

# 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 Personal details		
Title	First name  Middle name(s)	Surname
<input type="checkbox"/> Male <input type="checkbox"/> Female (Please tick)	Date of birth  ...../...../..... (dd/mm/yyyy)	
Home address (including postcode)  House number/name:  Street:  Town/City:  Postcode:	Contact details 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.  <input type="checkbox"/> Home Tel. Number: ..... <input type="checkbox"/> Business or Work Tel. Number:..... <input type="checkbox"/> Mobile Tel. Number: ..... <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:

Name of most recent or current employer and full work address including postcode (if currently employed or retired from employment).

Previous occupation details:

**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>  Email address: 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"/> Transexual	<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> .....

### 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

