a manner that enables participation by all those present

*Knowledge and practice indicators:*

- sets the tone of the hearing through an effective approach, attitude, choice of words, posture, facial expressions and tone of voice – this enables participation by all leading to an informed decision
- identifies who is present at the hearing so all parties know who is there and in what capacity
- considers who should be present for all or part of the hearing, as appropriate
- explains the purpose and procedures of the hearing and checks that it can be understood by all present
- ensures that each party has the opportunity to participate and express views
- ends the hearing appropriately

5.4.3

Manages the flow of the hearing effectively

*Knowledge and practice indicators:*

- considers in advance how the hearing might be structured
- consults with the other two panel members prior to the start of the hearing on how the hearing will be managed
- identifies areas of agreement and disagreement
- demonstrates respect and maintains a proper balance between formality and informality
- maintains firm and effective control during difficult exchanges
- maintains focus and direction while being open to the unexpected and using time productively
- manages situations where there is a high level of emotion such as stress, distress, anger or conflict sensitively



## 5.5 Management of information

Panel members ensure that all the relevant issues are addressed by obtaining and managing information.

### Each member of the hearing:

|  |  |
|--|--|
| <p>5.5.1<br/>Undertakes necessary preparatory work for all cases</p>       | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● exhibits thorough knowledge of the reports and appears to have carefully considered all papers</li> <li>● contributes to the pre-hearing discussion</li> <li>● identifies areas requiring clarification or investigation</li> </ul>  |
| <p>5.5.2<br/>Identifies and assimilates relevant facts and information</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● identifies and uses only relevant facts and information in order to come to a decision</li> <li>● considers the child in the context of his or her family, race, gender, sexuality, community, class, culture, religion, language and any disability</li> <li>● avoids becoming distracted by information not relevant to the particular matter at hand</li> </ul> |
| <p>5.5.3<br/>Ask questions concerning material issues</p>                  | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● makes appropriate use of the agenda identified at the start of the hearing</li> <li>● asks questions which explore relevant information to inform the decision</li> <li>● avoids interpreting information inappropriately, for example exploring issues from a counselling perspective</li> </ul>  |

### The chairing member:

|   |  |
|---|--|
| <p>5.5.4<br/>Chairs the hearing ensuring all relevant issues are discussed and explored</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● introduces the agenda and invites contributions from those present</li> <li>● ensures all and, as far as possible, only relevant issues are addressed and considered</li> <li>● facilitates participation in the proceedings of the other panel members and all present</li> <li>● discloses material information from the reports which may influence the decision making process, unless there has been a request for non-disclosure</li> <li>● ensures that there is discussion about all other relevant issues by all parties</li> </ul> |
|---|--|



## 5.6 Decision making

Panel members properly consider the child's needs, identification of relevant resources, effective deliberation and reasoned decisions for the future care of child.

### Each member of the hearing:

|  |   |
|--|---|
| <p>5.6.1<br/>Takes an active part in deliberations</p>   | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● uses reports and other information, including the child's plan, to identify key issues to raise in the hearing</li><li>● checks understanding and interpretation of key issues by asking questions and listening to responses</li><li>● expresses relevant views in discussion of issues</li><li>● considers relevant resources, clarifying policies and practices with the appropriate professionals</li><li>● considers risk factors relating to the child's situation, taking account of the child's views, race, language, culture, religion and any disability</li><li>● assesses whether there is sufficient information to make a decision and, if not, identify what extra is required and from whom</li></ul> |
| <p>5.6.2<br/>Takes an active part in decision making</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● demonstrates that they understand the options open to them in line with the relevant legislation and the Practice and Procedure Manual for panel members</li><li>● makes reasoned decisions based on and own assessment of situation and child's needs</li><li>● articulates decision and reasons in clear and concise language the child and all participants can understand</li><li>● demonstrates that reasons for the decision provide sufficient justification for compulsory intervention</li></ul>  |

### The chairing member:

|  |   |
|--|---|
| <p>5.6.3<br/>Involves all members in deliberations and decision making</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● summarises issues at appropriate points in the hearing</li><li>● ensures there is full discussion and that the child, any relevant person and all participants have an opportunity to express their views and that they are considered</li><li>● establishes a structured decision making process</li><li>● ensures decisions are given in clear and concise language with robust and fully justified reasons, including any minority decision and reasons</li></ul> |
|--|---|



### 5.7 Protecting rights

Panel members ensure that children’s hearings are compliant with the European Convention on Human Rights, the United Nations Convention on the Rights of the Child and any other relevant legislation.

**Each member of the hearing:**

|   |   |
|---|---|
| <p>5.7.1<br/>Demonstrates the need to ensure the hearing is fair, transparent and proportionate</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● can describe the correct procedure throughout the hearing and is familiar with the Practice and Procedure Manual for panel members</li> <li>● applies the correct procedure throughout the hearing in line with the guidance in the Practice and Procedure Manual</li> <li>● ensures at the outset that everyone is aware of their rights in the process</li> <li>● checks all participants have received all the relevant materials</li> <li>● gives equal opportunity to all participants to express views</li> <li>● demonstrates ability to ask difficult questions and deal with sensitive issues</li> <li>● ensures all decision making takes place in front of all parties</li> <li>● understands decisions should be proportionate and fully justified</li> </ul> |
| <p>5.7.2<br/>Upholds the rights of everyone involved to have their views heard</p>                  | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● invites contributions for consideration</li> <li>● recognises that the child and relevant persons have a right and obligation to attend unless formally dispensed with under the legal criteria at a pre-hearing panel</li> <li>● recognises that the child has the right not to express a view and does not force the child or young person to do so</li> <li>● considers different means of seeking the child or young person’s views, including making use of the “All About Me” documents and/or excluding certain people from part or parts of the hearing</li> <li>● understands the need to protect rights and enable participation where there is a lack of capacity to understand and participate</li> </ul>   |



|   |  |
|---|--|
| <p>5.7.3<br/>Demonstrates understanding of the responsibility not to intervene without justification ('no order principle')</p> | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● considers options including voluntary support</li><li>● demonstrates awareness of potential impact of intervention on a child's and family's lives</li><li>● shows awareness of a child's rights to family life under the relevant legislation and conventions</li><li>● considers, where family life is being disrupted, when rights to continuing family links are appropriate</li><li>● gives fully justified reasons for decisions</li></ul>  |
| <p>5.7.4<br/>Upholds rights in the context of children's hearings</p>   | <p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● actively seeks to keep hearings child focused</li><li>● shows awareness of the right to participation and actively seeks to enable the participation of the child and relevant persons</li><li>● shows awareness of equality and diversity issues</li><li>● demonstrates a willingness to keep learning up to date in relation to rights issues</li><li>● is able to deal with a human rights issue should it arise during the hearing</li><li>● shows that while recognising the rights of parents, these may be superseded by the primacy of the rights of the child</li><li>● demonstrates ability to clearly explain rights at the end of the hearing</li></ul> |





# Panel member training pathway







## 1 Background and introduction

- 1.1 Under Schedule 2, paragraph 3 of the Children's Hearings (Scotland) Act 2011 (the 2011 Act):
- (1) The National Convener may train, or make arrangements for the training of, panel members and potential panel members.
  - (2) The National Convener must take reasonable steps to involve persons who are under 25 years of age and in respect of whom a children's hearing has been held in the development and delivery of training under sub-paragraph (1).
  - (3) The National Convener must, in training (or making arrangements for the training of) panel members under sub-paragraph (1), have regard to the need to provide training on how panel members may best elicit the views of a child to whom a children's hearing relates.
  - (4) The National Convener may monitor the performance of panel members.
- 1.2 Panel membership requires a commitment to training and practice development. Failure to undertake or complete training required by the National Convener is one of the grounds on which s/he may not reappoint a panel member or may remove a panel member.
- 1.3 The national standards set out the National Convener and Children's Hearings Scotland's (CHS) commitment to ensure high quality and accredited training for panel members. They also set out expectations of panel members in relation to attendance and commitment to pre-service training and continual practice development thereafter.
- 1.4 Area Support Team (AST) have a key role to play in ensuring that local induction arrangements for panel members provide briefings and an overview of:
- the national standards and panel member conduct
  - AST expectations in relation to availability and frequency of sitting on hearings
  - local training plans, briefing and resource awareness evenings/events and expectations around panel member attendance at such events
  - the practice observation and feedback process and timetable locally
  - the complaints process – raising and sharing concerns and complaints and what to expect if a complaint is made against a panel member
  - the reappointment process
  - pastoral support and the role of the AST
  - feedback and communication across the AST and Children's Panel
- 1.5 Local authorities should set a suitable budget to facilitate panel member local learning and development – including, where appropriate, catering and ICT provision for example laptops and projectors at venues, and to meet the costs incurred in financing venues.
- 1.6 Through the national reference group and links between CHS, the training provider(s), Scottish Qualifications Authority (SQA) and the ASTs, particularly the learning and development co-ordinators, CHS will encourage effective monitoring and evaluation of the quality of panel training.



