

CHS Board Meeting

Tue 23 March 2021, 13:00 - 15:00

Teams

Agenda

13:00 - 13:00 **1. Agenda & Declarations of interests**

0 min

Verbal *Garry Coutts*

To consider any declarations of interests with regard to agenda items

 1 Board Public Agenda.pdf (2 pages)

13:00 - 13:00 **2. Minutes of previous meeting**

0 min

Paper *Garry Coutts*

To approve the minutes of the previous meeting on 26th of Jan 2021

 2 CHS-2021-62 Minutes of Jan 26 Meeting.pdf (11 pages)

13:00 - 13:00 **3. Matters arising**

0 min

Verbal *Garry Coutts*

Seek assurance that actions from the previous meeting have been progressed

13:00 - 13:00 **4. Action log**

0 min

Paper *Garry Coutts*

To monitor progress against actions due and agree action where required

 4 CHS-2021-63 Action Log.pdf (2 pages)

13:00 - 13:00 **5. Chair update**

0 min

Verbal *Garry Coutts*

For information and discussion

13:00 - 13:00 **6. National Convener/ CEO update**

0 min

Paper *Elliot Jackson*

For consideration and discussion

 6 CHS-2021-64 NC update March Board.pdf (5 pages)

13:00 - 13:00 **7. CHS Business and Corporate Parenting Plan 2021/22**

0 min

Paper *Lynne Harrison*

The Board are requested to approve the 2021/22 Business Plan

 7a CHS-2021-65 Business Plan Cover Note.pdf (1 pages)

 7b CHS-2021-65 CHS Business Plan 2021-22.pdf (24 pages)

13:00 - 13:00 **8. CHS Recovery Planning**

0 min

Paper *Carol Wassell*

For consideration and approval

 8a CHS-2021-66 Resilience Report Board March 2021.pdf (7 pages)

 8b CHS-2021-66 Annex A Results From Deferrals Survey March 2021.pdf (9 pages)

13:00 - 13:00 **9. 2020/21 Financial Forecast Outturn**

0 min

Paper *Ed Morrison*

For consideration and approval

 9 CHS-2021-67 Forecast Outturn for Board - DRAFT.pdf (5 pages)

13:00 - 13:00 **10. 2021/22 Budget Approval**

0 min

Paper *Ed Morrison*

For consideration and approval


 10 CHS-2021-68 2122 Budget Report for Board v2 - DRAFT.pdf (5 pages)


13:00 - 13:00 **11. Q4 Performance Report**

0 min

Paper *Lynne Harrison*

The Board are asked to note the Q4 performance report and approve, or amend, the proposed 'RAG' framework.

 11a CHS-2021-69 Cover Paper - Q4 Performance Update.pdf (1 pages)

 11b CHS-2021-69 Q4 Performance Report - for Board.pdf (18 pages)

13:00 - 13:00 **12. CHS UNCRC Progressing Rights Reports**

0 min

Paper

Enclosed with this paper are two reports: the main CHS UNCRC Progressing Rights Report and a shorter, easy-read summary report.

The Board are asked to approve both the CHS UNCRC Progressing Rights Report and the content of the accompanying easy-read, summary version.

 12a CHS-2021-70 Cover note Final Draft UNCRC Progressing Rights Report.pdf (2 pages)

 12b CHS-2021-70 UNCRC Report V1.2, Board Mar21.pdf (65 pages)

 12c CHS-2021-70 UNCRC - Easy-read, summary report v1 Board March21.pdf (24 pages)

13:00 - 13:00 **13. Audit & Risk Management Committee**

0 min

Papers & Verbal *Henry Robson*

Review of the work of the Audit & Risk Management Committee

For consideration and approval

13.1. ARMC Workplan 2021

Paper Henry Robson


For consideration and approval

 13.1 CHS-2021-71 ARMC Work plan 2021.pdf (4 pages)

13.2. 2. ARMC Terms of Reference

Paper Henry Robson


For consideration and approval

 13.2 CHS-2021-72 ARMC Terms of Reference 2021.pdf (6 pages)

13.3. Review of CHS Accounting Polices

Paper Henry Robson

For consideration and approval

 13.3 CHS-2021-73 CHS Accounting Policies 2020-21.pdf (5 pages)

13.4. Review of Financial regulations

Verbal Henry Robson

For consideration and approval

13.5. Resilience and Effectiveness IA report

Verbal Henry Robson

For consideration and approval

13.6. Update on IA tender update

Verbal Henry Robson

For consideration and approval

13.7. ARMC Appointments

Verbal Henry Robson

For consideration and approval

13:00 - 13:00
0 min

14. Remuneration & Appointment Committee

Papers Jo Derrick

Review of the work of the Remuneration & Appointment Committee

14.1. RAC Annual Work Plan

Paper Jo Derrick

For consideration and approval

 14.1 CHS-2021-74 RAC Workplan 2021.pdf (2 pages)

14.2. RAC Terms of Reference

Paper Jo Derrick

For consideration and approval

 14.2 CHS-2021-75 RAC Terms of Reference - 2021 (reviewed March 2021).pdf (6 pages)

13:00 - 13:00 **15. Digital Delivery Oversight Committee Update**

0 min

Verbal *Henry Robson*


For consideration and discussion

13:00 - 13:00 **16. Feedback Loop**

0 min

Paper *Elliot Jackson*

For consideration and approval


 16 CHS-2021-76 Feedback Loop - Board Paper Mar 2021.pdf (18 pages)

13:00 - 13:00 **17. Equalities Outcome Reporting**

0 min

Paper *Christine Mullen*

The Board are asked to approve the draft report for publication in April 2021

 17a CHS-2021-77 Equality Outcome cover paper 2020-2021_progress_report.pdf (1 pages)

 17b CHS-2021-77 Equality Outcomes 2020 - 2022 Mid term - PROGRESS REPORT.pdf (52 pages)



BOARD MEETING

AGENDA

6th Meeting 2020/21

23rd March 2021

The Board will meet at 1.00 pm, virtually via Teams

Item	Topic	Lead Person	Paper Number	Purpose
1	Declarations of interests	Chair	Verbal	To consider any declarations of interests with regard to agenda items
2	Minutes of previous meeting	Chair	CHS-2021-62	To approve the minutes of the previous meeting on 26 th of Jan 2021
3	Matters arising	Chair	Verbal	Seek assurance that actions from the previous meeting have been progressed
4	Action log	Chair	CHS-2021-63	To monitor progress against actions due and agree action where required
5	Chair update	Chair	Verbal	For information and discussion
6	National Convener/ CEO update	EJ	CHS-2021-64	For consideration and discussion
7	CHS Business and Corporate Parenting Plan 2021/22	LH	CHS-2021-65	For consideration and approval
8	CHS Recovery Planning	CW	CHS-2021-66	For consideration and approval
9	2020/21 Financial Forecast Outturn	EM	CHS-2021-67	For consideration and approval
10	2021/22 Budget Approval	EM	CHS-2021-68	For consideration and approval
11	Q4 Performance Report	LH	CHS-2021-69	For consideration and assurance
12	UNCRC Report	LH	CHS2021-70	For consideration and approval
13	ARMC:			
	1. ARMC Annual Work Plan	HR	CHS-2021-71	For consideration and approval
	2. ARMC Terms of Reference	HR	CHS-2021-72	For consideration and approval
	3. Accounting policies	HR	CHS-2021-73	For consideration and approval
	4. Financial regulations	HR	Verbal	For consideration and approval

	5. Resilience and Effectiveness IA report 6. Update on IA tender update 7. ARMC Appointments	HR HR HR	Verbal Verbal Verbal	For consideration and approval For consideration and approval For consideration and approval
14	RAC: 1. RAC Annual Work Plan 2. RAC Terms of Reference	JD JD	CHS-2021-74 CHS-2021-75	For consideration and approval For consideration and approval
15	Digital Delivery Oversight Committee Update	HR	Verbal	For consideration and discussion
16	Feedback Loop	EJ	CHS-2021-76	For consideration and approval
17	Equalities Outcome Reporting	CM	CHS-2021-77	For consideration and approval

Next meeting date: 22nd June 2021

Next Meeting Key Topics:

1. Financial Forecast Outturn
2. Capital spending Plan 21/22
3. Q1 Performance Report
4. ARMC Annual Report
5. Recruitment update
6. Board Review of own effectiveness

Minutes of the Board meeting of 26th January 2021

The meeting started at 13:00 via Teams

Present:

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

Also present:

Elliot Jackson (EJ)	National Convener/Chief Executive (NC/CEO), CHS
Lynne Harrison (LH)	Head of Strategy/development & Depute Chief Executive (DCEO), CHS
Carol Wassell (CW)	Head of Area Support & Community Improvement, CHS
Christine Mullen (CM)	Head of Practice and Learning, CHS
Ed Morrison (EM)	Director of Finance, CHS
Iain Fitheridge	Head of Children's Hearings Team
Rachel Kavish Wheatley (RW) (minute taker), CHS	

Apologies:

Susan Deery, Head of Human Resources, Scottish Children's Reporter Administration
 Julie Duncan, Policy Manager, Director-General Education, Communities And Justice

Items		Actions / owner	Time-scales
1	Declaration of interests		
None		N/A	N/A
The Chair welcomed everyone to the meeting		N/A	N/A
2	Minutes of previous meeting		
The Board agreed to approve the minutes of its meeting on 24th November 2020		N/A	N/A
3	Matters arising		
LH updated the Board that the Code of Conduct and Complaints policy role out due in January has been paused due to the ongoing impact of Covid restrictions on capacity.		N/A	N/A

4	Action log	<p>The Chair confirmed that all items were on the Agenda for discussion</p> <p>The Chair noted the following actions from the log which required attention:</p> <ul style="list-style-type: none"> Point 15 – We have written to OHOV who have acknowledged receipt and will respond in due course. Point 14 – SG currently looking to extend Emergency Legislation from March 2021 to September 2021. Legislation can only be extended three times and this will be the 2nd extension. CHS have expressed the need to keep current legislation which allows for hearings to go ahead with two panel members and no gender split in order to aid recovery. There is a need to have a continued view of this beyond September. Point 7 – The Board asked for an update regarding children and families online security. LH reported that the choice of virtual hearings tool, Vscene, was governed by online security provisions, the responsibility for which sits with SCRA. SG are producing guidance with regards to digital inclusion papers which will include guidance around this. 		
5	Chair update	<p>The Chair updated the Board;</p> <ul style="list-style-type: none"> There have been a number of Informal meetings and connections with multi agency partners including the Promise and Sponsor teams. These have been positive and we have provided assurances on our desire to work closely going forward. EJ has kept the Board well informed of current CHS activities. The Chair attended the weekly huddle last week. The Chair noted that Covid was impacting on the ability of the Board to engage with the AST and Panel community, normally attending local events and meetings, but encouraged the Board to take opportunities to do so where possible. <p>Board decision: To Note the update from the Chair</p>		
6	National Convener/Chief Executive update	<p>The CEO spoke to the paper shared;</p> <p>Panel Member Recruitment Campaign The recruitment campaign has been open for 11 days. Initial results are positive. The NC would like to thank the Board, public sector partners, and third sector organisations who tweeted and helped to promote the launch of the campaign.</p>		

	<p>Staff & Volunteer Wellbeing and Engagement</p> <ul style="list-style-type: none"> • The Staff team remain in good spirits helped by an internal step challenge everyone is taking part in. Pace of work has been significant and this is being reviewed to ensure the continued wellbeing of the team. • Lockdown and increased restrictions gave 2021 a difficult start. Signs of fatigue are showing in the volunteer community which is being highlighted in our weekly call with Area Conveners (AC)'s on Wednesdays and exemplified by a resignation and AC's asking for consideration of a 'fire break' in the next 2-3 weeks to offer them a pause. SMT are working to support ACs and their teams. • We have mobilised the National Team to support AC's. To support staff and the volunteer community, We have agreed to only launch urgent and important work putting everything else on hold, such as the launch of the Code of Conduct. The pandemic has shone a light on the challenges of maintaining a statutory provision through a volunteer model, to which there is no easy or quick solution. <p>Board discussion: The Board asked if there has been uptake on training courses from Young People involved in recruitment. CM updated that there has been initial uptake on the training courses which have been modified and tailored to the needs and interests of young people while still allowing them to train alongside the AST's they will be recruiting with.</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. To note the NC/CEO update 2. To endorse the review of urgent and important priorities and delay the launch of the Code of Conduct to the community 		
7	Recovery and Resilience		
	<p>CW spoke to the paper shared;</p> <p>Impact on Panel Community</p> <ul style="list-style-type: none"> • 1700 Panel Members (PM) are participating in hearings currently. Area Support Teams (AST) and Area Support and Improvement Partners (ASIP)'s have put a huge amount of work in to support PM's. Sensitive conversations have been had with those who have been unable to engage and, where possible, timelines have been set around re-engagement. • Acknowledgment should go to Area Convener's who have been putting in an immense amount of work. SMT and ASIP's continue to support AC's through weekly meetings and engagement which is paying dividends in helping AC's to feel supported. In addition, two AC's have been invited to the weekly national team resilience meetings to ensure 360 degree involvement. 		

	<p>Impact and outcomes for Children and Young People</p> <ul style="list-style-type: none"> • Due to increased Covid restrictions, Hearings which were meant to be Face to Face have been moved to virtual in all areas except for one local authority. Face to Face attendance for families and children will remain possible where their participation would otherwise be compromised. • A paper has been submitted to the EMT at SCRA for discussion with SMT setting out the arguments for increased research data on the impacts of drift and delay on CYP. • Two surveys have been launched within our community to provide data to better understand the current impacts on CYP: <ul style="list-style-type: none"> - Post hearing survey filled in by Chairs detailing reason for use of emergency legislation (if applicable). - Post hearing survey filled in by Chairs detailing reason for hearing deferrals (if applicable). <p>Board discussion:</p> <p>The Board expressed concerns over the possibility of data breaches with the increase in virtual hearings and the use of mixed platforms. The online cloud services CHS uses are secure however there is a concern around and the process to enable return of physical Panel Papers to SCRA. CW confirmed there is a solution in train to address this. The Board asked about the status of SCRA staff teams wellbeing and resilience . It was acknowledged that it has been a tough few months for everyone, with Digital launch, virtual hearings, and working remotely.</p> <p>The Board discussed national plans around outcomes for Children and Young People. There is work ongoing with SCRA (as noted above) to gather and interrogate data. In addition, CHS are part of the Children’s Hearing Covid Recovery Group (the new name for the Scottish Government (SG) Covid recovery group meetings). Through this group CHS remain alert to information and resources shared between other agencies. There is follow-up work planned by CELSIS on their initial consultation regarding the hearing system.</p> <p>Papers will also be coming out from SCRA Head of Research on the impact of Covid.</p> <p>Board decisions:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the Report 2. The Board asked for more information regarding SCRA planned research for 21/22 	EH	Feb 21
8	2020/21 Financial Forecast Outturn		

	<p>EM spoke to the paper shared;</p> <p>EM highlighted the following points from the 2020/21 Financial Forecast Outturn</p> <ul style="list-style-type: none"> • The additional £500k In year resource will all be drawn as capital this year • Total allocation for capital is now is over 600k in 2021. • Underspend is mostly due to impacts of Covid, including 10 months of volunteer costs, venue hire, and savings on travel expenses. • Forecast in staffing costs include 150k payment to Lothian Pension Fund to reduce CHS pension deficit. • SMT have interrogated budget lines with greatest variance between YTD and forecast outturn to ensure forecasts remain accurate. • There is confidence and assurance that digital work around hearings will be brought in budget. • The underspends forecast are £153k on revenue and £11k on capital. <p>The Board were asked to note the options presented for the 153k underspend:</p> <ol style="list-style-type: none"> 1. up to £50k more could be put towards addressing CHS’s pension deficit; 2. further revenue spend projects to allow responses to changing Covid landscape; 3. Sponsor Team may agree to a modest reserve to ease 2021/22 pressures; 4. the underspend is returned to SG; 5. a combination of all four of the above. <p>To allow for greatest flexibility, it is advised to keep all options open for as long as possible.</p> <p>Board discussion</p> <p>The Board noted the underspend options and asked where funding to deliver on the Promise sat. The Promise team have advised CHS that impact from delivery of the Promise is likely to be later than originally anticipated. Focus for next year’s budget is recovery as well as forward planning, readiness for Promise delivery and enabling agile budgets for project deliveries.</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the Report 2. The Board agreed to keep options for underspend open as long as possible 		
9	CHS Pension Business Case		
	<p>EM spoke to the business case shared;</p> <p>Due to the time sensitivities around the proposal, the Board have reviewed and approved the Business Case ahead of the Board meeting. CHS will make a one-off payment to Lothian Pension Fund (LPF) of no less than £150,000 before 31 January 2021 in order to facilitate readmission to the Fund’s Contribution Stability Mechanism (CSM) and secure sustainable affordable employer contribution rates for 2021/22 to 2023/24.</p>		

<ul style="list-style-type: none"> • SG have submitted a letter to actuaries to support CHS' re-admission. We expect readmission to the CSM will be noted as part of an Actuarial Valuation Report to Pensions Committee on 17 March. • Indications from LPF that actuaries are content with our proposed contribution rates of 24.0% in 2021/22, 24.5% in 2022/23 and 25.0% in 2023/24. • Investigations into the pension arrears indicate CHS' active members and deferred member have increased substantially since last valuation in 2017, as detailed below. <table border="1" data-bbox="175 566 1129 943"> <thead> <tr> <th></th> <th>2014</th> <th>2017</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>Active members</td> <td>14</td> <td>21</td> <td>33</td> </tr> <tr> <td>Deferred members</td> <td>2</td> <td>7</td> <td>17</td> </tr> <tr> <td>Pensioners</td> <td>0</td> <td>0</td> <td>3</td> </tr> <tr> <td>Total</td> <td>16</td> <td>28</td> <td>53</td> </tr> <tr> <td>Funding level</td> <td>98%</td> <td>68%</td> <td>81%</td> </tr> <tr> <td>Surplus/(deficit)</td> <td>-£8,000</td> <td>£722,000</td> <td>£660,000</td> </tr> </tbody> </table> <p>Board discussion The Board discussed a requirement for there to be better lines of communication developed between CHS and LPF. Particular attention was drawn to the short notification period of removal from the CSM offered by LPF. The Board asked for assurance from LPF that any future changes will come with more advanced notice.</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board formally agreed to approve the recommendations within the report; to re-join the CSM; to contribute not less than £150k to the pension fund deficit 2. The Board thanked its members for responses ahead of Board meeting, and to Julie Duncan and Ross McKenzie for their contribution to resolving this issue 3. DoF will discuss putting in an 'early warning' response from LPF to avoid any future discrepancies 4. ARMC will review the draft Valuation Report at their meeting in February 		2014	2017	2020	Active members	14	21	33	Deferred members	2	7	17	Pensioners	0	0	3	Total	16	28	53	Funding level	98%	68%	81%	Surplus/(deficit)	-£8,000	£722,000	£660,000	<p>EH</p> <p>HR</p>	<p>Feb 21</p> <p>Feb 21</p>
	2014	2017	2020																											
Active members	14	21	33																											
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<p>10</p>	<p>CHS 2021-22 Draft Budget</p>																													
<p>EM spoke to the Report shared;</p> <ul style="list-style-type: none"> • The allocations for 21/22 will be published this week in SPICE. We expect to see a revenue allocation of 4.629m. We have been assured the 500k in year will be added next year as well but won't appear formally in the CHS line. We will continue to press SG to formally include this in consolidated budget in future. 																														

<ul style="list-style-type: none"> • We anticipate that CHS' capital requirements for 2021/22 will be met. • No specific SG digital program funding is in place as this programme is now complete however of the 300k capital requirements; <ul style="list-style-type: none"> - 50k allocated to purchase of community devices -250k has been identified for investment in digital (CSAS) • In line with digital investment, the ICT budget has grown and will be carefully monitored. • The draft budget includes; <ul style="list-style-type: none"> - Assumption that the 21/22 pay policy remains the same as 20/21 - Increased pension contribution as per business case - 2% savings target • The draft budget totals 5.167m leaving a gap of £38k. SMT will work through options presented in this paper to close the gap. <p>Board members are asked to note the challenges in the draft 21/22 budget and comment on SMT's approach to closing the budget gap before final approval in March.</p> <p>Discussion</p> <p>The Board discussed device allocation across the community. Being able to equip the community with devices has aided recovery with 600 devices currently being used and a further 1000 to be distributed to trainees post recruitment. A resource to manage community devices ongoing has been included in the budget. The devices have arrived and will be ready to be deployed to all new recruits.</p> <p>Concern was expressed that we could be creating a two tier system with new recruits receiving devices ahead of established PM's. This will be closely monitored in-year with anticipated savings being diverted to devices, as in 20/21.</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the draft budget 2. The Board have asked for a paper with evaluation of device pilot as well projected costs and plans to equip all panel members with devices 	<p>LH</p>	<p>March 21</p>
<p>11. ARMC – Review of Effectiveness</p>		
<p>HR spoke to the paper shared;</p> <ul style="list-style-type: none"> • Thanks goes to Committee members for completing the survey • Survey results indicate the committee believes it works effectively • There is consensus that ARMC specific training would be beneficial and that this should extend to all Board members with a date set for the March Development session. • It was noted that there is overlap in membership in sub committees due to the current size of the Board There is hope that with the planned 		

	<p>recruitment and induction of new Board members this will remove the need for an overlap.</p> <ul style="list-style-type: none"> • It was identified that the subcommittee should define length of terms within their ToR's. • Improved, consistent secretariat support is welcomed including consideration of consistent report formats. We are reassured things will improve with BSL in post. <p>The Board were asked to approve the following recommendations:</p> <ul style="list-style-type: none"> • ARMC training, available to the full Board membership, to be identified and delivered at the March Board development session. • The Board Chair to consider separate sub-committee membership when the Board expands to a membership of seven in summer 2021. • The Board Chair to consider identification of an identified term of office for CHS sub committees.¹ • The DCE and CHS Business Support Lead to work with the ARMC Chair to identify a unified approach to ARMC reports and secretariat support <p>Board discussion The Board welcomed the proposal for ARMC training to be rolled out to all Board members.</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the Report 2. The Board agreed to approve and take forward the recommendations presented in the Report 	<p>LH GC LH/RKW</p>	<p>March 21 On appointment Ongoing</p>
12.	RAC Annual Report		
	<p>JD spoke to the Report shared; Acknowledgment and thanks go to the work of Committee members and Lynne Harrison for offering secretariat support throughout the year.</p> <p>Board discussion The Chair thanked the RAC subcommittee for their contribution in 2019/20.</p> <p>Board decision: The Board agreed to approve the Report</p>		
13.	Digital Programme		
	DDOC Update HR updated the Board;		

¹ The Terms of Reference for both the ARMC and RAC have a three year term with an optional three year extension.

<p>Plans for 2020/21 have been discussed and effort will be focussed to consolidation, refinement, and optimisation. The building of a shared digital strategy, including service design work with the Promise, will be developed for commencement in 22/23.</p> <p>Digital Update LH spoke to the paper shared;</p> <p>Recruitment The recruitment campaign is live, with CSAS being used for the recruitment portal. Initial feedback is positive.</p> <p>Digital devices</p> <ul style="list-style-type: none"> • Devices for new trainees are secured to deliver online pre-service training with a strong relationship building with our supplier, XMA. • There is a rapid response team in place to look at Short Term Virtual Hearing Design to support business continuity. The team are looking at the virtual hearing experience and the solution will sit outside CSAS. The team will launch pilots on the following mid-February; <ul style="list-style-type: none"> - Vscene improvements around the stable performance and functionality - Using MS Teams for hearing management - A consistent Audio tool to support business continuity <p>CSAS+ Development Developments are underway to improve hearing scheduling to include all types of hearings (virtual/hybrid/face to face) offering more affective support to PM's.</p> <p>Board discussion The Board were pleased to see the digital program and improvements moving forward.</p> <p>Board decision: The Board agreed to approve the Report.</p>		
<p>14. Q3 Performance Report</p>		
<p>LH spoke to the paper shared; In spite of all challenges faced by the organisation, we continue to perform well. As agreed with the Board previously, activities moved in-year to allow for focus on recovery are now showing as red within the report. There are a number of activities that we recommend be moved as they have not been able to take forward due to the effects of Covid.</p> <p>Board discussion</p>		

	<p>The Board acknowledged that while it may feel uncomfortable to see reports with activities highlighted as overdue, a conscious decision was made to de-scope those in order to focus on recovery and it is appropriate they are flagged accordingly.</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the Report and the re-scoping of priorities identified. 2. The Board thanked the National team and AST's for all of their hard work and effort. 		
15.	Business and Corporate Parenting Plan Draft Update		
	<p>LH spoke of the 2021/22 Business and Corporate Parenting Plan currently in draft; Normally a draft of the plan would be shared at the January Board meeting however the effects of Covid have made this impractical. A draft will be shared with the Board offline for comment before the final Plan is shared at the March Board meeting.</p> <p>The focus of the Business and Corporate Parenting Plan will be;</p> <ul style="list-style-type: none"> - For the first six month, focus will be on recovery - A review after first six months to provide a refocused plan for the following six months - An agile approach to keep flexibility built in during these uncertain times <p>Board discussion The Board asked if there were any emerging risks that needed raised at Board level. The Board were assured that there were no new risks at this stage.</p> <p>Board decision: The Board recognised the challenges faced and look forward to receiving the draft in due course.</p>		
16.	UNCRC Draft Report		
	<p>LH spoke to the paper shared; There is a duty to report on the UNCRC every three years, this is the first such report for CHS.</p> <ul style="list-style-type: none"> • We have followed guidance on how to structure the report. • A final report will be brought to the Board in March for approval. • Included with the final report will be an 'easy read' version currently in development with input from young people from our community. • LH highlighted the incredibly impressive work by Becki Lancaster and Michael Beardmore in pulling this together. 		

<p>Board discussion The Board were impressed by the report presented. The Board made the following recommendations:</p> <ul style="list-style-type: none"> • Reword the statement on p.25 – “Panel members are to the greatest extentsurvival and development of the child”. Our aim is not just for children to survive but to thrive and the wording here should reflect that with an asset based approach rather than deficit. • The word ‘contact’ is used often in relation to CYP seeing family members. We should be striving to filter out this terminology. • Some of the highlights within the Report are hidden away, move them forward in design rather than hiding in the text. • Ensure the examples we use are significant, not being used only to back up our intent. The Report and examples should stand up to scrutiny. <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the draft Report. 2. The Board commented on the impressive scope of the work. 		
17.	Board Work Plan	
<p>LH spoke to the plan shared; As part of audit investigations, and to bring the Board in line with its sub-committees, it was recommended that the Board develop an annual work plan.</p> <p>Board discussion No comments</p> <p>Board decision:</p> <ol style="list-style-type: none"> 1. The Board agreed to approve the Work Plan. 2. The Board thanked Rachel Kavish Wheatley for producing the plan. 		
18.	AOB	
NA		

The meeting closed at 14:39

Children's Hearings Scotland Board Action Log
Updated March 2021

No.	Action(s)	Source	Target date	Owner	Status
1	The Board Chair to consider identification of an identified term of office for CHS sub committees.		March 21	GC	On agenda - To be picked up in RAC/ARMC ToR reviews
2	Discussion around Performance Reporting and to agree format for 2021/22	Sep 20	March 21	LH	On Agenda – Q4 Perf Report
3	To look at the creation of a child/young person friendly complaints policy once the policy has been finalised	November 19	September 20	LH	Awaiting completion of Complaints Policy, revised date June '21
4	To monitor the percentage of care experienced people who apply to ensure adequate support is provided if/when required	Jan 2020	Oct 2020	CM	June 21 (revised recruitment timeline)
5	Formally write to OHOV to acknowledge receipt and endorse the NC suggestions on implementation. Suggest in letter we would like to meet representatives from their Board to discuss.	Nov 20	Jan 21	GC/LH	Letter sent, New OHOV lead identified and will be in post in April.
6	To compile and compare data around the percentage of observations across ASTs that give cause for concern to PPAs and which lead to recommendations	Jan 2020	March 2020	CM	Impacted by Covid - December 2021
7	Chair to update the Board on Board recruitment progress	Nov 20	Ongoing	GC	Ongoing
8	The Chair to consider another meeting with the SCRA Board to support system recovery planning	Nov 20	Q4	GC	Ongoing
9	Ensure the impact of digital poverty for children and families is understood and considered as part of any joint recovery activity	Nov 20	Ongoing	CW	Ongoing
10	Board & SMT to focus a Development session to explore how to improve influence and partnerships		June 21	EJ/GC	Not Yet Due

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11	The Board to consider their own objectives at future development session		August 21	GC	Not Yet Due
12	Review the Board appraisal process with RAC		Sept 21	JD	Not Yet Due
13	Submit paper evaluating device pilot across the community. To include costs and plans to equip all panel members with devices		June 21	LH	Not Yet Due
14	The Board Chair to consider separate sub-committee membership when the Board expands to a membership of seven in summer 2021.		August 21	GC	Not Yet Due



Agenda Item 6
CHS-2021-64

National Convener / Chief Executive update

1. Introduction
 - 1.1 The period between the last Board meeting in January to now, has seen the National Team and the CHS Community continue to flex our arrangements for Children's Hearings according to the latest Scottish Government guidance.
 - 1.2 The pace has remained steady and working with the CHS Community to keep them updated with the latest guidance; seeking their views on next steps; and of course, keeping them safe, has remained our top priority. The separate Board report on Resilience and Recovery covers all the key information about our response and our plans for ramping up Children's Hearings as the Scottish Governments restrictions are beginning to ease.
 - 1.3 This agenda and reports for the March Board meeting demonstrates the breadth and volume of activity currently going on across the National team and our 22 Area Support Teams.
2. Panel Member Recruitment Campaign
 - 2.1 The 2021 Recruitment Campaign for Panel Members closed after an almost five week promotional period from 12 January – 15 February 2021. The campaign attracted 1902 applications. Of that total, 9.5% of applicants registered as having personal lived experience of the hearings system either as a young person or as a family member.
 - 2.2 The target of this annual campaign was to recruit around 700 new Panel Members. Of the 22 Area Support Teams, 21 were recruiting in 30 local authority areas. This was the first campaign to be held entirely online, due to the coronavirus pandemic and the ensuing government restrictions. This was the first full campaign to be held in January, delayed from the traditional timing of August since 2014.
 - 2.3 The campaign concept was refreshed with five new images/videos (gardener /fireman /student /homeworker/youth worker) shaped by a dedicated workshop with young people with care experience. A new suite of videos were created to explain more about the system, the Panel and why the role is rewarding. The aim was to give people a full understanding of the role, especially important with the campaign moving entirely online. These were incredibly successful with over 13,000 views over the course of the campaign. Key elements of the campaign included TV advertising, radio advertising, online advertising, social media and public relations

- 2.4 The recruitment activities now move to the selection phase. Area Support Teams will now shortlist applicants, conduct interviews and prepare to submit recommendations to the National Convener by 29 March 2021.
- 2.5 A full recruitment and selection evaluation report will be submitted to the Board for their June meeting.
3. Panel Member Online Event
 - 3.1 I hosted a Panel Member event on Tuesday 2 March 2021 with representatives from each of the 22 Area Support Teams across Scotland. The purpose of this meeting is to hear directly from Panel Members about what more I can do to support them and facilitate a better hearings experience for children and young people and their families. I was keen to seek their insight, their advice and guidance to help shape our recovery plan into 2021. The three areas that we agreed to discuss were:
 - Children's hearings - How is it going? What more can be done to improve the hearings experience for Panel Members as well as children, young people and their families.
 - Wellbeing and recognition - How are the wellbeing supports working? What more can we do to and what thoughts do you have on any new things we could do, and what how could we recognise the CHS Community for their outstanding contribution as we come out of the restrictions in the summer?
 - Question and answer session
 - 3.2 The event reinforced the CHS Community's strong commitment to supporting babies, children, young people and families in their local area.
 - 3.3 The three key themes that were prominent in the first session included:
 - Technology around the Hearing;
 - Sense of overwhelm at the changes; and
 - The significant training ask for volunteers.
 - 3.4 The evaluation feedback from the session has been positive and I've asked my communications colleagues to look to fit the opportunity to engage directly with Panel Members into our wider plans for 2021.
4. The Promise and the CHS Promise Programme
 - 4.1 We remain fully engaged with The Promise team and we look forward to the publication of the Promise Plan and the Promise Change Programme in April. These publications will set out how the Promise and the statutory services around the Children's Hearings System will work together to deliver on the Promise intentions. We are confident that this work is aligned with our Business Plan for 2021/22 and look forward to considering the detail once published.

- 4.2 One of the CHS core priorities for 2021/22 will be to create and embed an internal Promise programme. This programme will host all related activity, together with key milestones, outcomes, consultation and engagement plans for the CHS Community and governance structures.
- 4.3 The programme will be developed and delivered incrementally, resulting in the transformation of Children's Hearings in Scotland. We will work with the Promise Team to be responsive and flexible to the systemic changes that will be happening across Scotland to improve the lives of our infants, children and young people. This programme will come forward to the June Board meeting.
5. Priorities for Quarter 1 – April to June 2021
 - 5.1 My three key priorities for the first quarter of 2021/22 include:
 1. Recovery - Ensure that we continue to meet the demand for Panel Members to participate in an increased Hearing schedule; retaining as many Panel Members as possible through the development of pathways for their return to service; and ensuring that we make the video platform for online Hearings more consistent.
 2. Legislative Change – Ensuring that detailed programme of work around the Children (Scotland) Act 2020 and the UNCRC (Incorporation) (Scotland) Bill are in place to allow a smooth transition and rollout later in the year; and
 3. The Promise – To establish a shared plan and clear expectations for the Children's Hearings System over the next 2-years
6. Strategic Partnership Working
 - 6.1 My programme of engagement with senior leaders across the Scottish Government and the wider children and young people services sector is continuing. This quarter has seen meetings with the Minister for Children and Young People; Lesley Sheppard, Deputy Director, Scottish Government, Neil Hunter, Principal Reporter/CEO, Scottish Children's Reporters Administration, Louise Hunter, CEO, Who Cares? Scotland and Aileen Nicol, Head of Improving Protection and Permanence, CELCIS.
7. Year-end Reflections
 - 7.1 The challenges of the last year have been well chronicled. The successes are often overlooked as we respond at pace to meeting the needs of shifting policy and new restrictions associated with the global pandemic.
 - 7.2 I have drawn out the three themes of Panel Member/AST Engagement. Learning and Development and Digital Innovation to shine a light of some of what has been achieved across our organisation over the last year.

Panel Member/AST Engagement

- Issuing practice guidance through the 'Coronavirus Practice Guide'.
- Issuing a major update to our Practice and Procedure Manual.
- Launching a volunteer wellbeing package, including resources for flu vaccines and access to expert support and advice through Health Assured.
- Launched the new Advocacy provisions across Scotland.
- Issuing recognition rewards across the CHS Community.
- Running a series of eight online 'Connecting our Community' virtual events.

Learning and Development

- Making training and guidance available on new Advocacy provisions.
- Launching three new online training courses on Permanence, Child Development and 'Hearings in Lockdown'.
- Redesigned pre-service training for 700 new trainees to be a fully online experience.

Digital Innovation

- Launching our new digital system across our whole community.
- Working with partner agencies to create a new way of working through virtual hearings.
- Moving pre-service training online.
- Acquiring and issuing over 1000 'Chromebook' devices to volunteers to enable participation in virtual hearings.
- Creating a device lending library to enable participation in hearings.
- Running our biggest and most successful ever online recruitment and selection campaign.

7.3 In reflecting on the 'what' we have delivered above, it is also newsworthy to reflect and acknowledge the 'how' these goals have been achieved within the challenging environment. The dedication and commitment shown by Panel and AST members across the country together with my National Team has been exceptional. There's been a mutual trust and shared endeavour to make things better for children and young people who need our help.

8. Recognising the role and contribution of the CHS Community

8.1 I would like to pay tribute to the Panel Members for their support and commitment to undertaking Hearings. Virtual or blended Hearings can be difficult balancing the technological issues, with deep knowledge of the new guidance together with the skills necessary to engage the child or young person virtually. They have stuck with it and I am confident that through the new and improved actions that between SCRA and CHS are taking to improve the stability and consistency of the virtual platform, this leads directly to a better Hearings experience for all participants.

- 8.2 I would also like to recognise our AST colleagues, and specifically the 22 Area Conveners across Scotland. Their commitment, leadership and support in ensuring that we continue to deliver a high quality statutory service across Scotland. This together with managing the largest and most successful recruitment and selection process has been nothing short of incredible. It is unusual, and I could argue globally unique, to find a core and essential statutory public service such as the delivery of care and justice for infants, children, and young people delivered through an extensive network of volunteers.
- 8.3 Finally, thank you to National Team colleagues who have adapted to the challenges of working from home admirably, continued to deliver across a complex range of projects and who have really pulled together to support each other and our volunteer community through this challenging year.

Elliot Jackson
National Convener and Chief Executive Officer

15 March 2021

Agenda item 7
CHS-2021-65

2021/22 Business Plan

Accountable SMT member:	Head of Strategy, Development & DCE
Report author:	National Quality & Performance Lead
Resources implications:	Within available resources
Purpose:	For Approval
Equalities duties:	Equalities Impact Assessment Required
	<input checked="" type="checkbox"/> Yes? <input type="checkbox"/> No

1. Introduction and Purpose:

This paper accompanies a draft of the 2021/22 Business and Corporate Parenting Plan.

2. Comment

The plan follows the same broad format as the previous years – with objectives and milestones contributing to the four strategic themes forming the main content. For this year, additional sections dealing with COVID recovery and organisational support have also been added.

In line with the priorities identified by the Senior Management Team, and in recognition of the challenging and unpredictable circumstances that still remain, the plan focussed primarily on actions for the first half of the year. We have committed, however, to publishing a supplementary plan mid-year that re-assesses our situation and identifies actions for the second half of the year.

On-going work and activity that runs for longer than the first six months but that has a greater degree of certainty has been included.

3. Next steps

Following Board approval, the plan will be passed for ministerial note. Following this, it will be published to the CHS website.

4. Board Actions

The Board are requested to approve the 2021/22 Business Plan.



children's
hearings
scotland

Children's Hearings Scotland

Business and Corporate
Parenting Plan

2021-2022

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INTRODUCTION



In the last year, things have changed substantially: from coronavirus challenging us to reimagine some of the most essential elements of how we operate, making us adapt and identify new ways of working, to the Independent Care Review creating The Promise to deliver its work for infants, children and young people.

Throughout the unprecedented year that 2020/1 was, our focus has always been to ensure that Panel Members continue to make high-quality decisions that put the child's best interest at their heart, in a rapidly changing legal context. I am hugely grateful to all, both within CHS and from our partner organisations, who have enabled that to happen.

Looking forward, it is important to protect the gains that we have made; different ways of doing things, new and strengthened relationships, and a shift in how we support one another. We must continue to make improvements that will help us deliver meaningful change for our infants, children and young people.

Our Promise Programme, that we will continue to develop this year, will do just that, delivering meaningful change for children and young people attending hearings, that we hope will help them to feel supported, safe and respected.

It is also important for me to acknowledge that as well as the gains that have been made, this last year has come at a cost. In many instances that cost has been, in one way or another, human. Our volunteers and staff have delivered a volume and complexity of work unlike any other year before. While the uncertainty of our current situation, and the personal and professional strains that it causes, is still present, we must be careful not to run before we can walk.

With all of these factors in mind, we have taken time to refocus our priorities for the coming year. We will therefore have a number of key priorities for 2021-22:

- **COVID-19 recovery** – continuing to ensure children and young people are receiving the best possible hearings and decisions in ways that safe and responsible. We must make sure our volunteer community is supported to deliver on this.
- **Implementing legislative change** – we will see important legislative change on the rights of children and their brothers and sisters, and we must be ready to embrace this.
- **Establishing our 'Promise Programme'** – delivering on The Promise, we will work at both a local and national level, to implement lasting change that will improve the experiences of children, young people and their families attending hearings. We will spend this year laying the ground work for its development, including making

improvements in strategy, policy and practice that arise out of implementation of legislation.

- **Embedding our digital platform** – with our new digital system now in place, we will focus on making sure it is delivering exactly what and how we need it to.

These priorities have formed the basis for the actions identified in this plan. But we should also expect this to be another year where uncertainty and the need to adapt are still very much present. This plan therefore represents our understanding at a point in time and focusses primarily on the first half of the year. Over the course of 2021-22, we may need to change our expectations and to modify our delivery of work. We will do this by keeping the actions in this plan under review and, if required, publishing updated or additional plans through the year.

Despite the challenges which may lie ahead, I look forward to another year of working alongside CHS volunteers and staff and professionals from other agencies and organisations. And, of course, I also look forward to working with our children and young people, who are our motivation to make lasting change within the children's hearings system.



Elliot Jackson
National Convener
& CEO

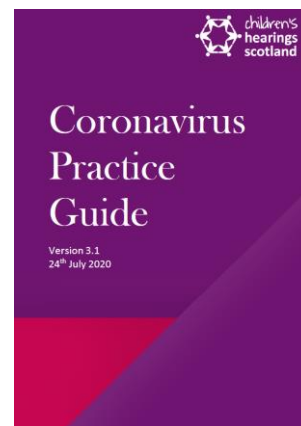
2020-21 IN REVIEW



Both despite, and due to, the challenges and situations presented by COVID-19, we delivered a wide range of work during 2020-21 in exceptionally difficult circumstances.

Some major achievements included:

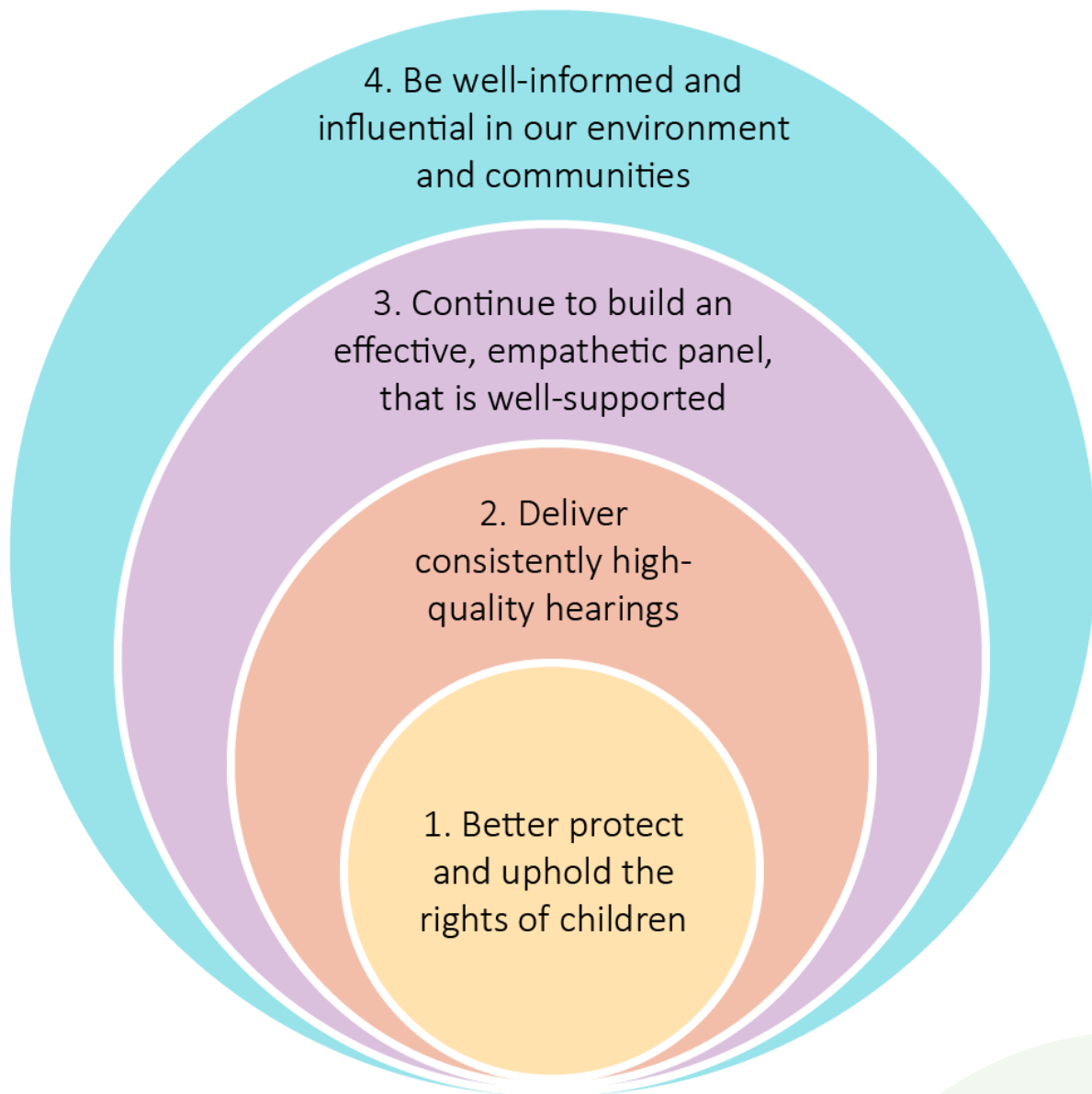
- Working with partner agencies to create a new way of working through **virtual hearings**
- Participating in new **strategic forums and groups** within children's services and the hearing's system
- Developing new training focussed on **'Hearings in Lockdown'**
- Issuing practice guidance through the **'Coronavirus Practice Guide'**
- Moving **pre-service training** online
- Helping CELCIS recruit Panel Members in to **new research** on virtual hearings
- Collaborating with SCRA to produce **bi-monthly reports** monitoring use of emergency legislation
- Establishing a **CHS Resilience Group**, and introducing a **weekly meeting** with our Area Conveners.
- Acquiring and issuing **'Chromebook' devices** to volunteers to enable participation in virtual hearings
- Moving all CHS to fully remote working, and introduced new staff **wellbeing initiatives**, driven by our Staff Forum.
- Issuing a major update to our **Practice and Procedure Manual**
- Making training and guidance available on new **Advocacy** provisions
- Launching our new **digital system** across our whole community
- Launching a new online training course on **Permanence**
- Launching a new online training course on **Child Development**
- Welcoming a new **Rights & Inclusion Coordinator** to CHS
- Publishing our 2020-2023 **Children's Rights and Inclusion Strategy**
- Preparing our first **'Progressing Rights'** report on our efforts to further UNCRC in our work
- Creating a **device lending library** to enable participation in hearings
- Running a series of 8 online **'Connecting our Community'** virtual events
- Issuing a number of **recognition rewards**
- Launching a **volunteer wellbeing** package, including resources for flu vaccines and access to expert support and advice through Health Assured.
- Running our biggest ever **recruitment campaign**



OUR STRATEGIC THEMES 2020-2023



In our new corporate plan, *Our Strategic Outlook 2020-2023*, we set out what our priorities for the next three years will be. We call these our “Strategic Themes” and together, they set out an ambitious, improvement-driven direction for CHS that places children’s rights at its centre. Our Strategic Themes are:



STRATEGIC THEMES – AN OVERVIEW



Theme 1. Better protect and uphold the rights of children:

Rights-based working is built in to Scotland’s children’s hearings system. Decisions are required to be made in the best interests of the child and it gives children and young people the right to have a say in decisions about them. But we recognise that we have a responsibility to integrate the obligations of the United Nations Convention on the Rights of the Child (UNCRC) in to our work and this will form a major strand of our effort over the coming years.

Theme 2. Deliver consistently high-quality hearings:

We want the hearings experience to be the best in can be and produce sound decisions which move infants, children, young people and their families forward, positively, in their journey. We want children’s hearings to be seen as an exemplar of empathetic, loving and respectful practice that promote dignity and avoid stigma.

Theme 3. Continue to build an effective and empathetic panel, that is well-supported:

Central to the quality of hearings is Scotland’s Children’s Panel. They must be child and family focused, knowledgeable and skilled to undertake their role and understand the range of experiences that infants, children and young people may have and the impact of those experiences. To do this, the Children’s Panel must be supported with not only the technical aspect of their role, but also the personal effect of making significant decisions.

Theme 4. Be well-informed and influential in our environment and communities:

Over the coming years, we want to develop not only hearings, but also how we deliver our work and how we operate within the wider system and sector. We want the experience of participation in hearings to be one part of seamless, targeted services that are driven by the needs and promotion of wellbeing for children and their families. We will look to evidence – from data, research, but also from what we are told by people with experience of hearings - to under-pin our decision making and adopt structured approaches to pilots and innovations. We will also look for opportunities to lead change within the care system and engage actively with our partners.