## 2 Links with the national standards

- 2.1 Standard 2 states that panel members must complete pre-service training and preparation prior to sitting on a hearing:
  - 2.1.1 CHS ensures that the national curriculum, training and practice development programmes are quality assured and regularly evaluated.
  - 2.1.2 Panel members complete all pre-service training and are satisfactorily assessed as ready before they can practice.
  - 2.1.3 Pre-service training and skills development are assessed and accredited. Panel members gain a recognised award through successfully completing the training.
- 2.2 Standard 2 continues in setting out the programme of ongoing training, learning and practice development which panel members will be offered and should undertake:
  - 2.2.1 CHS provides a welcome pack to new panel members at appointment, which fully informs them about expectations in relation to national training, learning and ongoing practice development.
  - 2.2.2 Panel members complete management of hearings training.
  - 2.2.3 CHS, in cooperation with ASTs, provides opportunities for panel members to attend skills development and training sessions, of which panel members must attend at least two per year.
  - 2.2.4 CHS makes training and development provision as accessible as possible.
  - 2.2.5 CHS ensures that panel members have a simple method for logging training and learning activities they have completed.
  - 2.2.6 Panel members attend mandatory in-service training.
  - 2.2.7 ASTs, supported by CHS, complete an annual audit of training needs to inform the content and focus of the ongoing learning and practice development programme.
  - 2.2.8 ASTs make sure that at appointment, panel members are made aware of expectations about attendance at local learning and development events.
  - 2.2.9 Panel members participate in relevant training offered in response to an identified training need.
- 2.3 Standard 8, Annex 1 sets out the broad expectations of panel members including undertaking training and practice development. This is cross referenced in both the panel practice observation policies and recruitment and reappointment policies.



### 3 The national curriculum

- 3.1 Prior to the implementation of the 2011 Act, a training pathway was developed. This was informed by feedback from a consultation process in relation to the role and responsibilities of panel members as lay tribunal members within Scotland's Children's Hearings System, which delivers care and justice decisions for children and young people.
- 3.2 The national curriculum provides a training pathway for panel members and this includes formal training and a nationally determined continual practice development programme for panel members, which takes into account individual and localised requirements.
- 3.3 The national curriculum includes all 'core' (i.e. compulsory and essential) training that panel members are expected to attend and complete before they become serving panel members, during their induction and then on an ongoing basis. This develops, builds and maintains currency of knowledge and skills – including any review prior to reappointment or where additional training or learning needs are identified.
- 3.4 All training and learning programmes and materials which are included within the national curriculum, should be delivered by people who are appropriately equipped and trained to effectively deliver that particular module or learning package.
- 3.5 All training and learning materials must link with national standards and the skills and competence framework for panel members, so that learning outcomes are clear and skills can be assessed and reviewed during practice observation.
- 3.6 Stages 1, 2 and 3 of the training pathway will be accredited and assessed and on successful completion – within 12 to 24 months of appointment (from the first training date) – panel members will achieve an SQA accredited Professional Development Award (PDA).



## **4 Panel member skills and competence – core/induction training leading to PDA award**

### **4.1 Stage 1 training**

- 4.1.1 This includes comprehensive pre-service training primarily focused on attendance, participation and assessment/feedback during intensive taught training and group learning. The training is in relation to all aspects of the role and competencies of a panel member, the panel member's and others' functions within the Children's Hearings System and the relevant contextual and broader knowledge and awareness required to fulfil the lay tribunal member role, in relation to Scotland's care and justice system for children and young people.
- 4.1.2 Pre-service training will focus on all aspects of the skills and competencies required to fulfil the role of a panel member.
- 4.1.3 Pre-service training and preparation also includes preparation for service, such as appropriate hearing observation and background reading/e-learning activities such as watching DVD and podcast learning materials.
- 4.1.4 Pre-service training includes simulated hearings and time to reflect on feedback from children and young people in relation to their experiences and understanding of the Hearings System.
- 4.1.5 The national training provider(s) will hold the core values of the children's panel/CHS at the centre. Every module developed and delivered will have clearly defined learning outcomes linked to the eight core national standards for the children's panel.

### **4.2 Stage 2 training**

- 4.2.1 Post appointment and having been serving as a panel member for few months, the induction review allows the panel member to reflect on how they have put the knowledge and learning from their pre-service training and preparation into practice within the hearing.
- 4.2.2 This is an important opportunity to explore any queries panel members have in relation to their role in practice, to clarify advice and support available to panel members where they identify a learning or practice gap, or where they are concerned about the practice of others in the Children's Hearings System. This training revisits the skills and competence framework and gives panel members a further opportunity to strengthen and practice skills in relation to key competencies and practice areas, for example contact orders and the recording of reasons and decisions.
- 4.2.3 Stage 2 training also identifies readiness or otherwise to continue to Stage 3 training.



### 4.3 Stage 3 training

- 4.3.1 Stage 3 training includes attendance, participation and assessment/feedback from intensive taught training and group learning in relation to managing hearings, the role and duties of the chairing member. It builds on the Stage 1 and 2 training in relation to sound decision making and articulating and recording decisions and reasons.
- 4.3.2 The training covers the role and specific legal/procedural duties of the chairing member. More broadly it covers the development of skills and confidence as chair in preparation for the hearing, setting the tone and flow and stages of the hearing, dealing with conflict and distress, management of the hearing including time management, team working, decision making and recording.

## 5 Panel member practice development

### 5.1 Stage 4

- 5.1.1 This includes an offer of regular (at least two training sessions each year) learning and development accredited training sessions on nationally applicable practice areas. Illustrative examples include feedback and learning re rates of appeals – rates, reasons for appeal, reasons and rates for appeals upheld, case examples or permanence planning, the role of panel members, contextual information regarding trends and outcomes and the voice and experience of the child. This is delivered by the national training provider(s)/on behalf of the national training provider(s) through blended learning or face to face training with access in every AST area.
- 5.1.2 ASTs will actively contribute to the development of the training programme through communication with the training provider(s), the annual training needs analysis and feedback from panel member practice observations and reviews to identify local and national trends and learning gaps. This will inform the ongoing development and review of a suite of learning and training materials and modules which will enhance the national curriculum over time.
- 5.1.3 Stage 4 training also includes all mandatory training – i.e. where the legislation changes or case law determines that panel members must complete further training to be legally competent to serve.

### 5.2 Stage 5 training

- 5.2.1 Refresher and 'revisit' training applies to panel members identified as requiring refresher training. For example people who have taken leave of absence, or panel members identified or self-selecting through the practice observation and review process, where gaps in learning/knowledge need to be addressed. A menu of blended training and learning options will meet these needs (e.g. reading, self-directed e-learning, attendance at repeat training etc).





## 6 Stage 6 training

- 6.1 This stage relates to reappointment and includes refresher and 'revisit' training delivered through a blended approach to include space for reflection, practice review and refreshing and testing out skills and knowledge. In addition there will be some elements of self assessment and e-learning. Further refresher training will be offered where gaps in skills, learning or knowledge are identified at reappointment stage.

## 7 Local programmes for practice and personal development

- 7.1 Within the national curriculum, there are clear definitions and learning outcomes set out for the training provider(s) to ensure that modules are provided in relation to Stages 1,2,3,4,5, and 6.
- 7.2 Locally, ASTs and the learning and development co-ordinators and others identified to support local practice development at AST level, will be responsible for arranging learning and development programmes rather than formal Stage training.
- 7.3 CHS and/or the national training provider(s) will be responsible for the delivery of accredited training delivered locally. For example, Stage 4 training modules of the national curriculum which has been designed and accredited for use in all areas across the Children's Panel but is being delivered in particular AST areas at any point in the year.
- 7.4 The AST will deliver a programme of local events which are designed to ensure panel members are informed about the issues affecting their communities of children, young people and families. For example, familiarisation with local children's resources. These events will also build local knowledge or working relationships (e.g. panel member/social worker liaison evenings).
- 7.5 Localised practice and personal development programmes are an important element of building skills and confidence. However, all core training at Stages 1 to 6 must be delivered to consistent standards set out in the national curriculum, in relation to learning outcomes, content, assessment and accreditation.
- 7.6 CHS will however encourage the national training provider(s) to deliver training for trainers. This will ensure the necessary support for panel members and AST members who are able to act as local volunteer trainers, and who may be involved in the delivery of accredited modules.

# Monitoring of panel practice and panel practice observation







## 1 Introduction and context

1.1 Under Schedule 2 of the Children's Hearings (Scotland) Act 2011 (the 2011 Act):

Paragraph 3

- (1) The National Convener may train, or make arrangements for the training of, panel members and potential panel members.
- (2) The National Convener must take reasonable steps to involve persons who are under 25 years of age and in respect of whom a children's hearing has been held in the development and delivery of training under sub-paragraph (1).
- (3) The National Convener must, in training (or making arrangements for the training of) panel members under sub-paragraph (1), have regard to the need to provide training on how panel members may best elicit the views of a child to whom a children's hearing relates.
- (4) The National Convener may monitor the performance of panel members.