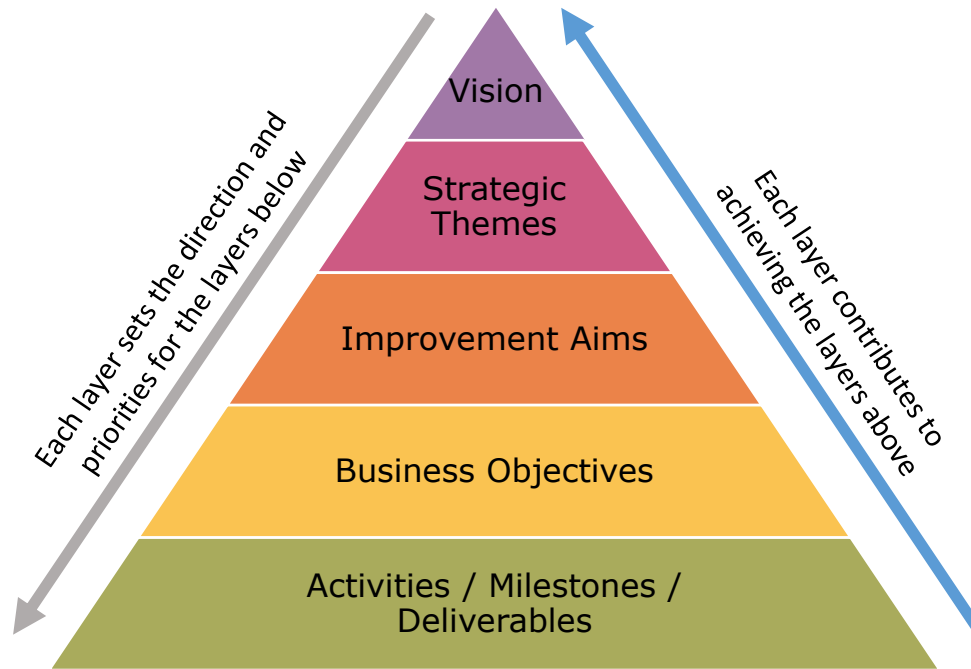
We believe these Themes represent an ambitious future for CHS, children’s hearings, and those who come in to contact with hearings. We are committed to working with partners, and with the implementation structures of the Independent Care Review, to see them realised.

Pages 13-17 of this Business Plan outline the actions we are taking in 2021-22 to make progress toward achieving these Themes.

OUR PLANNING APPROACH



To aid our planning, we have turned the strategy outlined in our corporate plan in to action through a number of operational 'layers'. As we move down the layers, the level of detail increases and their content becomes more action-focused:



- **Vision** – this is the future state we are working towards: *“A forward looking and evolving children’s hearings system, working as a community to ensure infants, children and young people are cared for, protected and their views are heard respected and valued.”*
- **Strategic Themes** – these are our big, multi-year priorities. Our themes, set out in our corporate plan 2020-23.
- **Improvement Aims** – these are the major improvement-focused priorities within each Strategic Theme. Each aim has specific measures, some of which will be organisational KPIs. These Improvement Aims are delivered through our Promise Programme.
- **Business Objectives** – these are the clusters of projects or programmes that are required to deliver our aims.
- **Activities / Milestones / Deliverables** – these are the individual tasks and projects that make up a Business Objective.

Every year, we keep the delivery of our Business Plan under close review quarterly. This sometimes results in changes to our planned objectives and milestones. Due to the high levels of uncertainty this year, we anticipate it may be necessary to publish a supplementary plan during the year, articulating new, emerging, and changing pieces of work.

OUR 'PROMISE PROGRAMME'



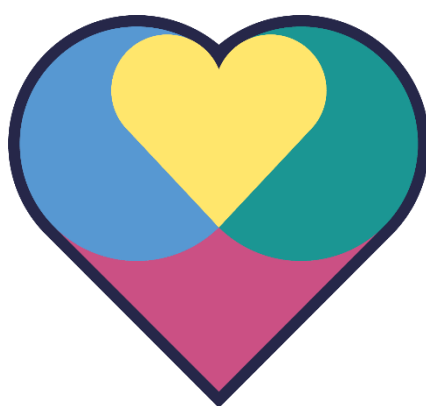
CHS will work collaborative to co-produce transformational improvement to the experience of children and their families when they participate in a hearings. In doing this we will positively contribute to short term outcomes and long term life long wellbeing.

We will work with The Promise team, people with lived experience and those agencies that provide support and protection to children. We will do this by engaging nationally and strategically with government, our Board and other senior leaders, underpin change with policy and support for legislative change, and ensure our organisational structures and the support to the people within it are able to deliver the change we need.

We will put in place timescales and milestones for delivery of the programme, gather evidence from people with lived experience and other improvement measures to ensure we are making a difference aligned with The Promise, and challenge ourselves, and others, in our plans and delivery.

Working alongside The Promise, principles of service redesign, and improvement frameworks, we will understand how our own service provision impacts on the wellbeing of children and their families, celebrate and promote with consistency those elements that people with lived experience tell us work, and change where it does not.

This work will be developed throughout 2021, and in line with The Promise timeline we will forecast and schedule a programme of work for the future.



#KeepThePromise

CORPORATE PARENTING



As Corporate Parents under the Children and Young People (Scotland) Act 2014, CHS and the National Convener have responsibilities to make sure our attention and resources are focused on upholding the rights, safeguarding, and promoting the wellbeing of Scotland's looked after children and care leavers.

The specific duties on Corporate Parents are to:



Be alert to matters which might adversely affect the wellbeing of looked after children and young people.



Assess the needs of looked after children and young people for the services and support we provide.



Promote the interests of looked after children and young people.



Provide opportunities for looked after children and young people to participate in activities designed to promote their wellbeing.



Take appropriate action to ensure looked after children and young people **access** these opportunities and make use of our services and support.



Take any other action appropriate to **improve** our functions to meet the needs of looked after children and young people.

Throughout this plan, we have identified the actions we plan to undertake in order to fulfil our Corporate Parenting duties by using our heart symbol and a letter, according to the list above.

We monitor our Corporate Parenting actions as part of our in-year performance management and report on our progress against these actions in our annual Impact Report.

OUR PLANS - COVID-19 RECOVERY




	Objective and Owner	Milestones / Activities	Timescales / Targets
	Work closely with SCRA nationally and locally to monitor and manage the recovery of the hearings system , matching capacity with need - <i>Area Support; SMT; Resilience Group</i>	Strategic and operational collaborative activities with colleagues, locally and nationally	Progress to end Q2, initially
	Keep our volunteer community updated on what the changing environment means for hearings and recovery through effective communication – <i>Communications; Senior Management Team (SMT)</i>	Produce and distribute “Coronavirus Updates” to the whole CHS volunteer community	Progress to end Q2, initially
		Communicate specifically to our Area Conveners, through a programme of regular calls	Progress to end Q2, initially
	Ensure we understand the impact of COVID-19 on hearings by monitoring and reporting on our use of emergency legislation – <i>Quality & Performance</i>	Record data on Panel Composition and supply to Scottish Government	Progress for as long as legislation in force
		Produce supplementary data reports in partnership with SCRA	Progress for as long as legislation in force
	Improve the capacity of the hearings system to carry out any outstanding hearings and handle future need by completing the recruitment and training of new Panel Members – <i>Recruitment and Retention; Training</i>	Complete interviews and pre-service checks	Complete by end Q1
		Deliver online pre-service training	Complete by end Q1
	Re-instate observations by Panel Practice Advisors to quality assure hearings practice and conduct – <i>Resilience Group</i>	Confirm route to return and support / guidance required	Complete by end Q1
		Begin to implement the route the return	Complete by end Q1
	In collaboration with SCRA, improve the virtual hearings experience by running pilots testing new platforms and way of working - <i>Digital</i>	Delivery of pilots across Scotland	Complete by end Q1
		Evaluation of pilot and recommendations for future	Complete by end Q1



OUR PLANS - COVID-19 RECOVERY continued



	Objective and Owner	Milestones / Activities	Timescales / Targets
	Ensure CHS staff are supported to undertake their work safely and productively, while managing their wellbeing effectively during restrictions – <i>HR & OD; SMT; Staff Forum</i>	Undertake relevant actions to enable a phased return to the use of the CHS main office at Thistle House	Progress to Q2 as/if restrictions allow
		Undertake relevant activities to promote staff wellbeing through the Staff Forum	Progress to end Q2, initially
	Support our volunteers to continue to deliver hearings during restriction, while looking after their wellbeing – <i>Area Support; Resilience Group; Digital</i>	Continue to promote and develop our volunteer wellbeing package	Progress to end Q4
		Continue the provision of, and support with, devices across the community	Progress to end Q4
		Work alongside ASTs to understand and manage capacity to deliver hearings	Progress to end Q2, initially
	Contribute to whole-system recovery by working with partners at national multi-agency leadership groups and forums focussed on hearings and children's services recovery – <i>SMT</i>	Participation in multi-agency recovery groups and meetings	Progress to end Q2, initially

OUR PLANS - THEME 1: BETTER PROTECT AND UPHOLD THE RIGHTS OF CHILDREN



	Objective and Owner	Milestones / Activities	Timescales / Targets
	Under our Promise Programme , carry out activities to give further effect to the UNCRC in our work, in line with its incorporation in to law – <i>Area Support; Practice</i>	Implement UNCRC by delivering learning and development to all volunteers	Progress to end Q4
		Focus on ensuring the views of the child on decisions that are made in hearings are included in the Record of proceedings from a hearing	Progress to end Q4
		Engage Panel Practice Advisors (PPAs) to quality assure the voice of the child in heard in hearings (or that of their carer if they are unable to verbally express their views)	Progress to end Q4
		Area Support Improvement Partners work with multiagency partners to ensure PMs have the information they need to avoid delay in decision making	Progress to end Q4
	Under our Promise Programme , carry out activities to ensure hearings are compliant with incoming legislation around siblings rights – <i>Area Support; Practice</i>	Implement the principles of the Children (Scotland) 2020 Act through learning and development delivered to volunteers through the CHS Learning Academy	Complete by end Q2
		Focus on ensuring the inclusion of brothers and sisters is accurately reflected in written reasons for decision	Complete by end Q4
		Engage PPAs to quality assure the inclusion of brothers and sisters in hearings (or that of their carer if unable to verbally express their view).	Progress to end Q4
		Area Support Improvement Partners work with multiagency partners to ensure PMs have the information they need to avoid delay in decision making	Progress to end Q4








OUR PLANS - THEME 1: BETTER PROTECT AND UPHOLD THE RIGHTS OF CHILDREN continued



	Objective and Owner	Milestones / Activities	Timescales / Targets
	Ensure our Panel Members understand the change in the Age of Criminal Responsibility – Area Support; Practice	Implement legislative changes through learning and development with support from the CHS Learning Academy	As required by legislation timescales
	Review how Panel Members ensure children are supported to express their views and opinions by implementing the national Advocacy Scheme in children's hearings - Practice	Review the implementation and Panel Member experience of advocacy by gathering feedback	As recovery allows
	Improve how we deliver on our responsibilities as a rights duty holder by implementing our Rights & Inclusion Strategy in an inclusive and co-designed way – Rights & Inclusion	Identify activities for delivery during the year	Complete by end Q1
		Deliver appropriate activities during the year	Progress to end Q4

OUR PLANS - THEME 2: DELIVER CONSISTENTLY HIGH-QUALITY HEARINGS



	Objective and <i>Owner</i>	Milestones / Activities	Timescales / Targets
	With partners, continue to evaluate and improve the virtual and 'hybrid' hearings experiences – <i>Resilience Group</i>	Undertake evaluation activities and improvement actions	Complete by end Q1
	Under our Promise Programme , carry out activities to improve the extent to which hearings are trauma-responsive – <i>Area Support</i>	Development of learning opportunities for our volunteer community	Progress up to end Q4
		Apply improvement methodology to trauma-responsive developments	Progress up to end Q4
	Have an accountable high-quality hearings system by progressing an effective and efficient complaints process – <i>Information Governance</i>	Disseminating the process across our community	Complete by end Q1
		Delivering training and support	Complete by end Q2
	Keep Panel Members equipped with accurate, up-to-date information and advice to be able to make effective and timely decisions - <i>Practice</i>	Issue guidance focussed on good quality hearings and decision making	Progress up to Q4
	Collaborate as a key partner in locally-driven projects to improve hearings environments and experiences– <i>Area Support</i>	Attendance and involvement in groups and projects as appropriate	Progress to end Q4

OUR PLANS - THEME 3: CONTINUE TO BUILD AN EFFECTIVE, EMPATHETIC PANEL, THAT IS WELL-SUPPORTED



	Objective and Owner	Milestones / Activities	Timescales / Targets
	Promote the contribution of our volunteers through a dedicated volunteer recognition campaign - <i>Communications</i>	Volunteer recognition campaign during Volunteers Week (1st - 7th June)	Complete by end Q1
	Continue to work with the CHS Learning Academy to offer innovate solutions for learning during restrictions and beyond - <i>Training</i>	Development and delivery of the CHS Learning Academy contract and training provision	Progress to end Q4
	Connect and include our volunteer community by running a programme of engagement events across Scotland – <i>Communications; Area Support</i>	First wave of events	Complete by end Q1
		Second wave of events	Complete by end Q2
	Work with our community to implement Area Plans that identify key activities for each area based on national and local priorities – <i>Area Support; Quality & Performance</i>	Support ASTs to develop local Area Plans	Complete by end Q1
		Support ASTs to monitor and review the plans	Progress to end Q4
	Understand recruitment activities needed that respond to recovery and longer-term requirements of hearings– <i>Recruitment & Retention</i>	Review the changing volunteer situation, and take recruitment action as necessary	Progress to end Q2
	Deliver on our equality and diversity ambitions through the implementation of our Equality Diversity & Inclusion Strategy – <i>HR & OD; ED&I</i>	Identify activities from strategy for delivery through the year	Complete by end Q1
		Undertake appropriate actions	Progress to end Q4

OUR PLANS - THEME 3: CONTINUE TO BUILD AN EFFECTIVE, EMPATHETIC PANEL, THAT IS WELL-SUPPORTED continued



	Objective and <i>Owner</i>	Milestones / Activities	Timescales / Targets
	Assess the device support needed to undertake volunteer roles and engage with digital tools effectively - <i>Digital</i>	Carry out evaluation of devices pilot	Complete by end Q3
	Retain Panel Members by ensuring they are reappointed in an efficient and effective way – <i>Recruitment & Retention</i>	Carry out necessary reappointment processes	Complete by end Q1
	Retain AST Members by ensuring they are reappointed in an efficient and effective way - <i>Recruitment & Retention</i>	Carry out necessary reappointment processes	Progress up to Q4

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



	Objective and <i>Owner</i>	Activities / Milestones	Timescales / Targets
	Active contribution to the improvement and recovery of the sector through strategic and advisory groups – <i>SMT; Area Support</i>	Involvement with key national strategic groups e.g. CHIP; YJIB	Progress to end Q4
		Involvement with key local groups e.g. Corporate Parenting boards; GIRFEC groups	Progress to end Q4
	Embed our new digital systems across our community and identify on-going improvements and developments to support the needs of CHS volunteers and staff - <i>Digital</i>	Develop and improve management information reports at a variety of operational levels	Progress to end Q4
		Begin to develop future strategy for using digital in hearings, with partners	Complete by end Q2
	Contribute to driving change in the sector through collaboration with The Promise , as required – <i>SMT</i>	Undertake engagement and collaborative work as required and appropriate	Progress up to Q4
	Connect with, and influence, knowledge development in the sector by being involved in research – <i>Quality & Performance; Practice</i>	Participate in external research advisory groups as appropriate	Progress up to end Q4
		Advertise research recruitment opportunities within the CHS community as they arise	Progress up to end Q4



OUR PLANS – ORGANISATIONAL EFFECTIVENESS AND STAFF SUPPORT



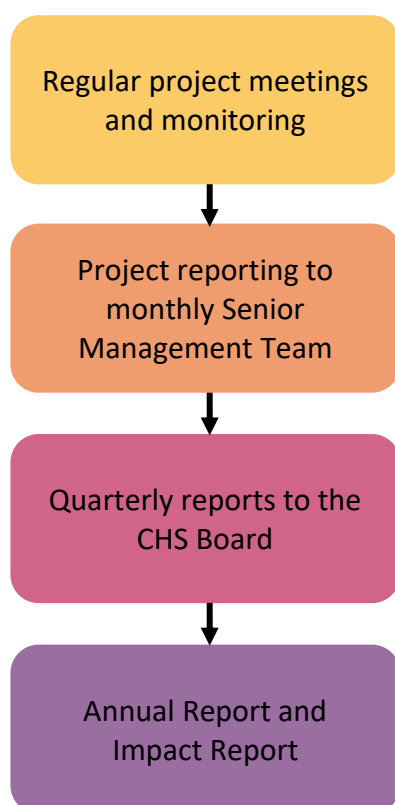
	Objective and <i>Owner</i>	Activities / Milestones	Timescales / Targets
	Support and enhance our staff through a new People Strategy – <i>HR & OD</i>	Launch strategy	Complete by end Q1
		Implement appropriate actions from strategy, focussing initially on wellbeing approaches	Progress up to Q4
	Establish a system of programme management to effectively manage and monitor delivery of projects and programmes – <i>Area Support; Quality & Performance</i>	Select software as appropriate	Complete by end Q1
		Implement software across the Promise Programme delivery	In line with Promise Programme
		Scope use of software across the rest of the organisation, and implement as appropriate	In line with above milestone
	Fulfil our equality and diversity responsibilities through the delivery of our Equalities Outcomes – <i>HR & OD</i>	Identify activities from Equalities Outcomes for delivery through the year	Complete by end Q1
		Undertake appropriate actions	Progress to end Q4

MONITORING OUR BUSINESS PLAN



Owing the unprecedented circumstances in which this plan is being developed, we have chosen to adopt a more flexible approach to our planning and monitoring. Each of the activities, milestones and deliverables above have been assigned a timescale in which, to the best of our current knowledge, we anticipate they will be completed, or a target specific to that activity. They may, however, have to change in response to our environment.

To manage this process, CHS operates a well-established process of monitoring and reporting:



Our quarterly performance reviews to the CHS Board will not only take in to account work delivered in the past quarter, but also reflect on upcoming work and whether alterations will be required (e.g. change of timescales, or change of scope of work) in order to adapt to the environment at the time.

MONITORING OUR WORK: KPIs



To monitor the performance of the organisation through the year, we have set the following Key Performance Indicators:

Performance Measure	Baseline	2021/22 Target
% of complaints resolved within SPSO guidelines, during normal operations	2017/18: 100% 2018/19: 92% 2019/20: 100% 2020/21: 100% target	100%
% CHS employee attendance	2017/18: 96% 2018/19: 95% 2019/20: 97% 2020/21: 96% target	96%
% invoices not in dispute paid within 10 working days, during normal operations	2017/18: 80% 2018/19: 92% 2019/20: 85% 2020/21: 90% target	90%
% of pre-service trainees who felt that the learning objectives were met	2019/20: 98%	98%
% of applicants put forward for preservice training who complete the full training	2017/18: 89% 2018/19: 92%	92%
% of Panel Members successfully reappointed	2017/18: 83% 2018/19: 68%	70%
% of Panel Members retained during the year	New Measure	86%
% positive staff survey feedback on opportunities for learning and development	2018/19: 33% 2019/20: 52% 2020/21: 65%	70%

OUR RESOURCES FOR 2021-2022

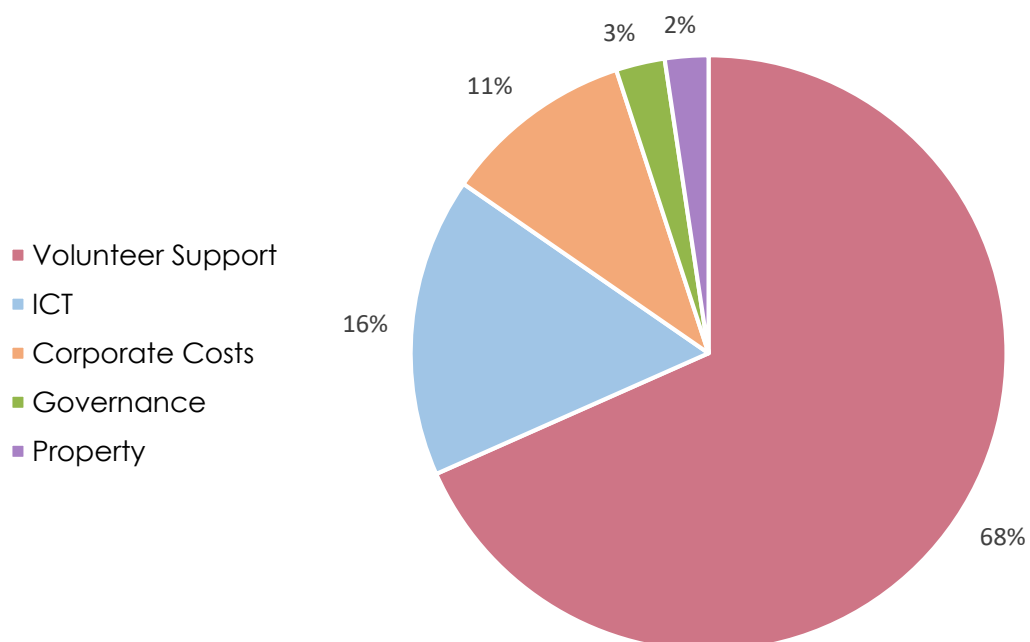


We are funded through an annual grant in aid under a framework agreement with the Scottish Government.

For 2021/22, our grant in aid is £5.129m. These resources are allocated across CHS' functions to ensure that we can recruit, train and support our volunteers.



Our Expenditure

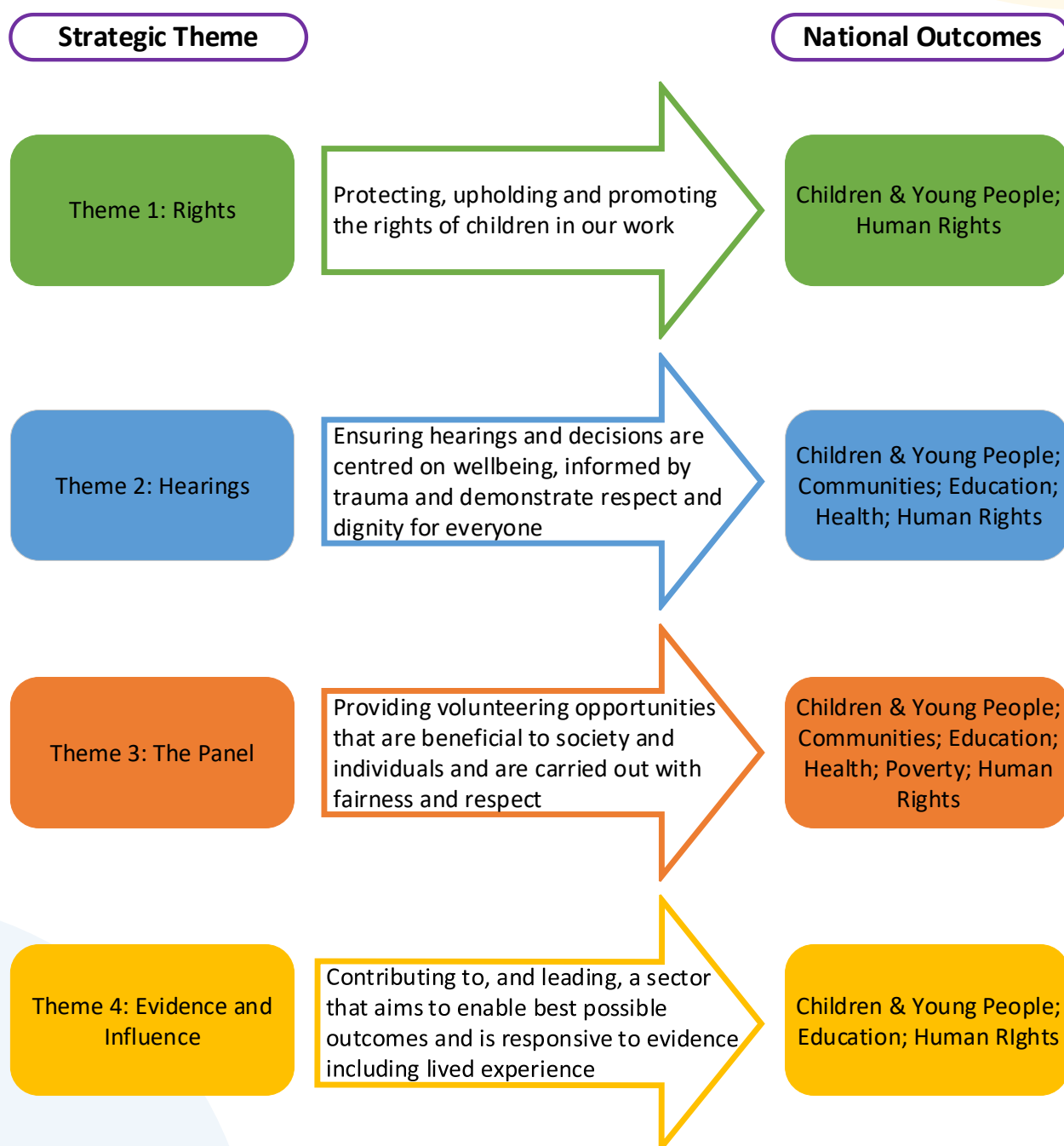


CHS AND THE NATIONAL PERFORMANCE FRAMEWORK



In our 2020-23 Corporate Plan, we set out how our Strategic Themes are aligned to Scotland's National Performance Framework.

A summary is given below:



Children's Hearings Scotland

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t: 0131 244 4743 | www.chscotland.gov.uk

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Agenda Item 8
CHS-2021-66

CHS Resilience and Recovery

Accountable Officer:	Head of Area Support and Community Improvement
Report author:	Carol Wassell
Recommendation:	To note the update
Resources implications:	N/A
Equalities duties:	Equalities Impact Assessment Required – for some elements <input checked="" type="checkbox"/> Yes? <input type="checkbox"/> No

1. Introduction

This paper provides an overview of the continuing organisational resilience response to the Covid-19 pandemic, updating progress since January 2021

2. CHS Resilience Response

2.1 Resilience Management

- Given the new restrictions that have been brought in to force since 26th December 2020, the Resilience Group has moved from a fortnightly to a weekly meeting scheduled till the end of March. A refresh of group attendance continues to bring renewed focus and attention and will include representation from the Area Convenors going forward, as well as our Children’s Rights and Inclusion officer.
- The CHS Senior Management Team (SMT) strategic resilience meeting with SCRA focused on hearings management and planning has moved to weekly. CHS SMT have moved the fortnightly Area Convenors meeting to weekly. We will continue to use this time to inform and sense check operational implementation and seek input to strategic decisions.
- A member of SMT attends the weekly Children’s Hearing Covid Recovery Group (CHCRG), along with an Area Support and Improvement Partner to support decision making around AST issues. In addition, our Children Rights and Inclusion Co-ordinator as well as a consultant with lived experience take it in turns to attend weekly. Other participants include: Scottish Government (SG), COSLA, SCRA, Social Work Scotland, CELCIS, and invited guests from across the sector to develop plans for recovery on a multi-agency basis. Governance for this group now sit with the strategic Children’s Hearing Improvement Partnership (CHIP).
- CEO/NC meets weekly with a group of senior leaders and SG to ensure multi-agency buy in planning.

- We have issued reminders for volunteers that Health Assured is there to support them, and we continue to ask that Chairs provide data on the use of the emergency legislation.

3. Hearings Management

Since January our renewed guidance on the changes in the management of hearings as a result of new restriction is December has been implemented. This has involved more hearings going back to being virtual or a combination of virtual and physical attendance in hearing rooms. The number of face to face hearings has reduced significantly to reduce the risk of transmission of Covid 19. In January and February there were approximately 1700 children's hearings, with approximately 200 of these involving a level of physical attendance at a centre.

In addition we have produced guidance for the volunteer community on:

- The actions to be taken when Reporters drop out of virtual hearings;
- Remind people about the effective and appropriate use of the emergency legislation;
- Amendments to the Children's Hearings (Scotland) Act 2011 - relevant person status in children's hearings in relation to relevant person status in hearings, allowing for brothers and/or sisters to have a view in their siblings hearing.

3.1 Surveys

We have run 3 surveys on:

- The use of the emergency legislation which will run for the life of the legislation. New Covid restricts in December make it likely that the use of the legislation will be extended until the end of September 2021.
- Panel members to supply information on the reasons for deferred hearings when they occur. This is discussed later in the paper. The survey has closed to all ASTs and is now being run with the pilot sites for the new digital platform to establish if hearing deferrals reduces as a result of digital improvement.
- A questionnaire to rotas managers to understand what elements of a strategy for a National Panel would be most useful for them. This is now closed. The conclusion reached was that there is not currently a need to establish a national panel as the resource implications are outweighed by the ability of the AST's to meet capacity for hearings. This is being discussed with AC's to seek agreement on pausing development of a National panel.

3.2 Scheduling of Hearings

Currently, SCRA and CHS continue to work together to hold hearings online wherever possible. SCRA makes an assessment for each child, in consultation with others, to ensure hearings are held and that there is an agreement to the nature of the hearings.

The operation of all future hearings for children will be kept under review. Where possible, face to face hearings will be limited to circumstances where it is necessary to secure a child's (and relevant person's) participation.

We continue to work closely with SCRA to have data that drives our decision making and helps us understand the short, medium, and long term impact that the pandemic is having on infants, children and young people, and that as CHS we are able to resource the effective holding of hearings. SCRA has now migrated its digital systems and, as at February, is in a strong position to share with us the information that they hold. We have agreed a set of parameters for this which is being developed into a monthly report. This should be ready for broader circulation in March.

3.3 Audio Hearings

SCRA are keen to add the possibility of audio only hearings to the tool box of technology that will allow hearings to take place. Our Children's Rights and Inclusion Coordinator and ASIP for Fife and Tayside have produced a Children's Rights and Wellbeing Impact Assessment in relation to audio only hearings, and the findings are being sent to the NC and CEO to confirm our position, which is that audio only hearings should only be used as a last resort and in an emergency. This work is based on testing of the system in one AST area. Where it is agreed that it is possible to use audio conferencing for hearings, guidance on when and why to use it is being developed by CHS and SCRA, with input from members of the CHS community in areas that are currently testing the tool.

3.4 Face to Face Hearings

Our policy in relation to these hearings remains unchanged and will do so until public health messages from the Scottish Government allow for the wider opening up of travel and contact between people.

- Hearing centres will only be used when it is unavoidable to ensure the participation of children and young people;
- When this happens, people are expected to observe FACTS (Face coverings, Avoid crowded places, Clean your hands, Two metre distance, Self-isolate and book a test). This includes wearing face coverings in the hearing unless [exception criteria](#) (Government, n.d.) applies. Compliance with this is high and we are unaware of any situations where this has caused difficulty.

3.5 Virtual and Hybrid Hearings

- Vscene and Objective Connect continue to be challenging and SCRA are escalating the work to bring improvement to the platforms. This work is now being led by the Digital Head of Service to ensure consistency and compliance in collaboration with the digital team as CHS. The development of a virtual, long term, sustainable solution has begun. Testing has begun on the use of the MS Teams platform in Central and West Lothian. Work continues at pace to support the continuity of virtual hearings over the coming months.

- Our supplier, Vscene, has been looking at areas of improvement including upgrading its servers for a more consistent user experience, and a simplified e-mail invite for those attending the hearing. This should make joining a hearing, a more straightforward process. SCRA is also looking at how it can better support virtual hearings. Work on this includes a local authority based pilot of a virtual receptionist model, which will make SCRA better able to respond to participant access, drop out, and other issues you may experience.
- We are also developing a pilot that will feature Teams based access to the hearing and electronic papers. In February, we will undertake a programme of testing during which time we will develop some user guidance. We anticipate the pilot launching at the end of February and rolling out over four weeks across a number of local authorities. We are still at the early development stages however, to support those in pilot areas, we will have a team of dedicated SCRA Virtual Hearings Administrators.
- We are also in the process of testing and securing an audio conferencing tool for use in pre-hearing panels and hearings. Audio conferencing would only be used should access to other tools not be available.
- A solution has been agreed to the issue of returning hard copy of Papers with some 450 to 500 panel members requiring this service, due to the challenges of using Objective Connect. A free post address and envelopes will be provided for Panel Members to use.
- In addition we have produced guidance for the volunteer community on:
 - The actions to be taken when Reporters drop out of virtual hearings;
 - Remind people about the effective and appropriate use of the emergency legislation;
 - Amendments to the Children's Hearings (Scotland) Act 2011 - relevant person status in children's hearings in relation to relevant person status in hearings, allowing for brothers and/or sisters to have a view in their siblings hearing.

4. Impact of Business Continuity on Outcomes for Children

4.1 Hearing Deferment

Please see attached paper: Annex A

4.2 Capacity to Hold Hearings and the use of Emergency Legislation

- 4.2.1 This is on-going during the life of the Coronavirus (Scotland) 2020 Act and has involved collaborating with SCRA once every two months to ensure that adequate reporting is made available to Scottish Government for central monitoring purposes, and that a supplementary data/contextual report is made available through the CHIP website.
- 4.2.2 The current restrictions have meant ASTs are having to review capacity to participate in virtual hearings. ASIP's and AC's continue to work closely together to meet this need, and where necessary, Panel Members are being shared across areas. This is working well locally. It is anticipated that the recruitment campaign will have a significant positive impact on capacity.

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

Reporting Period	# working days in reporting period	Count of Hearings Using the powers	Hearings with 2 Panel Members	Hearings with Single Gender Panel
7/4 to 20/5	32	6	5	1
21/5 to 15/7	40	30	22	18
16/7 to 13/9	42	26	18	11
14/9 to 15/11	45	*77	47	38
16/11 to 17/1	41	28	18	13

*legislation can be applied twice in one hearing: there may be two panel members and they are both single gender – hence the use of legislation may exceed the total number of hearings where it has been applied.

4.2.4 The reduction in the use of the emergency legislation coincides with a reduction in the number of hearings held in since December as a result of further restrictions requiring a move to on line hearings and reduction in the number of hearings held over the period.

We remind chairs on a 2 weekly basis to fill in the chairs’ survey in relation to emergency legislation and the broader document that reports on all emergency legislation across the children’s hearing system is shared on the CHIP website.

5. Legislation and Practice

The CHS Practice Team continue to keep the following under review, in line with all current guidance:

- A review of draft legislation amending Children’s Hearings rules to implement Children (Scotland) Act 2020.
- Scoping out the impact of implementing of the following legislation: UNCRC, the new provisions for siblings, and the Age of Criminal Responsibility. Our implementation planning for these pieces of learning focuses on panel members being equipped to understand and apply the legislation appropriately in hearings.

6. Children's Hearings Covid Recovery Group (CHCRG)

The CHCRG meet weekly and are driving the multiagency response for recovery through the strategic Children's Hearing Improvement Partnership.

The allocation of £0.5m to Children's Hearings recovery has now largely been allocated to a number of applicants for projects, including family group conferencing supporting better decision making, or a reduction in the number of children who need to attend a hearing, and providing data packages for children and young people who require a hearing but due to digital poverty struggle to get on line. This is to be ratified by the CHIP at the end of February.

7. CHSLA

CHSLA continue to provide all training virtually. Key priorities are currently:

- Re-design of the pre-service component of the Professional Development Award (PDA) Children's Hearings in Scotland: Panel Members – the structure and ethos of this has now been signed off and course and resource builds are underway.
- Pre service training will be delivered virtually in 2021. The re-design of the award is linked to CHS objectives, including the imperative to deliver on The Promise.
- Adapting our approach from the Scottish Design School: Discover, Define, Develop, and Deliver - the redesign focuses on an overarching theme of 'Relationships' and includes learning on trauma, childhood development, neurodiversity, Children's Rights, as well as early intervention and understanding risk, alongside the skills required to ensure participation and outcome focused decision making.
- Our Panel Member recruitment campaign closed on February 15th and has yielded our highest number of applicants to date. CHSLA are currently finalising the support systems which will be in place for all trainees.
- CHSLA continue to prioritise Management of Hearings training alongside other work to increase the number of available hearing chairs and to provide training to PPAs.

8. PPAs

- Our next PPA forum takes place in April 2021 .
- PPA are currently engaged primarily in recruitment and selection of new panel members.
- Options for various ways to return effectively to panel member observations are being explored.

9. CHS Community Recruitment

Our Recruitment campaign has now closed.

- The 2021 Recruitment Campaign for Panel Members closed after an almost five week promotional period from 12 January – 15 February 2021. The campaign attracted applications from 1902 applicants.
- Of the 22 Area Support Teams, 21 were recruiting in 30 local authority areas.

- This was the first campaign to be held entirely online, due to the coronavirus pandemic and the ensuing government restrictions.
- This was the first full campaign to be held in January, delayed from the traditional timing of August since 2014.
- This was the first campaign whereby online applications were submitted through the new digital/CSAS system.
- Some ASTs held local virtual information sessions, attracting in general up to three times the number of individuals than in previous years at face to face events.
- A new suite of videos were created to explain more about the system, the Panel and why the role is rewarding. The aim was to give people a full understanding of the role, especially important with the campaign moving entirely online. These were incredibly successful with over 13,000 views over the course of the campaign.
- Shortlisting and interviewing of applicants is now underway. Pre-service training begins in April.

10. Resilience Response Challenges

Our challenges are:

- People are feeling considerable fatigue and exhaustion due to the ongoing Covid restrictions.
- Understanding and addressing the impact of Covid on Children's rights to a hearing;
- Having robust data to support strategic decisions and exert influence, and;
- Concurrently delivering on aspirations of the Promise.

11. Forward planning

Over the coming months we will focus on:

- Gathering robust information to inform our strategic and operational planning;
- Recruitment of volunteers to key roles including the voice of lived experience in ASTs to support this recruitment;
- Equipping our new Panel Members to make a good start to their role in both virtual and face to face hearings;
- PPA return to observations;
- Engaging with external stakeholders to support recovery, the Strategic CHIP being the vehicle.

12. Recommendations

The Board is asked to note and agree the above planning and activity.



Agenda item 8 CHS-2021-66 Annex A

Results From Deferrals Survey

Background

We know that deferring a substantive decision during a hearing can cause delay in progressing plans for children and young people, and how frustrating it can be when this needs to happen. So, we wanted to look at how we can minimise deferrals and the impact this has on infants, children, young people and their families.

Whilst the Scottish Children's Reporter Administration (SCRA) capture some information about how often this happens, we don't always understand why. This information is important, particularly about coronavirus related reasons. To help us understand the volume of current deferrals and the reason for a deferral, we created a survey and asked chairs to complete this survey each time a hearing was deferred for a three week period from 25th January.

The survey asked for the main and secondary reasons for deferrals, as panel members told us that often there was more than one reason involved. There were 9 reasons for deferral to choose from plus the ability for "Other" to be selected. On reviewing the responses to the "Other" selection it was clear that most of these could be allocated to one of the original reasons for deferrals. We have now recoded the "Other" responses and fuller details are now included in this updated report.

Findings

Proportions of deferrals

The deferrals survey has now closed and we have undertaken analysis on the results and this is included within this updated report. It should be noted that the small time frame that was allowed for the survey has meant that some areas have not deferred any cases in the period, while others have only deferred a small number and therefore we need to be careful when considering different reasons for deferral at locality levels.

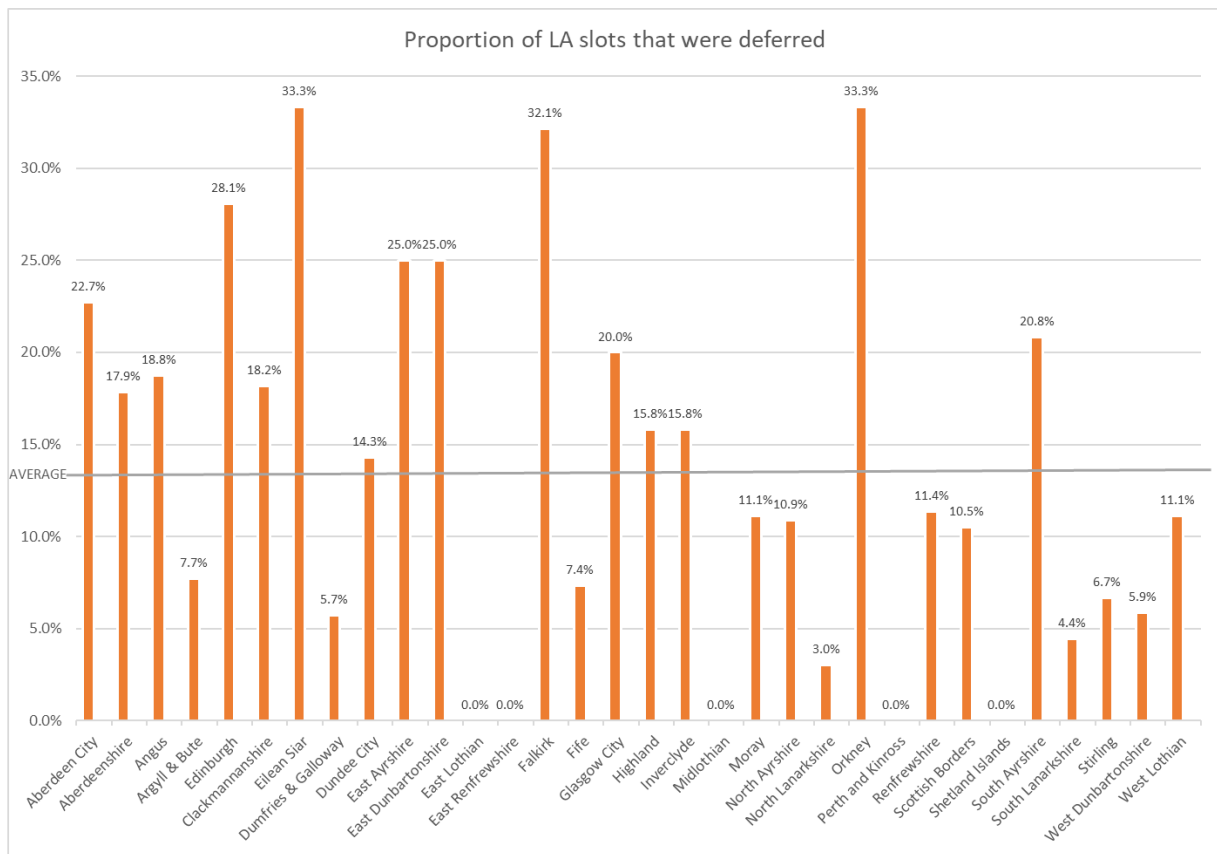
Although analysis at Local Authority level is limited by the volumes within the small time frame, comparisons across Local Authority areas is valid and demonstrates a significant variance in the proportion of slots being deferred. On average 13.7% of slots were deferred in the time period which the survey operated. This compared to 18.7% in Feb 2020, 20.2% in Feb 2019 and 20.0% in Feb 2018. Therefore our analysis shows that deferrals were lower in this period than in previous years. SCRA have also provided us with their data on the count of deferrals and this suggests a deferral rate of 14.8% during the time measured,

again lower than previous years. However, we do need to consider that only specific types of hearings are taking place at present and therefore they may be less likely to defer.

The highest proportion of deferred slots occurred in Orkney and Eilean Siar where one third of slots were deferred. Both of these areas also had a very small number of slots in the period (3) and therefore it is only one slot that was deferred which created this large proportion. The next area was Falkirk which had a deferral rate of 32.1%, 9 slots from 28 deferred. This compares to a national average of 13.7%.

There were a number of Local Authority areas where the proportion of deferrals was significantly higher than the national average, this includes Aberdeen City, Edinburgh, East Ayrshire, East Dunbartonshire, Glasgow City and South Ayrshire.

Conversely Argyll & Bute, Dumfries & Galloway, Fife, North Lanarkshire, South Lanarkshire, Stirling and West Dunbartonshire have a deferrals level significantly below the national average. There are also a few areas with zeros recorded deferrals in the period, again the small time frame is likely to account for that.

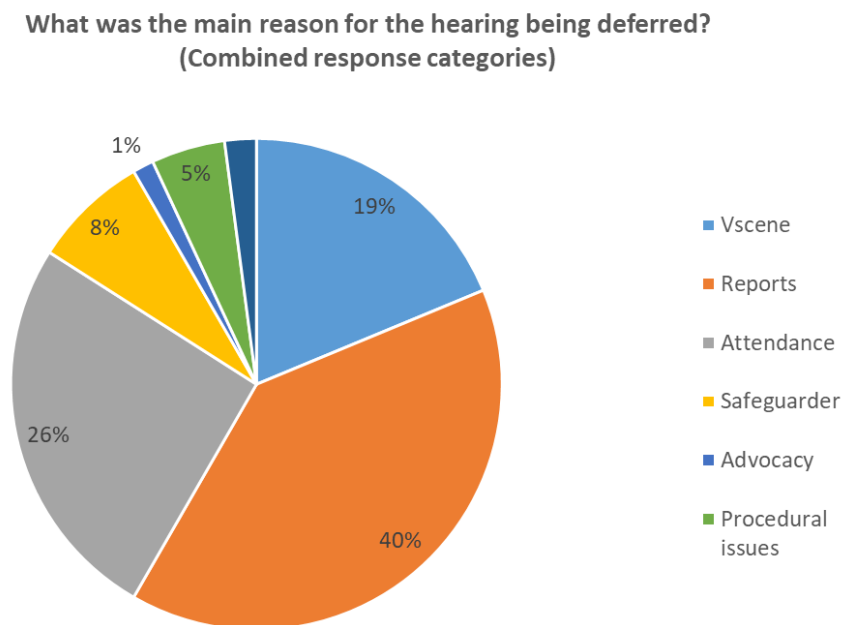


Reasons for deferrals

The survey asked chairs to confirm main reason for deferral, from a list of 9 options and also allowed for the selection of "Other" to allow the chair to confirm by free text the reason for the deferral, this was meant for completion only where one of the 9 choices provided had not been selected. On reviewing the responses it was clear that many of the "Other" responses had already been recorded in one of the 9 options or could be allocated there. We have reviewed the "Other" responses and removed duplications and reallocated where possible.

A second option was provided for cases where there were additional factors causing a case to be deferred, again using the same 9 options as the main reason for deferral and "Other" where the stated options did not apply. Again, within this additional reasons section it is clear that some respondents choose one of the nine options provided plus "Other" since there are 141 responses to the second question but only 123 surveys completed. We have re-categorised these "Other" responses where we can and removed duplication to give an more accurate result.

Main reasons for deferrals



The largest main reason for deferrals was issues with reports, accounting for 40% of deferrals. This splits into late provision of reports by Social Work at 14%, Social Work reports not being clear at 10%, while non availability or late arrival of other non- Social Work reports accounted for 14% and relevant persons not received or read papers accounting for 2%.

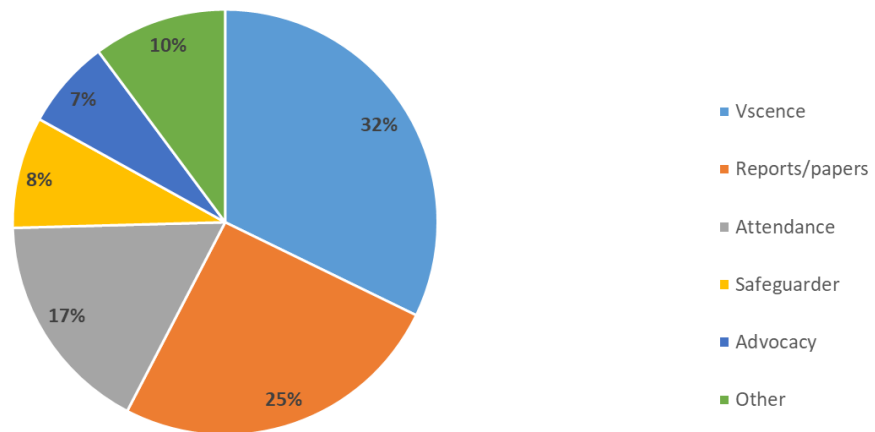
The next significant reasons were non-attendance of professional, legal rep or relevant persons accounting for 26%. This was followed by 19% due to issues with Vscene, most of these VScene issues related to relevant persons not being able to attend at 13%, while panel member could not connect to VScene in 3% of responses and reporters in 1%.

Other main reasons for deferrals was for the appointment of a safeguarder at 8%, procedural issues at 5%, to appoint an advocate at 1% and other at 2%.

The appendix of this report splits these factors out fully to show all 10 reasons in full in chart format.

Other reasons for deferrals

**Were there any other reasons that contributed to deferment?
(Combined response categories)**



In respect of other reasons for deferrals VScene accounted for the greatest proportion at 32%, this is split 20% due to relevant person having issues with VScene, general problems 7% and panel members having VScene issues at 5%.

The next issue was in relation to availability of reports / papers accounting for 25% of other reasons for deferrals. This is split

- 14% due to non-availability or late arrival of other, non Social Work, report(s)
- 7% due to Social Work reports not being clear
- 3% due to late provision on Social Work reports
- 1% due to limited papers

Attendance of a professional, legal rep or relevant person was cited as a secondary reason for 17% of the responses. While the appointment of a safeguarder or for a report/assessment by a safeguarder was cited in 8% of responses and appointment of an advocate had 7% of responses. After reallocation of the original other responses were possible the "Other" category still accounted for 10% of responses for other reasons.

If we combine responses to both questions reports account for the largest proportion of deferrals with 32.5%. This is followed by VScene at 25.5% which is then closely followed by non-attendance of professional, legal rep or relevant persons accounting for 21.5%. The appointment of safeguarders, advocacy, procedural issues and other account for less than 10% each.

Recommended Next Steps

- Recommendation that those areas undertaking the VH pilots continue to run an updated version of the deferrals survey to determine if the new pilot process improves deferrals in those areas - <https://www.smartsurvey.co.uk/s/B8C13C/>
- ACs and ASIPs work together to review deferrals at locality level and determine whether any specific action is required based on the results from the survey for their particular areas and also the results from SCRA deferral information. It may be that where the deferral rates is significantly higher than the average then steps can be taken locally to reduce, data is available at locality level to facilitate this, see appendix, and data is also available from SCRA on deferral reasons up to August 2020.
- Where attendance is an issue in a particular area work locally with social work and SCRA to investigate what options are available to help with attendance, especially in those areas where attendance is an issue and they do not have access to SCRA premises, consider also option to work locally with [Connecting Scotland](#) around the provision of devices to facilitate digital access.

Appendix

Data can be found here:

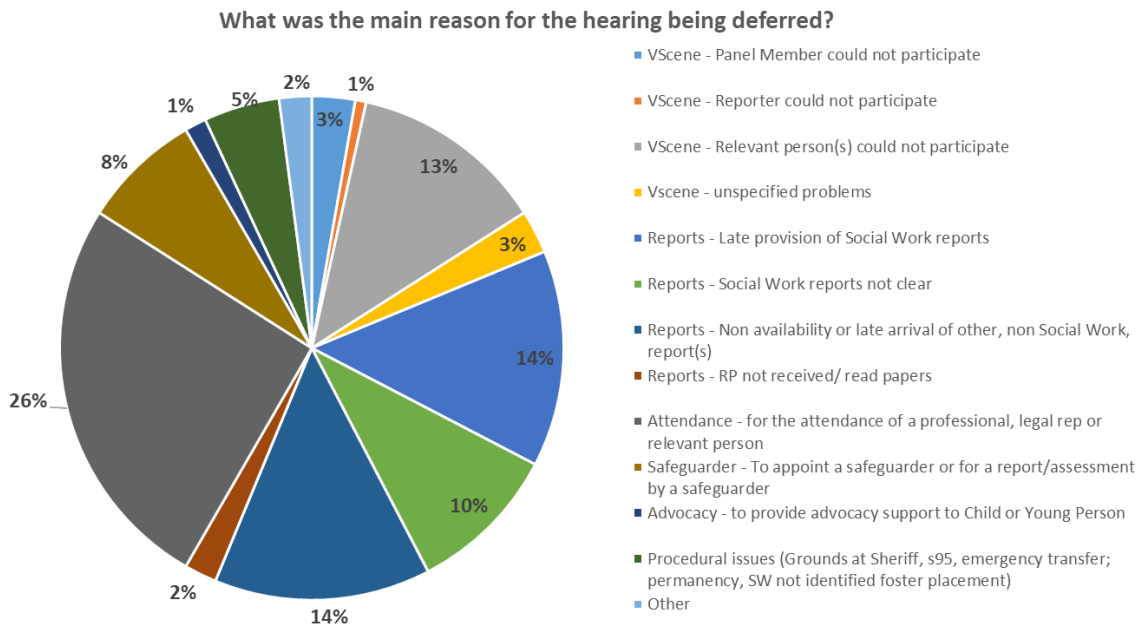
G:\CHS\Panel and AST\Covid 19\Data for Recovery\Deferrals Survey\Deferrals Survey Results

Count and proportion of deferrals by Local Authority, using survey and SCRA data:

Local Authority in which the hearing took place (the implementing local authority)	Response Percent	Response Total	Slots	Proportion of LA slots that were deferred	SCRA Deferral number	SCRA Proportion of slots that were deferred
1 Aberdeen City	8.1%	10	44	22.7%	9	20.5%
2 Aberdeenshire	4.1%	5	28	17.9%	3	10.7%
3 Angus	2.4%	3	16	18.8%	1	6.3%
4 Argyll & Bute	0.8%	1	13	7.7%	2	15.4%
5 Edinburgh	13.0%	16	57	28.1%	13	22.8%
6 Clackmannanshire	3.3%	4	22	18.2%	3	13.6%
7 Eilean Siar	0.8%	1	3	33.3%	0	0.0%
8 Dumfries & Galloway	1.6%	2	35	5.7%	4	11.4%
9 Dundee City	2.4%	3	21	14.3%	2	9.5%
10 East Ayrshire	5.7%	7	28	25.0%	8	28.6%
11 East Dunbartonshire	2.4%	3	12	25.0%	5	41.7%
12 East Lothian	0.0%	0	18	0.0%	3	16.7%
13 East Renfrewshire	0.0%	0	13	0.0%	0	0.0%
14 Falkirk	7.3%	9	28	32.1%	8	28.6%
15 Fife	4.1%	5	68	7.4%	14	20.6%
16 Glasgow City	14.6%	18	90	20.0%	20	22.2%
17 Highland	4.9%	6	38	15.8%	10	26.3%
18 Inverclyde	2.4%	3	19	15.8%	4	21.1%
19 Midlothian	0.0%	0	8	0.0%	0	0.0%
20 Moray	0.8%	1	9	11.1%	0	0.0%
21 North Ayrshire	4.1%	5	46	10.9%	7	15.2%
22 North Lanarkshire	0.8%	1	33	3.0%	2	6.1%
23 Orkney	0.8%	1	3	33.3%	0	0.0%
24 Perth and Kinross	0.0%	0	13	0.0%	0	0.0%
25 Renfrewshire	4.1%	5	44	11.4%	10	22.7%
26 Scottish Borders	1.6%	2	19	10.5%	5	26.3%
27 Shetland Islands	0.0%	0	2	0.0%	0	0.0%
28 South Ayrshire	4.1%	5	24	20.8%	7	29.2%
29 South Lanarkshire	1.6%	2	45	4.4%	7	15.6%
30 Stirling	0.8%	1	15	6.7%	2	13.3%
31 West Dunbartonshire	0.8%	1	17	5.9%	3	17.6%
32 West Lothian	2.4%	3	27	11.1%	3	11.1%
	<i>answered</i>	123	Average	13.7%		14.8%
	<i>skipped</i>	0				

Main reasons for deferrals:

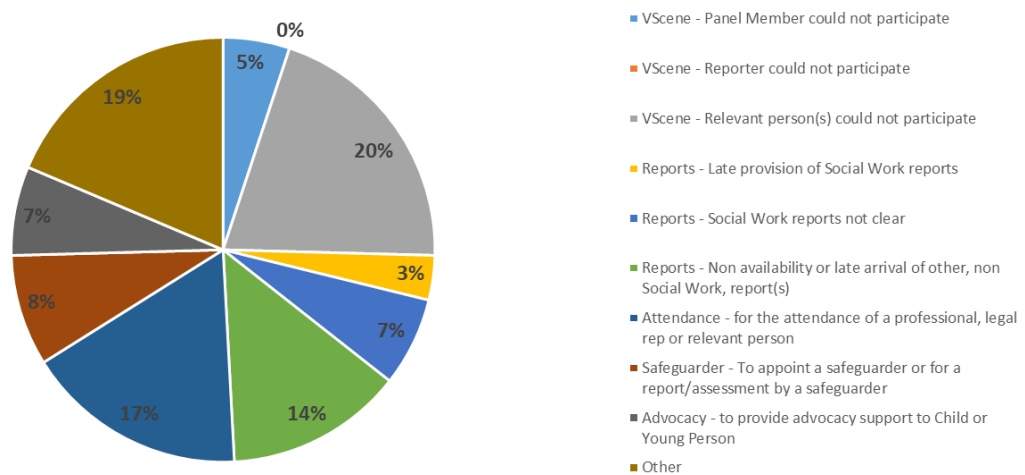
What was the main reason for the Hearing being deferred?			
Revised main reasons		Revised % responses	Revised responses
1	VScene - Panel Member could not participate	3%	4
2	VScene - Reporter could not participate	1%	1
3	VScene - Relevant person(s) could not participate	13%	18
New	Vscene - unspecified problems	3%	4
4	Reports - Late provision of Social Work reports	14%	20
5	Reports - Social Work reports not clear	10%	14
6	Reports - Non availability or late arrival of other, non Social Work, report(s)	14%	20
New	Reports - RP not received/ read papers	2%	3
7	Attendance - for the attendance of a professional, legal rep or relevant person	26%	37
8	Safeguarder - To appoint a safeguarder or for a report/assessment by a safeguarder	8%	11
9	Advocacy - to provide advocacy support to Child or Young Person	1%	2
New	Procedural issues (Grounds at Sheriff, s95, emergency transfer; permanency, SW not identified foster placement)	5%	7
10	Other	2%	3
		100%	144



Any other reasons for deferral:

Were there any other reasons that contributed to the deferral? Tick as many as apply.			
Revised other reasons		Revised % responses	Revised responses
1	VScene - Panel Member could not participate	5%	3
2	VScene - Reporter could not participate	0%	0
3	VScene - Relevant person(s) could not participate	20%	12
4	Reports - Late provision of Social Work reports	3%	2
5	Reports - Social Work reports not clear	7%	4
6	Reports - Non availability or late arrival of other, non Social Work, report(s)	14%	8
7	Attendance - for the attendance of a professional, legal rep or relevant person	17%	10
8	Safeguarder - To appoint a safeguarder or for a report/assessment by a safeguarder	8%	5
9	Advocacy - to provide advocacy support to Child or Young Person	7%	4
10	Other	19%	11
		100%	59

Were there any other reasons that contributed to deferral?

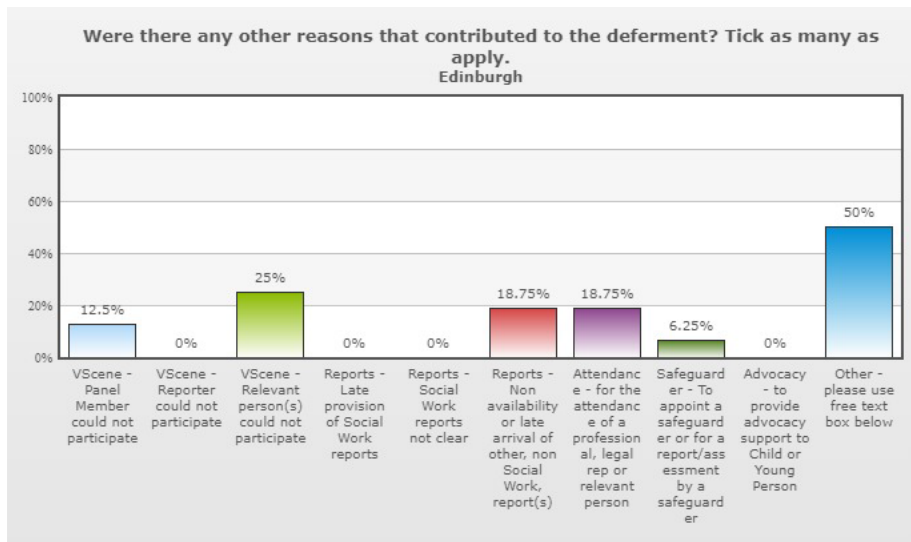
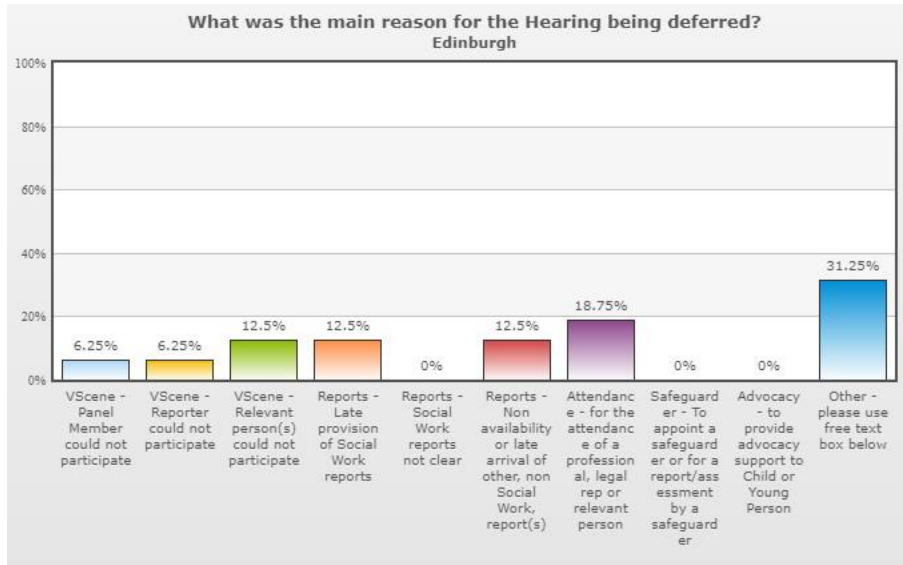


Analysis by Local Authority area

The structure of the survey means that analysis is available at Local Authority areas and filters have been added to the survey to allow those interested to look at data at a Local Authority level. All summary graphs for each Local Authority area can be found here:

G:\CHS\Panel and AST\Co-vid19\Data for Recovery\Deferrals Survey

Each area has a graph for main reason for deferral and a second for other reason for deferral:



Analysis at locality level is also available from SCRA and is stored in the AST channels within Teams and here:

\\Scotland\dc1\DCGroup_VO3\CHS\Corporate Services and Finance\Management information

Agenda Item 9 CHS-2021-67

Finance Report: 2020/21 forecast outturn

Accountable Director: Director of Finance
 Report author: Ross Mackenzie
 Resources implications: Within available resources
 Equalities duties: Equalities Impact Assessment Required
 Yes No

1 Background, summary and recommendation

- 1.1 The revenue grant in aid (GiA) allocation for CHS for 2020/21, excluding £92k digital resource, is £4.629m. The Board approved a revenue budget of £4.688m in March 2020, anticipating using £59k of reserves. This budget was previously augmented with in-year resource, but the impact of coronavirus has led to CHS agreeing with Scottish Government (SG) that this additional resource will all be taken as capital this year.
- 1.2 The capital GiA allocation for CHS for 2020/21 is £550k, comprising £50k original resource plus £500k in-year support from Sponsor Team to provide devices to volunteers and to provide devices to enable the 2021 trainee cohort to efficiently undertake online pre-service training and facilitate their ability to join the panel and actively support the recovery plan. This excludes reserves of around £80k.
- 1.3 The underspends forecast below are £289k on revenue and £11k on capital. The Board is asked to note the revenue, capital and digital funding positions.

2 2020/21 Revenue Forecast

- 2.1 The Variance YTD (Year To Date) underspend has mostly arisen from the impact of coronavirus and the rescheduling of the panel member recruitment campaign to January 2021, the invoices for which were not received before 31 January.
- 2.2 The forecast staffing spend continues to reflect previous decisions around recruitment to new posts, vacancies and absences. This forecast spend includes the proposed £200k payment to Lothian Pension Fund, as detailed in a separate business case paper.
- 2.3 Staff training, travel and subsistence (T&S) is anticipated to be underspent due to limitations around redeploying around 10 months' T&S cost savings into project management training and digital meetings facilitation upskilling to support virtual hearings and the CHS improvement programme.
- 2.4 ICT costs reflects a revised assessment of CSAS costs being met from the Digital budget this year.
- 2.5 Corporate costs includes consultancy (£49k) originally to be covered by the in-year support but now being met, for this year only, from other non-recurring underspends. This consultancy delivers digital archiving and leadership and management support.

Finance Report as at 28 February 2021

	Actual YTD Period 11	Variance YTD Period 11	2020/21 Annual Budget (Original)	2020/21 Forecast	2020/21 Forecast Variance	2020/21 Forecast Variance
	£000	£000	£000	£000	£000	%
Staff	1,693	+76	1,765	2,080	+315	+17.8
Board	40	-1	50	50	+0	+0.0
Training, travel and subsistence	63	-20	99	76	-23	-23.1
Property	88	+8	107	111	+4	+3.7
Other Operating Costs	53	+27	55	63	+8	+13.9
ICT Costs	250	-19	305	256	-49	-16.0
Corporate Costs	37	+21	68	122	+54	+80.5
Panel and AST Expenses	49	-454	669	153	-516	-77.1
Panel and AST Training	786	-191	1,184	958	-226	-19.1
Support for hearings	24	-64	108	90	-18	-17.1
Volunteer recruitment	226	+47	182	317	+135	+74.3
PVGs	2	-26	30	30	+0	+0.0
AST Devolved Funding	25	-25	66	126	+60	+90.9
Income	0	+0	0	-33	-33	-
Total	3,336	-621	4,688	4,399	-289	-6.1

- 2.6 The scale of Panel and AST expenses underspend, arising from coronavirus, depends heavily on the timing of the resumption of physical Hearings, but around 10 months' volunteer expenses are anticipated to be saved at this point, notwithstanding the costs of addressing the backlog.
- 2.7 The Panel and AST training budget included over £300k to cover the cost of venue hires, volunteer overnight accommodation and other costs arising from contract Change Control Notices (CCNs) which generally include additions and enhancements to the training service throughout the year. With the continuance of Covid restrictions to the end of the financial year and limited face to face pre-service training before April, savings on this line have increased. These are being redirected towards the SG Healthcare Improvement team to support improvement activity and development; development of e-learning modules to include the Hearing Information Pack (HIP) and materials to support virtual recruitment activity including films to attract and support potential applicants and materials to support trainee induction and on boarding. Savings will also be utilised to support increased pre-service costs in 2021/22 arising from a greater volume of trainees to meet hearings requirements, and some spend on digital meetings facilitation.
- 2.8 The panel member recruitment spend forecast includes provision for an Information Evening video and increased media buying provision to support attracting a high volume of

applicants, including television advertising.

- 2.9 Opportunities for ASTs to spend devolved funding directly are more restricted this year. However, Throughout the year we have prioritised and invested in volunteer support and recognition. We have introduced a package of wellbeing support services and initiatives, dedicated to the needs of the CHS Community. Our 24/7 health, well-being and counselling service is delivered in partnership with Health Assured. This together with the offer of free flu vaccinations and a local programme of recognition has helped alleviate the pressures that many of the CHS Community have faced through the pandemic. Feedback has been positive and these services are likely to continue into 2021/22 following a review and evaluation. Our financial planning around the need for devolved funding remains agile and responsive.
- 2.10 The income is secondment income, offsetting some of the staff overspend.
- 2.11 Senior team members continue to meet with SG Sponsor team every month to review the impact of covid-19 on finance and resources.
- 2.12 The majority of the in-year revenue funding (£375k) was initially requested to recruit to a Digital Support Lead, offer pastoral support to volunteers, additional digital project support costs, leadership support and development and volunteer training for trauma-informed training. The first four of these will be delivered, being met from in-year non-recurring savings, allowing the in-year support, with agreement from SG, to be spent enabling volunteers and trainees through provision of devices. Routes for provision of trauma informed training continue to be explored.
- 2.13 SG Finance has indicated that the government-wide position on revenue is extremely challenging, and confirmed that revenue projects should not be undertaken unless they are mission-critical. Given forecast uncertainty, particularly around volunteer expenses, CHS intends to draw down its full funding allocation and discuss the use of any eventual underspend to ease the 2021/22 budget pressures detailed in the 2021/22 budget paper.

3 2020/21 Capital Forecast

	Actual YTD Period 11	2020/21 Budget	2020/21 Forecast	2020/21 Variance
	£000	£000	£000	£000
Devices for volunteers (Phase 1 pilot)	36	40	36	(4)
Devices for volunteers (Phase 2)	129	140	129	(11)
Devices for staff	0	5	5	0
Thistle House technology	24	20	24	4
Community devices (PPAs and Panel Members)	108	140	140	0
Devices for staff (tablets, SCOTS refresh)	0	26	26	0
7 Non-SCOTS devices (SCIL and PowerBI)	0	4	4	0
Devices for pre-service trainees	0	255	255	0
Grand total	297	630	619	(11)

- 3.1 CHS's original capital resource, including £80k of reserves, was £130k. The £500k additional resource referred to in 1.2 gives a total of £630k available resource.
- 3.2 SMT has confidence in deliverability timescales and remains in dialogue with SG around options should there be any slippage.

4 Digital Programme

4.1 The allocation of Digital funding is below.

	Budget 2020/21 £000	Forecast 2020/21 £000	Variance 2020/21 £000
CSAS Development	135	169	34
Transition Costs	192	192	0
Support Costs	257	272	15
Licence Costs	293	293	0
Hosting Costs	85	60	(25)
Contingency	181	218	37
Organisation contributions	(147)	0	147
Internal Costs	96	0	(96)
Agency staff costs	28	28	0
Sub-total	1,120	1,232	112
Additional in year funding			
CSAS Core Development	75	71	(4)
Digitizing hearing room capacity	140	105	(35)
Improving connectivity	125	134	9
Digital training	0	0	0
Total	1,460	1,542	82

4.2 The Digital funding, excluding carry forward, is £1m, of which £750k is revenue and £250k is capital. The available budget includes £120k reserves from 2019/20. The table reflects the new projects funded from the additional £340k in year grant provided by SG.

4.3 The forecast submitted by the Programme Director confirms spend is on track to within £82k (5.6% of budget) for this year, with savings on some lines being redeployed within the programme to further develop the utility of CSAS. Excluding internal transfer lines (organisation contributions, internal costs and digital training) the forecast overspend on core project lines is £31k. Potential slippage over the year-end due to the supply chain for tangibles is now less likely, but this is being kept under careful review by the Director and the programme remains agile and flexible to react to changing circumstances.

5 Conclusion

5.1 The underspends forecast are £289k on revenue and £11k on capital. The Board is asked to note the revenue, capital and digital funding positions.

Agenda item 10
CHS-2021-68

Draft 2021/22 Budget

Accountable Director: Director of Finance
 Report author: Ross Mackenzie
 Recommendation(s): To approve the 2021/22 budget and note the forward pressures
 Resources implications: Within available resources
 Equalities duties: Equalities Impact Assessment Required
 No Yes

1 Background

- 1.1 CHS's grant in aid (GIA) in 2020/21 was £4,629k revenue and £50k capital, plus £500k in-year support, totalling £5,179k. Scottish Government (SG) has indicated that CHS should budget based on £300k capital and "flat cash" revenue in 2021/22, including the £500k in-year support as revenue resource. SG have indicated that CHS should not assume that all underspends may be carried forward as a reserve, although discussions are ongoing with Sponsor Team. SG are supportive of CHS utilising funds to support recovery activity in 2021/22 should carry forward be possible. SG aware of ongoing impact of Covid on financial planning and are encouraging a focus in 21/22 of mission critical activity to support hearings recovery and backlog reduction. This gives CHS a revenue envelope of £5,129k revenue and £300k capital.
- 1.2 CHS's latest five year plan identified a revenue requirement of £5,036k and a capital requirement of £300k for 2021/22.
- 1.3 The Digital Programme for which CHS and Scottish Children's Reporter Administration (SCRA) are jointly responsible has no funding in 2021/22, with all CSAS costs, and any legacy system costs, being met from SCRA and CHS's core budgets.
- 1.4 The draft budget proposes revenue spending plans totalling £5,129k and capital plans totalling £300k, matching GIA and focussed on mission critical activity to support hearings recovery, but highlighting potential pressures of over £132k that CHS would seek to accommodate within 2021/22.

2 Recommendation

- 2.1 Board members are asked to approve the 21/22 budget and note the pressures faced in 2021/22.

3 Draft 2021/22 revenue budget

	2020/21 Original Budget	2020/21 Forecast	2021/22 Draft Budget	Increase from 2020/21 Budget	2021/22 5 year plan	Variance from 5 year plan
	£000	£000	£000	£000	£000	£000
Staff	1,765	2,080	2,282	+517	2,122	+160
Board	50	50	55	+5	50	+5
Training, travel and subsistence	99	76	60	-39	99	-39
Property	107	111	121	+14	108	+13
Other Operating Costs	55	63	56	+1	65	-9
ICT Costs	305	256	491	+186	443	+48
Corporate Costs	68	122	155	+87	78	+77
Volunteer Expenses	669	153	464	-205	619	-155
Panel and AST Training	1,184	1,058	1,049	-135	1,064	-15
Support for Hearings	108	90	177	+69	110	+67
Volunteer Recruitment	212	347	207	-5	212	-5
AST Devolved Funding	66	126	66	+0	66	+0
Income	0	-33	-54	-54	0	-54
	4,688	4,499	5,129	+441	5,036	+93

3.1 The staffing budget includes a savings target of 2.7% (£62k) and reflects anticipated 2021/22 pay policy of 1% on all scale points and utilising the 0.5% allowed flexibility to enable a fair and progressive pay policy and the following headcount:

Grade	FTE
Specialist Admin	4.50
Lower Officer	5.00
Medium Officer	6.81
Higher Officer	8.41
Senior Officer/Manager	13.02
Executive	2.00
National Convener	1.00
Total FTE	<u>40.73</u>

3.2 Around £120k of the increase in staffing is attributable to an employer pension contribution rate of 24%, a necessary increase from 14.8% in 2020/21 to support reduction of CHS pension deficit and following engagement and approvals of Lothian pension Fund, SG and the CHS Board

- 3.3 The remaining difference between the five year plan and draft budget is a combination of:
- a lower savings target;
 - some staff costs now being met through shared services;
 - a secondment whose costs are being met from income; and
 - an increase in headcount reflecting CHS's requirements around delivery of The Promise and the Corporate Plan.
- 3.5 The board budget presumes a full complement of members and a seventh member from summer 2021.
- 3.6 Training, travel and subsistence has decreased by £39k compared to last year's original budget and the five year plan, reflecting a modest increase in staff training offset by reduced travel costs.
- 3.7 The Property budget reflects increased Thistle House costs arising from the pandemic plus a modest budget for using the venue for training later in 2021/22.
- 3.8 Other Operating Costs includes Health Assured (10k), provision for a Community Survey (£4k) and other costs. Savings are anticipated on postages, photocopying and other costs primarily derived from occupying Thistle House. There is no provision for a hard copy Policy and Procedures Manual (PPM) nor external design and branding (total £13k).
- 3.9 The provisional ICT budget reflects:
- £40k SCOTS charge (around 40 devices being supported at approximately £1k per device);
 - £157k software costs, mostly comprising a full year of Softcat Enterprise Agreement (£136k);
 - £14k website costs;
 - £30k CSAS hosting costs;
 - £250k CSAS support and maintenance costs.

The five year budget forecast lower CSAS support costs.

- 3.10 Corporate costs comprises audit (£24k), consultancy (£5k) and actuarial/corporate legal costs (£3k) alongside shared services (£123k). Shared services breaks down as:
- £12k core charge for Accounts Payable and Payroll
 - £26k for Head of Finance and Head of HR SMT support
 - £5k for 15 anticipated drawdown days
 - £80k for IT and Finance staff cost-shared with SCRA

- 3.11 The £80k IT and Finance costs shared with SCRA were previously shown in the Staffing budget, and explain the variance between the draft budget and the budget in the five year plan. SMT believes this £80k provision is likely to be sufficient only if a 0.5 FTE Management Accountant is recruited in addition to this (see Pressures below).
- 3.12 Volunteer expenses were forecast in the 5 year plan as £619k, close to the 2019/20 actuals of £613k. This has been reduced by 25% as an estimate of the continuing impact of the pandemic and will continue to be closely monitored in year.
- 3.13 The panel and AST training budget reflects the forecast in the 5 year plan, except for omitting the £50k Young Panel Member/Lived Experience Programme and including £35k to reflect likely costs of training an increased volume of new trainees.
- 3.14 Support for Hearings comprises reference groups and networks, Area Convener liaison, any national events, specific participation and engagement including children and young people not related to recruitment, independent legal advice relating to practice and Independent reports. This includes £25k provision for Connecting the Community and some additional support for participation, neither of which were in the 2021/22 figure within the five year plan. It also includes £30k provision for a National Event and Improvement Events.
- 3.15 Volunteer recruitment nominally breaks down as £172k dedicated to the annual panel member recruitment campaign, £30k for PVGs and £5k for AST recruitment.
- 3.16 AST devolved funding remains at £66k, although there remains scope for this sum to be distributed differently depending on need and numbers within ASTs.
- 3.17 The income represents reimbursement for a secondee on CHS's payroll throughout 2021/22.
- 3.18 SMT has noted the following pressures, to be met from in-year savings or reserves where possible once there is greater certainty around items such as volunteer expenses and what staffing savings may arise from churn:
 - a Service Design Manager (1 FTE for 9 months at Operational Manager grade) (£51k)
 - a Management Accountant (0.5 FTE at Higher Officer grade) (£27k), which may be offset by reduction in shared services requirements.
 - Consideration of additional Practice Support given the legislative implementation requirements in 2021/22 and 22/23 (UNCRC/MACR and siblings legislation).
 - costs around developing volunteer training around UNCRC and MACR that may be chargeable by the Learning Academy (to be determined)

Capital

- 3.19 CHS's 2021/22 capital budget is £50k for devices and £250k for CSAS development.

4. Conclusions

- 4.1 The proposals are aligned to CHS's business plan priorities for 2021/22, are within CHS's anticipated resourcing, and retain flexibility to meet the challenges next financial year will present in the context of the wider Children's Hearings System.
- 4.2 Board members are asked to approve the 21/22 budget and note the pressures faced in 2021/22.

Agenda item 11
CHS-2021-69

Quarter 4 Performance Report

Accountable SMT member: Head of Strategy, Development & DCEO
Report author: National Quality & Performance Lead
Resources implications: Within available resources
Purpose: For Consideration and Assurance
Equalities duties: Equalities Impact Assessment Required
 Yes? No

1. Introduction

This cover paper accompanies the Quarter 4 (Jan, Feb, Mar) Performance Report and comments on reporting on performance in the 2020/21 Annual Report.

2. Comment

This Q4 report, and any outstanding final year-end reconciliations and calculations, will form the basis of the Performance Report section of the 2020/21 Annual Report.

A four-colour reporting system was used last year, but it was suggested that this be revised for this year. The proposed 'RAG' framework for the Business Objectives in the Annual Report would be:

- Green – objective completed 100% (equivalent to 'blue' in Q4 performance report)
- Amber – objective was completed 50%-99% - or was partially de-scoped during the year
- Red – objective was completed less than 50% - or was fully de-scoped during the year

3. Board Actions

The Board are asked to note the Q4 performance report and approve, or amend, the proposed 'RAG' framework.

Children's Hearings Scotland: Quarterly Performance Report

QUARTER 4 (Jan, Feb, Mar 2021)



Quarter Summary - Objectives:

	Objectives				
	B	G	A	R	-
Theme 1 - Rights	2	0	2	0	0
Theme 2 - Hearings	1	0	4	3	0
Theme 3 - Panel	10	1	3	1	0
Theme 4 - Evidence & Environment	7	0	0	2	0
TOTAL	20	1	9	6	0

Milestones:

	Number of Milestones at End Q4
Planned to Complete (in Business Plan)	76 (10 in Q1; 12 in Q2; 11 in Q3; 43 in Q4)
Completed - Actual	48 (10 in Q1; 5 in Q2; 11 in Q3; 26 in Q4)
Not completed	14
Descoped	14

Key:
Blue = Objective completed in full
Green = Objective on track to be completed on time / budget
Amber = Objective at risk of not being delivered on time / budget - or partially descoped
Red = Objective at serious risk of not being delivered on time / budget - or Objective has been descoped
Dash (-) = Not yet due for reporting / update

Theme 1: Better Protect and Uphold the Rights of Children

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
1	Better understand how the UNCRC can be realised in CHS's work and reflect on our current performance by producing our first UNCRC Realisation Report	Green	Green	Yellow	Blue	1.1	Develop a framework/approach for reporting on our progress on the realisation of UNCRC	Complete by end Q2	Q1: 30% Q2: 100%	Completed in Q2
						1.2	Publish the UNCRC Realisation Report with recommendations for further work	Complete by end Q4	Q3: 75% Q4:100%	Approval version of the report, including easy-read version to Board in March 2021.
						1.3	Begin to implement recommendations	Progress to end Q4	Q4:100%	Activity taking place under Rights & Inclusion Strategy (recommendations derived from this strategy)
2	Improve how children and young people can be involved in hearings through a new rights and inclusion strategy	Green	Green	Green	Blue	2.1	Publish a Rights and Inclusion strategy	Complete by end Q3	Q3: 100%	Following extensive consultation, strategy was published on 20/11/20
						2.2	Begin to implement the actions from the strategy	Progress up to end of Q4	Q3: 50% Q4:100%	New group of young people to advise on work formed, and meetings are being held with this group.
3	Achieve a sound understanding of children's rights across our community through the provision of a new online course on rights	-	-	-	Yellow	3.1	Delivery of online course	Complete by end Q4	Q4: 50%	Course in development, including external partner organisation. Course building now taking place.
						3.2	Monitor the completion rate of the course	20% of vols completed by end Q4	-	De-scoped in Q3 due to later planned delivery of milestone 3.1 above

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
4	Ensure children are supported to express their views and opinions by implementing the national Advocacy Scheme in children's hearings (section 122 of CHS 2011 Act)	-	-			4.1	Make training, practice guidance and support available to the volunteer community	Dependant on external timelines	Q3: 100%	s.122 now in force; training module available on Learning Academy; awareness-raising carried out on Teams
						4.2	Review all training courses to include advocacy	Dependant on external timelines	Q3: 100%	Relevant courses reviewed -Management of Hearings; Contact.
						4.3	Review the implementation and Panel Member experience of advocacy by gathering feedback	Dependant on external timelines	-	De-scoped in Q3 - s.122 came in to force in November, so time is needed before feedback

Theme 2: Deliver Consistently High-Quality Hearings

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
5	Ensure that hearings are increasingly respectful, caring and fair places by introducing and implementing a Code of Conduct across the volunteer community	Green	Green	Green	Red	5.1	Publish Code of Conduct	Publish during Q4	Q1: 90% Q2: 90% Q3: 90%	Work paused, pending further development with young people
						5.2	Progress Dissemination of Code of Conduct	During Q4	-	
						5.3	Complete Dissemination of Code of Conduct	Complete by end Q4	-	
6	Ensure Panel Members are provided with the best possible information with which to make decisions by launching and implementing new operational and quality assurance processes for managing independent reports	Green	Green	Yellow	Yellow	6.1	Recruitment of new report writers	Complete by end Q1	Q1: 100%	51 applications received; 30 interviews; 21 appointed
						6.2	Review of guidance to request additional reports including local authority reports, safeguarder reports and independent reports.	Complete by Q3	Q3: 100%	New section on 'requesting additional reports' included in December PPM update
						6.3	Launch of Quality Management Framework	Complete by end Q4	Q4: 20%	Work is underway to develop this framework, though this will not be implementable by end Q4. Current priority is to work with the Independent Report Writer Group to provide feedback and development opportunities.
7	Improve the utility and relevance of our standards and competencies by undertaking an analysis and alignment exercise	-	-	Red	Red	7.1	Align CHS standards and competencies internally, and where relevant, externally	Complete by end Q3	n/a	Descoped in Q2

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
8	Improve the quality of written reasons for Panel Members' decisions	Green	Green	Yellow	Yellow	8.1	Develop and test a framework for national review	Complete by end Q1	Q1: 100%	Framework developed and tested with sample of written reasons in 2 AST areas and feedback provided.
						8.2	Sample decisions from across Scotland	Complete by end Q3	-	De-scoped in Q3 due to capacity
						8.3	Make recommendations based on findings	Complete by end Q4	-	De-scoped in Q3 due to capacity
9	Provide Panel Members with support to be to make effective and timely decisions	Green	Green	Green	Blue	9.1	Issue guidance focussed on good quality decision making	Progress up to end Q4	Q1: 25% Q2: 50% Q3: 75% Q4: 100%	Developed 'Coronavirus Practice Guide' in Quarter 1; Updates undertaken to this guide in Q2 (now version 3.1). Q3 - PPM underwent significant update. Q4 - guidance issued on procedures to be followed if reporter is not present, and reminder of emergency legislation provisions
10	Have an accountable high-quality hearings system by progressing an effective and efficient complaints process	Green	Green	Green	Yellow	10.1	Finalise policy	Dependant on external input	Q1: 95% Q2:95% Q3: 100%	Final policy and launch plans approved by Board Nov 2020
						10.2	Publish, with guidance for CYP	Complete by end Q4	Q3: 70%	Dissemination and further development of the process, including child-friendly guidance will take place in 2021-22.

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
11	Strengthen quality assurance processes and feedback to Panel Members about performance in hearings through our Panel Practice Advisors	-				11.1	Finalise and implement PPA observation framework	Complete by end Q3	Q2:50% Q3:50% Q4: 50%	PPA pilot took place in Fife and Tayside during Q3. Identified improvements required with the online observation template.
						11.2	PPA observation data is being recorded on the system and is used to inform L&D	Complete by end Q4	n/a	Descoped in Q2
12	Improve the quality of participants' experiences in hearings through specific local projects	-	-			12.1	Extend the CWL 'management of hearings test of change'	Complete by end Q3	n/a	Descoped in Q2
						12.2	Evaluate the impact of the test of change	Complete by end Q4	n/a	Descoped in Q2
						12.3	Continue to progress the implementation of Panel Member Profiles	Progress up to end Q4	n/a	Descoped in Q2
						12.4	Improve the implementation of Panel Member continuity	Progress up to end Q4	n/a	Descoped in Q3. Continuity policy is in place and being used. Specific work on this has been identified as a priority improvement aim for 2021.

Theme 3: Continue to Build and Effective, Empathetic Panel, that is well-supported

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
13	Offer our community opportunities to learn, develop and improve in their roles by creating new online training modules through the Learning Academy	Green	Green	Green	Yellow	13.1	Modules 1, 2, and 3 live	Complete by end Q1	Q1: 100%	Hearings in Lockdown', 'Permanence' and 'Child Development' courses launched
						13.2	Module 4 live	Complete by end Q4	Q3: 20% Q4: 30%	Re-vamped Information Governance course - scoping work has begun
						13.3	Panel Member completion of mandatory training - Advocacy 50%; Permanence 50%; Information Governance 85%	Complete by end Q4	Q4: -	Finalising completion rates for all courses, but Spring Information Governance cohort completion rate was 87%
14	Ensure that Panel Members are equipped with accurate, up-to-date information and advice by updating the digital Practice and Procedure Manual	-	-	Blue	Blue	14.1	First PPM Update	Complete by end Q3	Q3: 100%	1 large update completed in Q3, rather than 2 smaller. New edition includes updates on advocacy, non-disclosure, independent reports, deferrals, grounds and proof, and GIRFEC.
						14.2	Second PPM Update	Complete by end Q4	Q3: 100%	
15	Connect our volunteer community by running a programme of engagement events across Scotland	Green	Green	Yellow	Yellow	15.1	Run first set of 4 virtual engagement events	Complete by end Q1	Q1: 100%	4 events carried our, covering 12 ASTs
						15.2	Run second set of 4 virtual engagement events	Complete by end Q2	Q2: 100%	4 events carried out, covering 10 ASTs. Evaluation now in place.
						15.3	Begin to run local engagement events	Reach 6 ASTs by end Q4	Q4: -	Events did not run during Q4, but new events will be planned for 2021-22
16	Ensure volunteers are supported with the personal and emotional side of their role by introducing a new wellbeing support approach	Green	Green	Blue	Blue	16.1	Finalisation of approach	Complete by end Q3	Q1: - Q2:100%	Health Assured support was launched in July; Flu jabs made available from Sept
						16.2	Dissemination of approach	Progress up to Q4	Q1: - Q2: 50% Q3: 100%	Advertised on Teams for Community awareness in Q2 and Q3

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
17	Better understand how to work effectively with the range of experiences that babies, infants, children, young people and families who attend hearings may have through a trauma-sensitive improvement plan					17.1	Produce a trauma-sensitive improvement plan	Complete by end Q4	Q1: 20% Q2: 50% Q3: 60% Q4: 70%	Planning continues with meeting held between CHS, CHSLA, SCRA and NHS Education for Scotland to identify shared resources and joint working options. Trauma learning is also being incorporated into re-design of pre service training to commence April 2021. Overall plan still in draft.
						17.2	Begin to implement plan recommendations	Progress through Q4	-	Descoped in Q3. Introductory learning on trauma is in development during Q4 for implementation in 2021, including learning for new Panel Members
18	Allow us to improve how we recruit, train, and support a diverse Panel through a new equality strategy					18.1	Publish Equality, Diversity & Inclusion strategy	Complete by end Q4	Q1:40% Q2:80% Q3: 90% Q4: 100%	Final strategy will be in publishable form by the end of Q4, with anticipated publication planned for early Q1 of next year.
						18.2	Implement actions from the strategy	Progress up to Q4	Q4: 100%	Aspects of the strategy are already in place or in development via Equalities Outcomes
19	Ensure Panel Member training maintains its rigour and quality by reviewing the Professional Development Award in partnership with the Learning Academy	-	-			19.1	Carry out a review of the PDA, identifying changes where necessary	Complete by end Q4	Q3: 30% Q4: 100%	Reviewed in line with pre-service.

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
20	Promote the contribution of our volunteers and the impact they make on the lives of children and young people through a dedicated volunteer recognition campaign					20.1 Volunteer recognition campaign during Volunteers Week (1st - 7th June)	Complete by end Q1	Q1: 100%	Internal and external campaign ran 1st-7th June including video message from Maree Todd
21	Have recruitment activities that respond to the current environment and local need to recruit diverse and committed volunteers					21.1 Confirmation of Panel Member recruitment plans	Complete by end Q1	Q1: 100%	Pending approval by Board of proposal to hold campaign from January 2021.
						21.2 Identify and undertake recruitment actions dependant on identified plans	During Q4	Q4: 100%	Campaign (including TV adverts and virtual information sessions) ran Jan-Feb.
						21.3 Involve CYP in Panel Member recruitment activities	100% of ASTs involving CYP - Q4	Q4: -	Plans and guidance for involving CYP have been developed. Interviews are on-going through Q4. Final activities will be known once completed.
22	Carry out a review of our Recruitment & Reappointment policies for volunteer roles	-	-			22.1 Produce revised Recruitment & Reappointment policies	Complete by end Q3	n/a	Descoped in Q2

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
23	Retain Panel Members by ensuring they are reappointed in an efficient and effective way					23.1	Carry out necessary reappointment processes	Complete by end Q1	Q1: 100%	Revised process introduced - virtual reviews; recommendations and appointment confirmations streamlined to e-versions. Approximately 370 Panel Members will have been reappointed by end of June.
24	Retain AST Members by ensuring they are reappointed in an efficient and effective way					24.1	Carry out necessary reappointment processes	Progress up to Q4	Q1: 25% Q2: 50% Q3: 75% Q4: 100%	Revised process introduced. Dates for AST reappointment are spread throughout the year.
25	Better support the recruitment of AST roles through the provision of new resources					25.1	Produce refreshed AST recruitment materials	Complete by end Q1	Q1: 100%	New marketing collateral (including social media, newsletter wording, images etc) for use by ASTs produced.
26	Support ASTs to fulfil their role effectively					26.1	ASIPs to work alongside ASTs to support local AST operations	Progress up to Q4	Q3: 75% Q4:100%	ASIPs have continued to work locally to support ASTs, particularly around COVID response but also about planning for 2021/22.

27	Provide effective new services to the volunteer community through a new digital system					27.1	MS Teams and email tools are available and utilised as a communication tool nationally	Q1 - 95% email take up	100%	Covid circumstances will be presenting a barrier to engagement for some of our community. All ASTs have dedicated Teams areas, and all ASTs were represented at Connecting the Community events , held on Teams.		
								Q2 - 100% ASTs using Teams	Q2: 100%			
								Q3 - 100% ASTs using video	Q3: 100%			
								27.2	Launch of CHS Functional Services	Complete by end Q2	Q1: - Q2: 100%	All ASTs are now live with digital services
								27.3	Utilise digital system for training and events	Complete by end Q4	-	LDCs have taken part in testing of the live system using dummy data. Limited local learning activity taking place currently due to Covid-19.
								27.4	Utilise digital system for complaints and concerns tracking	Complete by end Q4	Q4: 100%	Complaints team have undertaken testing of live system. This will now be utilised for complaints and concerns handling
			27.5	Utilise digital system for rota management	Complete by end Q4	Q4: 100%	Rota Management training has taken place for all rota managers. Local AST/SCRA workshops taking place to enable effective rota management that support the mix of virtual and F2F hearings currently taking place.					
			27.6	Expenses service encourages more volunteers to claim expenses	Complete by end Q4	-	Expenses module is live and beginning to be utilised. Clerks have tested live system using dummy data. Limited use due to Covid-19					

Theme 4: Be Well-Informed and Influential in our Environment and Communities

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
28	Contribute to driving change in the sector through strategic involvement in the implementation of the Independent Care Review findings	-				28.1	Contribute to implementation	Progress up to Q4	Q2: 50% Q3:75% Q4:100%	Session with Promise Team took place in Q3. CHS was represented at various Promise webinars and at a conference on its implementation. Organisational response to Promise consultation submitted.
29	Ensure we are connected to, and influencing, knowledge development in the sector by being involved in research					29.1	Participate in 2 external research advisory groups	Progress up to Q4	Q1: 25% Q2: 50% Q3: 75% Q4: 100%	Contributions have been made to ACR research advisory group; Under-12s in Residential Care group underway, with 20 panel members agreeing to participate; Q4 involvement in CELCIS proposal.
30	Improve the skills and capacity we have to make changes by training our staff and volunteer leaders in improvement and implementation science in partnership with CELCIS	-	-			30.1	Deliver first wave of courses	Complete by end Q3	Q3: 100%	2 day improvement event held in October for all staff and Area Conveners (rather than 2 waves of courses), supported by CELCIS. Covered improvement methods and CHS projects.
						30.2	Deliver second wave of courses	Complete by end Q4	Q3: 100%	

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update
		Q1	Q2	Q3	Q4				
31	Improve understanding of our function externally through the delivery of a new corporate website , including a section for children and young people					31.1 Launch of new CHS website	Complete by end Q1	Q1: 100%	New website due for launch at end on June. New site is designed to be more user friendly and includes section specifically for children and young people.
32	Improve CHS data and management information availability through a new digital system	-	-			32.1 Develop and improve management information reports at a variety of operational levels	Progress to end Q4	Q3: 20% Q4: 30%	Training on new software is on-going. Some management information progress was made during recruitment, but this is not routine data access. Further digital developments to address aspects of this are taking place in Q4.
						32.2 Undertake the first digital benefits realisation monitoring exercise	Complete by end Q4	-	Descoped in Q3
33	Keep our community up-to-date with developments and thinking in the sector by giving them access to the views of specialists	-	-			33.1 Deliver 2 'Learn from the Experts' activities	Complete by end Q4	n/a	Descoped in Q2
34	Identify ways to allow our work to be influenced by lived experience of hearings					34.1 Publication of Rights and Inclusion strategy	Complete by end Q3	Q3: 100%	Following extensive consultation, strategy published on 20/11/20
						34.2 Implement the action from the strategy	Progress up to end of Q4	Q4: 100%	Group of young people advising on CHS work now established and meetings are being held.

	Business Objective	Status				Actions / Milestones / Deliverables	Timescales / Target	% Complete	Update	
		Q1	Q2	Q3	Q4					
35	Nationally consistent approach to ASIP involvement in Corporate Parenting and GIRFEC groups locally					35.1	Agreement of approach	Dependant on external environment	Q2: 100%	Completed in Q2
						35.2	Implementation measure	Dependant on external environment	Q2: 90% Q3:100%	All areas now have participation in local groups, covering all local authorities.
36	Continue active contribution to national strategic and advisory groups within the sector					36.1	Involvement with CHIP and sub-groups	Dependant on external environment	Q1: 25% Q2: 50% Q3: 75% Q4: 100%	Contribution to sector-wide working group on implementation of policy including 16-17 year olds in the hearings system. COVID data reports produced for CHIP.
						36.2	Involvement with YJIB and sub-groups	Dependant on external environment	Q2: 50% Q3:75% Q4:100%	Contribution to YJIB continues through National Convener attendance
						36.3	Involvement with ACR Advisory Group	Dependant on external environment	-	ACR Expert Reference Group has not met during 2020.