## 2 Monitoring of panel members' availability, practice and conduct

- 2.1 The performance of a panel member should be subject to continuous assessment through supportive monitoring by the Area Support Teams (AST).
- 2.2 This includes ongoing pastoral support to panel members by the lead and panel representatives, in relation to rota management, availability, general practice concerns, information and advice as outlined in the AST Functions, Roles and Responsibilities.
- 2.3 In some circumstances, the panel representatives may be approached by panel members seeking non case specific general information, as outlined in the Practice and Procedure Manual (PPM), provided to panel members by the National Convener.
- 2.4 ASTs should ensure that they encourage and review panel member attendance and contribution at local learning and development events, including resource visits and any business meetings. ASTs should act on feedback from panel members to ensure the continuing relevance and value of such events (see training pathway).
- 2.5 ASTs should carefully monitor panel member availability and where necessary consider additional support, Leave of Absence or other appropriate measures to support panel members, who for any reason are not meeting the expectations of availability and reliability that the AST and Children's Hearings Scotland (CHS) has set out.



- 2.6 Members of the AST should have completed successfully the relevant modules of training before undertaking any formal monitoring of panel members through the CHS panel practice observation and review process.
- 2.7 Panel members' skills and behaviours should be assessed against the national standards. The national training provider(s) will also feed into the monitoring and review of the practice of individual panel members during stages 1, 2, and 3 of the training pathway.
- 2.8 Any concerns should be brought to a panel member's attention as soon as possible, to enable the member to address these and improve his or her performance. Feedback should always be constructive, helpful, pertinent and whenever possible, positive.
- 2.9 The 2011 Act aims to strengthen the place of children within the Children's Hearings System and the provisions set out overleaf, were introduced by the 2011 Act in relation to the participation of children and young people. Practice observation and feedback to panel members is an important delegated National Convener function of the ASTs, and in particular the PPAs within each AST.
- 2.10 The national standards set out expectations in relation to panel member practice, conduct and behaviour, specifically Standard 8, Annex 1. ASTs will be expected to adhere to recruitment and selection processes which assess candidates against the criteria set out in the national standards. (See core policy 'Recruitment, selection and recommendation to the National Convener for appointment of panel members').
- 2.11 The pre-service training delivered to panel members will focus closely on communication skills. This will enable panel members to develop and practice skills in encouraging the participation of, and communication with, children and young people, as this is a requirement of the 2011 Act.
- 2.12 Once appointed, effective observation of panel members at children's hearings, with supportive and constructive feedback will be essential. This 'monitoring' of panel members is being undertaken on behalf of the National Convener, as a core function which she has delegated through the national standards and the AST Functions, Roles and Responsibilities.
- 2.13 Standard 1 puts children and young people and their best interests at the heart of everything that we do, so CHS is making sure that children and young people's views influence how we train and support panel practice advisors (PPAs) to carry out effective observations.
- 2.14 Over a number of years, children and young people's views and experiences have been sought in relation to their experiences of child protection and looked after services and the Children's Hearings System.

When taken together, there are consistent messages emerging from research and consultation.



Children and young people have told us that:

- they recognise the Children's Hearings System is there to help them – but the majority of children and young people find the experience of going to a hearing a difficult one
- panel members should give young people the time to say what they need to say
- panel members should check everyone has understood and give time and space for thinking and responding
- children should know who the panel members are
- panel members should have more training in talking and listening to children and young people
- the panel should come to the child or young person first and not other adults
- panel members should consider if 'the past' really needs to be brought up and how this is done – children and young people state this can be difficult for them to deal with
- strangers in the hearing adds to feelings of being scared, uncomfortable and judged
- a positive outcome is when the decision reflects their views
- they need to understand the decision of the hearing in full and why decisions were made
- they often *feel* panel members have made a decision before speaking to them

### 3 The purpose of the panel practice observation framework

- 3.1 The monitoring system will be open and fair. Panel members will have access to all the relevant guidance, paperwork and process materials used by PPAs for the purpose of observation and feedback.
- 3.2 ASTs should arrange their practice observation schedule to ensure that every panel member is observed no more than four times each year and ideally twice each year.
- 3.3 Monitoring through panel practice observation should be risk-led. Where there are concerns about a panel member, the AST may wish to implement a close support regime involving more frequent observations and feedback. The Chair of any hearing is expected to encourage and support access to hearings for AST members for monitoring purposes.
- 3.4 The panel representatives also have a role in commenting to the AST on the practice of individual panel members, highlighting any concerns which may require additional observation or practice support.
- 3.5 The purpose of panel practice observation and feedback process is to:
  - observe individual panel members in practice within the hearing, to assess how panel members are applying their knowledge and skills against the Competencies for Panel Membership, the national standards, and the Practice and Procedure Manual provided to panel members by the National Convener



- enable each panel member to reflect on their practice and to receive constructive feedback which recognises their skills and acknowledges the considerable commitment they make through undertaking training and ongoing learning and development in addition to their attendance at hearings
- identify panel members who may require additional support, specific skills development programmes or training and provide additional monitoring and feedback in relation to those panel members who are struggling to meet the requirements for panel membership
- enable an overview at AST and national level of practice and procedure issues arising from children's hearings in relation to the panel member role – including identifying trends in panel practice, training needs, best practice and 'gaps' in skills or knowledge which require to be addressed by CHS nationally

3.6 The National Convener and CHS set out clear commitments in the National Standards for the Children's Panel, for the framework for panel practice observation and effective feedback to panel members at Standard 3.3.

## 4 The process of observation and feedback

4.1 ASTs will establish a rota for PPAs to undertake panel practice observations, in order to ensure that each panel member is observed within a hearing ideally twice each year.

4.2 The Area Convener and Depute Area Convener will consult and liaise with panel representatives and other AST members to establish this rolling programme. It is for each AST to decide the 'calendar' which will work best for panel members within their area. When drawing up the programme and setting out the calendar or rota for observations, the AST should take into account:

- panel member and PPA availability and hearings activity patterns (for example summer school holidays)
- the AST's other functions and activities – for example recruitment and reappointment activity
- the need for additional observations and closer monitoring (for example where a panel member has indicated that they require additional support, or in cases of complaint or practice concern)

4.3 PPAs will undertake panel practice observation, feedback and review once they have been trained to do so, applying the CHS guidance and referring to:

- the guidance set out in this policy and the guidance included on the panel practice observation and feedback form
- the panel member competencies
- the checklist for panel practice observation (see Annex 1 and 2)



- 4.4 PPAs will not be sent panel papers prior to the hearings that they are observing. The role of the PPA is not to assess the individual circumstances of the child or young person or their care plan, or in any way to judge the decision made by the panel member(s). The PPA is monitoring panel members' practice against the competence framework and the linked national standards.
- 4.5 Where a PPA believes it is necessary for them to have sight of the panel papers at the hearing centre before the hearing, they may ask the Children's Reporter for sight of the papers.
- 4.6 PPAs may take brief notes during or between hearings using either the observation and feedback template or a notebook. This should be done carefully, with sensitivity and awareness in terms of any potential anxiety note taking may cause to families or panel members. Note taking should be done in a manner which complies with the guidance for PPAs issued at relevant training and alongside the observation and feedback form. These notes should relate only to the practice observation of the panel members. Nothing that could identify the child or family or any details of the case itself should be recorded.
- 4.7 Following the hearing wherever possible and appropriate, the PPA should consider giving brief verbal feedback to all the panel members, if no individual difficult issues have been identified, or individually if panel members request this. This should be done taking into account privacy, dignity and availability of time and appropriate room in which to speak to panel members individually. This should also be done following the CHS guidance for PPAs issued with the observation and feedback form.
- 4.8 The PPA should complete the observation and feedback form following the hearing, by typing it up on the relevant template via the CHS portal, or passing the handwritten observation and feedback form to the clerk who will scan it into the relevant folder. PPAs should shred any paper notes once the form is completed and submitted to the clerk or completed on the CHS portal.
- 4.9 This should be done within seven days of the observation. The clerk must the shred any paper copy of handwritten forms.
- 4.10 PPAs should also refer to the policies relating to panel member reappointment for further guidance in relation to review of panel member practice.





## 5 Panel practice observation and feedback tool

5.1 The practice observation and feedback process includes:

- this policy
- the competence framework for panel members
- the panel practice checklist for observation (see Annex 1 and 2)
- the guidance and form for panel practice observation and feedback

5.2 The practice observation record and feedback sheet addresses the following areas:

5.2.1 Details of observation:

- name of panel member being observed
- name of PPA undertaking observation
- number of hearings observed
- whether the panel member chaired a hearing
- date of observation
- date observation record completed

5.2.2 Preparation and timekeeping:

- timekeeping in relation to arrival at the hearing centre
- contribution to discussion before the start of the hearing
- evidence of the panel member's preparation in relation to the type of hearing, reading of papers

5.2.3 The start of the hearing:

- the Chairing member's duties in setting the tone and following procedure

5.2.4 The discussion and considerations:

- communication style and skills, including non verbal communication, tone of voice, posture and language
- upholding the rights of the child/young person in relation to their participation and expressing a view
- understanding the procedure and process in their considerations and decision making



#### 5.2.5 Chairing:

- making sure that the child/young person remained the central focus
- making sure everyone has their chance to speak or give their views
- managing the hearing
- bringing the hearing towards a conclusion and specific duties of the Chairing member
- ensuring reasons and decisions were clearly explained and understood by the child/young person and family

#### 5.2.6 The end of the hearing:

- communication of reasons for decision(s) and how these were articulated and communicated to the child and family
- the close of the hearing and following procedure (Chair)

5.2.7 The practice and observation form allows for panel member reflection and feedback to the observer and encourages the observer to point out any areas for potential further development or training.



## Annex 1: Practice observation checklist: pre-hearing panel

### 1. Introduction

These procedures are a combination of legislation and best practice.

Rule 7(1) of the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013 states:

***“The procedure at any children’s hearing or pre-hearing panel required to be held by virtue of the Act or any other enactment unless provided for under the Act or Rules, is to be determined by the chairing member”***

Rule 6(1) states:

***“The chairing member of the children’s hearing or pre-hearing panel must –  
(a) take reasonable steps to ensure that the child and each relevant person are able to –  
(i) understand the proceedings, and  
(ii) participate in those proceedings.”***

The Children’s Hearings (Scotland) Act 2011 requires that the welfare of the child must be the paramount consideration of a children’s hearing or pre-hearing panel, unless members of the public are to be protected from serious harm and then the welfare of the child is the primary consideration rather than the paramount one.

### 2. Before the pre-hearing panel

#### 2.1 Pre-hearing checklist

- check list of those who are present and their entitlement to attend
- check what the pre-hearing panel is being asked to consider and the possible options
- check papers and ensure that everyone has the same information



### **3. At the beginning of the pre-hearing panel**

#### **3.1 The chairing member**

3.1.1 Welcomes everyone; introduces him/herself and the other two panel members; explains their role within the pre-hearing panel; asks people present to introduce themselves and checks the status of those attending.

N.B. The child/relevant person has a right, but not a duty, to attend and so there is no need to excuse the child/relevant person if they are not present but the chairing member should check that notification has been sent.

3.1.2 Explains the purpose(s) of the pre-hearing panel and emphasises that these are the only matters to be discussed at the pre-hearing panel.

3.1.3 Checks with the child/relevant person if they have any objection to an observer coming in to the pre-hearing panel.

3.1.4 Ascertains that people attending the pre-hearing panel have received the papers.

### **4. Application for deemed relevant person status**

#### **4.1 The panel members**

4.1.1 Where there is an application for someone to be deemed a relevant person this matter must be considered at the start of the pre-hearing panel.

#### **4.2 The chairing member**

4.2.1 When determining if an individual has, or has recently had, a significant involvement in the upbringing of the child: invites the child, any relevant person and any individual about whom the deemed relevant person determination is being considered, if present, to give any representations (orally or in writing) or any other document or information for the consideration of the pre-hearing panel.

#### **4.3 The panel members**

4.3.1 Each panel member gives their determination on the matter of deemed relevant person status and the reasons for the determination.

#### **4.4 The chairing member**

4.4.1 Confirms the determination and the reasons for the determination.

4.4.2 Informs the child, each relevant person, any individual the pre-hearing panel has decided is not a relevant person, that they all have a right to appeal the determination within seven days in writing to the sheriff clerk.



## 5. Pre-hearing panel dealing with other matters

5.1 Excusing the child, excusing any relevant person or deciding if the subsequent hearing is likely to be considering secure accommodation.

### 5.2 The chairing member

5.2.1 When considering any other matter, invites the child or any relevant person, if present, to give any representations (orally or in writing) or any other document or information for the consideration of the pre-hearing panel.

### 5.3 The panel members

5.3.1 Each panel member gives their determination on the matter and their reasons for the determination.

### 5.4 The chairing member

5.4.1 Confirms the determination and the reasons for the determination.

5.4.2 Advises the child and any relevant person that they will get a copy of the determination and the reasons for the determination in writing.

5.4.3 Closes the pre-hearing in an appropriate way.

N.B. The pre-hearing panel can appoint a safeguarder if one is not already in place (but there is no obligation to consider the appointment in every case). Panel members should raise the issue when appropriate. The pre-hearing panel can also recommend to the Scottish Legal Aid Board (SLAB) that in order for a child or relevant person to participate effectively in the children's hearing, it is necessary that they be represented by a solicitor and it is unlikely that the child or relevant person will arrange for this representation.



## Annex 2: Practice observation checklist: children's hearings

### 1. Introduction

1.1 These procedures are a combination of legislation and best practice.

Rule 7(1) of the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 states:

***“The procedure at any children's hearing or pre-hearing panel required to be held by virtue of the Act or any other enactment unless provided for under the Act or Rules, is to be determined by the chairing member”***

1.2 The Children's Hearing (Scotland) Act 2011 requires that the welfare of the child must be the paramount consideration of a children's hearing or pre-hearing panel, unless members of the public are to be protected from serious harm and then the welfare of the child is the primary consideration rather than the paramount one.

1.3 Rule 6(1) states:

***“the chairing member of the children's hearing or pre-hearing panel must-  
(a) take reasonable steps to ensure that the child and each relevant person are able to –  
(i) understand the proceedings, and  
(ii) participate in those proceedings.”***

### 2. Before the hearing

#### 2.1 Pre-hearing checklist

- panel members should arrive at the hearings centre preferably 30 minutes before the session begins, but a minimum of 15 minutes beforehand
- check the list of those who are present – who should be present, who is present, any observers, safeguarder, solicitors
- check the purpose of the hearing and possible options
- check the papers – do you all have the same information; late reports – what are the options open to you? Has the child been sent the reports? Are the child's views reflected throughout the reports? Are there any problems anticipated?
- identify the broad issues to be discussed – topic only not substance – agree a list of issues; decide, if appropriate, who will chair the hearing; check who may wish to raise a particular topic initially
- has any information been withheld?
- consider whether there is a need for review of deemed relevant person status at the end of the hearing
- is there any non-disclosure of information in force?



### 3. At the beginning of the hearing

#### 3.1 The chairing member

- 3.1.1 Takes all reasonable steps to ensure that the number of people present at the same time is kept to a minimum.
- 3.1.2 Welcomes everyone; introduces him/herself and the other two panel members; explains their role within the hearing; asks people present to introduce themselves; takes a decision on whether any other person not notified or invited should be allowed into the hearing.
- 3.1.3 Checks the status of those present and their entitlement, or otherwise, to be present.
- 3.1.4 Checks with the child/relevant person if they have any objection to an observer being allowed in.

#### 3.2 The hearing must be satisfied

- 3.2.1 That all relevant persons in a child's life have been recognised as such.
- 3.2.2 If a relevant person is not present, that their presence is not necessary or that it would be unreasonable to expect them to attend.
- 3.2.3 If a child is not present that:
  - the case relates to an offence mentioned in Schedule 1 of the Criminal Procedure (Scotland) Act 1995 and the attendance of the child at the hearing is not necessary for a fair hearing
  - the attendance of the child at the hearing would place the child's physical, mental or moral welfare at risk
  - taking account of the child's age and maturity, the child would not be capable of understanding what happens at the hearing
- 3.2.4 At a grounds hearing, the child can only be excused from attending during the explanation of the grounds, if the hearing is satisfied, taking account of the child's age and maturity, that the child would not be capable of understanding the explanation.
- 3.2.5 Any excusal cannot last beyond the substantive decision.
- 3.2.6 A grounds hearing can only be rearranged if the child does not attend and has not been excused. If the grounds are accepted the hearing can after discussion, if necessary, defer making a substantive decision.
- 3.2.7 The hearing (except a grounds hearing) can decide not to proceed if the relevant person is not present.



### 3.3 The chairing member

- 3.3.1 Asks the child how old they are. If the child is not present or cannot understand the question, the hearing makes a determination as to their age.
- 3.3.2 Explains the purpose of the hearing to the child and relevant persons.
- 3.3.3 Ascertains that the child, each relevant person and any safeguarder has received all the relevant information and documents required to be received by the rules and within the required timescales.
- 3.3.4 Confirms whether the child, each relevant person and any safeguarder has had the opportunity to read and consider these reports and whether these have been understood by the child and each relevant person.
- 3.3.5 Asks the child whether the papers accurately reflect the views they have expressed – unless the chairing member considers it inappropriate given the child's age and maturity. If the child confirms that the reports do not accurately reflect the child's view the chairing member must endeavour to clarify the child's view.

### 3.4 The hearing

- 3.4.1 If there has been a request prior to a hearing for information in a report to be withheld, 'a non-disclosure request', the hearing should consider this first. If it is a grounds hearing, the request should be considered immediately after the grounds have been explained and before any discussion.
- 3.4.2 If a request for non-disclosure is made during a hearing, the hearing may exclude the person it has been asked not to give the information to and consider the request. Once a decision has been made any person who has been excluded should be invited to return and advised of the hearing's decision. If the decision is not to withhold the information, the children's hearing must give the person who has been excluded the information.

### 3.5 The chairing member

- 3.5.1 Where the hearing is a grounds hearing, explains the statement of grounds to the child and relevant person. The grounds should be read as written but should then be explained if necessary.
- 3.5.2 Ascertains whether the child and each relevant person:
  - understands the statement of grounds
  - accepts them in whole or as amended or not





### 3.6 The hearing

3.6.1 If the grounds are not accepted or understood, decides whether they wish to discharge the referral or send the grounds for proof.