Coronavirus Resilience and Recovery Action Log - Jan, Feb, March

This page lists key Coronavirus activities that have taken place during the quarter

SECTOR ENGAGEMENT AND COLLABORATION

Weekly meeting involving Scottish Government, COSLA, Social Work Scotland, SCRA and CELCIS

Bi-Weekly CHS SMT/SCRA EMT meetings

NC attendance at weekly meeting with Social Work chief officers and other sector reps

COMMUNITY ENGAGEMENT AND SUPPORT

Weekly SMT/Area Convener Call

Weekly, or bi-weekly 'Coronavirus Comms' out to the CHS Community via Teams

Distribution of ChromeBooks to Panel Members continued

HEARINGS OPERATIONS

Pilots on alternative virtual platforms developed and began

Survey of deferral reasons carried out

Impact assessment of alternative hearings formats carried out

GUIDANCE

On-going provision of guidance - particularly through Practice Team engagement on Teams

New guidance on handling reporter drop-out during hearings issued

Renewed guidance on emergency legislation issued

REPORTING

2 x Reports to SG on Coronavirus Emergency Legislation Use (Jan, March)

2 x Supplementary Data reports on Emergency Legislation Use for CHIP (with SCRA)

KPI	Past Performance	2020/21 Target	2020/21 Performance
% Panel Members who have completed Children's Rights online module	New measure	30% by end Q4	Course will now be launched in 2021-22
Training courses developed with partner organisation input	New measure	5 courses	3 out of 3 courses so far
% of complaints resolved within SPSO guidelines, during normal operations	17/18- 100%; 18/19 - 92%; 19/20 - 100%	100%	92% estimate, with final calculation to come at year end
% CHS employee attendance	17/18- 96%; 18/19 - 95%; 19/20 - 93%	96%	Q1 - 97.6% Q2 - 98.8% Q3- 99.9% Q4- Being Calculated
% invoices not in dispute paid within 10 working days, during normal operations	17/18- 80%; 18/19 - 92%; 19/20 - 85%	90%	Q1 - 94.4% Q3 - 90% Q4- being calculated
% IT helpdesk calls resolved within SLA terms	17/18- 90%; 18/19 - 90%	90%	Move to new support framework in process, established new contact methods in Q2 including escalation through to SCRA and Leidos. SLAs are in process of being determined.
% of pre-service trainees who felt that the learning objectives were met	19/20 - 98%	95%	N/A - Pre-service will not take place during this operational year
% positive staff survey feedback on opportunities for learning and development	18/19 - 33%; 19/20 - 51%	55%	65%

Record of Changes to Planned Delivery

	Milestone(s) Changed	Date of Change	Details of Change	Rationale for Change
	1.2	Q3	Publication of UNCRC report moved to Q4 rather than Q3	Data & Evidence Officer in post in October, leading on the development of this report
	3.1	Q3	Production of rights course moved to Q4 rather than Q3	Can progress now Rights & Inclusion Coordinator is in post
	5.1	Q1	Publication of Code of Conduct moved to Q2 rather than Q1	To allow Code of Conduct to be published alongside the Rights & Inclusion Strategy
	5.1	Q3	Publication of Code of Conduct moved to Q4 rather than Q2	Align with recruitment timings
	5.2	Q1	Dissemination of Code of Conduct in Q3 rather than Q2	Due to change of milestone 5.1 (above)
	5.2	Q3	Dissemination of Code of Conduct in Q4 rather than Q3	Due to change of milestone 5.1 (above)
	2.1	Q2	Publication of Rights and Inclusion strategy moved to Q3, rather than Q2	To allow in-depth consultation with a range of stakeholder organisations
	5.1	Q2	Publish Code of Conduct moved to Q4 rather than Q2	Allow input from care experienced people, and align to recruitment timings
	5.2	Q2	Dissemination of Code of Conduct in Q4 rather than Q2	Due to change of milestone 5.1 (above)
	7.1	Q2	Work on standards and competencies descoped	This work is not a priority this year due to COVID context, but is important for future delivery.
	11.2	Q2	PPA data informing learning and development descoped	Observations not taking place, meaning no substantial data is being made available via the digital system
	12.1	Q2	Local projects descoped	Not able to progress due to changes in delivery due to
	12.2	Q2	Local projects descoped	Not able to progress due to changes in delivery due to
	12.3	Q2	Local projects descoped	Not able to progress due to changes in delivery due to
	13.2	Q2	Delivery of online training module 4 moved to Q4 rather than Q3	Capacity for completion impacted development of COVID training
	14.1	Q2	PPM update moved to Q3 rather than Q2	Capacity impacted by COVID activities and current reduction of practice team
	17.1	Q2	Production of trauma-sensitive plan moved to Q3 rather than	Capacity for completion impacted by COVID activities
	17.1	Q3	Production of trauma-sensitive plan moved to Q4 rather than	Capacity for completion impacted by COVID activities

18.1	Q2	Publication of Equality strategy moved to Q3 rather than Q2	Internal approval timescales changed, and consultation
19.1	Q2	Review activities of PDA moved to Q4 rather than Q3	Capacity for completion impacted development of COVID training
22.1	Q2	Review of recruitment policies descoped	Capacity for completion impacted by COVID activities
33.1	Q2	Learn from the Experts activities descoped	Capacity for completion impacted by COVID activities

Agenda item 12
CHS-2021-71

CHS UNCRC Progressing Rights Reports

Accountable SMT member:	Head of Strategy, Development & DCEO
Report author:	Data and Evidence Officer and National Quality & Performance Lead
Resources implications:	Within available resources
Purpose:	For Consideration and Approval
Equalities duties:	Equalities Impact Assessment Required <input type="checkbox"/> Yes? <input checked="" type="checkbox"/> No

1. Introduction

Enclosed with this paper are two reports: the main CHS UNCRC Progressing Rights Report and a shorter, easy-read summary report.

While the design process has been completed for the main report, this is still ongoing for the easy-read version. As such, a pre-design easy-read summary report is attached to allow the Board to consider its content. It is anticipated that the fully designed version will be completed within the next week.

2. Legislative context

Part 1 (section 2) of the Children and Young People (Scotland) Act 2014 places a duty on a range of public authorities to report 'as soon as practicable' after the end of each 3 year period, on the steps they have taken to secure better or further effect of the requirements of the UNCRC.

This section came in to force on 1/4/2017, meaning that the first report (covering 2017-2020) is due after 31/3/2020. The attached reports are the first in a series of UNCRC Progressing Rights Reports that CHS will produce. The structure of the main report is based on non-statutory guidance published by Scottish Government.

The UNCRC (Incorporation) (Scotland) Bill passed stage 2 on 11 February 2021, with a series of amendments that strengthened the Bill in relation to improving communication with, and participation of, children and young people.

3. Changes from previous version

The final draft of the main report reflects comments received from CHS' Board, Senior Management Team, Communications and Practice Teams, our Children's Rights and Inclusion Coordinator and a young person advisor.

This is the first time that the full Board has had sight of the shorter, easy-read summary report, however, it already incorporates comments made by the Board in relation to the main report and it has been reviewed and commented upon by Beth-Anne Logan. This shorter version focusses on CHS activities during 2017-20 that promote and protect children's rights but, unlike the main report, does not include full details of our legislative and organisational frameworks.

4. Next Steps

Following Board approval, the two reports will be made publically available on the CHS website, as required by the guidance.

5. Board Actions

The Board are asked to approve both the CHS UNCRC Progressing Rights Report and the content of the accompanying easy-read, summary version.

Progressing Rights at Children's Hearings Scotland

2017 - 2020



children's
hearings
scotland

A Report by Children’s Hearings Scotland on the steps taken to secure better or further effect of the requirements of the UN Convention on the Rights of the Child (under section 2 of the Children and Young People (Scotland) Act 2014)

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Foreword

We are approaching a major turning point in children’s rights. At the time of publication, the United Nations Convention on the Rights of the Child (Incorporation) (Bill) has entered stage 3 of its progression through the Scottish Parliament. The Bill will see children’s rights become legally protected in Scotland and embed them firmly within the operations and decision-making of our public functions.

It is central to our role to ensure that we at Children’s Hearings Scotland treat our responsibilities under the United Nations Convention on the Rights of the Child seriously and take action to promote and protect the rights of infants, children and young people in our work and in children’s hearings.

This report sets out our activity relating to the Convention’s Articles during the period April 2017 to March 2020 and it is the first of what will be a series of reports. Whilst it highlights some great examples of work that have contributed to furthering children’s rights within the children’s hearings system, by both the National Team and our volunteer community, it also identifies where we could do better and how we are going to address this over the next two to three years.

Over time, this series of reports will allow us to evidence the increasing prominence that we as an organisation are giving to children’s rights. This first report only examines the period up to March 2020 and a significant amount of work has been undertaken since then, highlighting our commitment to furthering children’s rights. We have published our Children’s Rights and Inclusion Strategy, appointed a coordinator to oversee its implementation, and made sure that the inclusion of children and young people formed a central part of our most recent Panel Member recruitment drive. We want to continue with this pace of change so we can be confident we take a children’s rights based approach to everything we do here at Children’s Hearings Scotland.

This is fundamental not only to effective hearings, but also to us delivering on The Promise.

This report, and the shorter, easy-read version that accompanies it, build on our Children’s Rights and Inclusion Strategy, which was created in collaboration with young people who have lived experience of the hearings system. Their input has been invaluable. Now we have published our Progressing Rights Report, we would really like to hear what children, young people, carers and families, and wider communities think about this report and how they think Children’s Hearings Scotland can contribute to enhancing children’s rights within the hearing system. Opportunities for this will be made available on our website and social media.

We are grateful to our community, made up of staff and volunteers, for their continued hard work, and we are confident that children’s rights will be at the heart of the evolving hearings system, driving everything we do in the future.

*“Throughout the changing landscape over the past few years, there has been clear unequivocal challenge to Scotland’s care sector. We **must** put the children or young person’s voice at the centre of all that we do.”*

- CHS Children’s Rights and Inclusion Strategy



Garry Coutts
Chair, CHS Board



Elliot Jackson
National Convener
& CEO

About Children's Hearings Scotland (CHS)

CHS is one of a number of organisations that work within the children's hearings system, Scotland's unique care and justice system that exists to ensure the safety and wellbeing of infants, children and young people in Scotland.

Our activities focus on recruiting, training and supporting volunteer Panel Members who make decisions in children's hearings (sometimes known as the 'Children's Panel'), and volunteer Area Support Teams who provide support and direction at a local level.

We have a national team of 40 staff and approximately 3,000 volunteers within our community. We are led by the National Convener and Chief Executive. The National Convener is responsible for the recruitment, training, retention and support of Panel Members.

When people are worried about an infant, child or young person they can make a referral to the Scottish Children's Reporter Administration (SCRA), one of other main organisations in the children's hearing system, and from there the Reporter decides if they need to arrange a children's hearing.¹ A referral can be made for many reasons, such as concerns about their care and protection, non-attendance at school and offending behaviour (including drug and alcohol misuse).

Between April 2017 and March 2020, our Panel Members sat on **94,569 hearings**.² In 2017/18, hearings were held for **14,076 children**, in 2018/19 for **13,667 children** and in 2019/20, for **13,316 children**.³ Although a large number of children and young people are involved with the hearings system, this has been falling consistently over recent years.

UNCRC and Children's Rights Reporting

The United Nations Convention on the Rights of the Child (UNCRC) is the international legal framework developed to ensure children's⁴ rights are protected and ensured. It was introduced in 1989 and ratified by the UK Government in 1991.

It is the most widely ratified human rights treaty in history, helping to transform children's lives across the world. It has 54 Articles in total, where 1 – 42 apply to children specifically, while 43 – 54 outline how adults and governments should work together and are outwith the scope of this report.⁵

In 2019, the Scottish Government announced the UNCRC would be fully incorporated into Scots Law, a move that we fully support. Although the UNCRC is not yet part of Scottish law, as signatories to the Convention, all public authorities in Scotland have a duty, under Part 1 (section 2) of the Children and Young People (Scotland) Act 2014, to report after the end of each three year period, on the steps they have taken to secure better or further effect of the requirements of the UNCRC. This report covers the period April 2017 to March 2020.

1 The majority of referrals come from agencies such as the police, social work and education, but anybody (for example, parents, carers, neighbours, friends, or any member of the general public) can make a referral)

2 32,553 in 2017/18; 31,653 in 2018/19 and 30,363 in 2019/20.

3 CHS does not collect information on individual children therefore cannot produce disaggregated data.

4 Any future reference to child or children includes: infants, children and young people under the age of 18 years.

5 CHS activity does not directly relate to Articles: 5,10,11,14,15,18,26,28(2),29,31,35,38 and 41.

Our Vision for Rights and Inclusion at CHS

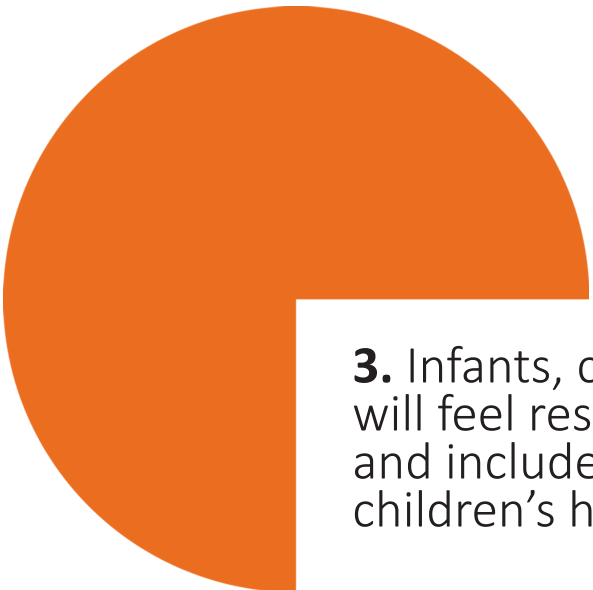
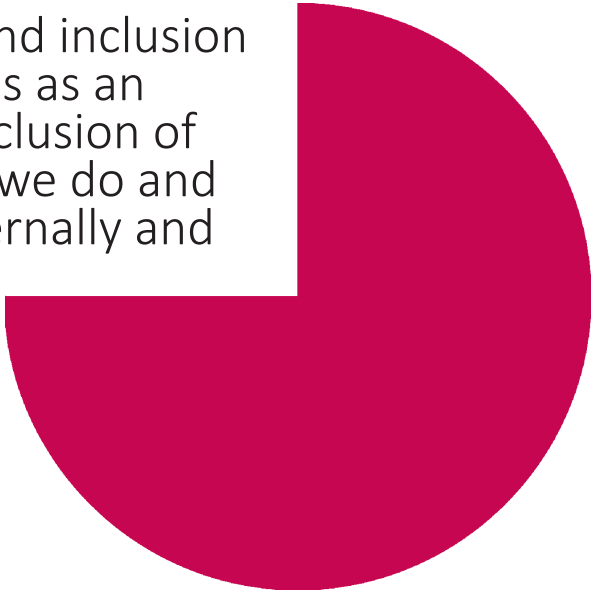
We are committed to putting children's rights and the UNCRC at the heart of everything we do. Our Children's Rights and Inclusion Strategy clearly states our vision for how we will carry out our work and the impact we want to see.

Our Children's Rights and Inclusion Vision:



1. We want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people.

2. At Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners.



3. Infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.

The UNCRC Clusters

To help us show you how we have contributed to ensuring children's rights are respected, protected, enabled and fulfilled, our activities have been linked to the UNCRC Articles and then grouped into the eight UNCRC clusters, as set out and recommended in the non-statutory guidance issued in relation to this report⁶. There is some overlap between clusters.

The Clusters and Articles are:

Cluster (i) General measures of implementation

- Article 4- implementation of the Convention
- Article 41- respect for existing standards
- Article 42- knowledge of the Convention

Cluster (ii) General principles of the UNCRC

- Article 2- non-discrimination
- Article 3- best interests of the child
- Article 6- life, survival and development
- Article 12- respect for the views of the child/to be listened to and heard

Cluster (iii) Civil rights and freedoms

- Article 7- birth registration, name, nationality, care
- Article 8- protection and preservation of identity
- Article 13- freedom of expression
- Article 14- freedom of thought, belief and religion
- Article 15- freedom of association
- Article 16- right of privacy
- Article 17- access to information from the media
- Article 28- right to education
- Article 37- inhumane treatment and detention
- Article 39- recovery and rehabilitation of child victims

Cluster (iv) Violence against children

- Article 19- protection from all forms of violence
- Article 39- recovery and rehabilitation of child victims
- Article 37(1)- no child subjected to cruel, inhumane or degrading treatment
- Article 28(2)- school approaches to managing behaviour and discipline

Cluster (v) Family environment and alternative care

- Article 5- parental guidance and a child's evolving capacity
- Article 9- separation from parents
- Article 10- family reunification
- Article 11- abduction and non-return of children
- Article 18(1-2)- parental responsibilities and state assistance
- Article 19- protection from all forms of violence
- Article 20- children deprived of a family
- Article 21- adoption
- Article 25- review of treatment in care
- Article 27- adequate standard of living
- Article 39- recovery and rehabilitation of child victims

⁶ Children and Young People (Scotland) Act 2014: Guidance on Part 1: Duties of Public Authorities in Relation to the United Nations Convention on the Rights of the Child (UNCRC).

Cluster (vi)
Basic health and welfare

- Article 6- life, survival and development
- Article 18(3)- parental responsibilities and state assistance
- Article 23- children with disabilities
- Article 24- health and care services
- Article 27(1-2)- adequate standard of living
- Article 33- drug abuse

Cluster (vii)
Education, leisure and culture

- Article 28- the right to education
- Article 29- the goals of education
- Article 30- children in minority/indigenous groups
- Article 31- leisure, play and culture

Cluster (viii)
Special protection measures

- Article 22- refugee children
- Article 30- children of minority/indigenous groups
- Article 32- child labour
- Article 33- drug abuse
- Article 34- sexual exploitation
- Article 35- abduction, sale and trafficking
- Article 36- other forms of exploitation
- Article 37(a-d)- inhumane treatment and detention
- Article 38- war and armed conflicts
- Article 39- recovery and rehabilitation of child victims
- Article 40- juvenile justice

Reporting on the Clusters

In this Progressing Rights Report we present how our main activities contribute to each of the UNCRC clusters and corresponding Articles. As this is the first of this series of reports, we have also included some operational details about hearings and the duties of Panel Members more generally, and explored how they relate to UNCRC obligations.

While some Articles sit in more than one cluster, we have only reported activity relating to each under a single cluster so as to avoid repetition:

Cluster	Reports on Articles...
(i)	4, 42
(ii)	2, 3, 6, 12
(iii)	7, 8, 13, 16, 17, 37, 39
(iv)	19
(v)	9, 20, 21, 25, 27
(vi)	23, 24, 33
(vii)	28
(viii)	22, 30, 32, 34, 36, 40

For cluster (i) we provide an overview of the framework and structures within which we work and show how they focus on and protect and progress children’s rights.

For each of the clusters from (ii) to (viii) we provide:

- a list of all the Articles that sit within the cluster- identifying which of these Children's Hearings Scotland contributes towards and where they are discussed in the report, as well as identifying those that do not apply to our work;
 - reflective statements relating to individual or groups of Articles – these describe our ambitions for children's rights. Some are from our Children's Rights and Inclusion Strategy and our formal outcomes, while others have been created specifically for the purpose of UNCRC reporting (these are shown as follows);
- Like this
- a discussion of how our activity secures better or further effect of the requirements of the UNCRC Articles and supports our reflective statement;
 - an evidence box, where we provide a summary of our activity relating to the cluster.

Throughout the report we have presented case studies to highlight some examples of our rights-based work that we are most proud of.

The final section of the report acknowledges our activity gaps and explains how we intend to address these. It presents our ambitions for the future, linking closely with our Strategic Outlook 2020-23 and our new Children's Rights and Inclusions Strategy.⁷

Throughout this report we have tried to use language that reflects the love, care and respect that all infants, children and young people have a right to. However, in some places, we have had to use words and phrases more commonly used when referring to the hearings system. Sometimes we have used these words because a hearing is a legal tribunal and some words have a specific legal meaning attached to them (for example, they are used in the Children's Hearing's (Scotland) Act 2011 or the UNCRC), and sometimes it is because there is no single word that means the same to everybody. However, we, like the Independent Care Review and The Promise, challenge these terms and commit to improving the language we use in the children's hearings system.

There is a glossary of key words and acronyms at the back of this report.

⁷ [CHS Corporate Plan: Our Strategic Outlook 2020-2023](#)

Cluster (i): General Measures of Implementation

Cluster (i) focuses on knowledge of children’s rights and ensuring systems and structures are in place to respect and realise these rights. It includes activities such as the promotion of children and young people’s rights, awareness raising, training, capacity building, resourcing, and service planning.

This cluster covers Articles 4 (implementation of the Convention) and 42 (knowledge of the Convention).

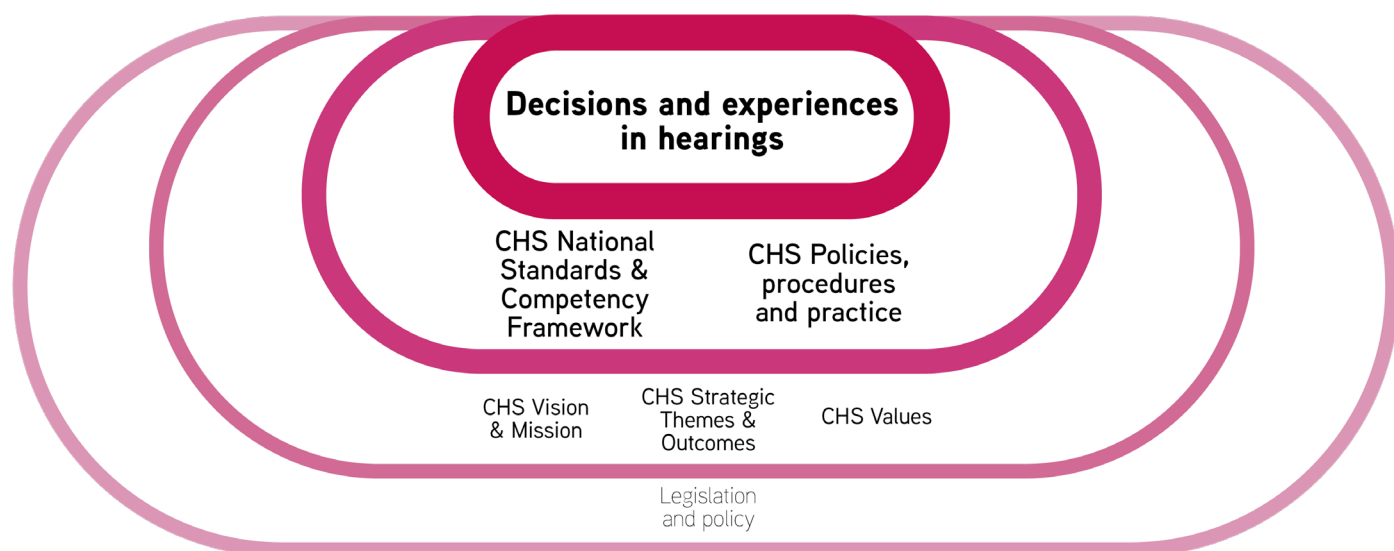
We have a core duty to ensure we are doing everything we can to realise that every child can enjoy their rights. All our organisational operations should promote rights and enable children to realise their rights. Panel Member decision-making should take rights into account. (Article 4)

CHS Children’s Rights and Inclusion Strategy

We operate within a strong child-centred context that ensures that the best interests of infants, children and young people lie at the heart of everything we do. Our work is guided by national legislation and policy, as well as our own values, vision and mission. Children’s Hearings Scotland’s strategic themes and outcomes focus on meeting the needs of children and young people and ensuring that we better protect and uphold their rights.

As part of this, we aim to prioritise the best interest of babies, infants, children and young people by making sure sound decisions are made in hearings and children and young people have good quality experiences of the hearings system, and to continually improve our performance.

A summary of our operational context is given below:



Legislation and policy

Our work sits within a legislative framework designed to protect children and young people and ensure that they can access their rights. Our core pieces of legislation and agreements are:

- The Children’s Hearings (Scotland) Act 2011;
- The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) 2013;
- The Children and Young People (Scotland) Act 2014;
- The European Convention on Human Rights;
- The United Nations Convention on the Rights of the Child.

Our key statutory functions, duties and powers are set out in the Children’s Hearings (Scotland) Act 2011 (“the Act”). Our aims are:

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

Our key objectives are:

- to inform and implement national policy initiatives to support infants, children and young people in vulnerable situations, and their families and communities;
- to improve outcomes for infants, children and young people by working more effectively with partners in an integrated hearings system;
- to optimise the quality of panel decision-making and to work with partners to realise the best possible outcomes for infants, children and young people in the hearings system.

There are three overarching principles contained in the 2011 Act which must be applied when hearings are making decisions about a child:

- the need to safeguard and promote the welfare of the child throughout the child’s childhood is the paramount consideration;
- the child must be given the opportunity to express a view and this view must be taken into account in line with the child’s age and maturity;
- an order is only to be made if it is considered better for the child than if no order was made.

Under the Children and Young People (Scotland) Act 2014, CHS has corporate parenting duties to promote the welfare of, and the opportunities available to, children and young people with lived experience of the care and/or hearing system. We set up a joint corporate parenting website with Scottish Children’s Reported Administration (SCRA)⁸ and have shared corporate parenting aims for children and young people within the hearings system:

- you are at the centre of the children’s hearings system and are treated as an individual;
- the decisions that may affect you are based on sound knowledge, clear evidence and with consideration of your views;
- your corporate parents will work together to make the hearings system work better for you;
- we will keep asking ourselves if the way we do things is the best it can be.

Our volunteer Area Conveners, the leads of local volunteer Area Support Teams, have received training on their corporate parenting role and responsibilities to develop their understanding of how they can work with children and young people and local partners to provide the best possible support. Many of our Area Support Teams attend meetings of their local authority Corporate Parenting Board. They work with representatives of other corporate parents to improve the outcomes for babies, infants, children and young people with lived

8 www.mycorporateparents.co.uk

experience of hearings and/or care.

Our work is also guided and shaped by national policies and frameworks designed to support children and young people in Scotland, such as the Scottish Government's National Performance Framework and its National Outcomes, Getting It Right for Every Child (GIRFEC) and the SHANARRI⁹ wellbeing indicators.

Children's Hearings Scotland is one of a number of organisations who work within the hearings system, including the Scottish Children's Reporter Administration (SCRA), local authorities, NHS Scotland, and Police Scotland. We work in partnership with these other organisations and the third sector to monitor, develop and improve practice, with an ambition to provide a hearings system that meets the need of all babies, infants, children and young people involved.

During 2017-20, Children's Hearings Scotland was actively involved in a number of multi-agency groups working toward improving the hearings system and ensuring babies, infants, children and young people's rights are met. These include:

- CHIP (Children's Hearings Improvement Partnership);
- Youth Justice Improvement Board;
- Secure Care Strategic Board;
- Independent Care Review;
- Reframing Care Advisory Group;
- Implementation Group for the Age of Criminal Responsibility (Scotland) Act 2019;
- Children's Hearings Advocacy Expert Reference Group.

We have also responded to a number of Scottish Government consultations expressing our support for furthering children's rights (such as the incorporation of UNCRC into Scots law and raising the age of criminal responsibility).

Children's Hearings Scotland has provided advice to the Scottish Government and other partners on the implementation of UNCRC principles in relation to youth justice and the hearings system.

We ensure our values, mission and vision promote the rights of the child and these are reflected in all our public documents and statements. (Article 4)

We ensure all Panel Members and staff understand and share the mission, vision and values of CHS and work to ensure that these form part of all the decisions they make in the best interests children and young people. (Articles 4 and 42)

Our 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, 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

⁹ Scotland has named eight areas of a child's life which can make their wellbeing better or worse - Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. These are known as the SHANARRI indicators.

- consistent level of service to all;
- creative – considering innovative and imaginative ways of approaching the issues we face in the work we do;
- 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 information and being accountable for our actions and decisions.

Vision and mission

Our vision over the last three years has been of a children’s hearings system where everyone works together, making sure that all children and young people are cared for and protected and their views are heard, respected and valued.

“82% of volunteers agree that CHS motivates them to help achieve its mission for children and young people.”

- 2019 Community Survey

“92% of staff agree they understand how their role supports CHS’ vision, values and national standards.”

- 2017 Staff Survey

Our mission has been to improve outcomes for babies, infants, children and young people in Scotland by making high quality decisions about their future.¹⁰

We have set key strategic outcomes that ensure that every child has a child centred hearing, with high quality decisions, and is supported by skilled volunteers. (Article 4)

Our strategic themes and outcomes

Between 2018 and 2020, our Corporate Plan placed listening and the importance of children’s views at the heart of our first Strategic Outcome: “Children’s hearings are centred around the child or young person and their views and experiences are heard, considered and respected”.

During 2019, we began work on revising our strategic approach to create an ambitious improvement-driven direction that places children’s rights at the centre of Children’s Hearings Scotland. This resulted in *Our Strategic Outlook 2020-2023*¹¹ which sets out our priorities for the next three years and the first theme focuses more explicitly on rights - ‘Better protect and uphold the rights of children’. This theme forms the basis of our new *Children’s Rights and Inclusion Strategy*¹².

¹⁰ This is an example of where our language is already evolving to better reflect our ambitions for children in Scotland. [Our Strategic Outlook, 2020-23](#) states that our purpose is ‘to equip our volunteer community to engage positively with infants, children and young people and families; ensuring children are loved, cared for, respected and feel part of decisions taken to improve their lives.’

¹¹ [CHS Corporate Plan: Our Strategic Outlook 2020-2023](#)

¹² [Children’s Rights and Inclusion Strategy, Version 2.0, 20th November 2020](#)

Developing our Children's Rights and Inclusion Strategy

In 2019, CHS established a Rights & Inclusion Working Group involving young people with lived experience of the hearings system and representatives from our staff and volunteer community, as well as from partner organisations, including SCRA, Children in Scotland, and CELCIS. We also consulted with Staf, LGBT Youth Scotland, the Care Commission, and the Carnegie UK Trust. Its purpose was to begin to formulate a strategy for the effective inclusion of children and young people in our work. The first major output from the group was the publication of our Children's Rights and Inclusion Strategy in November 2020.

National standards and competency framework

Our National Standards¹³ provide a clear framework of practice, setting out responsibilities and core values, principles and expectations in relation to behaviours and practice.

- **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, Area Support Teams and Children's Hearings Scotland is clear, appropriate and purposeful;
- **Standard 8** – Functions, roles and responsibilities are clearly defined and understood within the system.

CHS has a Competence Framework for Panel Members¹⁴ which closely links to the national standards and aims to describe the elements of behaviour, knowledge and skill which represent best practice in relation to the role and function of Panel Members. The competency areas are:

- Law and procedure- demonstrate an appropriate level of knowledge of the law, procedures and best practice in children's hearings and this is evident in their practice (Standards 1,3,4,5);
- Equal treatment- ensure and promote equal treatment for all involved in the hearing (Standards 1,3,4,5);
- Communications and children's views and participation- ensure effective and purposeful communication at a hearing (Standards 1,3,4,5);
- Conduct of hearing- ensure a fair and effective hearing (Standards 1,3,4,5);
- Management of information- ensure that all relevant issues are addressed by obtaining and managing information (Standards 1,3,4,5);
- Decision-making- properly consider the child's needs, identification of relevant resources, effective deliberation and reasoned decisions for the future care of the child (Standards 4,5);
- Protecting rights- ensure that children's hearings are compliant with the European Convention on Human Rights (ECHR) and UNCRC and any other relevant legislation (Standards 1,3,4,5).

13 [National Standards for the Children's Panel](#)

14 [Competence framework for panel members, 2012](#)

We support Panel Members to make the best possible decisions for children and young people through our team of Panel Practice Advisors (PPAs). The PPA observation programme means each Panel Member has a minimum of two observations a year, where they are assessed against indicators in each of the competencies to ensure they can demonstrate their ability to meet them and continually improve their practice. PPAs form a key part of our quality assurance process, playing a critical role in ensuring and maintaining the high quality of, and consistency within, our Children's Panels, so that they meet the needs of children and young people.

In 2018, we strengthened PPAs role through a series of learning events, the establishment of new Panel Practice Advisor Forum, a national PPA Training Course and a review of PPA recruitment.

"77% of volunteers agree that observation and feedback help them improve their practice in hearings."

- 2019 Community Survey

Policies, procedures and practices

Many of our operational structures and internal policies and procedures support children's rights and are discussed in relation to the relevant Articles in each cluster. These include our:

- Information Governance procedures;
- Complaints handling policy and procedure ;
- Equalities outcomes;
- Communications outcomes;
- Monitoring of Panel Practice and Panel Practice Observation Policy;
- Conduct and Values Policy;
- Equality, Diversity & Inclusion Working Group.

We proactively consider children's' right in service planning and engage with and undertake consultation with relevant stakeholders, including children and young people. (Articles 4 and 42)

Our business planning processes actively consider how we will include young people in our work. Our budgets include an allocation for enabling the participation of young people in our work and we provide devolved funding to each Area Support Teams to empower them to meet local needs.

We work to ensure that the voice of children and young people is at the heart of everything we do and active participation of children and young people is at the core of our work. We include them in decisions we make, through involvement in recruitment and training, working groups, and consultations. We, along with SCRA, championed the establishment of and consulted with a young person's Board – Our Hearings, Our Voice (OHOV). (See Cluster (ii), Article 12 for more detailed discussion of how we include young people in our work) We deliver a high quality national training programme for staff and volunteers through our Children's Hearings Scotland Learning Academy, where all training programmes are linked to our values, National Standards and Panel Member competencies, to ensure that Panel Members feel supported in their role.

We optimise the quality of panel decision-making through a package on ongoing, high quality training and communication to realise the best possible outcomes for children in the hearings system. (Articles 4 and 42)

We ensure all staff and Panel Members are aware of the UNCRC how their decisions should be informed by this. (Article 42)

All Panel Members have to undertake comprehensive pre-service training and assessment, which is the first stage of our three-year Professional Development Award Programme. This ensures they understand the principles of the hearings system, the legislative framework within which it operates, and how to make decisions in the best interests of children. Pre-service training includes children's rights, the UNCRC and communicating with children.

"98% of pre-service trainees felt that their learning objectives were met"

- 2019 Community Survey

In 2018-19, we introduced our Conduct and Values Policy for the pre-service programme. This traffic light system allows signposting of trainees, and early intervention by staff to provide support, if appropriate conduct or organisational values are not evidenced. Once qualified to sit on hearings, Panel Members also undertake a wide variety of training courses which help them make decisions that secure children's rights.

In addition to pre-service training for new volunteers, all Panel Members receive ongoing training. Some examples of training over the period 2017-20 that support and protect children's rights include: the Children and Young People (Scotland) 2014 Act and GIRFEC; Information Governance (including General Data Protection Regulation (GDPR), the Data Protection Act, data security and cyber awareness); Equality, Diversity and Inclusion; Contact; Effectively Communicating with Children; and Management of Hearings and Managing Conflict within Hearings.

"93% of Panel Members agree they feel well trained to carry out their role."

- 2019 Community Survey

We also began developing courses on other important topics, including permanence and children's rights, for roll-out in 2020/21. Training is discussed throughout this report in relation to other relevant clusters and Articles.

Through our Area Support Teams we deliver a local learning programme to enhance our approach to quality and provide national consistency in practice. This covers topics such as quality assurance, complaints investigation procedures and recruitment and reappointment. We have piloted a course Improving Outcomes for Children and Young People.

Area Support Teams arrange their own local learning and development programmes, and have run sessions, which often involve external practitioners, on topics that help protect and promote children's rights. Some examples of these are learning events on child and adolescent mental health, drug abuse, domestic violence, LGBTI young people, unconscious bias, trauma, attachment, early intervention, and advocacy.

Our Practice and Procedure Manual is key to ensuring Panel Members are fully informed so that the decisions they make are in the best interests of babies, infants, children and young people. It provides access to current policy, good practice and legislation, and detailed and comprehensive advice on how hearings are conducted. It includes guidance on areas directly relating to children's rights, such as managing complex hearings, minimising barriers in hearings, maintaining important relationships for children and young people and improving

outcomes.

The Practice and Procedure Manual, which is now online, is regularly updated¹⁵, and we provide regular practice updates (for example, since March 2020, on the age of criminal responsibility and advocacy) to ensure decisions always reflect any changes in legislation or policy and to support continuous improvement of Panel Member practice.

“71% of volunteers agreed that practice updates help them improve their practice”

- 2019 Community Survey

We monitor our organisational performance through a variety of measures, including our key performance indicators, strategic outcomes measures, monthly operational reports and surveys with the CHS community, made up of our National Team and our volunteer community. These help us identify any improvements that we may need to make to ensure the needs of babies, infants, children, young people and their families are being met.

Cluster (i): Summary of Evidence

- Our legislative and operational framework:
 - aims and objectives
 - the three overarching principles
 - corporate parenting duties
 - national performance Framework; GIRFEC; SHANARRI wellbeing indicators
- internal policies, procedures and practices.
- Our values, vision and mission
- Our strategic themes and outcomes
- Our National Standards and Competence Framework
- Collaboration with key partners and stakeholders
- Statutory functions data
- Practice and Procedure Manual
- Our national training programme delivered through our Learning Academy
- Local learning and development sessions delivered through our Area Support Teams
- Our Panel Practice Advisors quality assurance programme.

¹⁵ Our new online Practice and Procedure Manual was updated in collaboration with SCRA, the Learning Academy, CELCIS, CYCJ and CEDAR.

Cluster (ii): General principles

This section covers the four guiding principles of the UNCRC, which are Articles:

- 2- non-discrimination
- 3- best interests of the child
- 6- life, survival and development
- 12- respect for the views of the child.

CHS organisational operations, Panel Member decision-making, and how hearings run should protect children from all forms of discrimination. (Article 2)

CHS Children's Rights and Inclusion Strategy

Article 2 states that the UNCRC applies to all children without discrimination of any kind, such as that relating to ethnicity, gender, religion, language, opinions, disability or any other status, and that measures should be taken to protect them against all forms of discrimination.

At CHS we do everything we can to protect babies, infants, children and young people from discrimination. Our vision, mission and values set out our commitment to provide a consistent level of service to all children, young people and their families and to improve outcomes for everybody who comes, or may come, to a hearing. We treat everybody according to their individual needs and ensure our information and services are accessible to all.

“88% of volunteers believe CHS is 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.”

- CHS Community Survey 2019

Our ambition is to promote and celebrate an equal, diverse and inclusive culture within the CHS community through a process of continual engagement, communication, training and development. We continue to mainstream our equalities duties across all aspects of our work by publishing equality information to demonstrate our compliance in meeting the general and specific public sector equality duties in the Equality Act 2010 and our performance against our own Equality Outcome measures.

Our Equality, Diversity and Inclusion Working Group, which includes CHS staff, volunteer community members, partner organisations and young people, has developed a new set of equality outcomes¹⁶ and started to develop our Equality, Diversity and Inclusion Strategy for publication in 2020/21.

Our Equalities Outcomes 2018-20 reflect our commitment to non-discrimination. Key areas of relevance to the protection and promotion children's rights are:

- Outcome 3- our staff are knowledgeable on equality and diversity related practices and feel confident that they can apply their learning and knowledge to their work, for example, competently conducting equality impact assessments (where appropriate), advising and supporting our volunteer community with any equality or diversity related matters, advising our partners, stakeholders and service providers on any equality and diversity considerations:
 - 3.1- CHS employees have a sound awareness on equality and diversity matters and feel confident in supporting others;

¹⁶ [CHS Equality Outcomes Report 2018-20](#)

- 3.2- Staff are competent in carrying out Equality Impact Assessments (EqIAs) on any new or revised strategies that they are responsible for developing.
- Outcome 4 – our volunteer community are fully trained and supported in equality and diversity matters and this enables them to confidently and fairly address the needs of children, young people and their families:
 - 4.1- children and young people from all 22 areas in Scotland consistently report that they felt that they were the most important person at the hearing and that they were treated fairly and with dignity and respect.

All members of the CHS community are required to undertake equality, diversity and inclusion training, which is now delivered online through our Learning Academy. This was previously mandatory only for those volunteers involved in recruitment, but from 2021 it will become mandatory for all new volunteers and be rolled out to the whole CHS community.

Area Support Teams have run local learning and development sessions to help prevent discriminatory practices, for example, on Cultural Perspectives, Rights, Values and Culture, LGBT¹⁷ Young People and Unconscious Bias.

Our Practice and Procedure Manual (PPM) includes sections on culture, race, nationality and ethnicity, which are designed to ensure that Panel Members' behaviour, language and decision-making is inclusive and not discriminatory or prejudicial to children and young people of a different culture, race or ethnicity to them. It also includes sections on gender identity, sexuality, disability and autism, which again make clear our expectations of Panel Members' conduct.¹⁸ (See Cluster (vi) – Basic health and welfare, Article 23, for further detail about what we do to support children and young people with disabilities).

Everybody involved in a hearing should be able to participate effectively and we ensure that measures are taken to enable all children, including those with communication, learning and language difficulties, are able to do so. Some families who come into contact with the hearings system do not have English as a first language. Many of these families will need an interpreter to communicate during the hearing. Panel Members can defer proceedings to arrange for an interpreter (including sign language interpreter) if it is apparent that the child does not have the language skills to meaningfully participate in their hearing, or they prefer to speak in their own language.

To help Panel Members minimise language barriers within hearings, the Practice and Procedure Manual contains sections on working with interpreters and inclusive language.

We actively work with our partner agencies to improve the experiences of children and young people from minority groups, for example, through the CHIP LGBTI working group and the Reframing Care Advisory Group, which looks at how to reframe public perceptions of people with lived experience.

CHS is working towards ensuring children's panels reflect the diversity of children and young people involved in the hearings system, with a focus on BME communities. This included chairing a national inter-agency working group¹⁹.

¹⁷ Lesbian, Gay, Bisexual and Transgender

¹⁸ [CHS Practice and Procedure Manual V3.0](#)

¹⁹ CHS Business and Corporate Parenting Plan 2019-20

Across all 22 Area Support Teams, Panel Members are observed at least twice a year by our PPAs to ensure they are following correct legal procedures and providing a high quality experience to children and families. The process focusses on how Panel Members' practice reflects our values and how they interact within children. PPAs also have a role in identifying any discriminatory behaviour and they must take action accordingly.

"79% of volunteers agree that observations and feedback helps them improve their practice in hearings"

- 2019 Community Survey

We use a Complaints and Concerns Tracker to monitor any concerns raised, including about discriminatory conduct towards a child, young person or their family, on the basis of belonging to a protected characteristic group. Any complaints raised are addressed in line with Scottish Public Services Ombudsman (SPSO) requirements and outcomes may include a variety of actions including providing a Panel Member with additional training.

We also ensure that our communications with children, young people and their families are accessible. We have increased our use of social media and have worked to improve the accessibility of our website, including adding a new section aimed specifically at children and young people. We have started to roll out Panel Member Profiles and, with SCRA, have made improvements to hearing rooms. These aspects of our work are discussed in more detail in relation Article 13 in Cluster (iii) – Civil rights and freedoms and Article 23 in Cluster (vi) – Basic health and welfare.

We are doing everything we can to ensure Panel Members are making decisions that are in the best interests of children and enable the necessary care and protection. We adhere to all necessary standards (Article 3)

CHS Children's Rights and Inclusion Strategy

Article 3 states that the best interests of the child must be a top priority in all the decisions and actions that affect children. This lies at the heart of CHS' purpose, vision and values.

As stipulated in the Children's Hearings (Scotland) Act 2011, hearings act in the best interests of the child or young person to help, support and protect them. The need to safeguard and promote the welfare of the child throughout the child's childhood is the paramount consideration that Panel Members need to apply when making decisions about a child.

"90% of volunteers agree CHS is child centred: making sure everything we do is in the best interests of children and young people"

- CHS Community Survey 2019

Our volunteer Panel Members undertake training and development to make sure that they are well equipped to make decisions in the best interests of children and young people and that they know how to conduct hearings fairly. They are continually kept informed about any changes to legislation and practice, through practice updates.

"84% of volunteers say they receive information that helps keep their practice current and 91% are confident in their knowledge of the legislation to carry out their role effectively"

- CHS Community Survey 2019

In addition, every hearing has to consider whether to appoint a Safeguarder, who is an independent person that helps Panel Members make the best decisions for a child. The role of the Safeguarder is to safeguard the interests of the child to whom the hearing relates by ensuring that:

- the child’s rights are protected;
- the views of the child are established and communicated to the hearing;
- any proposals being made are in the child’s best interests.

If a Safeguarder is appointed by the hearing they must prepare a report and include one or more of the following:

- anything the Safeguarder thinks is relevant to the consideration of the hearing;
- the child’s views so far as practicable in light of the age and maturity of the child;
- any issue which the Safeguarder has been asked to consider by the hearing.

Panel Members are, to the greatest extent possible, making decisions that ensure the survival and development of the child. (Article 6)

CHS Children’s Rights and Inclusion Strategy

Under Article 6 all children have a right to life and organisations must do all they can to ensure that children survive and develop to their full potential.²⁰

The role of a Panel Member is to: listen to children and young people and to make decisions with and for them to ensure their needs are being met, and ensure that they can achieve their full potential and have a happy and fulfilling childhood. While the hearing does not provide services directly to a child or young person, it can help them to access the help and support they need to thrive.

We involve children and young people with lived experience of the hearings and/or care system in our work, providing them with opportunities to develop life skills and contribute to the CHS community. In the second of our Equalities Outcomes we commit, as a Corporate Parent, to working with third sector organisations and educational establishments to provide work experience opportunities for young people, particularly for those who may have experienced adversity. We also provide personal development opportunities for those young people participating in OHOV (see Article 12).

CHS Internship

We have worked with the Robertson Trust to host summer internship opportunities for 3rd year university students. In 2018 and 2019, throughout the summer period, interns contributed to the delivery of communications activity, such as producing video and social media content, for our biggest campaign of the year, our Panel member recruitment campaign.

We promote and celebrate all infants, children and young people, including those with lived experience of the hearings and/or care system, through participation in national and local events, such as:

²⁰ Our Children’s Rights and Inclusion Strategy has used the language of ‘survival and development’ in relation to Article 6 to reflect the words used in the UNCRC. However, this is an example of where we will in the future use language that better reflects our ambition to help children have positive childhood experiences and to thrive in all they choose to do.

- Care day;
- Care Experienced Week;
- Children’s Day;
- Foster Care Fortnight;
- International Day of Families;
- International Youth Day;
- Neurodiversity Celebration Week;
- Student Volunteer Week;
- Young People’s Human Rights Day.

Renfrewshire Area Support Team – Care Experienced Week

During Care Experienced Week in October 2018, our Renfrewshire Area Support Team held a training and ‘Year of Young People’ event for eight Area Support Team members and over 40 local Panel Members. The event, run in conjunction with CELCIS, Clan Childlaw and Who Cares? Scotland, aimed to increase awareness amongst the CHS community in Renfrewshire of the thoughts and feelings of young people who have been to hearings, to help develop Panel Member communication. Ten young people with lived experience of the care system contributed to the event, alongside policy influencers and decision-makers, including SCRA Reporters.

The event focused on reflecting on current practice in hearings and looking at future practice. Workshops discussed the legal rights of young people and the implications of separating brothers and sisters, including the effect that this can have on the lives of children and young people. The latter was delivered by young people who had experience of such separation. Panel and Area Support Team members gained a greater understanding of the experiences of young people in children’s hearings and how to make improvements in future.

Much of the training we provide for Panel Members focusses on how experiences can impact on a child or young person throughout their lifetime, covering issues such as ACES (adverse childhood experiences), attachment, maintaining family contact, improving relationships, and child development.

Enhancing the wellbeing of babies, infants, children and young people is at the heart of everything we do and we work collaboratively with, lead and influence partner agencies in the hearings system and wider community, to ensure that the hearings system supports them to develop to their fullest potential. Hearings and the National Convener can make sure that the decisions made in hearings are implemented by initiating a process of formal notification and enforcement. This is covered below at Article 20.

Panel Members are providing children the opportunity to express their views (directly or through a representative) to a hearing and Panel Members give the views due weight. (Article 12)

CHS Children’s Rights and Inclusion Strategy

Article 12 gives every child the right to their own opinion and for their views to be listened to and taken seriously. In particular a child has a right to be heard, either directly or through

a representative, in legal proceedings and their views must be considered when people are making decisions about things that involve them.

Children and young people are encouraged to actively participate in their hearing and listening to children and young people's views is at the centre of every hearing. Our overarching principles state that in a hearing, 'the child must be given the opportunity to express a view and this view must be taken into account in line with the child's age and maturity'.²¹²²

It is presumed that children aged 12 years or over are able to form and express their own views but we also help younger children to form and express their views in ways suitable for their age and stage of development and in accordance with each child's needs. This is discussed in more detail in Cluster (iii) – Civil rights and freedoms, Article 13 (freedom of expression).

CHS consultation response to the Children (Scotland) Bill

In November 2019, CHS submitted a consultation response expressing support for the proposed amendment to the 2011 Act to clarify that the views of a child of any age can and should be sought and taken into account when legal decision-makers are making important decisions about them.

As discussed in relation to Article 3, at every hearing Panel Members must consider whether a Safeguarder should be appointed. One of the key roles of a Safeguarder is to ensure the views of the child are established and communicated to the hearing.

"In 2019/20, 817 hearings were deferred in order to appoint a Safeguarder or to get a report/assessment by a Safeguarder"

- SCRA Statistical Analysis 2019/20

Reports submitted to the hearing should, wherever possible, contain the child's views. At the start of a hearing, if it appropriate to do so, the chairing Panel Member must establish if the child or young person agrees that the documentation they have received accurately reflects their views. If they do not agree, the views of the child or young person must be established before the hearing takes place.

Panel Members must be sure they have heard the views of the child or young person before they make a decision. As the child's welfare is the paramount consideration for Panel Members, a hearing can make a decision which is different from the child's view but, if this is the case, Panel Members should explain to the child why they have done so, and record the child's view in the hearing's written reasons for their decision.

Infants, children and young people can have legal representation at a hearing and this can help ensure their views are considered. Legal representation is discussed more detail in Cluster (viii) – Special protection measures, Article 40 (juvenile justice).

If Panel Members feel that somebody within the hearing is preventing the views of the child or young person being heard, or their presence is causing or

Requests for continuity

Year	No. requested	% requested
2017-18	473	95%
2018-19	506	99%
2019-20	749	100%

21 Practice and Procedure Manual

22 chscotland.gov.uk/resources/equality-and-diversity/

likely to cause, distress to the child or young person, they can decide to exclude that person from the hearing.

To support children and young people express their views, we make sure they know that they can ask Panel Members to consider speaking to them on their own. They can also ask have one of the same Panel Members at their next hearing. We have introduced new streamlined procedures around Panel Member continuity that allow for requests to be approved more efficiently.

Panel Members are fully trained through pre-service training and subsequent courses, to ensure that all the legal obligations are met and that they have the skills and knowledge to encourage effective participation of children and young people. This is supported by guidance in the Practice and Procedure Manual.

Children and young people are encouraged and supported to participate in the planning, provision, delivery and evaluation of our work. (Article 12)

At CHS we work hard to ensure the views of children and young people are incorporated into everything we do, not just within the hearing room. We also provide opportunities and encourage children and young people to feedback their opinions about CHS and to get involved with our work to help us improve the service we deliver.