If the grounds are sent for proof, the hearing may consider where the child should live meantime and whether an interim compulsory supervision order (CSO) or interim variation of an existing CSO is necessary as a matter of urgency. An interim compulsory supervision order (ICSO) can allow the child to stay at home, in a named place or unnamed place of safety.

3.6.2 If the grounds are accepted in whole or as amended, the hearing proceeds to discuss the case.

The facts in the statement of grounds which are not accepted may be deleted or amended and the hearing would proceed to discuss the accepted statement of grounds. However, the hearing must be satisfied that the deletion of the non accepted facts does not call into question the establishment of the s67 ground.

### 3.7 The chairing member

3.7.1 If the grounds are sent for proof:

- explains the purpose of the proof hearing
- explains the child's right and obligation to attend
- advises the child and relevant persons that they may wish to consult a solicitor and may be entitled to legal aid

## 4. Discussion and considerations

### 4.1 The chairing member

4.1.1 Informs the child and any relevant person(s) present of the substance of all relevant reports and documents as long as disclosure would not be likely to cause significant harm to the child.

### 4.2 The hearing

4.2.1 The hearing must at some stage, explicitly consider the appointment of a safeguarder and note the decision with reasons in the final written statement of reasons.

4.2.2 Takes all reasonable steps to obtain the views of the child, each relevant person and any safeguarder in relation to:

- any report, document or matter being considered by the hearing
- what measures, if any, would be in the best interests of the child



- 4.2.3 May invite others present to express their views on, or provide any other information relevant to anything being considered by the hearing.

The discussion of issues in reports should be covered by the panel members working as a team.

- 4.2.4 Discusses the circumstances relating to the grounds.

Checks the information in the reports through discussion and questioning of report writers and others present. Checks the understanding of information discussed.

- 4.2.5 Provides the child with an opportunity to express his/her views and have regard to the views expressed. Children of 12 or over are presumed to be of sufficient age and maturity to form a view, but that does not mean that children under 12 should be presumed to have nothing valuable to contribute.

- 4.2.6 May consider, whether in order to obtain the views of the child, it is necessary to exclude certain parties from part or parts of the hearing. Exclusion of any party who has a right to be present must be done for the following reasons:

- exclusion is necessary to enable the hearing to ascertain the view of the child
- their presence is causing, or is likely to cause, the child significant distress

Children, their representatives and safeguarders cannot be excluded unless the hearing is considering whether information should not be disclosed to them.

- 4.2.7 Explains:

- to the persons being excluded why the exclusion is considered to be necessary
- to any excluded relevant persons that any discussion in their absence will be outlined to them when they return
- to the child that the hearing will need to disclose to the relevant person(s) what was discussed in the relevant person's absence – a summary of what will be said should be given to the child prior to the return of the relevant person(s) (subject to any non-disclosure decision)

- 4.2.8 If the relevant persons or their representatives are excluded from the hearing, on their return, the chairing member must disclose what has taken place (subject to any non-disclosure decision).

If members of the press are excluded, the chairing member may disclose the substance of what has taken place in their absence.

A decision to exclude any person should be noted in the written statement of decision and reasons.

- 4.2.9 Summarises the discussion at appropriate points and gives an overall summary before the hearing reaches its decision.



### 4.3 The hearing

4.3.1 A children's hearing may recommend that:

- to allow the child or any relevant person to participate effectively in the hearing it is necessary that the child or relevant person be represented by a solicitor or counsel
- it is unlikely the child or relevant person will arrange to be represented by a solicitor or counsel

The hearing should then defer making a substantive decision and require the Children's Reporter, as soon as possible, to notify the Scottish Legal Aid Board of the decision, the reasons for that decision and the name and address of the child or relevant person.

4.3.2 If considering making a compulsory supervision order with a measure of residence other than with a relevant person, the hearing must have received a report. The report should include recommendations on the needs of the child and on the suitability to meet those needs, of the place or places where the child is to stay, the suitability of the person(s) who will have charge of or control over the child and confirmation that regulation 3 and 4 of the Looked After Children (Scotland) Regulations 2009 have been complied with in compiling the report.

4.3.3 If making, continuing or varying a compulsory supervision order, the hearing must consider if a measure regulating contact is required and may consider if other measures are necessary e.g. non-disclosure of address, medical treatment.

4.3.4 A hearing may, if satisfied that the criteria are met, authorise secure accommodation but **MUST** consider alternative options first.

4.3.5 Where the decision is to make a compulsory supervision order or terminate, vary or continue a compulsory supervision order, the hearing informs the child, relevant person and any safeguarder of the right to seek a suspension of the hearing's decision once the appeal has been lodged.

4.3.6 The hearing may, in suitable circumstances, consider setting a date or period for review of the compulsory supervision order. The hearing must set a review date or period for review if they issue a movement restriction condition up to a maximum of six months.

4.3.7 If advice is being given about plans for permanence or adoption, the hearing should indicate the nature of that advice and whether or not they support the local authority's plans. The hearing must also review the compulsory supervision order. They should explain what their advice is but that the local authority and court may not follow that advice.

4.3.8 If the hearing is giving advice to a court in a case where the child has pled guilty to or been convicted of an offence, they should explain what their advice is but that the court may not follow that advice.



## 5. The end of the hearing

### 5.1 The hearing

5.1.1 Each panel member gives his/her decision and the reasons for the decision.

### 5.2 The chairing member

5.2.1 Confirms and explains the decision of the hearing and confirms the reasons for the decision.

5.2.2 Informs the child, relevant person and any safeguarder of their right of appeal:

- this must be done within 21 days in writing to the sheriff clerk except an appeal against relevant person status, which must be done within seven days
- in the case of a child protection order second working day hearing, informs the child and relevant persons that they may apply to the sheriff within two working days to have the order or a direction set aside or varied
- in the case of an interim compulsory supervision order, informs the child and relevant person that any appeal lodged will be heard within three days of the appeal being lodged
- advises the child and/or relevant persons that if they wish to appeal or to make an application in relation to a Child Protection Order that they should seek legal advice and that the child will be and the relevant person may be entitled to legal aid
- advises the child/relevant person that if there is secure authorisation they can appeal against the authorisation and the implementation/non-implementation of the authorisation or the removal of the child from secure accommodation – the sheriff must decide the appeal within three days

### 5.3 The chairing member

5.3.1 Informs the child and relevant persons of their right to request a review hearing after three months and that the local authority may request a review at any time. A compulsory supervision order should last only as long as is necessary. If no review is called and the relevant period specified by the hearing is one year, the CSO lasts for a maximum of one year, although the Children's Reporter will arrange a review before the CSO lapses.

5.3.2 Informs the child and relevant persons if there is an authorisation for secure accommodation, that there will be a review within three months.

5.3.3 Informs the child and relevant persons that they will receive a copy of the decision and reasons in writing from the Children's Reporter (within five working days if practicable).



## 6. Review of relevant person status

- 6.1 Once a decision has been made in relation to a compulsory supervision order, if it appears that someone with deemed relevant person status no longer has, or has recently had, a significant involvement in the upbringing of the child, the hearing must review whether that person should continue to be a relevant person. There is a right of appeal against this decision.
- 6.2 The chairing member then closes the proceedings in an appropriate manner.

## 7. After the hearing

### 7.1 The chairing member

- 7.1.1 Invites the child and relevant person to stay while the Children's Reporter completes the paperwork, however the child and relevant persons are not obliged to stay. Once the Children's Reporter has completed the forms and handed them to the chairing member, the Children's Reporter, child and any relevant person who have stayed must leave the room.
- 7.1.2 Makes or causes to be made, a report of the decision and a statement in writing of the reasons for the decision. This must include reasons for all decisions made throughout the hearing and all measures attached to any orders made. It is best practice for this to be undertaken by the hearing members working as a team.
- 7.1.3 Signs the report and statement of reasons and any order.
- 7.1.4 The chairing member and other hearing members return all papers to the Children's Reporter and any notes for destruction.

# Production and management of the rota for children's panel members to serve on children's hearings







## 1. Background

- 1.1 The Children's Hearings (Scotland) Act 2011 (the 2011 Act) is clear (paragraph 14(1) of Schedule 1) that the selection of panel members for hearings (i.e. the operation of the rota) must be done by Area Support Teams (ASTs).

In developing the roles and responsibilities of AST members and considering the arrangements to underpin the operation of ASTs, Children's Hearings Scotland (CHS) looked in depth at the most appropriate arrangements for the management of the panel rota. Within ASTs, panel representatives are best placed to take responsibility for the rota.

The national standards set out (specifically at Standard 8, Annex 1) the requirement for panel members to make themselves available to sit on hearings regularly enough to develop and maintain the necessary knowledge, skills and understanding to fulfil their role competently and with confidence.

- 1.2 This will make it necessary for the production of the rota to be carefully considered and managed.
- 1.3 The 2011 Act delegates responsibility for rota management to ASTs and the Functions, Roles and Responsibilities for Area Support Teams sets out how ASTs will be responsible at a local level for the management of the rota in their area.
- 1.4 ASTs should make sure that upon appointment, panel members are given accessible information about who to contact and how for the management of the rota.
- 1.5 CHS will ensure that there are effective mechanisms, training and support in place for those who are producing and managing the panel member rota in each AST area.