We work proactively with care and hearing experienced children and young people and we encourage them to speak freely and honestly to help inform our practice and improve the way we operate to better meet their needs. We work with Our Hearings, Our Voice (OHOV), an independent board for children and young people who have experience of the hearings system, and engage locally with Champions Boards to help develop and improve our work.

Our Hearings, Our Voice

With SCRA and other partners, we championed the establishment of a young person's Board, 'Our Hearings, Our Voice (OHOV)', to ensure children and young people with experience of children's hearings help to hold the hearings system to account and continually improve it by amplifying the voices of young people. Through its Operational Group, young people have had the chance to express their views and contribute towards our recruitment plans, application packs, and training courses.

Children and young people help shape the services Children's Hearings Scotland provide and are represented on many of our internal working groups. Through these shared learning groups, as well as consultation events, they have helped produce and improve our reports (such as Our Strategic Outlook 2020-23 and our new Children's Rights and Inclusion Strategy), as well as our website.

Young people play an increasingly active role in developing our recruitment campaigns. We have held development days in collaboration with stakeholders such as Young Scot, Who Cares? Scotland, the Independent Care Review, the Frameworks Institute and Robertson Trust, where young people have helped design our campaigns to recruit volunteers. Our Communications and volunteer recruitment teams have worked with young people

with lived experience of the hearings system to produce marketing materials to support our advertising campaigns.

Co-production of the CHS national recruitment campaign design

During 2019, we worked with young people who have lived experience of children's hearings and/or the care system, along with the Frameworks Institute and the Robertson Trust, to co-produce refreshed recruitment campaign designs. Young people helped guide the tone, language and look and feel of our campaign and to produce a film to support the advertising campaign. It focused on the qualities people who have experience of children's hearings would like to see in Panel Members and the impact they can have.

During 2020, ahead of the January 2021 campaign, we again worked with a group of young people with lived experience of the hearings and/or care system to build on the 2019 campaign. The group, together with the Communications Team, made decisions on the types of people and occupations to be featured on the marketing material.

Area Support Teams are working hard to increase, improve and embed the engagement of young people into the local recruitment process. They have produced a step-by-step guide about how to include young people and have incorporated it into the Recruitment Guidance Toolkit, a working document used to support recruitment at a local level. Involving young people in the recruitment of Panel Members has been identified as an area for development and is an integral part of our new Children's Rights and Inclusion Strategy.

Involving young people in local recruitment

In some of our Area Support Teams, young people have provided invaluable input in developing, delivering and evaluating information evenings for potential new volunteers. They have helped decide what the focus of group discussions should be, participated in group discussion activities, sat on interview panels, scored and selected interviewees, and attended local welcome evenings for new trainee Panel Members.

Young people were also central in developing a young person's training course with the Children's Hearings Scotland Learning Academy, to support young recruiters involved locally.

The views of children and young people with experience of the hearings and/or care system play a central role in the training we deliver at both a national and local level. Young people have contributed to designing and delivering our revised national programme of pre-service training for trainee Panel Members.

Young people's involvement in training our new volunteers

Based on the suggestions made by children and young people, we revised the pre-service training we provide including new timings and changes to the order of the delivery of material. It also includes a new section where some of the young people act out a simulated hearing. By sharing their experiences of the hearings system with trainee Panel Members, young people help ensure Panel Members understand how their decisions impact on lives.

Children and young people have also been involved in delivering local learning and development programmes across our Area Support Teams.

Young people's involvement in local learning and development programmes

East Renfrewshire Area Support Team have involved young people, sometimes in partnership with their local Champions Board, in various local learning and development events, where Panel Members talked openly with them to gain a better understanding of their experiences and of what they want from a hearing. These events have covered topics such as intensive support, advocacy and early intervention.

Central and West Lothian Area Support Team has worked with young people on effective communication training . In one event, five young people delivered a hard hitting sketch on their experiences of the hearings system. They also worked with West Lothian's 'Having Your Say' group and Falkirk Champions Board to enable young people to express their views of hearings and the qualities they felt Panel Members should have.

Cluster (ii): Summary of evidence

- Our values, vision and mission
- Our legislative and operational framework
- Statutory functions data- continuity requests
- Practice and Procedure Manual
 - Minimising barriers within hearings
- Our equalities work:
 - Development and implementation of, and reporting on, equalities outcomes²³
 - Equality Outcome Action Plan
 - Equality Impact Assessments – guidance and templates
 - Launch of online Equality, Diversity and Inclusion course for staff and volunteers
- Panel Member training delivered on:
 - ACES; Neglect; Contact; Child Development; Improving outcomes for children and young people; Effectively communicating with children and young people; Managing conflict within hearings.
- Collaborative working- active contributions to:
 - the Children’s Hearings Improvement Partnership (CHIP)
 - Advocacy and legal representation at hearings
 - BME and LGBTI work streams
 - the Youth Justice Improvement Board
 - the Independent Care Review
 - Children’s Hearings Advocacy Expert Reference Group
 - the Improvement Board Hearings Management Group
 - the Scottish Government working group to implement the new Age of Criminal Responsibility (Scotland) Act 2019
 - Reframing Care Advisory Group
 - Local authorities
- Consultation response to the Children (Scotland) Bill (29 November 2019)
 - support for increased voice of child, advocacy, welfare reporters, language change, and consideration of sibling relationships
- Consultation and involvement with children and young people
 - Our Hearings, Our Voice
 - internships
 - redesign of our Panel Member recruitment campaign
 - interviewing new senior staff and Board members
 - the design, delivery and evaluation of training for Panel Members
 - internal working groups, including the Rights & Inclusion Working Group
 - giving feedback on the CHS website
 - contributing to the drafting of the Business and Corporate Parenting Plan
- Panel Profiles and model hearing rooms
- Performance monitoring measures:
 - KPIs; Strategic outcomes; Panel Practice Advisors; Community Survey; Staff Survey

²³ chscotland.gov.uk/resources/equality-and-diversity/

Cluster (iii): Civil rights and freedoms

This section covers Articles:

- 7- birth registration, name, nationality and care;
- 8- protection and preservation of identity;
- 13- freedom of expression;
- 16- right to privacy;
- 17- access to information and mass media;
- 37- inhumane treatment and detention;
- 39- recovery and rehabilitation of child victims.

How CHS contributes to Article 28 (right to education) is set out in Cluster (vii)- education, leisure and culture.

Articles 14 (freedom of thought, conscience and religion) and 15 (freedom of association) do not directly apply to our duties.

Panel Members are making decisions that, as far as possible, mean that children know - and are cared for by - their parents. (Article 7)

CHS Children's Rights and Inclusion Strategy

Panel Members are making decisions that mean children can preserve family relations [without unlawful interference]. (Article 8)

CHS Children's Rights and Inclusion Strategy

Under Article 7 every child has the right to be registered at birth, have a name and nationality and, as far as possible, to know and be cared for by their parents. This is supported by CHS activity and one of the fundamental principles of the hearings system is that 'parents are usually the best people to bring up their own children and should be encouraged and enabled to do so wherever possible'.²⁴ Where it is not possible for a child to stay with their parents, the hearing will make decisions that support them to have a fulfilling and positive childhood. Hearings must listen and take account of the views of both children and their parents when making decisions about who should care for them.

Under Article 8 every child has the right to an identity and that their name, nationality and family relationships should be protected. In the hearings system a child has a legal right to maintain personal relations and direct contact with his or her parents when separated from one or both of them. There is a legal requirement for all hearings to consider arrangements for the infant, child or young person and their parents to spend time with each other, either face-to-face or in other ways (such as through telephone calls or letters).

At 31 March 2020, of the 8,875 children and young people with a Compulsory Supervision Order in place, 45% were residing with a parent or relevant person and a further 19% with a friend or relative."

*- SCRA Statistical Analysis
2019/20*

Sometimes concerns about a child's welfare may mean that time spent with one or both parents has to be restricted or regulated. However, even if it is decided that a child should be

24 Practice and Procedure Manual, p171.

cared for by somebody other than one or both parents, the hearings system still promotes a child's right to family time unless it is not in their best interests.²⁵

Although there is no statutory requirement for a hearing to think about arrangements to help maintain relationships between brothers and sisters when making decisions, Panel Members should have access to information about a child's relationships with their siblings and give careful consideration to how these can be maintained and protected.

We ensure all Panel Members are aware, through their training and our Practice and Procedure Manual (which contains a dedicated chapter on Important Relationships), that maintaining and supporting parental and wider family relationships when a child is separated from family is essential for a wide range of reasons, including the preservation of a child's sense of identity.

Our response to the Children (Scotland) Bill 2019 expressed support for the Scottish Government's proposals to ensure local authorities give as much priority to planning and maintaining relationships between separated brothers and sisters when they look after children, as they do for those between parents and children.

CHS has also expressed support for measures to improve arrangements around protecting and promoting relationships between brothers and sisters through our work with the Independent Care Review's group on championing the rights of brothers and sisters in care away from home and our membership of the Stand Up for Siblings group.²⁶

Arrangements to maintain and promote family relationships are also discussed below in relation to Article 37 (inhumane treatment) and in Cluster (v)- Family environment and alternative to care, Article 9 (separation from parents).

Children are free to express their thoughts and opinions at a hearing through the media of their choice. (Article 13)

CHS Children's Rights and Inclusion Strategy

We actively encourage and engage with children and young people to gather their thoughts and opinions about the children's hearing system to help improve their experiences. (Article 13)

Article 13 states that every child must be free to express their own thoughts and opinions and to seek, receive and impart information and ideas in any form or media of their choice. We provide information for children and young people in different formats and seek their views on what we produce.

Our Communications Outcomes commit to children and young people being able to participate in their hearings and having the opportunity to inform our practice and policy, as well as to providing communication that is accessible and easy to understand.

We publish information on our website specifically for children and young people, and those caring for children who are too young to express a view, making clear they have a right to talk and ask questions at their hearing, that they can bring somebody along with them to a hearing to support them (including a legal representative) and, that if they do not agree with

²⁵ Ibid,p262.

²⁶ Stand Up for Siblings is a group of organisations committed to supporting brothers and sisters to stay together or in touch when they enter care. It includes allies from The Care Inspectorate, Life Long Links and Barnardo's.

the reasons why they are at the hearing, they can safely voice this opinion.²⁷

Children and young people can provide information to a hearing through the media of their choice. Some children may not want to give their views personally to Panel Members at a hearing and they should not be forced to do so. If any child or young person is uncomfortable speaking at the hearing, or has been excused from attending, they can choose to make their voice heard through a representative (such as a friend, social worker, advocacy worker, or Safeguarder) or through a different medium (such as drawings, video recordings, the All About Me form (issued by SCRA), or the Mind of My Own (MOMO) app, for example).

We inform children and young people about their right to appeal if they do not agree with the decision that has been made and their right to complain if they are not happy about the way they have been treated at their hearing. We recommend that children have support to help them through the complaints process.

Our Complaints Handling Policy and Procedure reflects our commitment to improving outcomes for children and young people across Scotland through listening to feedback and reflecting on our activities, giving us the opportunity to learn and improve. It helps us keep children, young people and families at the heart of the process and to maintain the high standards of conduct required to ensure the best possible outcomes for infants, children and young people.

We are continually working towards improving how children and young people can learn about what we do and how they can express their views about CHS. Examples include the changes we have made to our website, which contains a specific section for children and young people, and our increased use of Facebook, Instagram and Twitter social media platforms.

We have used a range of measures (such as surveys, focus groups, Smiley Terminals, consultations and involvement in our internal working groups) to seek children and young people's views about operational matters that affect them.

Smiley terminals

'Smiley Terminals' have been trialled in four hearing centres (Alloa, Falkirk, Livingston and Stirling) to gather children and young people's views about their experiences around attending a hearing. We look forward to continuing this trial once social restrictions allow.

²⁷ chscotland.gov.uk/children-and-young-people/attending-a-children-s-hearing/

Panel Member profiles

Panel Member profiles were introduced as a result of listening to the voices of children and young people. Most Panel Members now provide a photo or an avatar of themselves, along with a brief description of who they are and what they like doing. These are placed outside the hearing room for children and young people to look at before their hearing. They help to personalise the panel and to introduce the members in a child-friendly way and enable children and young people to see who they will be talking to once they enter the hearing room and help put them at ease.

A pilot was held in Aberdeen in 2017 and 75% of children, young people and their families found the profiles helpful. We have started to roll these out at all hearing centres to help children and young people feel more comfortable when attending.

Panel Members recognise that children have a right to privacy. It is important that people attending a child's hearing are only there because it is essential. (Article 16)

CHS Children's Rights and Inclusion Strategy

Article 16 gives every child a right to privacy and to have their private, home and family life protected. Hearings can sometimes involve a large number of people because, in addition to the child or young person, a number of individuals have a right and/or a duty to attend (such as their parents or representative) and other people involved in a child's life may also attend. This can be intimidating for the child or young person and prohibit effective participation so we do all that we can to ensure that people are not attending the hearing unnecessarily:

- Our guidance states the Panel chairing member 'must take all reasonable steps to ensure the number of persons present at the hearing is kept to a minimum'²⁸;
- Those who do not have a right to attend can only attend at the discretion of the chairing member if it is deemed necessary for the proper consideration of the matter before the hearing or if granted permission by the chairing member and the child and relevant person do not object.

Journalists have a right to attend a hearing but they may be excluded from any part of the hearing where it is necessary to obtain the views of the child, or if the presence of that person is causing, or is likely to cause, significant distress to the child. While legislation gives journalists a right to attend a hearing, it also protects the child or young person's privacy by preventing them from publishing any information that is likely to identify a child, their address or school.

Sometimes a hearing decides that information about a child or young person should remain private, for example, where they live or go to school. If a hearing makes a decision that means a child or young person is to move to an address other than their home and it is confident that disclosing information about the whereabouts of the child or other information is likely to cause significant harm to the child then a 'non-disclosure request' can be made to prevent this information being seen by others²⁹.

"In 2019, 843 children had a non-disclosure order attached to either an interim order or CSO"

- SCRA Statistical Analysis 2019/20

28 Practice and Procedure Manual p.75.

29 Ibid. p.232.

We ensure all Panel Members are aware of and trained in the importance of how information is stored, shared and disposed of, so as to protect the privacy of children, young people and their parents and carers. (Article 16)

Panel Members have access to sensitive information about children, young people and their families so that they can carry out their role as decision-makers. A key responsibility of all members of the CHS community is to keep information safe.

Our pre-service training for Panel Members emphasises the importance of keeping information safe and how to manage and dispose of case papers to protect the privacy of children, young people and their families:

- papers should be kept securely, in a locked case, and when travelling to a hearing they should be kept close to the person at all times or placed within the boot of a car;
- any notes made by Panel Members to aid their participation in the hearing must be destroyed immediately after the hearing;
- any notes made before a hearing that cannot be handwritten must not be saved or retained on any device and should not contain any reference to a child's name, date of birth or other identifying information about the child and family. They should be deleted immediately after the hearing.

All members of the National Team and volunteer community are required to undertake, and to pass, mandatory on-line Information Governance training. They are also required to undertake refresher training every two years. The training focuses on keeping information safe, by ensuring all information is stored, used and shared appropriately, and on cyber awareness and security. CHS updated this training course to ensure compliance with the introduction of the new EU General Data Protection Regulations in May 2018.

CHS has procedures in place to protect personal information and ensure any breaches of practice are addressed quickly and formally through reporting to the Information Commissioner's Office (ICO). We have introduced an Information Security Matrix for use by local Clerks when they are alerted to or become aware of an information security incident. Panel Members have to report any such incidents to the National Team straight away.

We provide information about the hearings system in a range of formats so that all children attending hearings are fully informed and feel comfortable about what is happening. (Article 17)

Article 17 states that every child has the right to reliable information from a variety of sources and that information should be provided in a way that children understand. It also aims to ensure children are protected from materials that could harm them.

Our **Communication Outcomes** commit us to making sure our communications are accessible and easy to understand. We provide information about CHS and the hearings system on various platforms and in a variety of formats. We recognise that children and young people have different learning styles and abilities and we try to ensure our communications are accessible to all. To help us achieve this, we have involved young people in designing our published reports.

Our website provides children and young people with information about attending a hearing, including what happens, what their rights are and who can help them prepare for a hearing.

We have increased our use of social media, such as Facebook, Instagram and Twitter, to make it easier for children, young people and their families to access information about CHS.

Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time. (Article 37)
CHS Children's Rights and Inclusion Strategy

Article 37 includes a child's right to be protected from cruel or degrading punishment and states that a child should only be arrested, detained or imprisoned as a last resort and for the shortest time

The hearings system is welfare rather than punitive in its basis. The principle of minimum intervention- that 'an order is only to be made if it is considered better for the child than if no order were made' – is at the core of Panel Member decision-making.

If Panel Members decide that an order is required, it must specify how long it will last if it is to be legally binding. The key timescales attached to some of the decisions that can be made by hearings are:

- Compulsory Supervision Order – it can last for a maximum of one year, or to the child's 18th birthday, whichever is earlier. Panel Members may decide that the circumstances of the case require an early review before the end of the order;
- Interim Compulsory Supervision Order – it can last for a maximum of 22 days, or less if one of the following comes first- the date of the next hearing; the disposal of a proof application by the Sheriff; or a day specified in the order;
- Medical Examination Order – it can last for a maximum of 22 days, or less if one of the following comes first: the beginning of the next hearing or a day specified in the order.

Although any orders made by a hearing automatically expire on a young person's 18th birthday, a hearing should not terminate a Compulsory Supervision Order without a clear plan setting out how the child will receive any necessary support, supervision or guidance in the future.

"At 31 March 2020, the majority of children and young people on a Compulsory Supervision Order had been on one for 2 years or less (30% for less than a year and 22% between 1 and 2 years)."

- SCRA Statistical Analysis 2019/20

Hearings can make decisions that restrict the liberty of a child or young person but these are only made as a last resort and in a small proportion of cases. In order to implement such decisions, strict legal tests need to be made applied and Panel Members have to explain how these have been met³⁰. If considered to be in the child's best interests, the hearing could decide, for example, to impose a Movement Restriction Condition, send the child to live at a residential school or in secure accommodation. If a child goes to live in secure accommodation, a review hearing has to be held within three months of the Compulsory Supervision Order being made.

CHS recognises that any decision to restrict a young person's liberty is significant and the impact is wide ranging. These options are not considered punishments but ones that best address the needs of some young people who may require intensive support or require restrictions to keep them, and others, safe. Only a small proportion children in the hearings

³⁰ Children's Hearings (Scotland) Act 2011, s83(6).

system have their liberty restricted. Most orders that are made support children to stay in their own home.

If a child or young person is not happy with the decision of a hearing, they have the right to appeal against it, normally within 21 days.

“In 2019/20, 44% of children and young people who appealed had the Children’s Hearings decisions overturned.”

- SCRA Statistical Analysis 2019/20

“At 31 March 2020, of the 8,875 children and young people with a Compulsory Supervision Order in place, only 3% were in a Children’s Unit and 2% in a Residential School.”

- SCRA Statistical Analysis 2019/20

Even if they do agree with the decision made, they still have the right to request another hearing within three months of the decision being made. If it is decided that a young person needs to go to live in secure accommodation, a review hearing will automatically be arranged by SCRA’s Principal Reporter to be held within three months of the decision.

Panel Members are making decisions that ensure that even when a child or young person is deprived of their liberty they are not deprived of contact with their family except in exceptional circumstances to keep the child safe. (Article 37)

Article 37 also states that children should be treated with respect and care and should be able to keep in contact with their family. This is supported by the Children’s Hearings (Scotland) Act 2011, which stipulates that every hearing making or continuing an order must consider whether to include a ‘direction of contact’ between the child and any person or class of persons.

We recognise the importance of children and young people remaining in touch with their families and significant others and Panel Members will always make decisions that help maintain relationships if it is in the child or young person’s best interest. The need to safeguard and promote the welfare of the child throughout their childhood is the paramount consideration when making decisions about ‘contact directions’.

“95% of volunteers say CHS is respectful: treating children, young people, their families, partners and each other with care and consideration.”

- 2019 Community Survey

Effective arrangements that allow children and young people to keep in touch with their family can help maintain relationships that are important to the child or young person; promote the child’s sense of identity and links with their racial, cultural and religious heritage; support the child to make sense of events in their life; give the child reassurance about another person’s wellbeing, health or safety; and, provide information about birth family members³¹. Keeping in touch with family can take many different forms (such as face-to-face meetings, talking on the phone or online, through letters and emails), the appropriateness of which depends on the individual circumstances of each child.

31 Ibid. p263.

Our pre-service training for new volunteers covers the role and importance of maintaining family relationships and, in addition, all Panel Members are required to undertake a stand-alone Contact module.

“From its launch in September 2019 to March 2020, 519 volunteers had completed our Contact course.”

- Learning Academy

How CHS contributes to maintaining and promoting family relationships is also discussed in at Cluster (v)- Family environment and alternative to care, Article 9 (separation from parents).

Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse. (Article 39)

CHS Children’s Rights and Inclusion Strategy

Some children and young people who come to hearings have experienced adverse childhood experiences (ACES), including neglect, exploitation or abuse by those people who are supposed to be caring for them. Article 39 states that children who have suffered in such ways should receive special support to help them recover their health, dignity, self-respect and social life. While we do not directly provide services to aid recovery and social integration, Panel Members make decisions that help children and young people access the support and services they need from other organisations and individuals.

“In 2019-20, 4,230 children were referred to a hearing due to lack of parental care, and 1,138 because they were victim of a schedule one offence.”

- SCRA Statistical Analysis 2019/20

Panel Members are trained to recognise signs of adverse childhood experiences, understand the impact on infants, children and young people and how to make the best decisions to meet their needs. In addition to national training delivered through our Learning Academy (for example, courses on Neglect, Child Development and ACES), our Area Support Teams have also run development sessions on topics such as trauma informed practice and trauma and attachment in young people.

“Between April 2019 and March 2020, 1,007 volunteers completed our training on neglect and 1,075 on ACES.”

- Learning Academy data 2019/20

Both at a national and local level we are now increasing our focus on training and development around trauma informed practice and resilience.

Cluster (iii): Summary of Evidence

- Our legislative and policy framework
- Our values, vision and mission
- Practice and Procedure Manual
- Pre-service training for new Panel Members
- Training modules for Panel Members on:
 - Contact; ACES; Neglect
 - Pre-service training covering attachment, neglect, exploitation and sexual abuse
- Training for staff and volunteer community
 - Information Governance (Data Protection Act; Data security and cyber awareness; GDPR)
- Active participation in:
 - the Independent Care Review;
 - Improvement Board Hearings Management Group;
 - the Scottish Government working group to implement the new Age of Criminal Responsibility (Scotland) Act 2019.
- Membership of Stand Up for Siblings
- Partnership working through the Area Support Improvement Partners
- Response to the consultation Children (Scotland) Bill (November 2019)
- CHS website : Children and Young People – What are your rights at a children’s hearing?
- CHS Communication Outcomes
- CHS Complaints Handling Policy and Procedure
- Panel Member Profiles
- Increased use of social media through Facebook, Twitter and Instagram
- On-line surveys, Smiley Terminals and Comments Trees
- Consultation on a joint Data Protection Impact Assessment with SCRA
- Data Review of IT governance and security needs
- Implemented the EU GDPR
- Designed and began the implementation of the new digital system which should lead to improved information governance and privacy
- Introduction of the Information Security Index
- Involvement of children and young people in the development of organisational reports
- Consultation feedback from children and young people about our website
- Worked with website developers to ensure website was fully accessible.

Cluster (iv): Violence against children

This section covers Article 19 – protection from all forms of violence, abuse and neglect.

Articles 37 (no child subject to cruel, inhumane and degrading treatment) and 39 (recovery and rehabilitation) are covered in Cluster (iii)- Civil rights and freedoms.

Article 28(2) (school approaches to managing behaviour and discipline) does not apply to CHS activity.

Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them. (Article 19)

CHS Children's Rights and Inclusion Strategy

We ensure all chairing Panel Members are trained in how to manage conflict within hearings so has to protect children from any aggressive or violent behaviour when attending their hearing. (Article 19)

Article 19 states that children should be protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

All infants, children and young people who come to children's hearings are, in law, deemed to be in need of care and protection. Many have experienced or are at risk of adverse childhood experiences. The grounds on which children are referred to hearings include:

- lack of parental care;
- being a victim of a schedule one offence;
- having a close connection to a schedule one offender;
- living in the same household as a child of a schedule one offender;
- being exposed to people whose conduct is likely to be harmful to a child;
- having a close connection with a person who has carried out domestic abuse;
- having a close connection with a Sexual Offences Act offender;
- where the child's conduct is harmful to their self or others.

Panel Members are trained in how to recognise signs of crisis within families, and where there may be violence, abuse and neglect, understand the impact and ensure the decisions they make protect infants, children and young people from further harm. In addition to our national training programme, Area Support Teams run local learning events on topics such as domestic violence and abuse.

Any decisions by the hearing will only be made after they have taken into account the views of those experiencing the violence, abuse and neglect. If it is in the infant, child or young person's best interests to do so, Panel Members may decide to:

- continue a Child Protection Order that is in place to protect a child from actual or potential harm and neglect;
- limit or prohibit contact with individuals who place them at risk of abuse, violence or neglect;
- move a child or young person to a safer home environment; or
- prohibit the disclosure of an address if they think disclosing this is likely to cause significant harm to the child.

Sometimes children and young people can pose a risk to others by being violent or abusive themselves. Hearings can make decisions that protect others, including other children, from the impact of such behaviour.

“In 2019-20, 1,440 children were referred to a hearing because their conduct was considered harmful to themselves or others”

- SCRA Statistical Analysis 2019/20

CHS and SCRA, are responsible for making sure infants, children and young people are protected from violence or any other form of harmful behaviour when they attend a hearing.

As SCRA is responsible for providing the premises for hearings, it is the responsibility of the Children’s Reporter to make appropriate arrangements to make sure that the hearing is safe for all participants and to respond to any concerns identified before, or during, the hearing, including potential threats of violence.

Panel Members also play a role in ensuring children and young people are safe within their hearing. Although a relevant person has a right and a duty to attend all stages of a children’s hearing, Panel Members may decide to exclude any relevant person and/or their representative from a hearing if satisfied that:

- exclusion is necessary to enable the hearing to ascertain the views of the child; and/or
- their presence is causing or is likely to cause the child significant distress.

If a relevant person who has abused a child attends a hearing, Panel Members must ensure seating is arranged within the hearing room to create as much distance as possible between them and the child or young person and they should ask the child if they are comfortable with the seating arrangements.

All chairing Panel Members are required to have completed training on managing hearings. This includes how to deal with difficult situations, such as how to resolve conflict between participants, and how to have difficult conversations effectively. This helps ensure infants, children and young people are safe and protected within the hearing room.

Our Practice and Procedure Manual contains a section on managing complex hearings, with parts dedicated to enhancing Panel Members’ understanding of domestic abuse and coercive control and how it can affect children and families who attend children’s hearings.

Cluster (iv): Summary of Evidence

- Children’s Hearings (Scotland) Act 2011
- Practice and Procedure Manual
- National training on:
 - ACES; Neglect; Effectively communicating with children; Managing Conflict in Hearings; Management of Hearings.

Cluster (v): Family environment and alternative care

This section covers Articles:

- 9- separation from parents
- 20- children deprived of a family
- 21- adoption
- 25- review of treatment in care
- 27- adequate standard of living.

Article 19 (protection from all forms of violence) is presented in Cluster (iv)- Violence against children and Article 39 (recovery and rehabilitation) is presented Cluster (iii)- Civil rights and freedoms.

This section does not reference Articles 5 (parental guidance and a child's evolving capacity), 10 (family reunification), 11 (abduction and non-return of children), and 18 (parental responsibilities and state assistance) as they do not directly apply to CHS' duties.

Panel Members are making decisions that do not separate children from parents unnecessarily and all interested parties are given the opportunity to make their views known. Decisions should also not deprive regular direct contact with parents unless in the child's best interest. (Article 9)

CHS Children's Rights and Inclusion Strategy

Article 9 provides that children must not be separated from their parents against their will unless it is in their best interests and, if they are separated, they have a right to stay in contact unless it could cause them harm. CHS activity in relation to this Article is similar to that reported for Article 37 in Cluster (iii) – Civil rights and freedoms.

All Panel Members' decisions are guided by CHS' overarching principles- the need to safeguard and promote the welfare of the child throughout their childhood is the paramount consideration; the child must be given the opportunity to express a view and this view must be taken into account in line with the child's age and maturity; and an order is only to be made if it is considered better for the child than if no order was made.

While it is preferred that a child or young person is cared for by their parents, sometimes it is in their best interests to live with someone else. This might mean living with extended family members (kinship care) or foster carers, or living in residential or secure care. However, before any decision is made about where a child or young person is going to live, Panel Members will always take their views into account.

If Panel Members decide that it is in the child's best interests to be separated from their parents they have a legal duty to consider what arrangements should be put in place to help maintain relationships. Where possible, Panel Members' decisions support children and young people and their families to meet together or to communicate in other ways if this is not possible.

All Panel Members receive training about the importance of having formal arrangements in place to enable children and young people separated from their parents to be able to communicate with them, either through meeting them face-to-face or speaking over the phone or online, for example. This communication plays a critical role in maintaining relationships, promoting a sense of identity and providing reassurance about others' wellbeing, health or safety.

Our Learning Academy provides a wide range of courses that highlight the importance of maintaining relationships, covering issues such as attachment, arrangements for family time, and, more recently, permanence. Local Area Support Teams have run additional learning and development events, for example, on Permanency Planning and PACE.³² Panel Members are further supported by our Practice and Procedure Manual.

Panel Members are making decisions that help ensure children who cannot be looked after by their families can access protection and assistance from public services, including alternative care. (Article 20)

Article 20 states that if a child cannot be looked after by their immediate family, they should be given special protection and assistance, including being provided with alternative care that is continuous and respects the child's culture, language and religion.

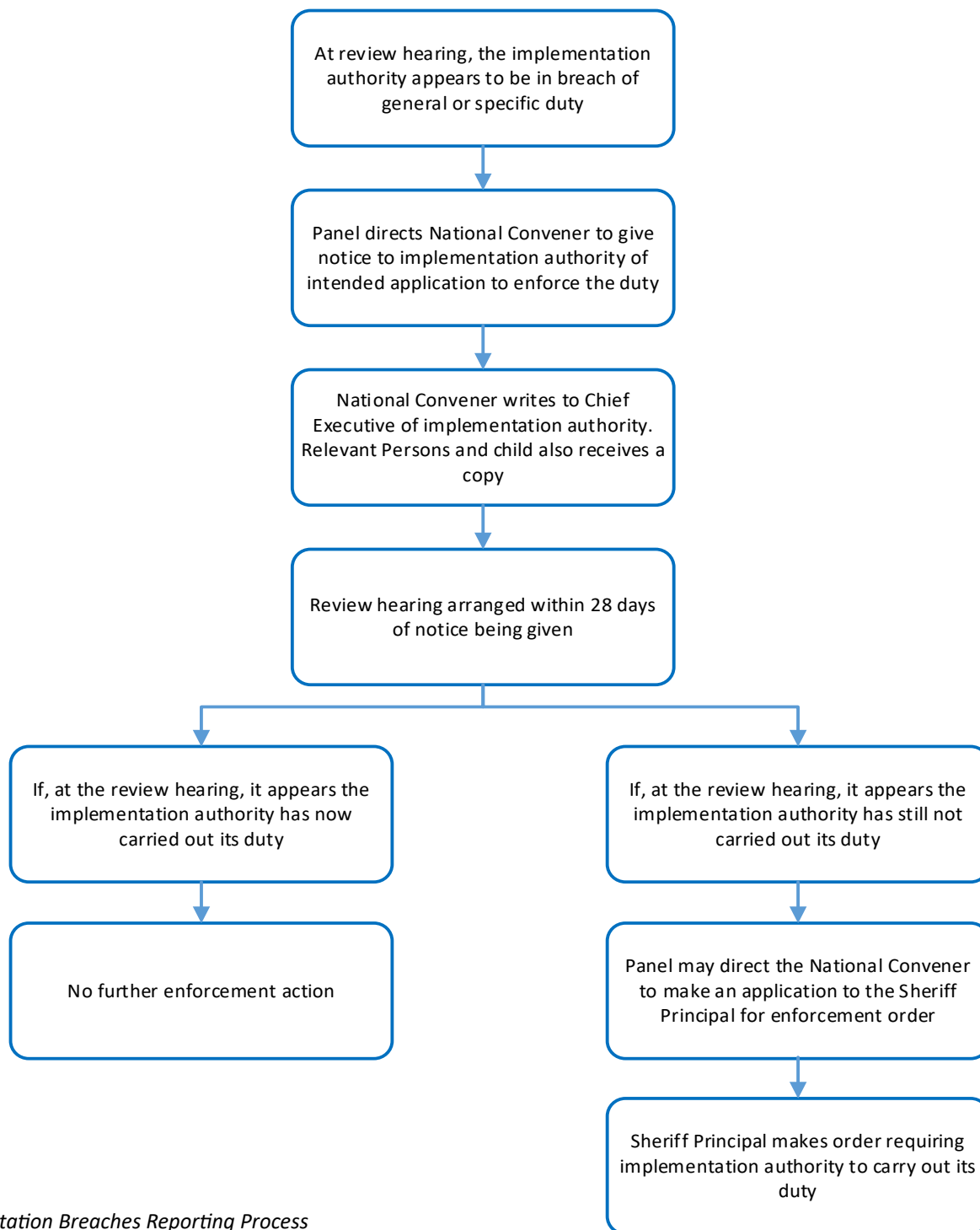
Although CHS has no control over the services provided for children and young people that attend hearings, the decisions Panel Members make can impose a duty on local authorities to implement the terms of a Compulsory Supervision Order. It may become clear, for example at a review hearing, that something other than the measure of supervision directed at a hearing has happened. The implementation authority may have taken other action and may appear to be in breach of a duty – either general or specific – placed on them by a children's hearing. In these circumstances, section 146 of the 2011 Act allows a hearing to direct the National Convener to take action to enforce the authority's duty.

“During the period 2017-20, three requests to serve notice were made,

- CHS Annual Reports, 2018-19 & 2019-20

Any implementation breach is potentially serious. It may indicate that an infant, child or young person is not receiving the support that a hearing has decided is necessary in their best interests. It is important to remedy that breach. A summary of the process used by Panel Members and the National Convener is given below:

³² PACE is the Permanence and Care Excellence Programme run by CELCIS.



Implementation Breaches Reporting Process

Panel Members ensure that adoption is only considered as a last resort for children and young people and only if it is in their best interest to do so. (Article 21)

Article 21 ensures the process of adoption is lawful and safe and prioritises the best interests of the child. Any recommendation for adoption coming before a hearing will have been based on a comprehensive social work assessment that has already been presented to the local authority Adoption and Permanence Panel. The hearing’s role is to provide advice to the Sheriff and local authority as to whether it supports this course of action for a child or young person. Support for adoption will only be given if it is considered best for the child not to

“In 2019-20, 699 hearings were held to give permanency-adoption advice representing 2% of all hearings”

- SCRA Statistical Analysis 2019/20

live with one or both parents for the rest of their childhood.

Pre-service training for new Panel Members includes a section on permanence and some Area Support Teams have run local learning and development sessions around these issues (for example, on Adoption and the Law and Fostering and Adoption). From Autumn 2020, we introduced a new national training course on permanence.

Panel Members participate in the periodic review of care ensuring people keep checking if children and young people feel safe and healthy. (Article 25)

CHS Children's Rights and Inclusion Strategy

If a hearing decides a child needs to live away from home for their care or protection, according to Article 25, they have a right to regular review of their treatment, the way they are cared for and their wider circumstances.

A Compulsory Supervision Order should last only as long as is necessary and every child with an order will have this reviewed by a hearing at least once a year. Panel Members then decide whether it should be continued, varied or terminated.

Although Compulsory Supervision Orders usually last for one year, if there is good reason, they can be reviewed earlier. A child or young person, and all relevant persons, may request a review of a Compulsory Supervision Order after three months and at any time thereafter. The implementation authority may request a review at any time.

Although it is important to regularly review Compulsory Supervision Orders, unnecessary additional review hearings can be unsettling for children and families, sometimes adding to uncertainty about what is happening.

If a hearing decides that a child needs to live in secure accommodation, a review hearing must be held within three months of the Compulsory Supervision Order being made.

As noted above in relation to Article 20, if a local authority fails to implement the terms of a Compulsory Supervision Order, the hearing can make a request to serve notice on the implementation authority.

Panel Members are making decisions that help secure the standard of living and conditions necessary for child development. (Article 27)

CHS Children's Rights and Inclusion Strategy

Under Article 27, every child has a right to a standard of living that meets their physical and social needs and supports their development. While CHS is not directly involved in service provision, Panel Members make decisions that help children and young people access support and services to help ensure they are living in a caring and loving environment, which is of a standard that lets them grow and flourish, as well as promoting recovery and social integration.

We train Panel Members so they can confidently identify, and understand the impact of, inadequate standards of living, neglect, exploitation and abuse and make decisions that help a child to thrive.

In addition to training provided through our national programme, our Area Support Teams run local training and development events, often involving external practitioners, on topics such as ACES, resilience and neglect and grounds for referral.

Cluster (v): Summary of Evidence

- Children's Hearings (Scotland) Act 2011
- Overarching principles
- Practice and Procedure Manual
- Implementation Breaches Reporting Process
- National Learning Academy training:
 - Pre-service training (including permanence and attachment)
 - ACES; Contact; Neglect; Resilience in looked after children
- Local learning and development sessions
- Active contribution to Child Protection Improvement Programme

Cluster (vi): Basic health and welfare

This section covers:

- Article 23- children with a disability
- Article 24- health and health services
- Article 33- drug abuse

Article 6 (life, survival and development) is covered in Cluster (ii) – General Principles and Article 27 (adequate standard of living) is covered in Cluster (v) – Family environment and alternative to care.

Articles 18 (parental responsibilities and state assistance) and 26 (social security) do not apply to CHS activity.

Panel Members treat children who have a disability with dignity and make decisions that promote self-reliance and participation in the community. (Article 23)

CHS Children's Rights and Inclusion Strategy

Article 23 states that any child with a disability has the right to a full and decent life with dignity and additional support. As expressed through our values, vision and mission, we aim to support all children, including those with disabilities.

Panel Members are expected to treat all people with respect and to be polite and considerate, and offer assistance and communicate effectively with anybody at the hearing with a disability. They must ensure that everybody coming to a hearing has the same opportunity to participate and be heard. They are also expected to be aware of, and respond appropriately to, differences in cultural views of disability³³.

Children, and others, attending hearings can have a wide range of disabilities and we have worked to remove barriers within hearings. So that every child and young person feels comfortable and able to participate freely, we try to ensure everybody feels welcome, included and informed when attending a hearing . For example, we have:

- worked alongside SCRA to redesign hearing rooms, ensuring they are fully accessible and child and autism friendly;
- introduced Panel Member Profiles, to reassure those children who may be anxious about who they will be speaking to at their hearing and what they look like;
- provided options for alternative methods of communication for children who are non-verbal (such as sign language interpreters, the use of drawings, whiteboards or flashcards);
- trained our volunteer community in how to minimise barriers; and
- updated the Practice and Procedure Manual to include dedicated sections on disability (including how best to communicate about disability and the impact of sensory impairment) and autism.

³³ Practice and Procedure Manual.

It is important not to assume that you know what the disability is or how it impacts on the life of the individual. Many different conditions can present in similar ways, and equally the same diagnosis can affect different people in different ways. Reports prepared for the hearing (in particular social work, education or health reports) should include information about the child or adult's diagnosis and how this affects them. If this information is limited, Panel Members should ask the participant (if appropriate) and relevant adults (professionals, carers) to share how this impacts upon the child/adult.

Some disabilities are 'invisible' – they are not immediately obvious when you are speaking to the person, but they may still face challenges in communicating with you. Relate to the individual person and respond to their individual needs.

Practice and Procedure Manual v.3.0, p.249

Some children and young people, particularly those with autism, may benefit from seeing the hearing room before other participants arrive, to familiarise themselves with the room and choose where to sit. Though our new Practice and Procedure Manual, we encourage Panel Members to invite the child or young person to see the room when they first arrive and ask if there are any aspects of the room they are not happy about or any behaviours that they would prefer not to happen. Children and young people on the autistic spectrum are encouraged to bring any support aids, such as a fidget toy, to the hearing that might help them to focus and lessen their anxiety.

CHS has an increasingly strong focus on equality, diversity and inclusion and this is reflected in:

- the setting up of, and actions taken by, our Equality, Diversity and Inclusion Working Group, such as developing our equalities outcomes;
- equalities being incorporated into Panel Member, Area Support Team and National Team training;
- our use of Equalities Impact Assessments (EqIAs); and
- the publication of our performance against our equality outcomes.³⁴

We have also tried to expand the ways in which children and young people can contact us through improving website accessibility and increased use of social media platforms. In 2019-20 we rolled out the first aspects of our new digital system, which over time will allow children and young people and their families to communicate more easily with Panel Members, tell CHS how it is doing, keep up to date with their hearings, and explore how they could attend using video conferencing technology.

Some Area Support Teams have also run local learning and development sessions, such as those on Disability Awareness and Autism Spectrum Disorder.

To reinforce the importance of behaving respectfully to people with disabilities, CHS is a Disability Confident employer. We hope to improve the diversity of both our workforce and volunteer community.

Panel Members are making decisions that help children who have medical and health needs that are not being met by those who care for them to access the services they need. (Article 24)

³⁴ CHS Equality mainstreaming report, 2018-20; Equality outcomes report 2019-20.

Under Article 24, children have a right to the best possible health. Sometimes children and young people who come to a hearing are not being adequately looked after and, more specifically, they are not receiving the health care that they need. Although CHS does not directly provide any health services, the decision a hearing makes can help ensure children and young people access the medical and health services they need.

A hearing can also make a Medical Examination Order if it considers the child to have an unmet, physical or psychological, medical need. A Medical Examination Order can authorise any of the following measures:

- the child attends or lives at a specified clinic, hospital or other place;
- a specified local authority arranges a medical examination of the child;
- non-disclosure (either directly or indirectly) of the place where the child is to stay;
- a secure accommodation authorisation;
- a contact direction;
- any other condition to ensure the child complies with the order.

Whether included as part of a Compulsory Supervision Order, Interim Compulsory Supervision Order or Medical Examination Order, all medical measures require the child or young person's consent to any medical examination or treatment if the medical practitioner is satisfied the child is of an age and level of maturity to understand the nature and possible consequences. There may also be circumstances where a medical practitioner is unwilling to undertake the examination, or considers that parental consent is required.

Panel Members are making decisions that protect children from the illicit use of drugs. (Article 33)

CHS Children's Rights and Inclusion Strategy

Guidance on Medical Examination Orders is provided to Panel Members in the Practice and Procedure Manual.

Article 33 protects children from illegal use of drugs. Under Section 67 of the Children's Hearings (Scotland) Act 2011, children and young people can be referred to a hearing for a number of reasons related to drug misuse. They can be referred because:

"In 2019-20, 39 children were referred to a hearing due to the misuse of drugs"

- SCRA Statistical Analysis 2019/20

- they, or the adults responsible for caring for them, are involved in, or at risk of, substance misuse;
- they are likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to lack of parental care which may result from their parents addiction to drugs, as well as other factors; or
- a schedule 1 offence³⁵ has been committed in respect of the child, including harmful behaviours, such as giving the child drugs.

The training we provide ensures Panel Members have a sound understanding of the substance misuse issues, an awareness of the impact on infants, children and young people and that they are able to make decisions that protect infants, children and young people from further negative impact. Our pre-service training covers substance misuse amongst children and carers and our Area Support Teams have run local learning and development sessions on Alcohol and Drugs and Children Living with Parental Substance Use, for example.

³⁵ This refers to offences listed in Schedule 1 of the Criminal Procedure (Scotland) Act 1995. These include neglect, sexual abuse, physical assault and other harmful behaviours, such as giving a child drugs.

Cluster (vi): Summary of Evidence

- Children's Hearings (Scotland) Act 2011, s67(2)
- Practice and Procedure Manual
 - Medical Examination Order Guidance
 - Minimising barriers in hearings;
- National Learning Academy training courses
 - Pre-service training course
 - Courses on: Effectively Communicating with children and young people; ACES; Equality, diversity and inclusion; Neglect
- Local learning and development sessions
- Introduction and roll out of Panel Member Profiles
- Practice and Procedure Manual
- Roll out of new digital system
- Equality, diversion and inclusion workstream
- Disability Confident Committed certification

Cluster (vii): Education, leisure and culture

This section covers Article 28 – right to education.

Article 30 (children of minority or indigenous groups) is discussed in Cluster (viii) – Special protection measures.

Articles 29 (goals of education) and 31 (leisure, play and culture) do not directly apply to CHS activity.

Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education. (Article 28)
CHS Children’s Rights and Inclusion Strategy

Panel Members are making decisions that support children and young people to access their right to education. (Article 28)

Under Article 8, every child has the right to an education. Most children and young people attending hearings are of school age and one reason for being referred to the children’s hearings system is because they are not attending school regularly.

“In 2019-20, 1,027 children were referred to a hearing for failure to attend school without reasonable excuse. The average age was 13.2 years”

- SCRA Statistical Analysis 2019/20

Panel Members’ decisions can help young people to access their right to education, allowing them to develop to their fullest potential and achieve their aspirations . Although hearings do not provide services, their decisions can include measures to increase attendance or access alternative education provision.

Even if a child or young person has been excluded from school or has withdrawn prior to being excluded, an education authority has a duty to continue to provide education for them. A hearing can decide that an education authority is failing to comply with this duty and can require the National Convener to refer the matter to Scottish Ministers. However, this is a rare occurrence, with only one case during the period 2017- 2020.

Although hearings are relatively short, they do take place during school hours. This means that some children and young people miss lessons and can feel stigmatised³⁶ and we are working with our partner organisations to consider how we can reduce any negative impact on children and young people caused by the way hearings operate.

Cluster (vii): Summary of Evidence

- Children’s Hearings (Scotland) Act 2011, s67(2)
- Statutory functions data
 - Referrals about excluded pupils
- Participation in the Independent Care Review

³⁶ The Promise, p39.

Cluster (viii): Special protection measures

This cluster focuses on groups of children who are marginalised or find themselves in vulnerable situations and require extra help and protection. All of the children and families within the hearings system are considered to be in vulnerable situations.

This section covers Articles:

- 22 - refugee children;
- 30 - children of minority or indigenous groups;
- 32 - child labour;
- 34 - sexual exploitation;
- 36 - other forms of exploitation;
- 40 - juvenile justice.

CHS activity in relation to Article 33 (drug abuse) is presented in Cluster (vi) – Basic health and welfare. Articles 37 (no child subject to cruel, inhuman or degrading treatment) and 39 (recovery and rehabilitation) are presented in Cluster (iii)- Civil rights and freedoms.

Articles 35 (abduction, sale and trafficking) and 38 (war and armed conflicts) do not apply to CHS' work.

Panel Members are making decisions about children seeking refugee status in a non-discriminatory way and protecting rights when no parents can be found. (Article 22)

CHS Children's Rights and Inclusion Strategy

All our volunteer community receive training in equality, diversity and inclusion matters to enable them to confidently and fairly address the needs of all children, young people and their families. (Article 30)

CHS Equalities Outcome 4

Under Article 22, children and young people with refugee status are entitled to special protection and Article 30 includes the right to learn and use the language, customs and religion of their family. Our legislative and organisational frameworks are designed to ensure that all children and young people receive a consistent level of service and that everybody is treated according to their individual needs.

Panel Members make decisions which are in the best interests of all babies, infants, children and young people attending hearings, including those with refugee status. They are trained to support children and young people to fully participate in their hearings and ensure they are not discriminated against because of language, cultural or religious barriers.

Effective participation of children and young people is an essential component of the hearing. Panel Members can support a child or young person with refugee status by deciding to defer proceedings to arrange for an interpreter if it is apparent they do not have adequate language skills to participate or they would prefer to speak in their own language.

How CHS ensures all children and young people, including those with refugee status, do not experience discrimination within their hearings is found in Cluster (i)- General Principles of Implementation, Article 2 (non-discrimination).

Panel Members are making decisions that protect children from economic exploitation or harmful work. (Article 32)

Panel Members are making decisions that protect children from sexual exploitation and abuse. (Article 34)

Panel Members are making decisions that protect children from any exploitation that may harm their welfare. (Article 36)

All from CHS Children's Rights and Inclusion Strategy

Under the Convention children are protected from child labour and sexual and other exploitation (Articles 32, 34 and 36). Under S67(2) of the Children's Hearings (Scotland) Act 2011, children and young people can be referred to a hearing for a variety of issues including:

- a schedule 1 offence has been committed in respect of the child;
- the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence;
- the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed;
- the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that:
 - (i) the child will be abused or harmed; or
 - (ii) the child's health, safety or development will be seriously adversely affected
- the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4 or 5 of the Sexual Offences (Scotland) Act 2009.

CHS' national training programme ensures Panel Members have an understanding of exploitation issues, an awareness of the impact on children and young people, and are able to make decisions that protect them from further negative impact. This is supplemented by local learning and development sessions run by Area Support Teams (for example, on Child Sexual Abuse, Sexual Exploitation and Grooming of Young People, Committed to Ending Abuse, Young People with Problematic Sexual Behaviour, and Child Protection).

Panel Members are treating children in conflict with the law with dignity and dealing with them in a manner appropriate to their wellbeing. (Article 40)

CHS Children's Rights and Inclusion Strategy

Article 40 of the Convention states that children should be dealt with outwith the criminal justice system and that the response should be appropriate to their wellbeing and proportionate to their circumstances and offence.

Under S67(2) of the Children's Hearings (Scotland) Act 2011, children and young people can be referred to a hearing if the child has committed an offence and, under the Age of Criminal Responsibility (Scotland) Act 2019, only if the child is at least 12 years old. Prior to 2019, children could be referred to a hearing on offence grounds from the age of eight years old.

In 2019/20, 2,834 children were referred to the Reporter on offence grounds.

- SCRA , Statistical Analysis 2019-20

Raising the age of criminal responsibility

CHS supported the Scottish Government's proposal to raise the age of criminal responsibility (from eight to 12) in Scotland, as shown in our formal response to the consultation and by having an active role in the implementation working group responsible for planning the implementation of the Age of Responsibility (Scotland) Act 2019. We also made sure all our staff and volunteers were aware of these changes by providing a new training course about the Act.

At any hearing it is important that the child or young person knows how information about grounds for referral and any related supporting evidence may be used in the future and this is particularly important in relation to offence grounds. Within the hearings system, measures are in place to ensure children and young people understand the legal effect of accepting offence grounds for referral or having these established in court (for example disclosure of this information to prospective employers or other organisations in later life through a Protecting Vulnerable Groups or Disclosure check). Our Practice and Procedure Manual states that:

- The Children's Reporter will provide information to the child and relevant persons about the legal effect of accepting offence grounds in writing when arranging the hearing;
- The chairing member of the Panel should check this was received and understood before entering any discussion;
- A hearing can be adjourned or deferred to another day to allow the young person time to discuss the consequences or to seek appropriate advice about the issue from a solicitor;
- There are significant consequences of accepting an offence ground. Panel Members should never encourage a child to accept a ground or statement of fact³⁷.

The hearings system is welfare based and tries to keep children and young people out of the criminal justice system if at all possible. It is rooted in a recognition that young people who are convicted of offences or engage in high risk behaviours have experienced adversity or have themselves been victims of offences, are often in vulnerable situations and have unmet needs for care and protection. The focus of the system is the welfare of the child, as set out in the first of our overarching principles 'the paramountcy principle'.

The hearings system is underpinned by the Kilbrandon principles which include:

- 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 criminal justice system;
- 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;
- 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
- 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;

³⁷ Practice and Procedure Manual, p.93

- 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 system³⁸.

We work collaboratively with, lead and influence partner agencies in the children’s hearings system and wider community, to ensure children and young people are not brought into the criminal justice system unnecessarily. At present, a child can only be referred to a hearing up to the age of 16 although the system also accommodates 16 and 17 year olds who are already subject to a Compulsory Supervision Order. However, once a child turns 18, their order will be automatically terminated. CHS has expressed its support for the Scottish Government’s policy intention to widen access to the hearings system to young people aged 16 and 17 who are not currently eligible for referral to the Reporter.

Article 40 also states that children have a right to legal assistance. Under the 2011 Act, a child or young person is entitled to engage a solicitor at any point of the hearings process and they can also apply to the Scottish Legal Aid Board for legal assistance.

Legal assistance for representation at a hearing is available to all children and young people if it is to ensure their effective participation. Sometimes arrangements for legal representation have not been made before the hearing and if the panel feel a child or young person may need a solicitor to ensure effective participation, and that the person is unlikely to make the arrangements themselves, they may direct the Children’s Reporter to provide the child’s contact details to the Scottish Legal Aid Board, who will then facilitate contact with a Solicitor. In such cases, the hearing has to be deferred to another day.

Legislation (ss191,192 of the Act) also states that a child is automatically entitled to legal aid when:

- an application is made to the Sheriff for variation or recall of a Child Protection Order;
- a hearing is to be held on the second working day after a Child Protection Order has been granted;
- a hearing, or pre-hearing panel, considers that it may be necessary to make a Compulsory Supervision Order including a secure accommodation authorisation; or
- a hearing is arranged after the child is detained in custody by the Police.

Legal aid is also available for the child for any subsequent deferred hearings.

If a child or young person is not accompanied by a solicitor at a custody hearing, Panel Members should ask the child whether they have been given the opportunity to be represented. If they have not, Panel Members should consider a short adjournment of the hearing to allow arrangements to be made, if possible.³⁹

If a child or young person has been prosecuted in a criminal court and been found guilty of, or pleaded guilty to, an offence, a hearing may be asked to provide advice to the court about what it should do as a result of the offence. If it is a Sheriff court case, it must ask the hearing for advice if the child is already subject to an order however it is at the discretion of the court if it is a serious offence being dealt with in the High Court.

“In 2019-20, we held 148 hearings to give criminal advice”

- SCRA Statistical Analysis 2019/20

The key decision for the hearing when a court seeks advice is whether they consider it

³⁸ Practice and Procedure Manual, p.171

³⁹ Practice and Procedure Manual, p.119

appropriate for the court to send the offence to a hearing for a decision to be made or whether it is more appropriate that the child is sentenced by the court. The juvenile justice system in Scotland promotes children's hearings as preferable to courts as a way of dealing with most young people who have committed an offence.

We have partnered with the Scottish Legal Aid Board to provide Panel Member training about working with legal representatives in hearings.

Cluster (viii): Summary of Evidence

- Children's Hearings (Scotland) Act 2011, s67(2)
- Overarching principles
- Our Values, Vision and Mission
- Our legislative and operational framework
- Practice and Procedure Manual
- Our equalities work:
 - Equality Impact Assessments – guidance, templates and training
 - Development and implementation of equalities outcomes
 - Reporting on our performance through our equalities reports⁴⁰
- Raising the age of criminal responsibility
- Response to the Scottish Government's consultation
- Introduction of training course on new Act across the whole CHS community
- Active membership of the Scottish Government working group to implement the 2019 Act
- Began work to consider compulsory measures for 16 and 17 years olds
- Partnership working to improve experiences for minority groups:
 - Children's Hearing Improvement Partnership- BME workstream
 - Independent Care Review
 - Youth Justice Improvement Board/ Youth Justice Strategy
 - Child Protection Improvement Programme
 - Secure Care Strategic Board Youth Justice/ Secure Care Review
 - Improvement Board Hearings Management Group
- Partnership work through Area Support Improvement Partners
- Training course delivered on:
 - Pre-service training- substance misuse and sexual abuse
 - ACES; Effectively communicating with children and young people
- Launch of a new online Equality, Diversity and Inclusion course
- Local learning and development sessions

⁴⁰ chscotland.gov.uk/resources/equality-and-diversity/

Gaps in our Activity and Evidence and Improvements Required

While much of our activity helps promote and protect children's rights, we know we can do better. We need to be ambitious, forward thinking and challenging. We have already demonstrated our commitment to this through Our Strategic Outlook 2020-2023 and our Children's Rights and Inclusion Strategy and we will work to embed a rights-based approach to all our work. In the short-term, the delivery of our work will be adapted to take account of the Coronavirus pandemic.

In Our Strategic Outlook 2020-2023 we set out what our priorities for the next three years will be and children's rights are at the centre.

Our strategic themes:

- better protect and uphold the rights of children;
- deliver consistently high quality hearings;
- continue to build an effective, empathic panel, that is well supported;
- be well informed and influential in our environment and communities.

Our Vision:

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

Our Purpose:

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

Moving forward our new *Children's Rights and Inclusion Strategy* is at the core of our work and it puts the child and young person's voice at the centre of all we do.

Our children's rights and inclusion vision

- we want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people;
- at Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners;
- infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.

There are three key areas which CHS can work on to see our vision for Scotland's infants, children and young people realised:

- **Children's hearings:** Children and young people must feel that it is *their* hearing, where they can choose how to share their views about their lives. Panel Members' interaction and communication with children and young people will be as inclusive as possible, recognising and understanding trauma and its impact, as well as being open to the ways

that children and young people may choose to share their views.

- **Area Support Teams:** volunteer Area Support Teams support the delivery of the National Convener's functions through providing local support to Panel Members. They will work to ensure the views of people with lived experience of the hearings system contribute to recruiting and supporting of local volunteers.
- **Children's Hearings Scotland:** this relates to the successful functioning operations of CHS as an organisation. CHS will role model and demonstrate the ways in which the methods of consultation, engagement, participation, co-design and co-production can be used to improve our everyday work and practice.

People with lived experience of the hearings system have helped us identify six 'pillars of inclusion' that are considered essential in reaching the three outcomes described above.

Children feel able to share their views openly, freely and honestly.

Children know that their views are given real weight and listened to in decision-making about their lives.

Children feel empowered and have ownership of their rights.



As an organisation we will take a rights based approach to everything we do and we will embed Children's Rights and Wellbeing Impact Assessments (CRWIA) in our working practices to assess how our work impacts on children and young people and their rights.

We aspire to take a lead role in driving positive change within the hearings system. We will listen to and take seriously recommendations for change voiced by children and young people involved with CHS and from elsewhere (for example, Our Hearings, Our Voice's Calls to Action and The Promise). We will take a proactive role in changing the language we use to better reflect our ambitions and give children and young people the respect they deserve.

We have already started to introduce new training courses (including those on advocacy,

permanence and children's rights) that will help ensure Panel Members take a rights based approach to their decision-making. During 2021 we will provide support to Panel Members to prepare for changes in siblings' rights to participate in hearings.

The Promise

In February 2019, the Independent Care Review published its findings in The Promise report. This articulates a vision for Scotland's care system that takes the voice of lived experience of hearings and/or care as a key influence and places rights at its centre. Some of the key findings for the hearings system to address are:

- The care system must protect and uphold children's rights, decriminalise children and destigmatise care;
- Active listening to children and young people must be at the heart of the hearings system;
- There must be a culture change in decision-making, with children and young people being included in decisions about their lives and being able to bring people they choose to places where decisions are being made;
- The care system must protect relationships important to children, including those with brothers and sisters;
- Every participant in the children's hearings system, must be trauma informed and aware;
- Help must be delivered much earlier and the hearings system must plan to shrink and specialise;
- The role of volunteers must be assessed and considered.

The findings were welcomed by the National Convener and it was made clear that CHS intends to take its responsibility for transformational change seriously:

"The [Independent Care Review](#) has been the most incredible journey. A genuine root and branch review with the voice of care experienced children and young people at its heart. I'm so grateful to everyone who has shared their experiences and helped to shape these recommendations. Panel Members are committed to improving outcome every day for infants, children, young people and their families. They are always listening, always learning and dedicated to improving their practice.

I welcome the commitment to retain the Kilbrandon principles. We will now look in depth at each of the areas highlighted by The Promise which relate to the children's hearings system. We recognise the opportunity for change and will work with our volunteers, children and young people to build solutions and deliver The Plan. We're committed to delivering The Promise." – Elliot Jackson, National Convener (5 February 2020)

What CHS will do next to progress children's rights

How we will progress children's rights over the next three years is presented in the tables below. These reflect commitments we have already made in *Our Strategic Outlook 2020-23* and in our *Children's Rights and Inclusion Strategy*. We have identified how each of these relates to the UNCRC clusters.

We have begun work on our *Promise Programme* and this will identify the tasks and actions required to embed our four strategic themes and assess how well we are doing. As part of

this work we have developed 11 aims, which are included in the Next Steps table below, and we are in the process of developing specific and measurable outcomes for each of these.

We know we need to improve the way in which we measure our performance in progressing children's rights. There are currently no nationally agreed indicators to monitor UNCRC implementation and we would welcome the opportunity to work with our partners on how these might be developed.

The initial focus of our *Promise Programme* will consist of three main components that ensure:

- Brothers and sisters are involved in hearings decision-making;
- Hearings embed a trauma informed response; and
- UNCRC implementation is evidenced across CHS' work.

We will also respond flexibly to any requirements to redesign our services that come from outwith our organisation.

People with lived experience will be at the heart of our Promise Programme. We will work at a national and strategic level, with The Promise, Our Hearings, Our Voice' and our Children's Rights and Inclusion Coordinator to implement *our Children's Rights and Inclusion Strategy*. At a local level, across our 22 Area Support Teams and the 32 local authorities, we will work with young people and carers who support the hearing system, champions boards and people who use our services to implement change that delivers a positive experience of children's hearings.

Next Steps

From <i>Our Strategic Outlook 2020-23</i> We will...	Alignment to Clusters							
	i	ii	iii	iv	v	vi	vii	viii
THEME 1: BETTER PROTECT AND UPHOLD THE RIGHTS OF CHILDREN								
Ensure that our volunteers are trained in children’s rights and understand how to enable them.								
Ensure that children and young people are able to participate fully in our work.								
Use data and feedback to keep our approach to rights, and how they are exercised in hearings, under review.								
Introduce a framework for measuring our progress on children’s rights and the realisation of UNCRC within our work.								
Learn from, and work with, partners to adopt best practice in our rights work.								
Train our staff in children’s rights and how to embed them in our work.								
THEME 2: DELIVER CONSISTENTLY HIGH QUALITY HEARINGS								
Work with partners to increase the influence children and young people can have on hearings. We want this to lead to the delivery of co-designed hearings.								
Rationalise, and better use, the system of standards, codes and competencies in which we operate.								
Start to work with our partners to ensure that hearings are run with processes that do not cause delays or disruption.								
Undertake work focused on demonstrating and cementing acceptable hearings behaviors and conduct.								
Explore how hearings can work more effectively with the families of infants, children and young people.								
Ensure we promote dignity in hearings by understanding the impact of stigma in hearings and identifying ways to avoid this.								
THEME 3: CONTINUE TO BUILD AN EFFECTIVE AND EMPATHETIC PANEL THAT IS WELL SUPPORTED								
Begin our journey to fully embedding throughout our work an awareness of the impact of trauma.								
Actively seek to increase the number of Panel Members with lived experience of the hearings system and strive for greater diversity of the Children’s Panel.								
Continue to develop the training offered through the CHS Learning Academy to ensure Panel Members feel confident in their skills and abilities.								
Contribute actively to any national review of the role of volunteer decision makers as suggested by the Independent Care Review.								
THEME 4: BE WELL INFORMED AND INFLUENTIAL IN OUR ENVIRONMENT AND COMMUNITIES								
Introduce and embed a new digital system that will allow us to record and review data.								
Ensure that our changing environment and developing knowledge is having an impact internally – by using it to train our staff and volunteers.								
Ensure our staff and volunteer leaders are trained to understand improvement and implementation science								

Actively seek opportunities to engage more closely with research about the hearings system, care and child development.								
Introduce systems that allow our work to be influenced by lived experience of hearings at all levels.								
Engage actively in our strategic and operational environment – taking leadership spaces where we can to drive positive change.								

From our <i>Children’s Rights and Inclusion Strategy</i>	i	ii	iii	iv	v	vi	vii	viii
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IEWS								
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SCOTLAND’S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
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Children will have lots of ways to express their views which our Panel Members will be trained in how to understand and listen to in a communication friendly environment.								
We will support children’s right to representation in helping them to share their views.								
We encourage all children where possible to attend their hearings. If they feel unable to attend, they will be supported to still have their views shared.								
We are committed to understanding the views of all children and will work with partners in learning how best to incorporate the views of children under the age of 5 years using a range of different methods.								

THE CHILDREN’S HEARINGS SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SERVE								
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We will make sure that children and people with lived experience are included in developing, shaping, delivering and reviewing the work and values of CHS.								
People with lived experience of the hearings system will be included in all volunteer and staff recruitment. We recognise the invaluable experience that these individuals can bring to improving the children’s hearings system for the better.								

CHOICE								
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SCOTLAND’S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
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Our hearings work for children, giving the choice for children to be included in deciding where and when their hearing takes place that is suitable and meets their needs.								
Children will have the choice to be included in all aspects of the children’s hearings system, not just the hearing itself, and they will be supported and encouraged to do this with equality and respect. They can choose if and how they want to use and bring their lived experience.								

WE ARE PROUD OF SCOTLAND’S UNIQUE CHILDREN’S HEARINGS SYSTEM								
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We embrace the range of inclusion that can be possible in a hearing, and for children who choose to, can have the opportunity to co-design their own hearing.								
We will work with partners in creating a way forward in co-designing hearings and if needed, appropriate and with evidence, we will challenge legislation to enable change.								
We will ensure children’s choice of how they share their views can be possible by working with partners on the logistics of the hearings space that will allow, for example, technology to be accessible if children want to express their views that way.								

We will support the increase of advocacy that is available for children attending hearings and ensure children are aware of this choice for them.									
RELATIONSHIPS									
CHILDREN'S HEARINGS SCOTLAND UNDERSTAND THE IMPORTANCE OF RELATIONSHIPS FOR CHILDREN WHICH ARE BASED ON RESPECT, HONESTY AND TRUST									
Panel Members are trained in how to listen and include children, recognising the challenges some children may face with communication and in recovering from trauma. They will embed a children's rights and child-centred approach during the child's hearing.									
We recognise the purpose and importance of having some of the same Panel Members at future hearings and will strive to achieve this by working with partners to provide this choice for children.									
We will clearly demonstrate and promote positive behaviours and expectations of Panel Members through our code of conduct, ensuring children feel safe and empowered within their own hearing.									
We will work with partners to ensure everyone attending a child's hearing understands how they should behave positively including family members and carers.									
THE CHILDREN'S HEARINGS SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SEEK TO SERVE									
We will ensure that children and people with lived experience of the hearings system feel empowered and connected to exert their influence using their personal experiences to improve the hearing's journeys for others through ongoing relationships with us.									
COMMUNICATION									
THE INCLUSION OF CHILDREN THROUGH THEIR HEARINGS JOURNEY IS CLEARLY VISIBLE THROUGH OUR CORE VALUES									
The inclusion and participation of children and people with lived experience of the hearings system must be the golden thread running through all everyday operational business at CHS. This will be supported by our Children's Rights and Inclusion Coordinator.									
All language used throughout the hearings process is accessible, communication friendly, and easily understood. Where this is not possible, everything is explained to the child in a developmentally appropriate manner. We will work closely with Scottish Children's Reporters Administration (SCRA) in making this happen.									
Everyone involved in the hearings journey with children and people with lived experience understand and respect their preferred pronouns.									
THE CHILDREN'S HEARINGS SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SEEK TO SERVE									
There are clear expectations and boundaries across CHS and Area Support Team activity so that children and people with lived experience know what they can expect from our organisation in all situations.									
ACTION									
WE ARE PROUD OF SCOTLAND'S UNIQUE CHILDREN'S HEARINGS SYSTEM									
We will report to Scottish Government on how we realise children's rights in the work we do. We will explicitly demonstrate the ways in which various Articles of the UNCRC are supported until there is no longer a need, with a children's rights-based approach being embedded in everyday practice and throughout training.									

In line with our values, all action within CHS relating to our Corporate Plan, Annual Business Plans and strategy documents will also illustrate the development of our inclusive work with children, across organisational work, Area Support Team operations, and Panel Member interactions with children in their own hearings.								
CHS, with our colleagues in the CHS Learning Academy, will provide training for all staff and volunteers ensuring a children's rights-based approach and inclusive practice is used in making sure children are able to share their views including those children with any communication needs.								
SCOTLAND'S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
We will make it clear for children on the roles, responsibilities and expectations of all the different people who attend the child's hearing.								
Feedback loops to monitor, review and evaluate each 'pillar of inclusion' will exist and collate the information, data and views recorded in different ways, to continually improve what and how we do it.								
SPACE								
SCOTLAND'S CHILDREN AND YOUNG PEOPLE HAVE A HEARINGS SYSTEM THAT WORKS FOR THEM								
During the hearings journey, children are offered timely, safe and inclusive physical and psychological spaces to ensure they have their views shared and their needs met								
THE CHILDREN'S HEARINGS SYSTEM IS DYNAMIC AND REFLECTIVE OF THE COMMUNITY WE SEEK TO SERVE								
We will have people with lived experience of children's hearings with specific roles within our Area Support Teams. In creating this space for people to occupy, we can continue to have lived experience at the centre in all we do.								
Children are included in shaping and influencing the spaces that children occupy, whilst never deviating from the experience of those people who have attended children's hearings. This will be supported by the work of our National Panel of Advisors within CHS.								

From CHS' our Promise Programme We will set measurable and specific outcomes around ensuring...	i	ii	iii	iv	v	vi	vii	viii
THEME 1: BETTER PROTECT AND UPHOLD THE RIGHTS OF CHILDREN								
Records of proceedings record the views of the child (and, for non-verbal children, their carers) on the child's plan presented to the hearing and the decision made in a hearing.								
Panel Members are observed evidence a rights based approach to involving the young person in their hearing.								
THEME 2: DELIVER CONSISTENTLY HIGH QUALITY HEARINGS								
Children and young people are offered a choice in how they participate in their own hearing (face-to-face, virtually or by other means).								
Children have a Panel Member who is consistent for any hearing after the first hearing.								
THEME 3: CONTINUE TO BUILD AN EFFECTIVE AND EMPATHETIC PANEL THAT IS WELL SUPPORTED								
Active Panel Members are competent in virtual, face-to-face and blended hearings.								
Panel Members have a proven understanding of the effect of trauma on child development and the role of this in hearings and decision-making.								
Panel Members feel their contribution is valued.								

THEME 4: BE WELL INFORMED AND INFLUENTIAL IN OUR ENVIRONMENT AND COMMUNITIES							
Panel Members have a proven understanding of risk and assessment.							
Area Support Teams will be co-chaired by people with lived experience.							
Extra scrutiny is provided to children who have been looked after at home on Compulsory Supervision Orders for more than two years.							
Area Support Teams will be represented at corporate parenting boards as part of the multi-agency partnership.							

Glossary

The following list provides simple and quick explanations of some of the more complex terms used in this report.

Adjournment

A short break during the hearing.

Area Support Teams (ASTs)

Teams who provide support and guidance to panel members at the local level. There are 22 of these across Scotland, with 400 volunteer members.

Child Protection Order (CPO)

A legal order made by a Sheriff in an emergency. It means the child will be kept in a place of safety away from home.

Children's Reporter

The person who decides that a hearing is necessary and invites everyone to attend. They don't take part in the decision-making in a hearing.

Compulsory Supervision Order (CSO)

A Compulsory Supervision Order is a legal document that means the local authority is responsible for looking after and helping the child. It can contain decisions that say where the child must live – and other decisions that must be followed.

Contact

Seeing members of your family (or people who are important to you) .

Deferral

Where the hearing decides to delay making a decision to another day.

Foster carer

Foster carers can look after children when their parents are not able to. The children stay with the foster carer in their home.

GIRFEC

'Getting it Right for Every Child' is the way for families to work together with people who can support them such as teachers or nurses.

Implementation authority

The local council who have to make sure the decisions made by the hearing happen.

Interim Compulsory Supervision Order (ICSO)

A short-term decision when the hearing has decided to delay making a long-term decision to another day but some decisions couldn't wait. It might decide where the child lives or how often they see someone important to them.

Learning Academy

Provides a range of training to ensure our volunteer community's learning is current and relevant for the role.

Legal aid

Payment covering some, or all, of a person's legal expenses. This is managed by the Scottish Legal Aid Board (SLAB).

Measures

The order says that something has to happen to support the child, the measures say what those things are. For example, it could be seeing family members more or less or saying where the child should live.

Movement Restriction Condition (MRC)

An electronic tag which limits where a child can go at certain times. It can be a measure on a CSO or ICSO.

National Convener

Leads and oversees the Children's Panel, at the moment this is Elliot Jackson. He is responsible for recruiting people to serve as Panel Members across Scotland, and making sure they have the right training and support to make sound decisions in the best interests of infants, children and young people.

Non-disclosure request

When someone asks the hearing to keep some information from someone. There must be very good reasons.

Panel Members

People who take part in children's hearings and make legal decisions about the care and protection of infants, children and young people. There are around 2,500 Panel Members in Scotland. Three Panel Members sit on each hearing.

Panel Practice Advisors (PPAs)

Specially trained volunteers responsible for observing Panel Members hearings to ensure they are following correct legal procedures and are providing a high quality experience to children and families.

Permanence

When a child has a stable, safe place to live without needing to come to children's hearings.

Principal Reporter

The head Children's Reporter. Their responsibilities are carried out by local Children's Reporters.

Proof

The Sheriff will read reports and hear evidence to decide if the examples in the statements of fact are true or false.

Relevant person

Parents and other people who have a parental-type role in a child's life.

Safeguarder

Someone who is independent can read the reports and speak to the child and any important people to make sure decisions are being made in the child's best interests.

Schedule 1 offence

A physical, emotional or sexual offence against a child.

Scottish Children's Reporter Administration (SCRA)

The Children's Reporter works for SCRA; they decide if a child might need a children's hearing and arrange children's hearing and send all the papers out.

Secure authorisation

The decision of a hearing which allows a child to be placed in secure accommodation.

Secure accommodation

A form of residential care which limits the freedom of children who stay there and offers intensive support.

SHANARRI

Scotland has named eight areas of a child's life which can make their wellbeing better or worse. They are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included, often called by the initials SHANARRI.

Siblings

Brothers and sisters.

SPSO

The Scottish Public Services Ombudsman.

Statements of grounds

The legal reasons which the Children's Reporter writes explaining why a child has been referred to a hearing.

Substance misuse

Regularly using anything which affects the way you think and act and adversely affects your health. This can be alcohol, illegal drugs, prescription drugs or solvents.



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This publication has not been printed to save paper. However, if you require a printed copy or a copy in an alternative format and/or language, please contact us to discuss your needs.

Agenda item 12
CHS-2021-70
'Easy Read' Summary Report of the UNCRC Progressing Rights
Report

Progressing Rights at Children's Hearings Scotland: a summary of our activities, 2017-20

Who we are...

This report mentions a few different people and groups, the most common ones are:

Children's Hearings Scotland (CHS) is the organisation that is responsible for recruiting, training and providing support to the Panel Members who sit on children's hearings in Scotland.

The National Convener leads and oversees the Children's Panel, at the moment this is Elliot Jackson. He is responsible for recruiting people to serve as Panel Members across Scotland, and making sure they have the right training and support to make sound decisions in the best interests of infants, children and young people.

Panel Members take part in children's hearings and make legal decisions about the care and protection of infants, children and young people. There are around 2,500 Panel Members in Scotland. Three Panel Members sit on each hearing.

Panel Practice Advisors are specially trained volunteers responsible for observing Panel Members' hearings to ensure they are following correct practice and are providing a high quality experience to children and families.

Area Support Teams provide support and guidance to panel members at the local level. There are 22 of these across Scotland, with 400 volunteer members.

Safeguarders are independent people who help Panel Members make the best decisions for a child by making sure the child's rights are protected and their views are heard by the hearing.

CHS Learning Academy provides training to ensure our volunteer community's learning is current and relevant for the role.

There is also a glossary of key words at the back of this report.

What this report is about...

This is a summary of our Progressing Rights Report which looks at how Children's Hearings Scotland's work and activities over the last three years (2017-20) have helped protect and promote children's rights that are in United Nations Convention on the Rights of the Child (UNCRC).

The UNCRC is an international and legal list of rights designed to make sure that all children's human rights are protected and soon this will become part of the law in Scotland. The rights are grouped into clusters that cover things such as being listened to, being protected and treated with respect, having legal representation, and being cared for.

We also let you know what our goals are for the future, which make sure that children's rights, like the right to be heard, is at the heart of everything we do.

Our larger report – [\[insert hyperlink\]](#) - includes more detail about the activities we talk about here, as well as information about how the way we work helps protect and uphold children's rights.

We would really like to know what you think about how we can continue to promote children's rights within the hearings system. If you have any ideas, we would love to hear from you. You can email us at [\[insert a CHS Children's Rights email address\]](#) or tag us [\[insert social media account/handles\]](#) in your social media posts.

Cluster (i): General measures of implementation

[In a box]

This section is about...

How we make sure our organisation's structures respect and promote children's rights. It includes activities around the part that rights play in how we plan and do our work, train people and how we make sure rights are taken seriously.

Articles 4 - implementation of the Convention; 42 - knowledge of the Convention.

Article 4 commits us to doing all we can to make sure every child can enjoy their rights by creating systems and having laws that promote and protect children's rights.

We have a core duty to ensure we are doing everything we can to realise that every child can enjoy their rights. All our organisational operations should promote rights and enable children to realise their rights. Panel Member decision making should take rights into account.

CHS Children's Rights and Inclusion Strategy

We operate within a context that ensures that the best interests of children and young people lie at the heart of everything we do. Our work is guided by national legislation and policy, the UNCRC and the European Convention on Human Rights (ECHR), as well as our own values, vision and mission.

What have we done?

CHS' legal purpose for existing, key principles, and our main aims and goals, all focus on meeting the needs of children and young people and ensuring that we better protect and uphold their rights. We've recently made this stronger by introducing a new Children's Rights and Inclusion Strategy and the appointment of our Children's Rights and Inclusion Co-ordinator.

CHS is one of many organisations that work within the children's hearings system and over the last three years we have worked with our partners, (such as Scottish Children's Reporter Administration (SCRA), Social Work Scotland, Scottish Legal Aid Board (SLAB), Centre for Excellence for Children's Care and Protection (CELCIS) and the third sector), to develop and improve practice so as to provide a hearings system that meets the needs of all involved.

Through our Panel Practice Advisor observation programme we have continued to monitor our Panel Members to make sure they meet their responsibilities and act in line with our core values and expectations.

We have worked with young people to ensure that their voice is at the core of our work. Our budgets have included investments to support the inclusion and participation of young people in our work.

We, along with SCRA, have established and consulted our young person's Board – Our Hearings, Our Voice (OHOV). We have included young people in recruitment and training, working groups, and our reporting (such as our 2020-23 Corporate Plan and our new Children's Rights and Inclusion Strategy).

We have delivered a high-quality training programme for our staff and volunteers through our Learning Academy. Our training helps Panel Members to understand the principles of the hearings system, our legal framework and how to make decisions in the best interests of children.

During 2017-20, we delivered training courses that help protect children's rights. Some examples include: the Children and Young People (Scotland) 2014 Act and GIRFEC; Information Governance Equality, Diversity and Inclusion; Contact; Effectively Communicating with Children; Management of Hearings; and Managing Conflict within Hearings. Our pre-service training, which is done by people wanting to become Panel Members, also included a section on children's rights and the UNCRC.

Our Area Support Teams delivered their own local learning and development programmes to Panel Members. These included sessions on child and adolescent mental health, drug abuse, domestic violence, LGBTI young people, unconscious bias, trauma, attachment, early intervention, and advocacy.

We have expressed strong support for furthering children's rights, for example, through our formal responses to Scottish Government consultations on the incorporation of UNCRC into Scottish law and raising the age of criminal responsibility.

Cluster (ii): General principles

This section is about...

How we make sure the rights of all children are protected, how we make sure their views are listened to and how we support them to participate in our work.

Articles: 2 - non-discrimination; 3 - best interests of the child; 6 - life, survival and development; 12 - respect for the views of the child.

Article 2 states that the UNCRC applies to all children without discrimination of any kind.

CHS organisational operations, Panel Member decision making, and how hearings run should protect children from all forms of discrimination.

CHS Children's Rights and Inclusion Strategy

What have we done?

Our vision, mission, values and equalities outcomes share our commitment to provide a fair and high quality level of service to all children, young people and families attending children's hearings. Our ambition is to promote and celebrate an equal, diverse and inclusive culture within the CHS community through a process of continual engagement, communication, training and development.

We established our Equalities, Diversity and Inclusion Working Group, developed a new set of equality outcomes and began work on our new Equality, Diversity and Inclusion Strategy for 2020/21.

Through our Learning Academy, we provided equality, diversity and inclusion training for staff and our volunteer community. Our Area Support Teams ran local learning and development sessions to help prevent discrimination, such as those on 'Rights, Values and Culture', 'Cultural Perspectives', 'LGBT Young People' and 'Unconscious Bias'.

We provided guidance for our Panel Members through our Practice and Procedure Manual to help make sure their decision-making is fair. This includes sections on culture, race, nationality and ethnicity; disability and autism; inclusive language; gender identity and sexuality; and minimising barriers within hearings.

We participated in groups with our partner agencies to improve the experiences of children and young people from minority groups.

Article 3 states that the best interests of the child must be a top priority in all the decisions and actions that affect children.

We are doing everything we can to ensure Panel Members are making decisions that are in the best interests of children and enable the necessary care and protection. We adhere to all necessary standards.

CHS Children's Rights and Inclusion Strategy

The Children's Hearings (Scotland) Act 2011 demands that children's hearings act in the best interests of the child or young person to help, support and protect them. The need to safeguard and promote the wellbeing of the child throughout the child's childhood is the most important consideration that Panel Members have to apply when making decisions about a child.

We have provided training and guidance for Panel Members to make sure that they are well prepared to make decisions in the best interests of children and young people and that they know how to run hearings fairly.

We have provided written guidance and training to make sure Panel Members know when they might need to appoint a Safeguarder, to make sure children and young people's rights are protected, their views are heard and communicated to the hearing; and that any decisions being made by are in their best interests.

Hearings do not directly provide services but can help infants, children and young people to access the support they need so they can achieve their full potential and goals. Children's Hearings Scotland and the National Convener are able to make sure that decisions made in hearings happen and that children and young people get the support that the Panel wants them to have.

Article 6 gives children a right to life and states organisations must do all they can to ensure that children survive and develop to their full potential.

Panel Members are, to the greatest extent possible, making decisions that ensure the survival and development of the child.

CHS Children's Rights and Inclusion Strategy

We have provided training for our Panel Members on how different experiences can impact on a child or young person throughout their lifetime (e.g. courses on adverse childhood experiences; attachment and child development). The decisions they make focus on the needs of infants, children and young people so that they can have a happy and fulfilling childhood.

We have involved hearings and care experienced children and young people in our work, giving them opportunities to develop life skills. We have committed, as a corporate parent, to work with third sector organisations and educational establishments to provide work experience opportunities for young people.

We have promoted and celebrated children and young people, including those with hearing and care experience, through participation in national and local events (e.g. Foster Care Fortnight; International Youth Day; Student Volunteer Week; Care Day and Young People's Human Rights Day).

Article 12 gives every child the right to their own opinion and for their views to be listened to and taken seriously.

Panel Members are providing children the opportunity to express their views (directly or through a representative) to a hearing and Panel Members give the views due weight. (Article 12)

CHS Children's Rights and Inclusion Strategy

We have continued to encourage children and young people to actively participate in their hearing and trained our Panel Members to listen to their views. One of our core principles is that in a hearing they 'must be given the opportunity to express a view and this view must be taken into account in line with the child's age and maturity'.

We have provided Panel Members with training and guidance so that they know they have to try to get the views of the child or young person before they make a decision.

Our website makes clear that children and young people can ask for one of the Panel Members to be at their next hearing and we have introduced new procedures to make sure this happens. We have also made clear that they can have legal representation at a hearing to support them.

We welcome children and young people, specifically those with care and hearing experience, to feedback their opinions about CHS and to get involved with our work to help us improve.

We included children and young people in many of the decisions we made at the national level, through involvement in recruitment and training, working groups, and consulting on our reports. Our local Area Support Teams have worked hard, and continue to do so, to increase, improve and embed the engagement of children and young people into the local recruitment process.

Cluster (iii): Civil rights and freedoms

This section is about...

Children's rights around family relationships and identity, being able to say what they think and access information they want, keeping their privacy, being treated well and, for those who have had traumatic and stressful experiences and events in their childhood, being helped to recover and reintegrate into society.

Articles: 7 - birth registration, name, nationality and care; 8 - protection and preservation of identity; 13 - freedom of expression; 16 - right to privacy; 17 - access to information and mass media; 37 - inhumane treatment and detention; 39 - recovery and rehabilitation of child victims

What have we done?

Article 7 gives every child the right to be registered at birth, have a name and nationality and, as far as possible, to know and be cared for by their parents.

Panel Members are making decisions that, as far as possible, mean that children know - and are cared for by - their parents.

Panel Members have been trained to make decisions according to the main principles of the children's hearings system, including that 'parents are usually the best people to bring up their own children and should be encouraged and enabled to do so wherever possible'¹. Where it is not possible for a child to stay with their parents, hearings make decisions that support infants, children and young people to have a fulfilling and positive childhood. Hearings listen and take account of the views of both children and their parents when making decisions about who should care for them.

In the hearings system a child has a legal right to keep personal relations and direct contact with their parents when separated from one or both of them if it is in their best interest. All hearings have to consider the formal arrangements needed to keep relationships between children and their parents but sometimes Panel Members might be so concerned about a child's welfare that they decide it is better for a child's wellbeing to have little or no contact with their parents. Our preservice training and guidance teaches Panel Members how to make the best decision for the children and young people at hearings.

¹ Practice and Procedure Manual, p171

Article 8 gives every child the right to an identity and protects their name, nationality and family relationships.

Panel Members are making decisions that mean children can preserve family relations, without unlawful interference.

We have provided training to Panel Members about the importance of maintaining and protecting relationships between children and their families, including brothers and sisters, and the need to think carefully about how best to do this when making decisions.

We responded to the consultation on the Children (Scotland) Bill 2019 voicing support for the Scottish Government's proposals to make sure local authorities give as much priority to planning and maintaining relationships between separated brothers and sisters when they look after children, as they do for relationships between parents and children.

We have worked with the Independent Care Review's group championing the rights of brothers and sisters in care away from home and are members of the Stand Up for Siblings group.

Article 13 states that every child must be free to express their own thoughts and opinions and to seek, receive and impart information and ideas in any form or media of their choice.

Children are free to express their thoughts and opinions at a hearing through the media of their choice and we actively encourage and engage with children and young people to gather their thoughts and opinions about the children's hearings system to help improve their experiences.

We published information on our website about children and young people's right to talk and ask questions at their hearing, to bring somebody along with them and to say if they do not agree with the reasons why they are at the hearing.

Some children may not want to give their views personally to Panel Members at a children's hearing and they are never forced to do so. We make it clear that they can ask somebody else to speak on their behalf (such as a friend, social worker, lawyer, advocacy worker, or safeguarder).

We encourage children and young people to share information with a hearing in ways that they choose, such as through drawings, video recordings, the All About Me form issued by SCRA, and the Mind of My Own (MOMO) app.

We have shared information with children, through our website, of their right to complain if they are not happy about the way they have been treated at their hearing, and of their right to their hearing decision looked at again if they do not agree with the decision that has been made (known as their right to appeal).

We have asked children and young people what they think about us and our work. Their views have resulted in changes to our reports and website, and our increased use of Facebook, Instagram and Twitter social media platforms.

Article 16 states that every child has a right to privacy and their private, home and family life should be protected.

Panel Members recognise that children have a right to privacy. It is important that people attending a child's hearing are only there because it is essential.

We ensure all Panel Members are aware of and trained in the importance of how information is stored, shared and disposed of so as to protect the privacy of children, young people and their parents and carers.

We have trained Panel Members to help ensure a hearing only involves people who really need to be there. This helps make the hearing less scary for children and protects their privacy.

We have provided guidance for Panel Members about how they can exclude journalists from a hearing if they need to get the views of the child, or if their presence is distressing the child. By law, journalists cannot publish any information that is likely to identify a child, their address or school.

Panel Members have been trained so that they can confidently make decisions about whether or not to reveal information, such as where a child lives or goes to school. They may decide that this type of personal information should not be disclosed if they think it is likely to cause significant harm to a child.

We have provided preservice training to new volunteers about how to carefully look after the reports that are needed for hearings to protect the privacy of infants, children, young people and their families. We have systems in place to make sure breaches of practice are taken care of quickly and formally through reporting to the Information Commissioner's Office.

We have provided training for all our staff and volunteers on information governance. They must complete and pass this course every two years.

Article 17 states that every child has the right to reliable information from a variety of sources and that information should be provided in a way that children understand.

We provide information about the hearings system in a range of formats so that all children attending hearings are fully informed and feel comfortable about what is happening.

We published information about CHS and the hearings system on various platforms and in a variety of formats. We have increased our use of social media, such as Facebook, Instagram and Twitter, to make it easier for children, young people and their families to access information about CHS.

We have worked hard to make our communications accessible and easy to understand. We involved young people in designing our published reports.

Through our website we provided children and young people with information about attending a children's hearings, including what happens, what their rights are and who can help them prepare for a hearing.

Article 37 includes the rights to be protected from cruel or degrading punishment and states that children should only be arrested, detained or imprisoned as a last resort and for the shortest time. Children must be treated with care and respect and be able to keep in contact with their family.

Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time.

Panel Members are making decisions that ensure that even when it is in the best interests of the child and young person they are not deprived of contact with their parents unless it is in the child's best interest.

We have provided training for Panel Members to make sure their decisions are based on helping rather than punishing children and young people. Hearings are based on the principle of minimum intervention - that is, an order is only made if it is thought better for the child than if no order is made. Most orders support children to stay in their own home.

In our preservice training courses, we made clear to our new volunteers that a decision to make a Compulsory Supervision Order must include telling the child how long it will last for.

Article 39 states that children who have suffered in such ways should receive special support to help them recover their health, dignity, self-respect and social life.

Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.

An Order lasts for a maximum of one year but can be reviewed earlier. A child or young person has the right to appeal (to ask for their hearing decision to be looked at again) if they are not happy with the decision made. Orders automatically expire on a young person's 18th birthday but it is important that plans for future support, supervision or guidance are put in place before this happens.

Hearings can make decisions that restrict children and young people's freedom but strict legal tests have to be met to do so and this is only ever considered as a last resort. If a child is placed in secure accommodation, a review hearing has to be held within three months of the Compulsory Supervision Order being made.

At every hearing Panel Members have to consider how children will keep in touch with their parents (such as through face-to-face meetings, talking on the telephone or online or through letters and postcards). They will always support children to have some form of contact with their parents if it is considered to be in their best interest.

We have trained our Panel Members to recognise signs of crisis within families, and where there may be neglect, exploitation and abuse, understand the impact on children and young people and how to make decisions that protect children and young people and to help them get the support and services they need from other organisations and individuals.

Cluster (iv): Violence against children

This is section about...

Children's right to be protected from all forms of violence, neglect and poor treatment from people who look after them.

Article 19 – protection from all forms of violence, abuse and neglect.

What have we done?

Article 19 states that children should be protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them.

We ensure all chairing Panel Members are trained in how to manage conflict within Hearings so has to protect children from any aggressive or violent behaviour when attending their Hearing.

The decisions Panel Members make help protect children and young people from violence, abuse and neglect. Panel Members can make decisions to limit or not allow contact or communication with the people who put children at risk of harm; move them to a safer home environment; or make sure details of where they are living are not given to people who may cause them harm.

Over the course of 2017-20 we provided:

- training for Panel Members, through courses provided by our Children's Hearings Scotland Learning Academy and our local Area Support Teams, to make sure they understand the signs and impact of violence, abuse and neglect;
- Panel Members with guidance on how to reduce the likelihood of violence within the hearing room, such as creating distanced seating arrangements between a child and an abusive parent; and excluding people from a hearing if they are preventing the child giving their views or if they are causing or likely to cause significant distress;
- training for hearing chairpersons on managing conflict within hearings and updated our Practice and Procedure Manual to contain sections on managing complex hearings, domestic abuse and coercive control and how it can affect children and families who attend children's hearings.

Cluster (v): Family environment and alternative care

This section is about...

Children's rights relating to living in a safe family environment and to the rights of care experienced children who have to live away from home.

Articles - 9 - separation from parents; 20 - children deprived of a family; 21 – adoption; 25 - review of treatment in care; 27 - adequate standard of living.

What we have done?

Article 9 provides that children must not be separated from their parents against their will unless it is their best interests and, if they are separated, they have a right to stay in contact unless it could cause them harm.

Panel Members are making decisions that do not separate children from parents unnecessarily and all interested parties are given the opportunity to make their views known. Decisions should also not deprive regular direct contact with parents unless in the child's best interest.

Panel Members' decisions support children to stay with their parents if it is safe to do so; help children who cannot stay at home to access support and alternative forms of care; and help to check how children living away from home are cared for and that their needs are being met.

We have provided training and issued guidance to make sure all Panel Members understand why it is usually best for children to keep living with their parents but also to know when it is better for a child to live elsewhere (for example, with kinship or foster carers or in residential or secure care settings).

Through our national Learning Academy, local Area Support Team's and our Practice and Procedure Manual, we have provided training and advice to Panel Members about their duty to consider arrangements for keeping relationships between parents and children and how this can help provide children with a sense of identity and reassurance about others' wellbeing, health or safety.

Article 20 states that if a child cannot be looked after by their immediate family, they should be given special protection and assistance, including being provided with alternative care that is continuous and respects the child's culture, language and religion.

Panel Members are making decisions that help ensure children who cannot be looked after by their families can access protection and assistance from public services, including alternative care.

If a local authority fails to implement the decision of the hearing, the National Convener can take action to enforce their duty, helping children involved to receive the support that a hearing decided was necessary to meet their needs. During 2017-20, this happened three times.

Article 21 ensures the process of adoption is lawful and safe and prioritises the best interests of the child.

Panel Members ensure that adoption is only considered as a last resort for children and young people and only if it is in their best interest to do so.

Hearings provide advice to the Sheriff and local authority about recommendations for adoption. In 2019-20, Panel Members provided permanency-adoption advice in 699 hearings, which was 2% of all hearings held. Adoption is only ever supported if it is considered best for the child not to live with one or both parents for the rest of their childhood.

We began developing a national training module on permanence, which is about providing children with stable, secure and nurturing relationships and a home through to adulthood, and removing them from the children's hearings system. This was introduced Autumn 2020, and some local Area Support Teams ran development sessions on 'Adoption and the Law' and 'Fostering and Adoption'.

Article 25 gives a child who has been placed away from home for their care the right to regular review of their treatment, the way they are cared for and their wider circumstances.

Panel Members participate in the periodic review of care ensuring people keep checking if they feel safe and healthy.

A Compulsory Supervision Order should last only as long as is necessary and every child with an order will have this reviewed by a hearing at least once a year. If a hearing decides that a child needs to live in secure accommodation, a review hearing has to be held within three months of the Compulsory Supervision Order being made.

Although Compulsory Supervision Orders usually last for one year, if there is good reason, they can be reviewed earlier. A child, or relevant person, can request a review of the Compulsory Supervision Order after three months or any time after that. The local authority responsible for implementing the Compulsory Supervision Order can request a review at any time.

Article 27 gives children a right to a standard of living that meets their physical and social needs and supports their development.

Panel Members are making decisions that help secure the standard of living and conditions necessary for child development.

While CHS is not directly involved in service provision, Panel Members make decisions that help children and young people get support and access to services to help make sure they are living in a caring and loving environment. This needs to be of a standard that lets them grow and flourish, and helping recovery and contact with friends, family and their communities.

We have provided national training for Panel Members to help them identify and understand the impact of poor standards of living, neglect, exploitation and abuse on children and to be confident in making decisions that help ensure a child's needs are being met.

Our local Area Support Teams ran development sessions on topics such as 'Adverse Childhood Experiences', 'Resilience' and 'Neglect and Grounds for Referral'.

Cluster (vi): Basic health and welfare

This section is about...

Children's right to health.

Article 23 - children with a disability; Article 24 - health and health services; Article 33 - drug abuse

What have we done?

Article 23 states that any child with a disability has the right to a full and decent life with dignity and additional support.

Panel Members treat children with disabilities with dignity and make decisions that promote self-reliance and participation in the community.

We have worked to protect and promote the rights of children with disabilities. We want every child and young person to feel welcome, included and informed when they come to a hearing and we have tried to minimise any barriers children with disabilities might face:

- We have worked alongside Scottish Children's Reporter Administration (SCRA) to make hearing rooms fully accessible and autism friendly.
- We have supported children to see the hearing room before other participants arrive, to familiarise themselves with the room and choose where to sit.
- We have introduced Panel Member Profiles to help reassure children who may be anxious about who they will meet in the hearing.
- We have supported non-verbal children to use alternative methods of communication (such as sign language interpreters and using drawings, whiteboards or flashcards)
- We have made decisions to help children access health care services they may need.

We have updated our Practice and Procedure Manual to include sections on disability, including how best to communicate about disability, the impact of sensory impairment and autism.

We have provided training for Panel Members, at a national and local level, on equality, diversity and inclusion; disability awareness; minimising barriers; and autism spectrum disorder.

We have expanded the ways in which children and young people can contact us through improving website accessibility and increased use of social media platform.

We have achieved Disability Confident Committed certification for the workplace, which means that organisations are encouraged to recruit and keep people with disabilities and those with health conditions.

Under Article 24, children have a right to the best possible health.

Panel Members are making decisions that help children who have medical and health needs that are not being met by those who care for them to access the services they need. (Article 24)

Sometimes children and young people who come to a hearing are not being well looked after by those who are supposed to be caring for them and are not getting the health care that they need. Panel Members make decisions that help make sure children and young people get medical and health care they need so that their wellbeing needs are met, allowing them to grow and flourish.

Panel Members can issue a Medical Examination Order if they think a child has an unmet, physical or psychological, medical need. If the child is of an appropriate age and level of maturity, they must give their agreement for a medical measure. Sometimes parental consent might also be required. CHS has given Panel Members guidance on when and how to do this.

Article 33 states that children should be protected from the illegal use of drugs and from being involved in the production or distribution of drugs. We support this right because:

Panel Members are making decisions that protect children from the illicit use of drugs.

Children and young people can be referred to a hearing because they are involved with drugs, either directly themselves, or because they mix with others who are involved in producing, supplying or using drugs.