## 2. Preparation of the rota

- 2.1 To assist with the preparation of the rota, CHS will provide an up to date database which may be used to generate the rota electronically. Panel Pal has been provided for this purpose.
- 2.2 An AST is currently not obliged to use Panel Pal to produce the rota, where there are more appropriate methods at a local level to do so. However, where this is the situation, the produced rota should still be input onto Panel Pal.
- 2.3 Lead panel representatives (LPRs) will have ownership of, and overall responsibility for, the preparation of the rota.
- 2.4 However, in practice, the LPR may choose to delegate the initial production of the rota. This may be to a panel representative (PR), the clerk to the AST or a member of their team.





- 2.5 The clerk to the AST or a member of their team may provide administrative support in the preparation of rotas for hearings. They may also administer changes to the rota.
- 2.6 The clerk to the AST or a member of their team may also provide support to maintain up to date records of panel member availability.
- 2.7 Where necessary, the LPR or designated PR will work with the clerk to the AST or a member of their team to make arrangements to rota panel members on hearings which take place out with of their local authority.
- 2.8 In joint ASTs, or in some large geographical areas, it may be appropriate for more than one rota to be produced. Consideration of how they will report at the AST level should be made.

## 2.9 Guidance on the preparation of the rota

2.9.1 In preparing the rota, to ensure the fairness and balance required in relation to the independence of the tribunal under the 2011 Act, the following should be adhered to:

- both male and female members of the Children's Panel are selected for each children's hearing
- so far as practicable panel members sit on hearings in their local area
- adequate experience is allocated to each panel
- panel members have enough time between hearing sessions to prepare thoroughly
- known conflicts of interest are adequately addressed (for example panel members who are related are not allocated to the same hearing)
- the allocation of panel members to planned and emergency hearings is fairly distributed

2.9.2 The rota scheduler (the lead or panel representative) should make sure that panel members are not rota'd where they are:

- on a leave of absence
- the subject of a live complaint which relates to their practice or conduct within a children's hearing
- not able to sit on hearings as their doing so would lead to a wrongly constituted children's hearing (for example the panel member has not completed pre-service training)

2.9.3 Panel members have a responsibility to ensure that they make clear their availability for the rota and give adequate notice of commitments, for example work commitments or holidays, so that the rota scheduler has adequate notice when preparing the rota.



### 3. Management of the rota

#### 3.1 Emergency hearings and call offs

3.1.1 Local areas should have clear agreements in place between all relevant parties as to the most efficient way of scheduling and arranging cover for emergency hearings. (See also Management of Hearings Practice Guidance, issued by CHS and Scottish Children's Reporter Administration (SCRA) March 2013).

3.1.2 Where applicable, the LPR or designated PR will be available for out of office hours (evenings and weekends) to manage any call offs.

3.1.3 The clerk to the AST or a member of their team, where applicable, will work with the LPR or designated PR to ensure arrangements are in place for effective out of hours cover.

#### 3.2 Monitoring

3.2.1 ASTs will monitor the rota and identify any issues or concerns in relation to panel member availability and 'call off', as well as any issues impacting on opportunities for panel members to serve regularly, for example cancellation of hearings.

### 4 Notes on Panel Pal and rota preparation

#### 4.1 About the system:

- information about Panel Pal can be located at [www.panelpal.org.uk](http://www.panelpal.org.uk)
- Panel Pal was developed by Amor Group who maintain it and develop it according to the terms of the contract between Children's Hearings Scotland and Amor
- from 24 June 2013 responsibility for overseeing Panel Pal and its contents passed from Scottish Government to CHS
- CHS has established an ICT reference group which includes panel member schedulers, panel members and AST member representatives and AST clerks
- the system is accessed at various levels by panel members, clerks, SCRA, CHS and the training provider(s)

#### 4.2 What the system does:

The system fulfils two important functions:

- it holds the contact database for panel members
- it provides the framework and algorithm for rota production for children's hearings



- 4.3 The following information is held on the system to enable effective communication with panel members, the production of the rota and the panel member records relating to panel membership:
- contact information
  - leave of absence
  - training attended and completed
  - past and future planned hearings
  - panel practice observations
- 4.4 The system produces the three monthly rotas.
- 4.5 It records the availability of panel members – NB: panel members are asked to make themselves available for a minimum of eight sessions per month to allow Panel Pal to allocate them an average of two sessions per month
- 4.6 It produces draft and final versions of a rota.
- 4.7 It generates emails to panel members.
- 4.8 For schedulers, the pre-rota work includes:
- preparing a three-monthly diary in liaison with SCRA
  - checking parameters – e.g. two chairs per hearing, gender balance, interval between panels, no family members on same hearing
  - making unavailable those on leave of absences or who have recently resigned and are still on Panel Pal
  - ensuring panel members put in their availability
  - tidying up the database
- 4.9 For schedulers to run the rota:
- push the button to generate provisional rota from available information
  - repeat until best possible 'fit' is achieved
  - deal with violations e.g. gender, number of chairs, intervals
  - rebalance number of hearings per person
  - email rota to panel members and notify SCRA of finalised rota
- 4.10 The scheduler will also have responsibility for:
- managing cancelled and extra hearings
  - supporting swaps
  - re-allocating hearings in cases of emergencies, illness, resignation
  - supporting panel members with Panel Pal e.g. log-in, passwords
  - maintaining database information – supporting panel members to ensure change of addresses etc are recorded
  - recording leave of absences
  - aspects of inputting data, for example local training information, observations
  - finding standby panel members for bank holidays

**Panel membership and  
recommendations to  
the National Convener  
for reappointment to  
the Children’s Panel**







## 1 Period and terms of appointment

- 1.1 The National Convener initially appoints panel members for a period of three years. (See core policy 'Recruitment, selection and recommendation to the National Convener for appointment of panel members').
- 1.2 Appointment to the Children's Panel is a public appointment and all such appointments are made initially for one term only, so there is there is no guarantee that a further term of appointment will be offered.
- 1.3 However, under Schedule 2 of the Children's Hearings (Scotland) Act 2011 (the 2011 Act), 1 (3):  
  
'The National Convener must reappoint as a panel member a person whose appointment has ceased unless:
  - (a) the person declines to be reappointed, or
  - (b) the National Convener is satisfied that sub-paragraph (4) applies'
- 1.4. Sub paragraph (4) applies 'if the person is unfit to be a panel member by reasons of:
  - (a) inability
  - (b) conduct
  - (c) failure without reasonable excuse to comply with any training requirements imposed by the National Convener.'
- 1.5. So, when considering recommendations for reappointment for a further term, the Area Support Team (AST) should evaluate the panel member's period of appointment in relation to their practice, their conduct and their attendance at and commitment to training and practice development.
- 1.6 The national standards set out expectations of panel members' conduct and the required skills and behaviours which indicate effective panel membership.
- 1.7 Area and Depute Area Conveners should allocate panel practice advisors (PPAs) the task of completing the template for reappointment recommendation issued to ASTs by Children's Hearings Scotland (CHS). In assessing whether a panel member should be recommended for a further term of reappointment or not, the PPA will arrange to meet face to face with the panel member or conduct a telephone interview with them in addition to reviewing the panel member's record as outlined under section 2 of this policy.
- 1.8 The reappointment recommendation template relates to the responsibilities and skills and behaviours set out in the national standards, Standard 8, Annex 1. It is designed to assist PPAs to review the panel member's training record, panel practice observation history and any other information relating to the panel member's conduct and practice during their term of appointment which is necessary for the National Convener to make a decision regarding reappointment.



## 2 Process for reaching recommendation

2.1 In considering whether there is any reason why a panel member should not be recommended to the National Convener for reappointment, the PPA should consider:

### 2.1.1 (a) ability

#### *Availability and time commitment*

During the term of appointment, has the panel member:

- made themselves available to sit on hearings regularly enough to develop and maintain the necessary knowledge, skills and understanding to fulfil their role competently and with confidence
- been open and honest about their availability and sought support where there were any practical, personal or work issues affecting their availability
- been prepared to undertake further or repeat training or skills development activities where these are identified as necessary by the panel member themselves, by the AST, as an outcome of practice observation, or as a result of concerns or complaints

#### *Changes of circumstance and conflict of interest*

During the reappointment interview or discussions, the PPA or AST member undertaking the reappointment assessment should ensure that they sensitively explore any changes in circumstance that might affect ability to serve as a panel member in relation to:

- any emerging conflict of interest as a result of change in job role or personal circumstances (see sections 6.4 and 6.5 of the core policy Recruitment, selection and recommendation to the National Convener for appointment of panel members)
- any change of status or circumstance that affects the ability of the panel member to fulfil their role (for example change of health status which will have an unmanageable impact on rota availability or reliability)

#### *Preparation and during the hearing*

During the term of appointment, have practice observations indicated that the panel member has:

- practiced in line with the national standards and made good use of the procedural and practice guidance offered to them by the National Convener, CHS and training providers
- undertaken thorough pre-hearing preparation
- demonstrated respect to children, young people, families and others at all times
- encouraged effective participation by the child or young person and relevant others
- ensured that their practice in the hearing is fair and that they understand and uphold the rights of the child or young person and relevant others
- made clear, well founded decisions in the best interests of the child or young person and communicated these both orally and in writing
- ensured that the reasons for and the decisions themselves are clearly recorded in line with procedural guidance



### 2.1.2 (b) conduct

During the term of appointment, has the panel member:

- conducted themselves in line with the national standards and in particular the CHS vision, mission and values
- been the subject of a complaint against them in relation to conduct which was upheld – and if so how have they responded to any training/practice redirection or additional supports offered in relation to their practice

### 2.1.3 (c) training requirements imposed by the National Convener

During the term of appointment, has the panel member shown commitment to:

- actively engaging with an individual learning and practice development plan, including keeping a simple learning record
- completing all the stages of pre-service and in-service training required of them in line with the national curriculum, including attendance at mandatory training sessions
- ongoing practice development, through attending information, training and skills development sessions at least twice each year throughout their time as a panel member
- actively participating in ongoing practice development and review
- being observed by a panel practice advisor in hearings at least twice each year as a key part of the practice development and review process
- completing self-assessments where appropriate and taking on board feedback from panel practice observations

2.1.4 Panel members should not be recommended for a further term of appointment without close and specific consideration. A recommendation against a further term of appointment should never come as a surprise to a panel member – relevant concerns should have been highlighted through the monitoring/continual assessment process.

2.1.5 In cases where the AST recommends against a further term of appointment, the reason(s) behind the recommendation not to reappoint should be communicated to the National Convener. This should be done by the completion of the template and detail under the relevant section(s) (a) and/or (b) and/or (c) in relation to the area(s) where the panel member has not met the standards relating to ability, conduct or training as above. The National Convener will treat this information in the strictest confidence. It is best practice for the AST to share with the panel member its reason(s) for not recommending reappointment. Panel members have a right to seek access to all records relating to them and so AST members should think carefully about how the reasons for not recommending are recorded. Relevant documentation should be attached where appropriate, for example observation and feedback records.





### 3 Reappointment period

- 3.1 In line with the clear will of the Scottish Parliament, relevant provisions in the 2011 Act provide for panel members to be reappointed for three years. This is in contrast to the previous provisions under the Children (Scotland) Act 1995, where one year appointments were available in exceptional circumstances where panel members had failed to participate in required training or meet the requirements set out in the competency framework.
- 3.2 Therefore, AST members completing assessments should advise the panel member about the criteria for reappointment so that panel members are aware of the conditions relating to panel membership.

### 4 Procedure for submitting recommendations for reappointment to CHS

- 4.1 ASTs should provide recommendation information to CHS in a consistent format, through using the template for recommendations for reappointment to the Children's Panel. This template can be accessed via the CHS portal.
- 4.2 The process of reappointment allows for reflection on panel membership and is also a time to ensure that panel members' details are up to date. ASTs should ensure that the names and contact details of the members recommended for reappointment are accurate before these are forwarded to CHS.
- 4.3 The AST should also apply for a Protecting Vulnerable Groups (PVG) Scheme member update for each panel member on reappointment. The relevant PVG information should be forwarded to CHS with the recommendation. To facilitate this process, CHS will issue a template with its commissioning email requesting recommendations.
- 4.4 While the final decision on a further term of appointment rests with the National Convener, it would be unusual for an AST recommendation for non-reappointment to be reversed. Panel members should, therefore, be informed of the AST's recommendations once the AST has agreed it for submission to the National Convener.
- 4.5 There is no appeal against the National Convener's decision. CHS will direct any concerns raised by a panel member about a recommendation to the relevant AST, since they have detailed knowledge of the panel member's performance and personal contribution and will be aware of what has been said to the panel member.
- 4.6 The National Convener will confirm the reappointment in writing directly to the panel member and thank those who are not being reappointed for their contribution.

# Resignations, moving area and removal from the Children's Panel







## 1. Period and terms of appointment

- 1.1 The National Convener initially appoints panel members for a period of three years. (See core policy 'Recruitment, selection and recommendation to the National Convener for appointment of panel members').
- 1.2 Appointment to the Children's Panel is a public appointment and all such appointments are made initially for one term only.
- 1.3 Appointment is to the national Children's Panel, but as the Children's Hearings (Scotland) Act 2011 (the 2011 Act) requires that wherever practicable, panel members serve in the local authority area in which they live or work and sit on hearings in the area which is the relevant local authority area for the child before them. Therefore, when appointed, panel members will be allocated to the Area Support Team (AST) area which has selected and recommended them to the National Convener.
- 1.4 Under Schedule 2 of the 2011 Act, 1 (3):  
'The National Convener must reappoint as a panel member a person whose appointment has ceased unless:
  - (a) the person declines to be reappointed, or
  - (b) the National Convener is satisfied that sub-paragraph (4) applies'
- 1.5 Sub paragraph (4) applies 'if the person is unfit to be a panel member by reasons of:
  - (a) inability
  - (b) conduct
  - (c) failure without reasonable excuse to comply with any training requirements imposed by the National Convener.'

## 2. Resignations

- 2.1 The letter of appointment makes clear that panel members should resign by writing to the National Convener, sending their resignation letter via the AST in the event of the panel member:
  - being unable to carry out a reasonable share of hearings duties assigned to them – unless a temporary Leave of Absence has been agreed, the amount of hearings that a panel member will be expected to service per month will vary depending on the area involved and should have been made clear to the panel member at recruitment and selection stage (see Standard 8, Annex 1 and Recruitment policies)
  - being unable to attend mandatory training
  - being incapacitated through prolonged illness – unless a temporary Leave of Absence has been agreed



## 1. Period and terms of appointment

- 1.1 The National Convener initially appoints Panel Members for a period of three years. (See core policy 'Recruitment, selection and recommendation to the National Convener for appointment of Panel Members').
- 1.2 Appointment to the Children's Panel is a public appointment and all such appointments are made initially for one term only, with the option to be re-appointed.
- 1.3 Appointment is to the national Children's Panel, but as the Children's Hearings (Scotland) Act 2011 (the 2011 Act) requires that wherever practicable, Panel Members serve in the local authority area in which they live or work and sit on hearings in the area which is the relevant local authority area for the child before them. Therefore, when appointed, Panel Members will be allocated to the Area Support Team (AST) area which has selected and recommended them to the National Convener.
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  - (a) inability
  - (b) conduct
  - (c) failure without reasonable excuse to comply with any training requirements imposed by the National Convener.'

## 2. Resignations

- 2.1 Panel Members, as volunteers, may end their service at any point during their three-year term for a number of reasons.
- 2.2 Where resignation is being considered by a Panel Member there are various avenues open to them before they make a final decision to end their service. This includes the option to review their role with a member of the AST. An alternative to taking the step of resigning, is to request a Leave of Absence from the Panel Member role. Such a request may be authorised by the Area Convener. A Panel Member's concerns about remaining in the role may also be resolved through additional support, training and adjustments to the rota.



## Resignation procedure

The Area or Depute Convener should arrange for a panel representative to meet with a Panel Member, or undertake early discussion with them as to whether they can continue to serve, where a Panel Member brings to the attention of the AST, or the AST becomes aware that a Panel Member is:

- engaging in conduct or activities that might damage the reputation of the Children's Panel
- no longer living or working in the local authority area – unless the Panel Member has indicated that they wish to continue serving in another AST area for the remainder of his or her current term (see section 3 of this policy)
- fails to make themselves available for hearings (out with an agreed Leave of absence)
- fails to chair hearings following training without good reason
- fails to attend training
- fails to answer correspondence
- takes up employment or has a change of circumstance that leads to a conflict of interest
- fails to attend meetings organised to discuss concerns

2.3 In such circumstances the Panel Member should be reminded of the national standards and be given the opportunity to address the concerns or issues. Further guidance can be found in 'Panel Membership and recommendations to the National Convener for reappointment to the Children's Panel' and the 'Monitoring of panel practice and panel practice observation'.

2.4 Where further investigation of the issues, leading to concern about Panel Membership, cannot be resolved through additional support, training and adjustments to the rota (for example medium term illness or health condition managed through an agreed reduced availability on the rota), then the issues should be referred to the lead panel representative to consider whether the Panel Member should be removed from the rota (see Section 4 of this policy).

2.5 Some of the factors why Panel Members may consider resignation, for example, are being unable to:

- carry out a reasonable share of hearings duties assigned to them – unless a temporary Leave of Absence has been agreed, the amount of hearings that a Panel Member will be expected to service per month will vary depending on the area involved and should have been made clear to the Panel Member at recruitment and selection stage (see Standard 8, Annex 1 and Recruitment policies)
- attend mandatory training



- being incapacitated through prolonged illness – unless a temporary Leave of Absence has been agreed

- 2.6 Where a Panel Member decides to resign from the Children's Panel, they must inform a member of the AST or the clerk immediately of their decision.
- 2.7 At the time of resignation, the Panel Member should indicate if they are ending their service with immediate effect or if their service will end at a specified date (for example if they are moving away from Scotland in three months' time).