We have provided training for Panel Members so they have an awareness of the impact of drugs and others who use drugs, on infants, children and young people and are able to make decisions that protect them from further negative impact. Our local Area Support Teams also ran some learning and development sessions (e.g. 'Alcohol and Drugs' and 'Children Living with Parental Substance Use').

Cluster (vii): Education, leisure and culture

This section is about...

Children's right to education.

Article 28 – right to education.

Article 8 gives every child the right to an education.

Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education.

Panel Members are making decisions that support children and young people to access their right to education.

What have we done?

We make decisions to help young people access an education, even if they do not go to school. In 2019-20, 1,027 children were referred to a hearing for failure to attend school without reasonable excuse. The average age was 13.2 years.

CHS does not provide education services directly but the decisions Panel Members' make help young people access their right to education and ensure they develop to the fullest potential.

If an education authority fails to comply with its duty to provide a child with an education, a hearing can require the National Convener to refer the matter to Scottish Ministers. This is rare and only happened once between 2017-20 .

Children's hearings are relatively short, usually lasting no more than an hour, but they take place during school hours meaning some children miss lessons and can feel left out. We are working with our partner organisations to consider how we can reduce any negative impact on infants, children and young people caused by the way hearings go ahead.

Cluster (viii): Special protection measures

This section is about...

Children in vulnerable situations who need extra help and protection.

Articles: 22 - refugee children; 30 - children of minority or indigenous groups; 32 - child labour; 34 - sexual exploitation; 36 - other forms of exploitation; 40 - juvenile justice.

What have we done?

Article 22 gives children and young people with refugee status a right to special protection.

Panel Members making decisions about children seeking refugee status in a non-discriminatory way and protecting rights when no parents can be found.

Article 30 gives children the right to learn and use the language, customs and religion of their family.

All our volunteer community receive training in equality, diversity and inclusion matters to enable them to confidently and fairly address the needs of all children, young people and their families.

As an organisation we aim to make sure that all children and young people, including those from minority groups, receive a fair and consistent level of service, that everybody is treated according to their individual needs and nobody is discriminated against.

We have provided training and guidance to Panel Members so they can support children and young people to fully participate in their hearings and ensure they are not discriminated against because of language, cultural or religious barriers. For example, they can decide to move the hearing to a later date to arrange for an interpreter to attend if a child prefers to speak in their own language or they do not have the language skills to participate effectively in their hearing.

Articles 32, 34 and 36 protect children from child labour, sexual exploitation and other forms of exploitation.

Panel Members are making decisions that protect children from economic exploitation or harmful work.

Panel Members are making decisions that protect children from sexual exploitation and abuse.

Panel Members are making decisions that protect children from any exploitation that may harm their welfare.

All from CHS Children's Rights and Inclusion Strategy

Children can be referred to a hearing for many reasons including all forms of exploitation. We have provided training to our Panel Members so that they understand the impact of mistreatment on children and young people and are able to confidently make decisions that protect them from further harm.

Article 40 of the Convention states that children should be dealt with outwith the criminal justice system and that the response should be appropriate to their wellbeing and proportionate to their circumstances and offence. They also have a right to legal representation.

Panel Members are treating children in conflict with the law with dignity and dealing with them in a manner appropriate to their wellbeing.

The children's hearings system is welfare based and tries to keep children and young people out of the criminal justice system if at all possible. We work to make sure children accused of breaking the law are treated fairly and can access legal representation.

A child can be referred to a hearing up to the age of 16 although the system also supports 16 and 17 year olds who are already subject to a Compulsory Supervision Order. The Scottish Government wants to widen access to the hearings system to 16 and 17 year olds and we support this.

A child and young person can be referred to a hearing for committing a crime (also called offence) if they are at least 12 years old. In 2019/20, 2,834 children were referred to the Reporter on offence grounds. We supported the Scottish Government's move to increase the age of criminal responsibility from 8 to 12 years.

We make sure children understand the legal effect of accepting offence grounds or having these established in court for their future. If a hearing thinks a child does not understand this, it can be paused or moved to another day.

We make sure that any child or young person who is entitled to engage a solicitor and apply to the Scottish Legal Aid Board for legal assistance is aware of this.

If a child has been found guilty of, or pleads guilty to, an offence in a criminal court the hearing may be asked to provide advice to the court about what it should do. In 2019/20, we held 148 hearings to give criminal advice. The hearing has to say if it thinks the child should have a children's hearing or be tried and sentenced by the court.

We have worked with our partners to make sure children and young people are not brought into the criminal justice system unnecessarily and we have partnered with the Scottish Legal Aid Board to provide Panel Member training about working with legal representatives in hearings.

What we are going to do next

While much of our activity helps promote and protect children's rights, we know we can do better. We need to be ambitious, forward thinking and challenging. In [Our Strategic Outlook 2020-2023](#) we share what our priorities for the next three years will be and children's rights are at the centre.

We have now have a Children's Rights and Inclusion Co-ordinator in place to make sure our new Children's Rights and Inclusion Strategy is at the heart of our work. It puts children's rights and the child and young person's voice at the centre of all we do:

- We want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people.
- At Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners.
- Infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.

We are committed to delivering The Promise and have begun work on our own Promise Programme to identify the tasks required to embed our four strategic themes and measure how well we are doing. The initial focus of our Promise Programme will consist of three main components that ensure:

- Brothers and sisters are involved in decisions that are made at hearings;
- Hearings work with a trauma informed response; and
- UNCRC implementation is shown across CHS' work.

We have developed 11 aims for our Promise Programme and we are in the process of developing specific and measurable outcomes for each of these. We know we need to improve the way we measure how we are doing in promoting children's rights and we have started work to find the best way to do this.

People with lived experience will be at the heart of our Promise Programme. We will work with young people and carers who support the hearing system, champions boards and people who use our services to implement change that delivers a positive experience of children's hearings.

I think Children's Hearings Scotland could promote my rights better by ...

Send your thoughts to [add social media links and email]

Glossary

The following list provides simple and quick explanations of some of the more complex terms used in this report.

Children's Reporter

The person who decides that a hearing is necessary and invites everyone to attend. They don't take part in the decision-making in a hearing.

Compulsory Supervision Order (CSO)

A Compulsory Supervision Order is a legal document that means the local authority is responsible for looking after and helping the child. It can contain decisions that say where the child must live – and other decisions that must be followed.

Contact

Seeing members of your family (or people who are important to you) .

Foster carer

Foster carers can look after children when their parents are not able to. The children stay with the foster carer in their home.

GIRFEC

'Getting it Right for Every Child' is the way for families to work together with people who can support them such as teachers or nurses.

Legal aid

Payment covering some, or all, of a person's legal expenses. This is managed by the Scottish Legal Aid Board (SLAB).

Permanence

When a child has a stable, safe place to live without needing to come to children's hearings.

Relevant person

Parents and other people who have a parental-type role in a child's life.

Safeguarder

Someone who is independent can read the reports and speak to the child and any important people to make sure decisions are being made in the child's best interests.

Scottish Children's Reporter Administration (SCRA)

The Children's Reporter works for SCRA; they decide if a child might need a children's hearing and arrange children's hearing and send all the papers out.

Secure accommodation

A form of residential care which limits the freedom of children who stay there and offers intensive support.

Siblings

Brothers and sisters.

Statements of grounds

The legal reasons which the Children's Reporter writes explaining why a child has been referred to a hearing.

Substance misuse

Regularly using anything which affects the way you think and act and adversely affects your health. This can be alcohol, illegal drugs, prescription drugs or solvents.

Agenda Item 13.1
CHS-2021-71

ARMC Work Plan 2021

Accountable Officer:	Head of Strategy, Development, and DCE
Report author:	Rachel Kavish Wheatley
Recommendation:	To note the update
Resources implications:	N/A
Equalities duties:	Equalities Impact Assessment Required No

1. *Winter meeting (16 February 2021)*

Digital

CHS/SCRA Digital Delivery Oversight Committee update

Risks

Review of the performance of CHS' strategic risk register

Audit

External Audit general update report

External Audit workplan 2020/2021

Internal Audit workplan 2020/2021

Consider any reports from Internal Audit and management responses

Policy/ governance

Information Governance Report

Review and consider continued appropriateness of CHS accounting policies for approval by the Board

Review of financial regulations

Review of the committee's Terms of Reference

ARMC Annual Work Plan

2. *Spring meeting (11 May 2021)*

Digital

CHS/SCRA Digital Delivery Oversight Committee update

Risks

Review of the performance of CHS' strategic risk register

Audit

External Audit general update report

Consider any reports from Internal Audit and management responses

Internal Audit Annual Report 2019/2020

Policy/ governance

Information Governance Report

Review CHS draft Governance Statement and provide advice to the Accountable Officer on its contents

Review annual report on Health & Safety, Data Protection Act, Freedom of Information and other compliance issues

Consider an annual report of the Committee's activities to the Board and Accountable Officer

Review CHS Business Continuity Plan

3. *Summer meeting (24 August 2021)*

Digital

CHS/SCRA Digital Delivery Oversight Committee update

Risks

Review of the performance of CHS' strategic risk register

Audit

External Audit general update report

Consider any reports from Internal Audit and management responses

Update on outstanding Internal Audit recommendations

Policy/ governance

Information Governance Report

Review and consider the draft 2019/20 Annual Report and Accounts Statements

Annual Audit Report to Board members and the Auditor General for Scotland (ISA 260)

Review of the Letter of Representation

4. *Autumn meeting (9 November 2021)*

Digital

CHS/SCRA Digital Delivery Oversight Committee update

Risks

Review of the performance of CHS' strategic risk register

Audit

External Audit general update report

Consider any reports from Internal Audit and management responses

Summary progress on Internal Audit recommendations (*date to be confirmed with BDO*)

Policy/ governance

Information Governance Report

Review committee's own effectiveness

Annual Fraud Report

CHS Audit & Risk Committee Work plan Summary 2020/21

BUSINESS	16/02/21	11/05/21	24/08/21	09/11/21
Internal Audit				
Annual Report		<input type="checkbox"/>		
Annual Audit Plan	<input type="checkbox"/>			
Internal Audit Reviews per Annual Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
External Audit				
Accounting Policies	<input type="checkbox"/>			
External Audit Annual Report			<input type="checkbox"/>	
Annual Audit Plan	<input type="checkbox"/>			
General Updates on current issues	<input type="checkbox"/>			
Policy/Governance				
Information Governance Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Digital Strategy Governance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHS Governance Statement Review		<input type="checkbox"/>		
CHS BCP Annual Review		<input type="checkbox"/>		
Corporate				
Audit Committee Annual Report		<input type="checkbox"/>		
Risk Management – Risk Registers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHS Financial Regulations Review	<input type="checkbox"/>			
CHS Compliance Report Annual Review		<input type="checkbox"/>		
Annual Accounts			<input type="checkbox"/>	
Annual Report			<input type="checkbox"/>	
Annual Fraud Report				<input type="checkbox"/>
Other				
Audit Committee Self-Assessment				<input type="checkbox"/>
Private Meetings with Internal and External Auditors			<input type="checkbox"/>	
ARMC ToR Review	<input type="checkbox"/>			
ARMC Annual Work Plan	<input type="checkbox"/>			

Agenda item 13.2
CHS-2021-72

ARMC TOR

Accountable Officer:	Lynne Harrison, Depute Chief Executive
Report author:	Lynne Harrison, Depute Chief Executive
Recommendation:	To note the update
Resources implications:	N/A
Equalities duties:	Equalities Impact Assessment Required No

Audit and Risk Management Committee Terms of Reference

1. Constitution

1.1 The Board hereby resolves to establish a committee of the Board to be known as the Audit and Risk Management Committee (ARMC).

2. Membership

2.1 The ARMC comprises a minimum of three non-executive members appointed by the Board, not including the Chair of the Board.

2.2 The Board appoints one of its members to serve as the chair of the committee. Details of the current members, including the committee Chair, are shown in Appendix 1.

2.3 All members are appointed for a three year term, which can be extended for up to a maximum further three years.

Approved: 18 February 2020
Next review: 2021



2.4 The ARMC may co-opt independent members who are not members of the Board for a period of time (not exceeding a year) to provide specialist skills, knowledge, and experience subject to budgets agreed by the Board.

2.5 The Committee may appoint a substitute drawn from the membership of the Board of CHS, with the exception of the CHS Board Chair, in line with the requirements at 2.1.

2.6 A committee substitute may participate at a committee meeting in place of a member.

2.7 When a committee substitute attends a meeting (or other committee activity), he or she assumes the full rights of an ordinary member of the committee. In particular, the substitute can vote and is entitled to receive all committee papers.

3. Authority

3.1 The ARMC is authorised by the Board to review and approve any activity within its terms of reference.

4. Meetings and Quorum

4.1 The ARMC meets at least four times a year. The Chair of the committee may convene additional meetings as he/she deems necessary. Meetings may be held virtually if required.

4.2 The Chair of the Board may also ask the ARMC to convene further meetings to discuss particular issues on which he/she seeks the Audit and Risk Management committee's advice.

4.3 A minimum of two members of the ARMC must be present for the meetings to be deemed quorate. In the absence of the Chairperson, one of the other non-executive members will assume that role for the duration of the meeting. To ensure that the meeting is quorate, committee substitute(s) may be required to attend.

4.4 The National Convener/Chief Executive Officer, Depute Chief Executive, the Director of Finance are required to attend each meeting.

4.5 The Audit and Risk Management committee may ask any other officials to attend in order to assist with discussions and offer expertise on a particular matter.

4.6 The CHS Business Support Team will provide the ARMC with secretarial support services.

4.7 The agenda and meeting papers are issued to members at least seven calendar days prior to the meeting, unless agreed otherwise.



4.8 The CHS Business Support Team minutes the proceedings and resolutions of all committee meetings including the names of those present and in attendance.

4.9 Minutes of every committee meeting are circulated to the committee for approval and approved minutes referred to the Board for noting as soon as practical.

4.10 The internal and external auditors attend all meetings.

4.11 The ARMC may ask any or all of those who normally attend, but who are not members, to withdraw in order to facilitate open and frank discussion of particular matters.

4.12 An Action Log is maintained to monitor progress on key issues raised at meetings.

5. Reporting

5.1 The Chair of the committee reports back to the Board, verbally or in writing, after each meeting. The committee takes directions from the Board on general or specific actions.

5.2 The ARMC provides an Annual Report, timed to support preparation of the Governance Statement, summarising its conclusions from the work it has done during the year.

6. Responsibilities

6.1 The Audit Committee advises the Board and the Accountable Officer on:

6.1.1 The strategic processes for risk control and governance;

6.1.2 Corporate and information governance arrangements;

6.1.3 The accounting policies, the approval of the Unsigned Annual Report and Accounts following completion of the audit and Management's Letter of Representation to the external auditors;

6.1.4 The planned activity and results of both Internal and External Audit;

6.1.5 The adequacy of management response to issues identified by audit activity, including external audit's report to those charged with governance;

6.1.6 The annual and longer term operating plans for internal audit and the resourcing of the internal audit to deliver these plans;

6.1.7 Monitoring the implementation of approved recommendations;



6.1.8 The external audit reports and, where appropriate, reports to the Board of any issues from the external audit of CHS, and any matter that the external auditors bring to the attention of the committee;

6.1.9 The adequacy of the arrangements for the management of CHS' compliance with legislation and regulation focusing on: data security, freedom of information, health and safety and equality;

6.1.10 Fraud and Corruption prevention policy, Whistleblowing policy, and arrangements for special investigations.

7. Information Requirements

7.1 Agree a work programme at the start of each financial year for the year ahead.

7.2 For each meeting the ARMC is normally provided with:

7.2.1 A report on performance relating to risk management, including a summary of any key changes to the risk register;

7.2.2 Information Governance reports including the Joint Digital Delivery Oversight Committee;

7.2.3 A report from Internal Audit detailing, as appropriate:

- audit performed;
- key issues emerging from internal audit work;
- management responses to audit recommendations;
- the current internal audit plan including proposed changes;
- any issues affecting the delivery of internal audit objectives;
- progress on the implementation of agreed recommendations.

8. As and when appropriate, the Committee:

8.1 Annually reviews its Terms of Reference. Proposals for amendment to the terms are submitted to the Board for formal approval.

8.2 Annually reviews its own effectiveness.

8.3 Considers the Draft Annual Report and Accounts prior to submission to the Board and reviews the Draft Governance Statement.

8.4 Reviews any changes to accounting policies.



8.5 Reviews the Management’s letter of Representation.

8.6 Reviews the effectiveness of CHS’ financial and other control systems.

8.7 Monitors CHS’ arrangements to secure Value for Money, whether these are made via internal or external audit or other means.

8.8 Monitors the effectiveness of Internal and External Audit, reviews the Internal Audit Annual Report and the ISA 260 from External Audit.

8.9 Alerts the Board and, where necessary, Scottish Ministers to factors which might affect the ability of CHS to carry out its statutory functions and achieve its strategic objectives.

Chair

Date



Appendix 1 - Membership of the Audit and Risk Management Committee (since May 2019)

Chair: Henry Robson

Members: John Anderson, Barbara Neil.

Agenda Item 13.3
CHS-2021-73

CHS Accounting Policies

Accountable Director:	Head of Finance
Report author:	Ross Mackenzie
Recommendation:	To endorse and recommend the Financial Regulations for approval by the Board
Resources implications:	N/A
Equalities duties:	Equalities Impact Assessment Required No

1. Introduction and background

This report describes the accounting policies which will be adopted by CHS for the preparation of its statement of accounts for 2020/21.

2. Board's and National Convener/Chief Executive's Responsibilities

In preparing the accounts the Accountable Officer is required to comply with the "Government Financial Reporting Manual", and in particular to:

- observe the accounts direction issued by the Scottish Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed as set out in the 'Government Financial Reporting Manual', and disclose and explain any material departures in the financial statements;
- prepare the financial statements on the going concern basis, unless it is inappropriate to presume that CHS will continue in operation.

3. Changes from 2019/20

- Leasehold Improvements have been separately identified as a category of asset regards depreciation policy (section 1.3);
- Delayed implementation of IFRS 16 Leases is recognised in section 1.9, and is explicitly identified as the only standard not yet in effect in a new section 1.16.

4. Recommendation

The committee is requested to endorse the accounting policies as detailed in Appendix below and recommend their approval to the Board.

APPENDIX 1

Accounting Policies

1. Basis of Accounting

The accounts have been prepared in accordance with the accounting principles and disclosure requirements of the [2020/21 Government Financial Reporting Manual \(FReM\)](#). The accounting policies contained in the manual follow International Financial Reporting Standards (IFRS) as adopted by the European Union and the Companies Act 2006 to the extent that it is meaningful and appropriate in the public sector context and in accordance with the Accounts Direction given by the Scottish Ministers. Where the manual permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of CHS for the purposes of giving a true and fair view has been selected. The accounting policies selected have been applied consistently in dealing with items that are considered material in relation to the accounts.

2. Accounting convention

These accounts have been prepared under the historical cost convention modified to account for the revaluation of property, plant and equipment and intangible assets to fair value as determined by the relevant accounting standard.

3. Property, plant and equipment

The threshold for capitalisation of property, plant and equipment is £5,000, including non-recoverable VAT. Individual items of plant and equipment whose cost falls below the threshold, but are of a similar nature, are grouped and capitalised.

Expenditure on furniture, fixtures and fittings is charged to the statement of net expenditure in the year the cost is incurred and is not capitalised.

Given the short useful economic lives and low values of property, plant and equipment and intangible assets, these assets are disclosed on a depreciated historical cost basis, which is used as a proxy for fair value.

Depreciation is provided on all property, plant and equipment on a straight line basis, at rates calculated to write-off the cost, less estimated residual value, of each asset over its expected useful life as follows:

- ICT equipment – three years
- Office equipment – five years
- Leasehold improvements – five years (expected length of lease term)

Depreciation is ordinarily charged from when the asset was ready for use, rounded to the nearest whole month, up to point of disposal.

4. Intangible assets

Intangible assets are stated at historic purchase cost less accumulated amortisation. Acquired computer software licences, developed software and developed ICT infrastructure environments and capitalised on the basis of the costs incurred to acquire and bring to use the specific software. These costs are amortised using the straight line method over the shorter term of life of licence and its estimated useful economic life.

5. Assets under construction

Where expenditure is incurred in creating an asset (tangible or intangible), but that asset is not ready for use by the end of a financial year, it is deemed as an asset under construction. Depreciation is not ordinarily charged on such assets although they will be reviewed for potential impairment or obsolescence, with any write-down charged to the Statement of Comprehensive Net Expenditure if appropriate.

6. Employee benefits

CHS has an agreement with Edinburgh City Council under which all staff are eligible to enter the Local Government Pension Scheme managed by the Council in accordance with scheme rules. It is a defined benefit scheme providing pension benefits and life assurance for all staff members.

The defined benefits pension scheme's assets are included at market value and this is compared to the present value of the scheme liabilities using a projected unit method and discounted at a rate in accordance with the FReM and consistent with IAS 19. The increase in the present value of the liabilities of the scheme expected to arise from employee service in the period is charged to net expenditure. The expected return on the scheme's assets and the increase during the period in the present value of the scheme's liabilities arising from the passage of time are included in other finance income. Actuarial gains and losses arising from experience adjustments and changes in actuarial assumptions are charged or credited to reserves and are recognised in the Statement of Changes in Taxpayers' Equity.

The contributions are determined by a qualified actuary on the basis of triennial valuations using the projected accrued benefit method. The valuation used was at 31 March 2020. Details of this valuation were included in a report published by Lothian Pension Fund.

7. Short-term employee benefits

Salaries, wages and employment-related payments are recognised in the year in which the service is received from employees. The cost of annual leave and flexible working time entitlement earned but not taken by employees at the end of the year is recognised in the financial statements.

8. Income

CHS recognises income in the year to which it relates.

9. Leases

CHS occupies office space within a Scottish Government owned building under a Memorandum of Terms of Occupation (MOTO). This arrangement is treated as an operating lease and the rental is charged to the Statement of Comprehensive Net Expenditure on a straight line basis over the term of the MOTO. IFRS 16 *Leases* is not yet implemented: it is expected the standard will impact the non-current assets, liabilities and net expenditure of the organisation from 1 April 2022.

10. Government grants

It is CHS' policy to credit all government grants and grant-in-aid to the General Reserve in line with the FReM.

11. Financial Instruments

Cash requirements for CHS are met through the Scottish Government and therefore financial instruments play a more limited role in creating and managing risk than would apply within a non-public sector body. The majority of financial instruments relate to receivables and payables incurred through the normal operational activities of CHS. CHS is therefore exposed to little credit, liquidity or market risk.

12. Value Added Tax

CHS has no chargeable activities within the scope of VAT. Irrecoverable VAT is charged to the relevant expenditure category or included in the capitalised purchase cost of fixed assets.

13. Provisions

Provision is recognised in the statement of financial position when there is a present legal or constructive obligation as a result of a past event and it is probable that an outflow of economic benefits will be required to settle the obligation.

14. Related Party Transactions

Material related party transactions are disclosed in line with the requirements of IAS 24.

15. Review of Accounting Policies and Estimation Techniques

These financial statements have been prepared under IFRS.

Areas of judgement in how CHS' accounting policies are applied include:

- the fair values of properties; and
- pension estimation technique.

The most significant financial impact arises from assumptions used to calculate the pension deficit. The sensitivities regarding the principal assumptions used to measure the scheme liabilities are set out below:

Changes in assumptions at 31 March 2021	Approximate increase to Defined Benefit Obligation %	Approximate monetary amount £000
0.5% decrease in Real Discount Rate	[tbc by actuary]	[tbc by actuary]
0.5% increase in the Salary Increase Rate	[tbc by actuary]	[tbc by actuary]
0.5% increase in the Pension Increase Rate (CPI)	[tbc by actuary]	[tbc by actuary]

The principal demographic assumption is the longevity assumption (i.e. member life expectancy). For sensitivity purposes, we estimate that a one year increase in life expectancy would approximately increase the Employer's Defined Benefit Obligation by around 3-5% [tbc by actuary]. In practice the actual cost of a one year increase in life expectancy will depend on the structure of the revised assumption (i.e. if improvements to survival rates predominantly apply at younger or older ages).

In order to quantify the impact of a change in the financial assumptions used, we have calculated and compared the value of the scheme liabilities at the accounting date on varying bases. The approach taken is consistent with that adopted to derive the accounting figures provided in this report.

The above figures have been derived based on the membership profile of the Employer as at the date of the most recent actuarial valuation. The approach taken in preparing the sensitivity analysis shown is consistent with that adopted in the previous year.

16. Accounting standards not yet adopted

As at the date of authorisation of these financial statements, the following key standards were not yet adopted.

- IFRS 16 – Leases

The FReM, issued by HM Treasury, interprets and adapts IFRS 16 for the public sector in several years. In light of Covid-19 pressures, HM Treasury and the Financial Reporting Advisory Board (FRAB) decided that IFRS 16 implementation will be deferred until 1 April 2022. The impact on the financial statements has yet to be fully determined: lease obligations (£xxk, without discounting at 31 March 2021 and as disclosed in note xx) will be recognised as right of use assets at 1 April 2022.

Agenda item 14.1
CHS-2021-74

RAC Annual Work Plan 2021/22

Accountable Director:	Head of Strategy, Development and DCE
Report author(s):	Rachel Kavish Wheatley
Recommendation:	For Approval
Resources implications:	Within available resources
Equalities duties:	Equalities Impact Assessment Required No Equalities Impact Assessment Completed N/A

1. Introduction

The RAC Annual Work Plan for 2021/22 is submitted for review and approval.

2. Recommendation

RAC are recommended to consider and approve the Annual Work Plan for submission to the CHS Board

RAC Work Plan 2021/22

Spring Meeting (18th May 2021 to inform June Board meeting)

- Review and approve HR policies as required
- CEO Appraisal outcome 2020/21 and key objectives 2021/22
- Annual Report on outcomes of staff appraisals

Autumn/Winter Meeting (16th December to inform January Board Meeting)

- Review and approve HR policies as required
- Review of committee's own effectiveness
- Annual Report
- Mid-year review 2021/ 22 performance on objectives for the NC/CEO

Winter Meeting (March 22 to inform March Board meeting)

- Review and approve HR policies as required
- Review committee's Terms of Reference
- Consider and approve for submission the CHS pay remit, ensuring compliance with all relevant guidance
- Staff Forum update
- Staff Survey report
- Committee's draft work plan for 2021/22
- Annual Equality Reporting
- Gender Pay Report

RAC Workplan Summary

BUSINESS	Winter	Spring	Autumn
Review and approve HR policies as required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pay remit approval	<input type="checkbox"/>		
Annual review of CHS Staff appraisals		<input type="checkbox"/>	
Annual Staff Survey Report	<input type="checkbox"/>		
Staff Forum Update	<input type="checkbox"/>		
CEO Appraisal and objective setting		<input type="checkbox"/>	
CEO Mid-year review			<input type="checkbox"/>
Equality Report	<input type="checkbox"/>		
Gender Pay Report	<input type="checkbox"/>		
Other			
RAC Committee Self-Assessment			<input type="checkbox"/>
RAC ToR Review	<input type="checkbox"/>		
RAC Annual Work Plan	<input type="checkbox"/>		



Agenda item 14.2 CHS-2021-75

RAC Terms of Reference

Accountable Director:	Head of Strategy, Development and DCE
Report author(s):	Rachel Kavish Wheatley
Recommendation:	For Approval
Resources implications:	Within available resources
Equalities duties:	Equalities Impact Assessment Required No Equalities Impact Assessment Completed N/A

1. Introduction

The RAC Terms of Reference are submitted for review and approval. Additions have been made in Section 9 – Responsibilities to reflect a focus on staff wellbeing and engagement with the Staff Forum.

2. Recommendation

RAC are recommended to consider and approve the ToR for submission to the CHS Board

*Reviewed by RAC: March 2021
Approved by the Board: TBC March 2021
Next review: March 2022*



Remuneration and Appointments Committee

Terms of Reference

1. Constitution

1.1 The Board of CHS hereby resolves to establish a committee of the Board to be known as the Remuneration and Appointments Committee (RAC).

2. Membership

2.1 The members of the committee are appointed by the Board from its membership. There is a minimum of three members of the committee, including the Chair of the committee. Details of the current members including the Chair are shown in Appendix 1.

2.2 The Board appoints one of its members to serve as the Chair of the committee. The committee determines the procedure to appoint its Deputy Chair. If the Chair of the committee is absent from the meeting, his/her Deputy chairs the meeting and assumes all the functions and authority of the Chair. All members are appointed for a three year term, which can be extended for up to a maximum further three years.

2.3 The Committee may appoint a substitute drawn from the membership of the Board of CHS.

2.4 A committee substitute may participate at a committee meeting in place of a member where a committee member—

- (a) is unavailable for a committee meeting (or any committee activity taking place other than at a meeting) because of illness, family circumstances, adverse travel conditions beyond the member's control, a requirement to attend to other urgent business; or
- (b) has ceased to hold that office and a replacement committee member has yet to be appointed.

2.5 When a committee substitute attends a meeting (or other committee activity), he or she assumes the full rights of an ordinary member of the committee. In particular, the substitute can vote and is entitled to receive all committee papers.

2.6 The Chair of the Board is not a committee substitute.

Reviewed by RAC: March 2021
Approved by the Board: TBC March 2021
Next review: March 2022



3. Authority

3.1 The committee is authorised by the Board to review and approve any activity within its Terms of Reference (ToR). In so doing, the committee is authorised by the Board to obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this is necessary, subject to budgets agreed by the Board.

4. Meetings and Quorum

4.1 The RAC meets at least twice a year subject to the possibility of cancelling a meeting should it not be required. The Chair of the committee may convene additional meetings as he/she deems necessary. Committee meetings are held in private and may be held virtually if required.

4.2 The Chair of the Board may also ask the Chair of the committee to convene further meetings to discuss particular issues on which he/ she wants the Remuneration and Appointments committee's advice.

4.3 A minimum of two members of the committee must be present for the meetings to be deemed quorate. To ensure that the meeting is quorate, committee substitute(s) may be required to attend.

4.4 If any matter falls within the remit of more than one committee, the committees concerned may, if they wish, seek the agreement of the Board to meet jointly.

5. Decisions and voting

5.1 Where consensus on a decision is not arrived at and a vote is necessary, members should refer to, and apply, the procedure laid out in CHS Board Standing Orders under paragraph 9.1.

6. Attendance

*Reviewed by RAC: March 2021
Approved by the Board: TBC March 2021
Next review: March 2022*



6.1 The National Convener/ Chief Executive Officer, the Depute Chief Executive and the HR and Organisational Development Lead are required to attend each meeting.

6.2 The Remuneration and Appointments committee may require any other officials to attend to assist it with its discussions on any particular matter.

6.3 The committee may ask any or all of those who normally attend and who are not members of the committee, to withdraw to facilitate open and frank discussion of particular matters. No attendee should be present for discussion of his/her own remuneration and conditions of service.

7. Secretariat

7.1 The Business Support Lead provides a secretarial support service to the committee.

7.2 The agenda and meeting papers are issued to members at least seven calendar days prior to the meeting unless agreed otherwise.

7.3 The Business Support Lead minutes the proceedings and resolutions of all committee meetings including the names of those present and in attendance.

7.4 Minutes of every committee meeting are circulated to the Chair for approval and approved minutes referred to the Board for noting as soon as practical.

8. Reporting

8.1 The Chair of the committee reports back to the Board, verbally or in writing, after each meeting. The committee takes directions from the Board on general or specific action it should take.

8.2 The committee reports on its activities, to the extent that it can, without breaching confidentiality, in the CHS Annual Report and Accounts.

9. Responsibilities

9.1 The committee—

*Reviewed by RAC: March 2021
Approved by the Board: TBC March 2021
Next review: March 2022*



- Approves the procedures/policies and any changes in procedure/policies for CHS staff for
 - the setting of performance objectives for the National Convener/ CEO
 - the appraisal of performance for CHS staff
 - the scale rates applicable to the various grades within CHS
 - the recruitment process;
 - and any other remuneration strategies and policies.
- Notes and/ or approves CHS' employment policies and their revision from time to time.
- Reviews the objectives of senior staff annually.
- Approves the annual pay remit for submission to the Scottish Government.
- Approves the recruitment process for the NC/ Chief Executive and Depute Chief Executive posts, when a vacancy arises.
- Formulates proposals for the Chief Executive's salary progression and other aspects of his/her remuneration for recommendation to the Scottish Government.
- Notes the Remuneration report in the CHS Annual Report and Accounts and seek assurance it fulfils disclosure requirements.
- Periodically reviews the Board Code of Conduct and other relevant CHS policies.
- Considers the redundancy, early retirement or severance arrangements in respect of all CHS staff, excluding retirement on grounds of ill-health, and approve these or refer to CHS Board as it sees fit.
- Considers an annual report on the outcomes of staff appraisals.
- Approves any Employment Tribunal settlement.
- Notes and/or approves CHS approaches to staff wellbeing
- Engages directly with representatives of the CHS Staff Forum at RAC meetings

9.2 Where a question arises about whether a matter is within the committee's Terms of Reference, it is for the Board, after consultation with CHS Senior Management Team as appropriate, to decide.

10. Review

10.1 The committee reviews its Terms of Reference annually. Proposals for amendment to the terms are submitted to the Board for formal approval.

10.2 The committee reviews its own effectiveness annually.

Appendix 1 - Membership of the Remuneration and Appointments

*Reviewed by RAC: March 2021
Approved by the Board: TBC March 2021
Next review: March 2022*



Committee (since May 2017)

Chair: Jo Derrick

Members: John Anderson and Beth Logan

Reviewed by RAC: March 2021
Approved by the Board: TBC March 2021
Next review: March 2022

Agenda item 16
CHS-2021-76

Feedback Loop

Accountable SMT member:	NC/CEO
Report author:	National Quality & Performance Lead
Resources implications:	Within available resources
Purpose:	For approval
Equalities duties:	Equalities Impact Assessment Required
	<input type="checkbox"/> Yes? <input checked="" type="checkbox"/> No

1. Introduction / Purpose

The enclosed paper is proposed format of The Feedback Loop, covering the past four years.

2. Comment

A new format of The Feedback Loop publication has been in development for some time, driven primarily by the challenges presented by the existing data collection and reporting methods.

Enclosed in a draft of the proposed new format, covering the years 2016- 2020.

As the report makes clear, the intentions and ambitions of the Feedback Loop are greater than its currently delivery. This is something that there is desire to correct, but this must be done in line with other developments within the children's care sector, particularly being responsive to the approaches around data that may develop from The Promise. The statutory requirement to publish the report continues to exist, however, and this version of the report ensures that this requirement can be met.

3. Next Steps

Following Boar approval, The Feedback Loop must be presented to Parliament and distributed to Panel Members. Given the impending Parliamentary recess, this will now have to wait for the next session in May. Conversations with the CHS Practice Team about how best to contextualise the report within the role of the Panel Member are now taking place.

4. Board Action

The Board are requested to approve the report.



'The Feedback Loop'

A Report by the National Convener on the implementation of
Compulsory Supervision Orders (under section 181 of the
Children's Hearings (Scotland) Act 2011) for years 2016-17,
2017-18, 2018-19 and 2019-20

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Foreward

As we enter the most significant period in recent history to transform how Scotland looks after the infants, children and young people in its care, this report probably asks more questions than it answers.

This report fulfils the statutory obligation to report on the implementation of Compulsory Supervision Orders. More importantly, though, it offers an opportunity to reflect on the specific duty placed upon me as National Convener and to begin to set a path to deliver it in future in a way that is most useful, meaningful, and best aligned to the recommendations of the Independent Care Review as they begin to be realised by the new implementation body, The Promise.

As such, I am open and honest about the fact that this format will be very much a temporary fixture in the life of this report. It represents a 'holding pattern' that ensures a report is actually published. It does not realise the original vision that lies behind the inclusion of the requirement for this report in the Children Hearings (Scotland) Act 2011 – the systematic reporting back to Panel Members on the wellbeing of infants, children and young people across Scotland for whom they have made life-changing legal decisions and to use this to improve decision-making in order to ensure the best outcomes for those infants, children and young people.

Making this vision a reality posed a significant challenge to the National Conveners that came before me. It is no less a challenge for me. I believe that the observations and conclusions of the Independent Care Review about changes needed in the data that we have in Scotland's care system, however, present a very real opportunity to make progress.

This report presents the current legislative context, gives an overview of the history of the development of the Feedback Loop report, and presents data about decisions made at children's hearings and notifications of breaches by implementation authorities. Finally it takes a forward look at the possible future developments.

I would like to thank the Scottish Children's Reporters Administration (SCRA) for providing the necessary data and for their assistance in the preparation of this report .

As the legislation requires, this report will be provided to all Panel Members following the presentation of the report to Parliament.

- Elliot Jackson, National Convener and CEO, Children's Hearings Scotland

Legislative Context

Section 181 of the Children’s Hearings (Scotland) Act 2011 (‘the 2011 Act’) places a duty on the National Convener to prepare a report “about implementation of compulsory supervision orders” in Scotland as a whole and in each local authority area annually, as soon as practicable after the end of the financial year.

A copy of the report must be given to each member of the Children’s Panel and Scottish Ministers must lay the report before the Scottish Parliament.

Past Developments of the Feedback Loop Report

One Feedback Loop report, covering the year 2015-16, has been published before. That report presented a range of data about children’s hearings and the implementation of CSOs. This report presents a smaller amount of more specific data than the previous report, focusing exclusively on decisions made in hearings and reported breaches of implementation of CSOs.

As my predecessor noted in this previous report, neither the National Convener nor Children’s Hearings Scotland (CHS) collect or store information about children and young people, either on an individual or aggregate basis on the implementation of CSOs. This information is held and controlled by Local Authorities, who are responsible for implementing CSOs. Data on decisions made in hearings is held by the Scottish Children’s Reporters Administration (SCRA). This distance from the data makes collection for the purposes of publication challenging for CHS. In addition, information on the wellbeing of children and young people is not collected in the same way across Scotland.

Over the last few years, some work has been progressed to try and achieve a consistent approach that allows for ease of collection, reporting and use, but this has had limited success.

The previous Feedback Loop report used September to August as its reporting year, in line with the data available from Local Authorities. This report uses financial years.

Implementation of CSOs

If Children’s Panel Members are satisfied that compulsory measures of supervision are necessary for a child’s protection, guidance, treatment or control, a children’s hearing may make a Compulsory Supervision Order (CSO).

The CSO, by including measures setting out what specific arrangements should be made, and by specifying an ‘implementation authority’ (the Local Authority in whose area the child predominantly resides or with whose area the child has the closes connection), places a duty on a Local Authority to take action.

Under section 144 of the 2011 Act, the implementation authority has a general duty to give effect to a CSO and also a duty to comply with any specific requirements imposed on it by the measures attached to a CSO (for example, a child is required to reside in a particular place or to undergo a specific assessment, or attend a particular school).

'Implementation' therefore concerns whether implementation authorities have carried out the actions required of them by measures in CSOs.

But the Feedback Loop was intended to touch on something wider – not only whether a CSO had been given effect by a Local Authority, but also what had been the impact of that on the lives of the children subject to them.

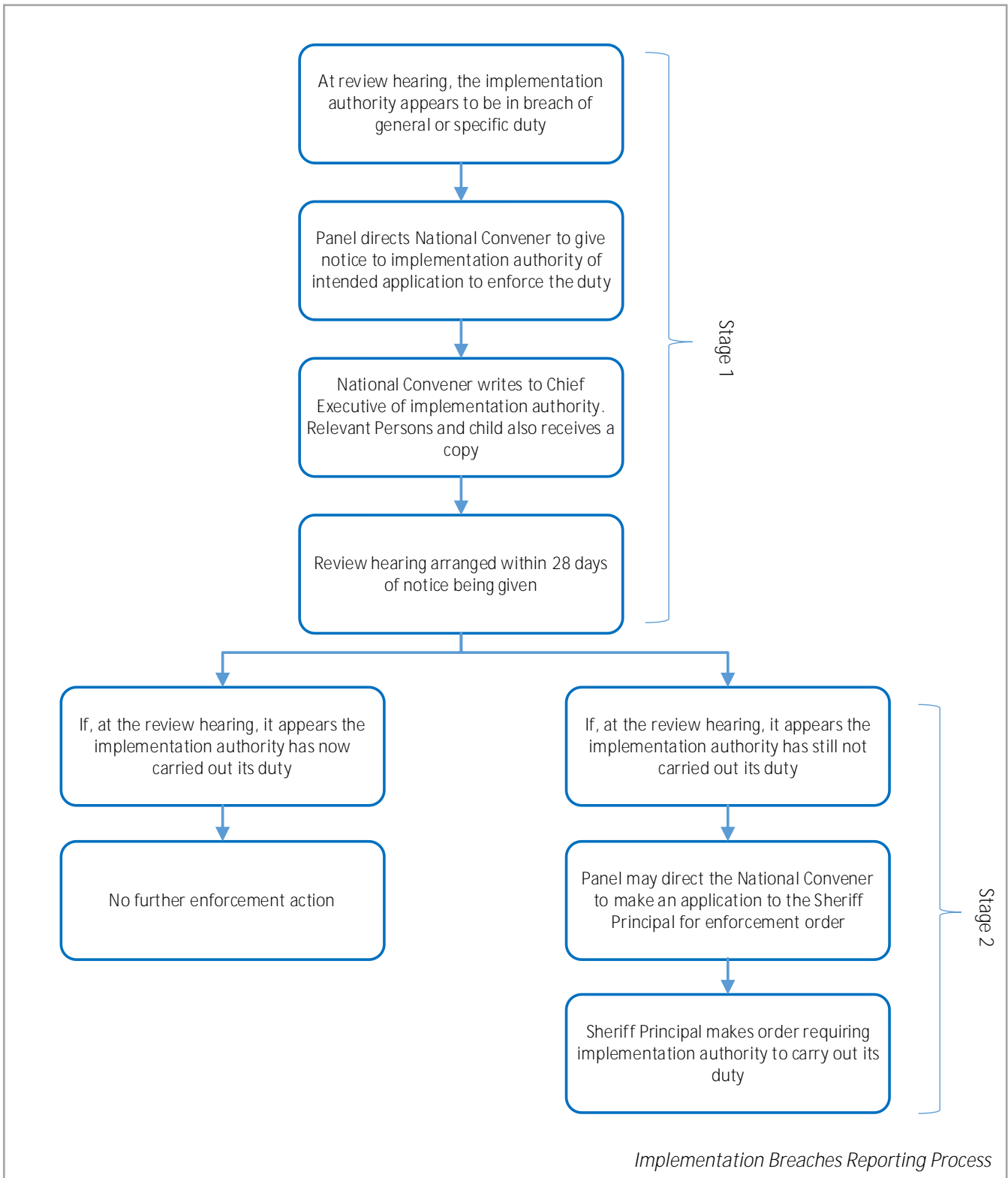
Implementation Breaches

It may become clear, for example at a review hearing, that something other than the measure of supervision directed at a hearing has happened. The implementation authority may have taken other action and may appear to be in breach of a duty – either general or specific – placed on them by a children's hearing. In these circumstances, section 146 of the 2011 Act allows a hearing to direct the National Convener to take action to enforce the authority's duty.

Any implementation breach is potentially serious. It may indicate that an infant, child or young person is not receiving the support that a children's hearing has decided is necessary in their best interests. It is important to remedy that breach.

A summary of the section 146 process for reporting and enforcement is given overleaf.

In addition to this reporting process, a children's hearing and the National Convener also have powers to refer to Scottish Ministers instances of an education authority failing (under section 14(3) of the Education (Scotland) Act 1980 (c.44)) to provide education for children excluded from school. These referrals are made under section 127 of the 2011 Act and are also included in this report when they have taken place.



Implementation Breaches Reporting Process

Implementation Data

This report focuses on the implementation of decisions made in hearings by bringing together and providing information on three areas:

(1) A count of hearings in which particular decision types were made in a given year (1st April to 31st March) that place an implementation duty – through a CSO - on an implementation authority. The relevant hearings decisions are:

Decision Type	Description / Definition
CSO Continued	The hearing was satisfied that an existing CSO was still required and that no variation to any of the measures was needed.
CSO Continued & Varied	The hearing was satisfied that a CSO is still required but a change to the measures was needed.
CSO Interim Continuation	The hearing was satisfied that an existing CSO should remain in place short-term, until another decision can be made.
CSO Made	The hearing was satisfied that a CSO was necessary for the child's protection, treatment, guidance or control.
CSO Varied	The hearing was satisfied that an existing CSO was still required but the 'relevant period' remained unaltered.
IVCSO	The hearing was satisfied that a short term variation to an existing CSO was needed as a matter of urgency until another decision can be made.
ICSO Issued	The hearing was satisfied that circumstances warranted making a [short term] CSO as a matter of urgency.
ICSO Renewed	The hearing was satisfied that an existing [short term] CSO should be re-issued.

(2) The number and types of breaches of implementation duty (s.146 and s.127) that were reported to the National Convener.

(3) The enforcement actions taken by the National Convener, and their result.

This data is presented over the following pages, separated by Local Authority, with a Scotland-wide total also given.

Notes on the data are given at the end of this report.

Report for 2016-17

(1) Implementable Decisions made at hearings:

	Compulsory Supervision Order						ICSO		Total
	CSO Continued	CSO Continued & Varied	CSO Interim Continuation	CSO Made	CSO Varied	IVCSO	Issued	Renewed	
Aberdeen City	201	279	24	115	7	80	108	105	914
Aberdeenshire	94	237	10	98	6	63	79	98	682
Angus	74	155	13	65		51	54	58	470
Argyll & Bute	63	112	5	36		16	13	15	258
Clackmannanshire	86	99	13	46	<5	26	44	50	365
Dumfries & Galloway	124	376	29	132	<5	34	44	67	806
Dundee	174	314	32	132	23	89	107	107	978
East Ayrshire	166	168	52	115	<5	70	76	133	774
East Dunbartonshire	86	52	10	20		21	11	19	219
East Lothian	77	125	8	62		22	43	49	386
East Renfrewshire	68	61	18	36		15	6	<5	207
Edinburgh, City of	360	627	100	233	11	173	168	188	1,842
Eilean Siar	8	17	5	19		<5	7	15	72
Falkirk	141	134	20	101	16	50	35	52	542
Fife	273	562	121	245	24	158	167	241	1,723
Glasgow	910	1,123	572	295	<5	453	308	410	4,036
Highland	78	349	8	122	17	96	111	144	922
Inverclyde	93	133	10	66		23	16	20	360
Midlothian	67	118	21	58	<5	16	55	58	393
Moray	53	112	5	39		27	24	32	292
North Ayrshire	245	360	52	114	<5	94	63	90	1,017
North Lanarkshire	259	233	104	179	<5	54	87	70	983
Orkney	6	22		8			6	6	48
Perth & Kinross	80	130	31	80	<5	45	58	82	504
Renfrewshire	236	412	64	154	<5	122	53	69	1,104
Scottish Borders	49	101	6	53	<5	35	41	66	352
Shetland	<5	13	<5	8	5	9	<5		41
South Ayrshire	181	235	46	110	<5	63	81	123	839
South Lanarkshire	205	305	86	157	12	98	141	152	1,148
Stirling	100	102	13	63	16	41	21	40	393
West Dunbartonshire	138	165		93		30	57	86	567
West Lothian	176	246	33	126	21	49	79	114	843
Total	4,874	7,477	1,513	3,180	181	2,124	2,164	2,762	24,080

(2) Implementation Breaches

For the decisions made during the year, 3 reports of breaches of implementation were made to the National Convener, relating to 3 children. These are detailed below. The Local Authorities in question are not named in order to prevent children from being identified.

Breach 1: The CSO required a child to be provided with respite care at a named placement. The Local Authority requested a review hearing as they were unable at the time to provide the named placement while waiting for funding to be agreed. The National Convener wrote to the Local Authority, and the respite care was arranged. No application to the Sheriff Principal for enforcement was necessary.

Breach 2: The Local Authority failed to provide a regular social worker. The National Convener wrote to the Local Authority, which replied outlining their corrective action. No application to the Sheriff Principal for enforcement was necessary.

Breach 3: The Local Authority did not allocate a social worker. The National Convener wrote to the Local Authority, which took corrective actions. No application to the Sheriff Principal for enforcement was necessary.

Report for 2017-18

(1) Implementable Decisions made at hearings:

	Compulsory Supervision Order						ICSO		Total
	CSO Continued	CSO Continued & Varied	CSO Interim Continuation	CSO Made	CSO Varied	IVCSO	Issued	Renewed	
Aberdeen City	180	266	50	111	5	130	81	115	928
Aberdeenshire	83	190	21	78	5	43	53	70	541
Angus	80	156	28	69	<5	54	29	51	471
Argyll & Bute	49	122	11	30		23	15	16	257
Clackmannanshire	71	106	23	42	18	54	17	24	348
Dumfries & Galloway	137	352	18	126		58	57	61	809
Dundee	129	296	31	101	16	130	71	96	867
East Ayrshire	126	168	76	98		95	69	66	681
East Dunbartonshire	68	80	<5	26		14	12	19	223
East Lothian	69	115	15	73		46	35	39	392
East Renfrewshire	49	81	14	30		7	6	10	197
Edinburgh, City of	360	561	113	228	7	240	146	161	1,790
Eilean Siar	14	<5	<5	22	<5	<5	14	20	81
Falkirk	134	179	53	107	16	63	65	85	689
Fife	242	551	89	212	6	158	200	261	1,690
Glasgow	782	1,052	496	236	9	311	241	336	3,400
Highland	78	347	7	157	25	88	134	185	1,018
Inverclyde	96	138	12	47		14	13	19	339
Midlothian	82	131	11	66	6	58	67	56	477
Moray	45	98	<5	44		21	35	41	287
North Ayrshire	245	325	64	117	<5	83	96	105	1,034
North Lanarkshire	229	258	82	200	5	66	123	120	1,080
Orkney	11	14	<5	11			<5	<5	42
Perth & Kinross	80	128	35	57	<5	53	34	48	436
Renfrewshire	277	353	69	118	<5	60	50	51	974
Scottish Borders	54	94	<5	52	9	29	18	31	289
Shetland	6	9	<5	6	<5	<5	9	16	53
South Ayrshire	159	223	59	63		76	67	92	734
South Lanarkshire	161	320	119	145	14	126	122	121	1,116
Stirling	108	107	29	56	11	26	25	39	396
West Dunbartonshire	134	227	6	106	<5	80	66	102	719
West Lothian	135	232	45	102	15	46	55	66	695
Total	4,473	7,283	1,595	2,936	179	2,255	2,027	2,524	23,053

(2) Implementation Breaches

For the decisions made during the year, 2 reports of breaches of implementation were made to the National Convener, relating to 3 children. These are detailed below. The Local Authorities in question are not named in order to prevent children from being identified.