An AST member will arrange for the Panel Member to be removed from the rota and will update the digital records as soon as is practical after the Panel Member's service has ended. This will allow the Panel Member's record to be dealt with in line with the Data Protection Act and CHS policies and will ensure that former Panel Members do not receive information relating to Panel Membership which is no longer relevant or applicable to them.

- 2.8 Once a Panel Member has informed a member of the AST or the clerk of their decision to resign, this decision is to be treated as final - there is no opportunity to rescind a resignation.
- 2.9 The AST should inform the National Convener of the Panel Member's resignation as soon as is practical.
- 2.10 CHS is committed to ensuring that people are well supported throughout their Panel Membership. Therefore, CHS will ensure that a template for undertaking a face to face or telephone exit interview with leavers is available to the AST.
- 2.11 By completing a standard template, resigning Panel Members will have an opportunity to tell their AST and CHS about their Panel Membership experience. This feedback will inform CHS when developing policies and practice in relation to Panel Member retention.
- 2.12 It is good practice for ASTs to ensure that every leaving Panel Member is offered this opportunity if they wish to take it.

### **Returning to the role following resignation**

- 2.13 When a Panel Member who has resigned would like to return to the role at some stage in the future, they must re-apply through the CHS Panel Member open Recruitment process.
- 2.14 In the event that they are selected to become a Panel Member once more, prior learning and experience may be taken into account. However, to re-join the CHS Community as a Panel Member, individuals would follow the usual pathway of application, recruitment, selection and Pre-Service Training before any outcome of appointment, as designated by the National Convener.



### 3 Panel Members moving between areas

- 3.1 Panel Members are appointed to serve on the national Children's Panel within a named area (see Section 1.3).
- 3.2 However, if they meet the conditions set out in section 1.3, i.e. they are moving to live or work within another local authority and/or AST area, where they wish to continue to serve, then they may do so without the requirement to retake any form of selection exercise or pre- service training, as they have been appointed to the national Children's Panel.
- 3.3 When a Panel Member moves residence and/or employment away from the local authority area in which they are appointed and will no longer have regular contact with the area, they should tender a letter of intention to cease service in that area to the AST, using the CHS supplied template available from the CHS portal or from the clerk to the AST.
- 3.4 Where the Panel Member wishes to apply to service the hearings in another AST area, they should complete the template described at 3.3 above, which indicates their intention to move service area. They should also contact the Area or Depute Area Convener for the AST area in which they intend to serve. Wherever possible, the Panel Member should give sufficient notice to both ASTs (i.e. the one from which the Panel Member is departing and the one to which the Panel Member is moving), to allow time to make the necessary arrangements.
- 3.5 Where the Panel Member is moving into a neighbouring authority and the original local authority supports that Panel Member in servicing the hearings in its area, and is willing to meet any increasing costs and support, he or she may be allowed to continue for at least the term of the current appointment. This flexibility recognises that a Panel Member who has served in the area for some time will have established links with the community and be familiar with the area and the resources available.
- 3.6 The criteria of living or working within the local authority area should not therefore be such an issue. However, where there is a declining knowledge of the area due to lack of regular contact, the AST may wish to review any such arrangement.
- 3.7 Where the receiving AST area to which the Panel Member is moving does not have sufficient space on the hearings rota, or has not had sufficient notice of the Panel Member's intentions to move, the AST should give an indication to the Panel Member of when it may be possible for the Panel Member to serve on the rota for that area.





## 4 Removal from Panel Membership

- 4.1 The National Convener has the power to remove a Panel Member from membership at any time, but can only do so with the consent of the Lord President of the Court of Session. Where concerns arise that may merit removal of a Panel Member, CHS should be notified as soon as possible.
- 4.2 There will be certain circumstances (see 2.1 and 2.6) where a person's capacity to meet the required conditions, behaviours or standards set for Panel Membership is compromised.
- 4.3 These may come to light through one of several routes:
- a change in the Panel Member's circumstances
  - the consequence of a Panel Member's conduct (for example committing a criminal offence which makes them ineligible for service)
  - the outcome of an investigation complaint process
- 4.4 • the outcome following practice issues identified by a panel practice advisor (PPA) The AST should ensure that it has implemented all relevant stages of the core policies for Panel Member supervision and support, and has considered all safe options in relation to offering the Panel Member opportunities for leave of absence, retraining, reduced rota commitment etc depending on the individual circumstances.
- 4.5 The decision to remove rests only with the National Convener and it is the Lord President who ultimately gives consent for the removal of a person from Panel Membership. Therefore Area and Depute Area Conveners should ensure that they have a close overview of any Panel Member subject to additional support or supervision measures or the subject of a live complaint. This is because all the steps outlined in this section must be completed before referring any case for the removal of a Panel Member for the consideration of the National Convener.



## 5 Procedure for reaching recommendation for removal

5.1 In considering whether there is reason why a Panel Member should be recommended to the National Convener for removal, the Area or Depute Area Convener should consider:

### 5.1.1 Ability

#### *Availability and time commitment*

During the term of appointment, has the Panel Member:

- not made themselves available to sit on hearings regularly enough to develop and maintain the necessary knowledge, skills and understanding to fulfil their role competently and with confidence
- been dishonest about their availability and/or failed to seek support where there were any practical, personal or work issues affecting their availability
- refused to undertake or failed to complete further or repeat training or skills development activities where these were identified as necessary by the Panel Member themselves, by the AST, as an outcome of practice observation, or as a result of concerns or complaints

#### *Changes of circumstance and conflict of interest*

Is the Panel Member's ability to serve compromised as a result of:

- emerging conflict of interest as a result of change in job role or personal circumstances (see sections 6.4 and 6.5 of the core policy Recruitment, selection and recommendation to the National Convener for appointment of Panel Members)
- any change of status or circumstance that affects the ability of the panel member to fulfil their role (for example change of health status which will have an unmanageable impact on rota availability or reliability)

#### *Preparation and during the hearing*

During the term of appointment, have practice observations indicated that the Panel Member has:

- failed to practice in line with the national standards and not made good use of the procedural and practice guidance offered to them by the National Convener, CHS and training provider(s)
- failed to undertake thorough pre-hearing preparation
- demonstrated disrespect to children, young people, families and/or others repeatedly or to a completely unacceptable extent
- failed to encourage effective participation by the child or young person and relevant others



- failed to achieve fair practice in hearings and/or appears unable to understand and/ or uphold the rights of the child or young person and relevant others

### **5.1.2 Conduct**

During the term of appointment, has the Panel Member:

- committed an offence which makes them ineligible for Panel Membership
- conducted themselves in a manner which significantly breaches the national standards and in particular the CHS vision, mission and values
- been the subject of a complaint against them in relation to poor or unacceptable conduct which was upheld, and was unable or unwilling to achieve necessary improvements in practice through any training/practice redirection or additional supports offered

### **5.1.3 Training requirements imposed by the National Convener**

During the term of appointment, has the Panel Member shown a lack of commitment and unwillingness to:

- actively engage with an individual learning and practice development plan
- complete in-service training required of them in line with the national curriculum, including attendance at mandatory training sessions
- ongoing practice development, through not attending information, training and skills development sessions
- take part in reflection and the observation and feedback process

5.1.4 Panel Members should not be recommended for removal without close and specific consideration. A recommendation for removal should never come as a surprise to a Panel Member. Relevant concerns should have been highlighted through the monitoring and continual assessment process or the complaints process where this is applicable.

5.1.5 In cases where the AST recommends the case for removal, the reason(s) behind the recommendation should be communicated to the National Convener by the completion of the template and detail under the relevant section(s) (a) and/or (b) and/ or (c) in relation to the area(s) where the Panel Member has not met the standards relating to ability, conduct or training and should not continue in Panel Membership.



- 5.1.6 Where considerations are being made to recommend removal and the Panel Member has failed to make themselves available for hearings, failed to attend in-service training or failed to answer correspondence and refused to resign, and/or where the concerns about the Panel Member are such that it may be unsafe for them to serve on hearings, the investigating PPA or the relevant panel representative should recommend to the lead panel representative that they are removed from the hearings rota.
- 5.1.7 The decision to remove a Panel Member from the rota rests with the lead panel representative. When a Panel Member is removed from the rota for these reasons, CHS should be notified. The AST will wish to consider whether the circumstances merit a case being put forward to the National Convener for the removal of the Panel Member from office, before the expiry of this term of appointment.
- 5.1.8 The National Convener will treat this information in the strictest confidence. It is best practice for the AST to share with the Panel Member its reason(s) for recommending removal. Panel Members have a right to seek access to all records relating to them (except in very specific circumstances) and so Area Conveners should think carefully about how the reasons for recommending removal are recorded and should attach relevant documentation where appropriate, for example observation and feedback records.
- 5.2 Where there are concerns that support the removal of a Panel Member during their term of appointment, as outlined, the National Convener requires full details of the case, information on contacts with the Panel Member and the reason for seeking the removal of the Panel Member (as outlined at 5.1).
- 5.3 After offering the individual an opportunity to comment on the case presented, CHS will contact the AST to allow them an opportunity to reconsider their recommendation in the light of any comments received if appropriate.
- 5.4 The National Convener will then consider all the facts. If they support the case for removal the National Convener will seek the Lord President's consent. The individual concerned, the AST and clerk to the AST will be notified of the outcome once known.



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