Breach 1: The Local Authority did not allocate a social worker and repeatedly failed to provide information to hearings. The National Convener wrote to the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

Breach 2: The Local Authority did not provide a social worker or engage with the family and school. The National Convener wrote to the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

Report for 2018-19

(1) Implementable Decisions made at hearings:

	Compulsory Supervision Order						ICSO		Total
	CSO Continued	CSO Continued & Varied	CSO Interim Continuation	CSO Made	CSO Varied	IVCSO	Issued	Renewed	
Aberdeen City	124	258	18	90	<5	100	57	74	721
Aberdeenshire	74	200	20	94	<5	45	72	108	613
Angus	92	110	18	79	<5	55	37	62	454
Argyll & Bute	49	93	14	39		21	13	20	247
Clackmannanshire	75	114	15	45	23	95	28	57	448
Dumfries & Galloway	145	333	26	151		81	74	93	902
Dundee	123	194	30	93	14	111	77	118	749
East Ayrshire	113	160	108	94	<5	64	88	110	718
East Dunbartonshire	50	56	5	18		12	10	18	168
East Lothian	62	146	33	54		50	38	42	407
East Renfrewshire	53	46	17	21		<5	10	11	161
Edinburgh, City of	361	636	95	245	<5	208	165	168	1,870
Eilean Siar	12	22	6	14	<5	14	<5		71
Falkirk	128	170	52	80	16	79	42	64	621
Fife	247	567	82	212	26	146	219	240	1,737
Glasgow	667	917	408	213	22	199	224	302	2,913
Highland	96	400	13	114	11	65	90	158	942
Inverclyde	76	124	8	70		23	21	17	337
Midlothian	89	85	27	51	<5	27	43	24	342
Moray	38	113	<5	46		41	26	28	293
North Ayrshire	199	318	51	122	<5	74	107	91	958
North Lanarkshire	286	266	112	212	7	97	110	85	1,166
Orkney	8	13	<5	5	<5		8	8	44
Perth & Kinross	70	112	25	70	17	20	34	52	400
Renfrewshire	246	325	58	140	<5	91	57	74	983
Scottish Borders	66	114	22	42	<5	33	33	30	340
Shetland	<5	21	<5	7	<5	19	<5	<5	61
South Ayrshire	153	248	69	81		88	86	108	825
South Lanarkshire	183	282	99	191	15	106	146	117	1,126
Stirling	107	93	22	63	20	14	32	42	392
West Dunbartonshire	139	313	8	114		85	57	65	779
West Lothian	170	189	22	66	10	64	53	91	664
Total	4,305	7,037	1,490	2,936	204	2,130	2,061	2,479	22,451

(2) Implementation Breaches

For the decisions made during the year, 2 reports of breaches of implementation were made to the National Convener, relating to 2 children. These are detailed below. The Local Authorities in question are not named in order to prevent children from being identified.

Breach 1: The Local Authority did not provide support or complete reports. The National Convener wrote to the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

Breach 2: The Local Authority did not progress a referral to a residential school and had not enrolled a child in a separate named school. The National Convener wrote to the Local Authority, CHS entered into dialogue with the Local Authority and corrective action was taken. No application to the Sheriff Principal for enforcement was necessary.

In this year, one referral to Scottish Ministers was made due to the failure of an education authority to provide education to a child excluded from school.

Report for 2019-20

(1) Implementable Decisions made at hearings:

	Compulsory Supervision Order						ICSO		Total
	CSO Continued	CSO Continued & Varied	CSO Interim Continuation	CSO Made	CSO Varied	IVCSO	Issued	Renewed	
Aberdeen City	142	242	45	122	<5	103	139	71	856
Aberdeenshire	66	211	19	93	<5	72	101	42	606
Angus	75	125	27	64	<5	32	34	63	418
Argyll & Bute	50	87	10	43		10	9	11	220
Clackmannanshire	83	104	54	41	15	58	71	101	513
Dumfries & Galloway	119	296	45	99		56	51	59	725
Dundee	116	178	21	108	18	117	133	61	744
East Ayrshire	82	130	59	81	<5	60	71	83	558
East Dunbartonshire	52	45	7	44		29	63	6	246
East Lothian	58	116	34	56	5	34	38	47	378
East Renfrewshire	50	38	19	47		8	9	<5	172
Edinburgh, City of	358	449	133	173	8	150	162	167	1,589
Eilean Siar	10	20	<5	19		6	<5	13	69
Falkirk	109	144	72	87	11	60	86	130	676
Fife	207	526	94	182	23	192	262	128	1,598
Glasgow	621	820	301	318	5	271	415	229	2,940
Highland	124	322	35	110	13	78	125	85	886
Inverclyde	86	147	19	74		50	78	30	482
Midlothian	54	78	24	48		22	31	28	285
Moray	32	115	<5	38		28	35	23	272
North Ayrshire	213	263	115	140	<5	123	134	111	1,088
North Lanarkshire	240	343	107	183	8	77	88	117	1,150
Orkney	<10	18	<5	9	<5	9	7	<5	55
Perth & Kinross	66	124	24	51	<5	54	91	46	456
Renfrewshire	243	341	54	107		45	66	67	913
Scottish Borders	63	108	20	44	<5	23	31	22	313
Shetland	<5	17	<5	8	6	6	<5	<5	49
South Ayrshire	111	194	64	44	<5	56	64	76	593
South Lanarkshire	234	261	103	186	15	91	108	74	1,067
Stirling	106	107	30	36	13	20	20	40	360
West Dunbartonshire	129	288	23	75		50	79	70	711
West Lothian	95	180	32	77	12	57	81	59	593
Total	4,006	6,437	1,600	2,807	173	2,047	2,688	2,064	21,581

(2) Implementation Breaches

No implementation breaches were reported, or enforcement action taken, for 2019-20 decision.

Comment and Future Developments

Ensuring that CSOs are given full effect by implementation authorities is an important responsibility of the National Convener. It has proved a valuable mechanism in making sure that the rights of children to receive protection and assistance are upheld. In all instances of breaches, intervention by the National Convener was only required at the end of 'Stage 1'.

Across the three years, only seven implementation breaches were reported to the National Convener for action. These seven came from within only two Local Authorities. This is an exceptionally low number relative to the number of orders requiring implementation by authorities. While this is heartening to see and suggests that compliance with the orders of hearings is generally good, it is also justified to ask the question whether this is a true reflection of all breaches of implementation duties that occur across Scotland or whether they represent, for example, only the most serious or repeated breaches.

The Promise report from the Independent Care Review highlights implementation as an area of interest. It states that "if implementing authorities fail to comply with orders and conditions of the Hearing, then they must be held to account to ensure children and families get the help and support that the Panel wants them to receive".

CHS will therefore continue to monitor the number and types of breaches that are reported in order to identify any patterns but will also investigate how the reporting process currently works. The National Convener will seek to understand the thresholds around reporting of implementation breaches, and whether there is sufficient awareness of the steps that can be taken for enforcement in order to build a fuller understanding of the nature and scale of implementation breaches.

Understanding and reporting on the processes around implementation breaches only gives us part of the picture. Both the National Convener and Children's Hearings Scotland remain committed to achieving a more meaningful data set for Scotland's care system – one that allows us to understand how effectively our systems work by capturing not just the elements of process, but the outcomes and impact on the wellbeing of children. As articulated earlier in this report, the eventual aim is to be using wellbeing data collected routinely by implementation authorities and other partners to inform decision-making and therefore close the 'feedback loop':



This reflects the vision articulated in *The Promise*, which notes that “Scotland collects data on the ‘care system’ and its inputs, processes and outputs rather than what matters to the experiences and outcomes of the people who live in and around it...Scotland must improve the quality and completeness of its data and consider the potential of data linkage to improve accountability for outcomes rather than inputs alone”.

There is clear alignment between what the Feedback Loop is trying to achieve, and the ambitions of The Promise. During the implementation of the Promise, we will work with others to help shape the data and reporting requirements, and include the National Convener’s statutory reporting duty as a part of the national and local datasets to be put in place. Whether this entails adoption of nationally-consistent approaches to measuring and recording wellbeing, the use of tools to capture experiences and outcomes qualitatively, a combination of both, or something else entirely, we are keen to work alongside our partner agencies to progress this in order that the best decisions for children can be made.

This work will inevitably take time and investment. We anticipate that, given the current limitations of the data, the National Convener’s report on the Feedback Loop may remain in this format until new arrangements can be put in place.

Notes on the Data

The tables feature a count of hearings that made a particular decision during the year. It includes only those decisions that require implementation by an implementation authority. A single hearing may result in multiple implementable decisions.

The years given refer to financial years (1st April to 31st March).

Agenda item 17
CHS-2021-77

Equality and Mainstreaming Outcomes 2020-2022 2021 Progress Report

Accountable SMT member: Head of Practice, Improvement and Learning
Report author: Christine Mullen
Resources implications: Within available resources
Equalities duties: Equalities Impact Assessment Required
 Yes No

1. Background

1.1 CHS has a duty to publish a fresh set of equality outcomes at least once every four years and to report on the *progress* we have made in achieving these at intervals of not more than two years.

1.2 We published our Equalities and Mainstreaming Outcomes Report in July 2020 and the attached report provides an update on progress made towards implementation during 2020 - 2021.

1.3 Some of our planned activities have been affected by Covid 19 and where relevant timescales have been revised.

1.4 There is a new CHS People Strategy in development and plans associated with this are reflected in this 2021 – 2022 progress report.

1.5 For 2021 – 2022 we will further our work in this area linking work directly to positive outcomes for children, young people and families.

2. Recommendation

The Board are asked to approve the draft report for publication in April 2021.

Agenda item 17

CHS-2021-77

Equality Mainstreaming and Outcomes 2020 - 2021

Progress Report

(March 2021)



children's
hearings
scotland



FOREWORD

Welcome to Children's Hearings Scotland's (CHS) second Equality Mainstreaming and Outcomes Progress report.

CHS remains fully committed to embedding and mainstreaming equality, diversity and inclusion as a key component of our business and the services that we provide to children, young people and their families as well as **supporting the Scottish Government's national outcome of Tackling Inequality**.

In July 2020 we published a new set of Equality Outcomes to work towards between then and now. This report outlines the progress that we have made towards achieving those equality outcomes and considers which equality actions can be continued into our next Equality Mainstreaming and Outcomes Report (2021-2024).

We now welcome you to read through our progress report if you have any comments please do not hesitate in contact us at enquiries@chs.gsi.gov.uk.



Elliot Jackson
Chief Executive/National Convener



Gary Coutts
Chair of CHS Board

Equality Mainstreaming and Outcomes Progress Report 2020 - 2021 One Year Report

Introduction

This report is divided into two distinct sections. [Section 1](#) details CHS' Equality Outcomes and [Section 2](#) details CHS' equality monitoring information for both its staff and its staff recruitment from 2020 until 2021.

The Equality Outcomes section presents an open account of the progress that has been made towards meeting the equality outcomes that CHS set for itself to achieve between April 2020 and March 2021. You are guided to the shaded text boxes that outline the progress made and/or follow up actions that may be required to be carried forward into a new set of equality outcomes in the next Equality Mainstreaming and Outcomes report (2020-2024) which was published in July 2020.

The outcomes detailed in the 2020-2022 report were developed by the newly formed CHS Equality, Diversity and Inclusion (ED&I) working group, with input from colleagues, Senior Management Team (SMT), the wider CHS community and external partners. As CHS has increased its national team by 51% over the past two years, this paved the way for CHS to form its own Equality, Diversity and Inclusion group. This group includes new staff members who have substantial E,D&I knowledge and experience having come directly to CHS from equality organisations. The E,D&I group currently has 8 core members representing our volunteer community, as well as a broad range of functional areas within the National Team, (including Senior Management, Practice, Volunteer Recruitment and Retention, Communications and Engagement, Area Support and Improvement and HR/Organisational Development). Going forward, with the support of our Board and SMT, this group will play a pivotal role in helping to mainstream equal, diverse and inclusive practices for all, right across the wider CHS community.

The Equality Monitoring section provides our equality monitoring data for each of the protected characteristics from our staff recruitment campaigns, of which we have had 9 since April 2020.

If you have any questions concerning this report, please do not hesitate to contact the HR/OD Lead or CHS Equality Group by emailing enquiries@chs.gsi.gov.uk.

SECTION 1

EQUALITY OUTCOMES (2020 - 2022) PROGRESS REPORT 2021

OUTCOME 1

Providing training and development opportunities for CHS Community can ensure that our community is up to date in its knowledge, skills, attitudes and legal obligations concerning to equality, diversity and inclusion, and are able to apply these approaches to all aspects of their roles.

Overview

This outcome focuses on ensuring that our whole CHS community of staff and volunteers as well as potential staff and volunteers, are suitably trained, equipped and supported to enable them to carry out their roles to a high standards when deploying and supporting people with protected characteristics.

General Equality Duty Link

We believe that the following equality outcomes (1.1, 1.2 & 1.3) will assist CHS in meeting the general equality duties of eliminating unlawful discrimination and of advancing equality of opportunity for all individuals with protected characteristics who work for and volunteer with **Children's Hearings Scotland**. Furthermore, the removal of particular barriers for these protected groups in our training practices, along with increased awareness and understanding and robust underpinning policies, will help to individuals to maintain making a valuable contribution either in the workplace or as a volunteer.

Outcome 1.1	Having completed mandatory introductory online training on Equality, Diversity and Inclusion, all staff can demonstrate and apply awareness of how to support protected characteristics when carrying out their respective roles
Action(s)	<ul style="list-style-type: none"> • Source suitable accessible training resources online working with key specialist partner agencies • Pilot training with a representative group of CHS volunteer community • Host training on CHS Learning Academy site • Communicate that this training is mandatory, setting a deadline for completion (this may be phased) • Monitor completion rates • Report on completion rates and actions for non-completer e.g. removal from rota, support to complete • Provide appropriate training for staff in order to ensure that all staff are aware when and how Equality Impact Assessments should be conducted
Timescale	<ul style="list-style-type: none"> • All new staff complete online course as part of induction within 3 months of their start date. • All staff shall have completed current online course by summer 2021 • All staff shall annually undertake at least one of a rolling programme of Equality & Diversity courses
Success Measures	<ul style="list-style-type: none"> • All staff have completed mandatory introductory online training on Equality, Diversity and Inclusion each year. • Our staff are knowledgeable on equality and diversity related practices and feel confident that they can apply their learning and knowledge to their work. • We receive higher than our threshold 60% positive scoring in the Staff Survey to the question that assesses staff perception of own levels of knowledge and confidence in regards to equality and diversity matters.
Progress Report	<ul style="list-style-type: none"> • Covid 19 has impacted our overall training programmes with priority being given to training underpinning the continuation of Childrens hearings which have been largely virtual since March 2020. However the data below shows completion rates for Equality, Diversity and Inclusion online learning. In addition our Practice and Procedure Manual for Panel Members is referenced in every course completed by Panel Members on aspects of sitting on Children’s Hearings. It contains a bespoke section on Minimising Barriers in Hearings which incorporates best practice approaches and guidance to ensuring barriers linked to the protected characteristics are eradicated or minimized. new employees have completed Equality and Diversity training online

Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Responsibility	National Training Lead with support from HR/OD Lead to progress Induction training and EqIA training for staff.

Outcome 1.2	Having completed mandatory introductory online training on Equality, Diversity and Inclusion, all AST, Panel Member and Trainee Panel Members can demonstrate and apply awareness of how to support people with protected characteristics when carrying out their respective roles
Action(s)	<ul style="list-style-type: none"> • Source suitable accessible training resources online working with key specialist partner agencies • Pilot training with a representative group of CHS volunteer community • Host training on CHS Learning Academy site • Communicate that this training is mandatory, setting a deadline for completion (this may be phased) • Monitor completion rates • Report on completion rates and actions for non-completers • PPA assessment of this course in action in observations and linked to the competency it sits under 'equal treatment'
Timescale	Ongoing to March 2022, using a phased approach e.g. particular groups - Area Support Teams (ASTs) <i>etc</i>
Success Measures	<ul style="list-style-type: none"> • Report on number of people who have completed the training as a percentage with target of >70% • Sample Panel Member practice via Panel Practice Advisers (PPAs) for case study examples of application of learning to show an increase in practical application of their equality, diversity and inclusion learning.
Progress Report	<ul style="list-style-type: none"> • Between April 2020 and February 2021, 24% of Panel Members completed Equality and Diversity training

	<p>online.</p> <ul style="list-style-type: none">• Equality and Diversity training has been completed or is in the process of being completed by all AST members involved in the recruitment and selection of new Panel Members. Hosted virtually the completion rates are below at 1.3• Our Panel Practice Advisors have had limited opportunity to observe Panel Members in hearings due to the impact of Covid 19. Plans are underway to progress this outcome for 2021 - 2022
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Responsibility	National Training Lead

1.3	CHS operates a robust, fair, transparent and non-discriminatory Recruitment and Selection process for its Panel Member and AST volunteers
Action(s)	<ul style="list-style-type: none"> • Refresh the training courses for Area Support Teams (AST) members on recruiting, selecting and re-appointing with CHS Learning Academy to enhance awareness, ensure clarity and changes in practice. The content of this course, specifically pertaining to unconscious bias will ensure an objective, fair and consistent inclusive approach. • Engage with Equalities, Diversity and Inclusion experts for ongoing and regular support, training and continuing education of community, building upon relevant work already undertaken with the CHS community • Agree with the National Convener and CHS Learning Academy (LA), the insistence of training for all AST volunteers as a mandatory requirement prior to involvement in recruitment and selection and develop an action plan accordingly. Determine that involvement in such training would be required at least once in each three year appointment period for all those involved in the recruitment and selection of Panel community members.
Timescale	Ongoing to March 2022 (aimed not only for current annual recruitment campaign but throughout year for recruitment of AST members)
Success Measures	<ul style="list-style-type: none"> • Reflected in diversity of potential volunteers confirmed as trainees through equality monitoring (captured through digital system at time of onboarding onto system) – and will be reflective of Scottish society. • With new digital system, will be able to audit the actual composition of the Panel Community to provide a baseline. • Aim for at least 75% of community members having undertaken training courses.
Progress Report	<ul style="list-style-type: none"> • The Recruitment and Selection course for completion by all AST members involved in recruitment and selection has been revised with Retention and Recruitment Reference Group (RRRG) input alongside the CHS Learning Academy • Equality and diversity learning has been incorporated within this revised Recruitment and Selection training Mandatory learning for interviewers new to Panel Member Recruitment and Selection has

March 2021

	<p>taken place All interviewers have attended skills sessions including young interviewers supporting the activities.</p> <ul style="list-style-type: none"> • 162 AST members have completed the required Equality and Diversity training. This is 100% of those eligible
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Responsibility	Recruitment and Retention Lead, National Training Lead

Outcome 1.4	CHS attracts a diverse range of candidates applying for its employment vacancies by operating best practice recruitment and selection practices that help to make CHS an employer of choice
Action(s)	<ul style="list-style-type: none"> • Carry out a full review of the CHS Recruitment and Selection policy in consultation with SMT and the Staff Forum to ensure that the end to end process is inclusive, non-discriminatory and mitigates against bias in the decision-making process • Recruitment Administration Processes are fully documented and all colleagues involved are updated by HR on what is involved in the R&S process. • Any staff member who is involved in the selection/decision-making processes, including shortlisting applications and participating on recruitment panels must have undergone bespoke Recruitment and Selection training first, and thereafter, has undergone refresher training at least every two years. • Monitor recruitment equality data to check for trends among the applicants who apply and to then consider any barriers that may have affected them, taking action to make improvements. • Be proactive in linking in with local or national equality groups to ensure that it is operating best practice in terms of equality and inclusion in its Recruitment and Selection practices. • Be proactive is engaging with a diverse range of recruitment channels to promote its employment vacancies and reach as many potential candidates with protected characteristics as it can.

Timescale	April 2021
Success Measures	<ul style="list-style-type: none"> • No recruitment decisions are challenged on the grounds of discriminatory or unfair recruitment or selection practices • CHS attracts a range of candidates for each of its employment vacancies from a wide variety of people with protected characteristics • CHS has developed positive partnerships and links with a wide range of equality bodies and uses their expert knowledge to inform its recruitment policy, procedures and practices and ensure it remains aligned to any developments in best practice as guided by these equality bodies.
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Progress report	<ul style="list-style-type: none"> • Our Equality, Diversity & Inclusion Strategy sets out a clear vision to have an inclusive and fair organisational culture at CHS. HR is currently working on a new People Strategy (2021/2022) for CHS which will ‘go live’ in Q1 2021. • The People Strategy will work in direct partnership with the Equality, Diversity & Inclusion Strategy and will support a number of the priorities and actions outlined in the Equality Mainstreaming and Outcomes Report 2020-2022 in line with our organisational Public Sector Equality Duty. • One of the proposed aims of our People Strategy will be attract and retain top talent at CHS. More specifically, our strategic aim will focus on:- <ul style="list-style-type: none"> - Ensuring that CHS attracts a diverse range of applicants by operating best practice recruitment and selection practices that help to make CHS an inclusive employer; - Actively profiling, monitoring and reporting on the diversity of our applicants to ensure we are an inclusive employer and our workforce is reflective of our commitments outlined in our Equality Outcomes and Mainstreaming Report and the communities we engage with; • We will continue to work with our internal colleagues to support the work and progress that we have already made whilst continuing to build positive partnerships and links with a wide range of equality

	bodies and use their knowledge to inform our recruitment policy, procedures and practices.
Responsibility	HR & Organisational Development Lead

Outcome 1.5	Extend links and partnership working with specialist equality bodies/organisations who can provide enhanced/specialist training to staff/ volunteers on particular protected characteristics
Action(s)	<ul style="list-style-type: none"> External expert partners shall be used in the development of E,D&I online courses Expert partners shall be invited to deliver a ‘Learn from the Experts’ event to provide guidance and insight into a specific E,D&I area
Timescale	End of August 2021
Success Measures	<ul style="list-style-type: none"> Expansion in external partnership working within E,D&I and the training programme. 70% of community do specialist E,D&I training each year
Progress report	Timetable for this outcome revised to take place 2021 - 2022
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Responsibility	National Training Lead / HR & Organisational Development Lead

OUTCOME 2

Raising Awareness of Equality, Diversity and Inclusion across the CHS Community will enhance all our roles and lead to more effective decision making, as we proactively engage with our staff members, volunteers and work in partnership with external equality organisations who can support CHS to achieve this aim.

Overview:

This Outcome focused on raising awareness and knowledge across the employed National Team and the volunteer community in order to achieve a greater level of understanding and empathy not only among colleagues and volunteers of each other's **protected characteristics but also for those families, children and young people who engage with CHS at children's hearings.**

General Equality Duty Link

This outcome helps CHS to meet the general duty of fostering good relations between persons who share a relevant protected characteristic and persons who do not.

Outcome 2.1	CHS will work with specialist organisations to develop practice resources that support our volunteer community to better understand and meet the needs of individuals who share protected characteristics. As a result, the CHS volunteer community will have an increased awareness and understanding of equality, diversity and inclusion.
Action(s)	<ul style="list-style-type: none"> • CHS will further develop advice and guidance within the 'Practice and Procedure Manual' focusing on minimising barriers in children's hearings for those who share protected characteristics. • We will work with volunteers locally to source, design and offer bespoke equalities training for Panel Members that is responsive to the locally presenting need. • CHS will further develop our communications work on accessible language to provide a central resource for all CHS staff and volunteers.
Timescale	Ongoing to March 2022
Success Measures	<p>The CHS volunteer community will have an increased understanding of equality, diversity and inclusion –</p> <ul style="list-style-type: none"> • Panel Members are able to identify and apply relevant parts of legislation relating to diversity, equality and inclusion to ensure fairness within hearings. • The CHS Practice Team, having worked with specialist equality organisations, have developed comprehensive guidance around equality, diversity and inclusion for issue in the Practice and Procedure Manual. • CHS have published the updated accessible language guide on the National Team channel on Microsoft Teams for all employed CHS staff. • The CHS Practice Team have updated the Practice and Procedure Manual a minimum of once annually, and provided the CHS volunteer community with up-to-date guidance on equality, diversity and inclusion.
Progress report	Our Practice and Procedure Manual was updated and published in December 2020
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience

Responsibility	Practice Team (Practice and Partnerships Lead/Practice Development Coordinator), National Training Lead
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Outcome 2.2	We are proactive in raising awareness of Equality, Diversity and Inclusion across the CHS Community i.e. in all our work and volunteering practices and decision-making processes, so that it leads to increased understanding, knowledge and empathy of all protected characteristics.
Action(s)	<ul style="list-style-type: none"> • There is a notable dates calendar which outlines the Communications team’s objectives for internal and external celebration of various holidays, national days of, etc. These have all been selected specifically to align with the CHS community and the work that CHS does. It has been developed in partnership with the Equality, Diversity and Inclusion working group. <ul style="list-style-type: none"> ▪ This celebration will take the form of social media campaigns, as well as Teams campaigns. Depending on the day, and it’s meaning to CHS as an organisation, these campaigns will be adjusted to suit in relation to content, duration, and involvement of other community members (i.e. Volunteers’ Week). • We will work in collaboration with every team and colleague at CHS to ensure correct language and terminology is used throughout all official material and communication, specifically: <ul style="list-style-type: none"> ▪ High-level communication from National Convener and/or Senior Management Team; ▪ Practice and policy material produced by Practice team; ▪ Recruitment material produced by Recruitment and Retention Lead; ▪ This will be done through the addition of a language and terminology guide to the Practice and Procedure Manual (PPM) in collaboration with the Practice and Communications teams. This will then be extracted as a one-pager for staff who do not rely on the PPM in the same way. ▪ Training and course material produced by Learning Academy and/or National Training Lead. • Encourage all staff and volunteers to develop and regularly use language suitable for a diverse audience, keeping in mind that certain characteristics will not be overtly seen, e.g.: <ul style="list-style-type: none"> ▪ Share their own pronouns to encourage an open and safe space;

	<ul style="list-style-type: none"> ▪ Ask if any individuals require additional support at meetings, events, and the like; ▪ Overall encourage dialogue that doesn't assume that everyone is the same as we are. <ul style="list-style-type: none"> • This will be achieved through collaboration with HR Lead, Recruitment and Retention Lead, National Training Lead and the CHS Learning Academy to ensure this language and dialogue is weaved into staff and volunteers journeys from the start (i.e. staff and volunteer recruitment and training).
Timescale	March 2022
Success Measures	<ul style="list-style-type: none"> • The Communications team use inclusive language in all internal and external communications; • The CHS Learning Academy use inclusive language in all training material; • Local teams will ensure inclusive language is implemented by volunteers (monitoring language used at local meetings, on local Teams and private chats, etc.) • CHS will continually develop its library of imagery and videos to ensure full representation; • CHS clearly prioritise equality and diversity, which is felt by the wider community. • CHS include questions in the Community Survey which relate to equality and diversity so that the above can be properly measured and monitored.
Progress	<ul style="list-style-type: none"> • Notable dates calendar complete and active • Communications are monitored and amended if required continuously • Over the past year CHS has profiled a range of events and celebrations to the CHS Staff and volunteer community via Microsoft Teams including Mental Health Awareness Week, Black History Month, and as of March 2021 Neurodiversity Week Community survey not yet active and will be reported for 2021 – 2022.
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Responsibility	Communications and Engagement Lead

Outcome 2.3	Our volunteers will play a central role within the Equality, Diversity and Inclusion agenda at CHS as they are best placed to ensure that we are raising awareness of protected characteristics, fostering good relations between members of our community who share those characteristics and those who do not and creating greater empathy and understanding of the backgrounds of those they come into contact with during hearings.
Action(s)	<ul style="list-style-type: none"> • Maintain the Equality, Diversity and Inclusion Working Group as the central place for all strategic recommendations and actions relating to ED&I work within CHS. • Create role of Inclusion Ambassador; a volunteer with a particular interest / expertise in ED&I who will become an ambassador for all ED&I work within their AST area. • Set up an Equality, Diversity and Inclusion Network for CHS which includes all of the Inclusion Ambassadors and representation from across our Community, particularly those with a protected characteristic or knowledge / expertise in a particular equality area. • Inclusion Ambassadors to support, promote and raise awareness of Equality, Diversity and Inclusion within their local areas, by attending events and training, ensuring national messages are shared with the local community and responding to any local queries.
Timescale	April 2021 Timescale in being revised for delivery within 2021 – 2022 period.
Success Measures	<ul style="list-style-type: none"> • Equality, Diversity and Inclusion Working Group meets at least quarterly. • Each Area Support Team Area has at least one Inclusion Ambassador. • CHS has an Equality, Diversity and Inclusion Network which also meets quarterly • The ED&I Network is used for consultation, development of strategy and to ensure that local and national information is shared both ways.
Progress report	Working group has met more than quarterly and internal consultation events have been used to consult on and further develop the Equality, Diversion and Inclusion Strategy
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience

Responsibility	Area Support & Improvement Partners & Area Conveners
Outcome 2.4	Staff are fully competent and confident in carrying out Equality Impact Assessments (EqIAs) on any new or revised strategies, policies and processes that they are responsible for developing.
Action(s)	<ul style="list-style-type: none"> • Develop clear and consistent Equality Impact Assessment rules and processes • Review the existing Equality Impact Assessment and Pre-screening templates to ensure they are fit for purpose • Provide appropriate and regular training for staff in order to ensure that all staff are aware when and how Equality Impact Assessments should be conducted • Create a central register of all the organisation’s policies and procedures, to record key information such as noting the date of policy implementation and date of review and the date of Equality Impact Assessment • All EqIAs are accessibly published in order to meet the specific duties under the Equality Act 2010 • Keep an accurate central log of who has received the training • Keep an accurate central log of all strategies and policies that have been impact assessed and publish results in an accessible manner.
Timescale	April 2021 and ongoing thereafter
Success Measures	<ul style="list-style-type: none"> • The discipline of accompanying all strategy and policy documents with fully completed EqIA when submitted these to Senior Management team and Board Committees is well understood, established and practiced within the National Team with the Senior Management Team ensuring governance is applied. • Any risk of discriminatory practices or processes are identified at the earliest opportunity during the development of new or the revision of existing strategies and policies and these risks are recorded in the EqIA and mitigated against, again with details noted in the EqIA.
Progress Report	Timescale has been revised to take place 2021 - 2022
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual

	Orientation.
Responsibility	Senior Management Team/ HR & Organisational Development Lead

Outcome 2.5	CHS is a recognised as an employer of choice by individuals with caring ¹ responsibilities due to its positive and open recruitment approach and its flexible working and attendance management policies and practices.
Action(s)	<ul style="list-style-type: none"> • We will engage with national carers’ organisations such as Carers UK and Carer Positive to seek advice and guidance on how to be an inclusive and supportive employer. • We will review our recruitment and selection policy to ensure that our flexible and open approach is clearly reflected here. • We will review our recruitment and selection processes and practices (including our application forms and advertising methods) to ensure that our flexible and open approach is clearly reflected thus enabling us to attract a wider pool of suitable applicants. • We will review our absence management policy and procedures to ensure that it reflects the particular needs and requirements that employees with caring responsibilities may require. • We will review our flexible working policy and procedures to ensure that it reflects the particular needs and requirements that employees with caring responsibilities may require. • We will support and promote national annual campaigns, such as the National Carers Week
Timescale	December 2021
Success Measures	<ul style="list-style-type: none"> • CHS becomes an accredited Carer Positive employer and maintains this accreditation.

¹ A carer is someone who provides unpaid care by looking after an ill, frail or disabled family member, friend or partner.

Source: <http://www.carerpositive.org/>

	<ul style="list-style-type: none"> Year on year percentage increase in the number of people with caring responsibilities who apply to join our team.
Progress Report	Work in progress
Protected Characteristics	Gender, Age, Disability
Responsibility	HR & Organisational Development Lead

OUTCOME 3

Increasing accessibility, and promoting inclusion has removed participation barriers to all individuals who make up our CHS Community

Overview:

We have evidence that there are particular challenges for some groups of children and families in engaging with **and understanding the Children’s Hearings process**. For example, the **Scottish Parliament’s Education Committee has raised concerns about parents with learning** difficulties engaging appropriately in the process.

CHS will work in partnership with other organisations to improve experiences and will ensure that those requiring support (e.g. parents with learning difficulties) are supported by panel members as much as possible to engage.

General Equality Duty Link

This outcome has been created due to the need for a consistently fair approach by panel members across Scotland as volunteers, trained in how to conduct hearings appropriately/ without bias or discrimination. Communication and engagement skills with children and young people are a key development focus at the pre-service stage for our panel member training and quality assurance processes are in place to help CHS measure panel member behaviour and conduct during the hearing. This outcome will help CHS to meet all three of the general duties by helping to eliminate discrimination through the removal of any discriminatory or inappropriate behaviour during the hearings process and help to foster good relations and understanding between our volunteer members and individuals from equality groups who are involved in the hearings process.

Outcome 3.1	Provide accessible and inclusive communication that meets the access needs of all those with protected characteristics and promotes inclusive language
Action(s)	<ul style="list-style-type: none"> • We will offer all CHS external material in accessible formats; • We will use inclusive language and imagery throughout the site; • We will build the new CHS website using accessible fonts, colours, and design throughout; • We will undertake a refresh of all templates to ensure these are accessible; • We will include captions for images on social media (where possible); • We will include captions for images in the Community Newsletter; • We will include subtitles on all CHS films
Timescale	By March 2022
Success Measures	<ul style="list-style-type: none"> • CHS only uses accessible templates; • The CHS website is fully accessible, with clear sign-posting of who to contact for accessible versions of policies etc.; • CHS has a full library of accessible videos
Progress	<ul style="list-style-type: none"> • CHS external material is offered in accessible formats • Inclusive language and imagery are used throughout the website- complete • CHS website has been built using accessible fonts, colours, and design throughout • Refreshing of all templates to ensure these are accessible – is underway as part of brand refresh • Captions for images on social media (where possible) Continuous • Captions for images in the CHS Community Newsletter - complete • Inclusion of subtitles on all CHS films is underway and continuous
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience - All apply
Responsibility	Communication and Engagement Lead

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Outcome 3.2	Area Support Teams (ASTs) will be more representative of the full spectrum of Scottish society and communities we serve, ensuring equality of opportunity for all, proactively identifying and removing barriers which exist.
Action(s)	<ul style="list-style-type: none"> • We will engage with both national and local equality organisations to seek guidance and support on how to be inclusive of volunteers with protected characteristics • We will actively review AST recruitment practice, focusing on updating AST role descriptions to ensure that they are inclusive, fair and attractive to volunteers from across our community and outwith • We will gather accurate and up-to-date information on AST demographics, using it to target and monitor AST recruitment • We will increase awareness of AST roles via our social media platforms and networks
Timescale	Ongoing to March 2022
Success Measures	<ul style="list-style-type: none"> • All AST roles have been reviewed and updated to ensure they are inclusive and fair. • Equality data has been gathered for all ASTs. • When recruitment is required for an AST role, data is reviewed and used to ensure that ASTs are as diverse as possible. • AST recruitment attracts a range of candidates including those with protected characteristics. • A diverse range of channels such as social media and equality and other relevant organisation newsletters are used to promote AST recruitment opportunities
Progress Report	<ul style="list-style-type: none"> • Covid has interrupted work priorities, with more operational, immediate needs - so role descriptions remain under review with some preliminary scoping having taken place. AST leadership roles have been advertised within the Third Sector Good Moves platform, which has raised profile and has had some success at attracting people outwith the Children's Hearings system

	<ul style="list-style-type: none"> • Social media has been an effective means of attracting volunteers to AST roles (PPA roles). • Equality monitoring now in place for all Panel Community (not yet able to extract data). • CHS held consultations events with members of the CHS community on equality, diversity and inclusion, incorporating feedback and suggestions on how to be inclusive of our volunteers with protected characteristics.
Protected Characteristics	Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Religion and Belief, Race, Sex, Sexual Orientation, Lived-experience
Responsibility	Area Conveners (ACs) and Area Support and Improvement Partners (ASIPS)

Appendix 1 – Jargon Buster

Volunteers: CHS operates due to the work of our committed and hardworking volunteers. These are both those who are tribunal members attending panels across Scotland and those in our area support teams supporting the tribunal members. None are paid a salary although they may be reimbursed for reasonable expenses incurred in attending hearings e.g. parking costs.

Area Support Teams (ASTs): The ASTs are a team of volunteers who support and manage panel members in their local area supported by a Clerk who is a local authority employee.

Care-Experienced: Someone who has had lived experience of the care system as a child or young person.

CHS Community: The CHS Community encompasses panel members, AST members, board members and national team employees.

Panel Members

Panel members are volunteers from local communities across Scotland who are recruited and trained to make decisions to help the lives of vulnerable **children and young people attending children’s hearings**. Panel members commit to making themselves available at least once a month to prepare for and sit on a three hour hearing session.

Children's Hearings System: The Children's Hearing System is the care and justice system for Scotland's children and young people.

Children's hearing: A hearing consists of three lay tribunal members called panel members, who are trained volunteers from the local community. The hearing listens to the child or young person's circumstances and views and takes these into account as well as those of the family and all the information that has been provided by, for example, social workers. The hearing then makes a decision about what support and help is needed and whether a compulsory supervision order is required.

People with Lived-Experience: People with lived experience of the children's system.

Protected characteristics: Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (male or female); and sexual orientation.

Equality groups: persons who share a relevant protected characteristic.

Equality Impact Assessments (EqIAs): a set of processes for assessing the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty with consideration to relevant evidence relating to persons who share a protected characteristic.

SECTION 2

EMPLOYEE AND RECRUITMENT MONITORING DATA (2020-2021)

Introduction

Why we gather and monitor recruitment and employment information

Included in the duty to mainstream, CHS is required to take steps to gather information on the protected characteristic composition of its workforce and on the recruitment, development and retention of its employees, with respect to, in each year, relevant protected characteristics. CHS must then monitor and use this information to better inform the general equality duty.

[Part A](#) gives a breakdown of our staff equality data; [Part B](#) gives a short summary of our *Performance Management* processes and opportunities for *Promotion and Development* within CHS. [Part C](#) gives a breakdown of our recruitment applicant equality data. Analysis of this information will allow **CHS to identify any gaps in the organisation's performance as an employer, and enable CHS to investigate** the causes of these gaps, and to take steps, including positive action, to address or mitigate the causes.

Important information

NOTE: While at the most recent count, CHS has been able to gather equality data for 87% of its employees, it should be noted that employees who responded to the CHS Diversity surveys are not obliged to answer any or all of the questions, and can choose to simply skip the question, or tick the Prefer Not to Say option featured with every question.

We have therefore aggregated the *No Response to Survey*, *No Response to Question* and *Prefer not to Say* into one column called Prefer Not to Say/No Response, so that this information is still reflected against each protected characteristic.

Please also note, that due to the small numbers of CHS employees, where the data in the following tables is particularly sensitive, responses of 1-5 are displayed as **≤5**, so that individual employees cannot be directly identified, and thus their anonymity is protected.

The tables below show the diversity information that our employees have disclosed for all x9 protected characteristics. In support of the campaign led by the charity Who Cares? Scotland to treat care experience as a protected characteristic for children, young people and adults, CHS included a 10th **protected characteristic of 'care experienced'** for the first time, during the recent March 2020 Staff Diversity survey. Extensive research indicates that care experienced people, particularly young people, are disadvantaged at multiple levels in society, including in relation to education, access to support services, and employment opportunities, all of which impact on health and wellbeing, so CHS is committed to providing equality of opportunity and

elimination of any discrimination in its workplace for any employees who are ‘care-experienced’. CHS has already taken a pro-active approach on this with regards to the composition of its Board, with a number of its current members who are care-experienced

Part A - Employee Protected Characteristic Data

1. Age

What age bracket are you?

Age Band:	Age Band: Under 24	Age Band: 24-34	Age Band: 35-44	Age Band: 45-54	Age Band: 55-64	Age Band: 65+	Prefer not to say/No response
Total employees March 2020	0	9	7	13	≤5	≤5	≤5
Total employees June 2019	0	10	9	7	6	≤5	0
Total employees June 2018	0	≤5	6	6	≤5	0	0

2. Gender Identity

Please describe your gender identity.

(this is about your self-perception of your gender rather than about your biological sex)

Band:	Female (inc trans female)	Male (inc trans male)	Non Binary/In another way	Prefer not to say/ No Response
Total employees March 2020	31	8	0	0
Total employees June 2019	26	9	0	0
Total employees June 2018	14	7	0	0

The gender identity of the majority of CHS employees is female, with the latest March 2020 figure at 81%, and increase of 6.7% from the previous year.

3. Trans Identity

Do you consider, or have you ever considered yourself to be a trans person?

(trans is an umbrella term to describe people whose gender is not the same as the sex they were assigned at birth).

Band:	Trans	Prefer not to say/ No response
Total employees June 2018, June 2019 and March 2020	0	0

March 2021

4. Marital status

Which of the following best describes your current marital status?

Band:	Single	Married/Civil Partnership	Partnership	Widowed	Separated/Divorced	Prefer not to say/No Response
Total employees March 2020	6	15	6	0	≤5	7
Total employees June 2019	≤5	11	≤5	0	≤5	≤5
Total employees June 2018	≤5	9	≤5	≤5	≤5	0

With regards to Pregnancy, ≤5 employees were pregnant or on maternity leave during 2019/20. Substantive posts were successfully backfilled with fixed term contracts to cover the period of time employee is off on maternity leave.

5. Sexual Orientation

How would you describe your sexual orientation?

	LGBT+	Heterosexual	Prefer not to say/ No Response
Total employees March 2020	≤5	26	8
Total employees June 2019	≤5	19	11
Total employees June 2018	≤5	15	0

6. Caring Responsibilities

Do you have caring responsibilities for dependent children and/or dependent children?

Band:	None	None (with non- dependent children)	Yes with dependent Child/ren only	Yes with dependent adult(s) only	Yes with dependent child/ren <i>and</i> adult(s)	Prefer not to say/ No Response
Total employees March 2020	15	≤5	13	0	0	6
Total employees June 2019	16	≤5	≤5	0	≤5	6
Total employees June 2018	7	≤5	≤5	0	0	≤5

March 2021

4

7. Ethnicity

Which ethnic group do you most identify with?

Band:	White (British, Scottish, Irish, Other)	White Scottish	White British	White Other	Pakastani/Pakastani Scottish/Pakastani British	Other Asian	Prefer not to say/ No Response
Total employees March 2020	-	20	7	≤5	≤5	0	≤5
Total employees June 2019	-	15	≤5	≤5	0	0	10
Total employees June 2018	-	8	≤5	≤5	0	0	≤5

8. Religious affiliation

What religious denomination, body or belief do you affiliate to?

	Church of Scotland/England	Roman Catholic	Other Christian	Islam	None	Prefer not to say/ No Response
Total employees March 2020	≤5	≤5	≤5	≤5	19	2
Total employees June 2019	≤5	≤5	0	0	12	≤5
Total employees June 2018	≤5	≤5	0	0	9	≤5

9. Care Experienced

Are you care-experienced?

Band:	No	Yes	Prefer not to say/No Response
Total employees March 2020	30	≤5	≤5

CHS aims to have a diverse profile among its staff (and volunteers) that is reflective of the communities it serves, hence the inclusion of the above question for our 10th 'protected characteristic' for the first time in our most recent survey.

10. Disability

The Equality Act 2010 defines disability in the following way: "A person has a disability if s/he has a physical or mental impairment which has substantial and long-term adverse effect on their ability to carry out normal day-to-day activities". Having read the above do you consider yourself to have a disability?

Band:	No	Yes	Prefer not to say/No Response
Total employees March 2020	27	≤5	7
Total employees June 2019	24	≤5	6
Total employees June 2018	15	≤5	≤5

≤5 employees have disclosed a disability in the last 3 years and of those employees who have self-declared, the majority have ticked the category of long term illness, disease or condition.

Part B - Employee Development and Performance Management

1.1 Performance management

Employees receive 121 supervision with their line manager approximately every 6 weeks and an annual appraisal during April when past performance is reviewed and new performance objectives for the next 6-12 months are agreed. Personal development is linked into performance management/appraisal system.

1.2 Employee Development

In the Staff Survey it was identified that more needs to be done to support staffs existing skills and provide opportunities to develop new skills. There have been some bespoke opportunities for some individuals and the team but this has been inconsistently applied within the National Team.

- IT & Digital skills Microsoft Excel / Microsoft Teams
- Project management – arranged for February – May 2021.
- Understanding our CHS community

Progress on meeting these priorities is as follows:

Impact of Covid 19 has meant prioritising service delivery. However Improvement / Childrens Rights and Inclusion work has been progressed.

- Engagement – encouraging a committed and engaged workforce
- Leadership in learning at all levels of the organisation
- Maximising performance and potential of CHS staff
- Ensuring the development of new skills for the future aspirations of CHS
- Building awareness of learning and development methods including the type and breadth of activities that contribute to learning and development
- Promoting the concept of a CHS as a Learning Organisation

It should be noted that the first Key Principle in the interim plan is :-

Equality of opportunity in accessing learning and development

- All staff should have the opportunity to access the learning they need to carry out their role, to work to the standards expected, and for their continuing professional development. Decisions about learning and development will be made in a fair and equitable manner – simple process to be developed
- Effective learning requires choice: Learning can take many forms. To allow for different learning styles and preferences, CHS aims to support a range of approaches and to provide learning and development in its widest sense. Many practical learning opportunities in the workplace are easier to access and more cost effective than formal courses. There will be a balance between nationally and local sourced opportunities.

2. Promotions and Secondments

2.1 Secondment and Acting Up Opportunities

CHS has been active in offering development opportunities to staff by providing internal secondment opportunities to some staff, where there has been a requirement to fill a knowledge gap or provide project resource, within the organisation. The secondment opportunities have during the period have been in relation to the being seconded to external organisations.

Part C - Employment Recruitment Statistics (April 2020 - March 2021)

Employee Recruitment

CHS ran a total of nine recruitment campaigns over the past 12 months from April 2020 through March 2021, (excluding internal secondments/promotions) and attracted a total of 213 applicants.

VACANCY	VACANCY POSTED (MONTH/YEAR)	NO OF APPLICANTS
Practice Development Coordinator	July 2020	20
Practice Development Coordinator Projects	July 2020	10
Data & Evidence Officer	August 2020	30
Information Governance & Complaints Lead	August 2020	13
Business Support Lead	August 2020	52
Children's Rights & Inclusion Officer	September 2020	38
Human Resources / Organisational Development Lead	October 2020	23
Programme Manager	December 2020	9
ASIP (Ayrshire)*	February 2021	1

* Interviews scheduled for w/c 15 March 2021

Equality Monitoring forms are included as part of the recruitment pack for every vacancy, and the majority of applicants do return their completed forms with their application. The equality monitoring forms are then separated from the form prior to the short-listing stage, so that no one on the short-listing or recruitment panel is aware of the protected characteristics of the applicant. Gender identifiers, such as names and email addresses, along with other contact information are also redacted from the application forms prior to short-listing.

From 1 April 2021, we will revise this process and use [SMART SURVEY](#) to capture our Equalities & Monitoring data. We will embed a link at the end of our application form to the survey questions which will link to [SMART SURVEY](#) and enable us to collate data in 'real time'. This will allow our recruitment team to regularly assess the diversity of our applicants and use the data to help shape and inform future campaigns.

Each application form is scored against the Essential and Desirable criteria that is clearly noted in the person specification. Only candidates who meet

the essential criteria pass through the first tranche of shortlisting, at which point, the panel then score against the desirable criteria.

1. Age (%)

What is your age bracket?

Age	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Under 24	14	6.57%	0	0.00%	0	0.00%
24-34	80	37.56%	13	24.07%	3	37.50%
35-44	50	23.47%	19	35.19%	2	25.00%
45-54	41	19.25%	14	25.93%	3	37.50%
55-64	14	6.57%	3	5.56%	0	0.00%
64+	2	0.94%	0	0.00%	0	0.00%
No response	3	1.41%	2	3.70%	0	0.00%
Prefer not to say	9	4.23%	3	5.56%	0	0.00%
Total	213	100.00%	54	100.00%	8	100.00%

2. Gender

Please describe your gender identity.

(this is about your self-perception of your gender rather than about your biological sex)

Gender	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Male	47	22.07%	10	18.52%	1	12.50%
Female	157	73.71%	41	75.93%	7	87.50%
No response	7	3.29%	3	5.56%	0	0.00%
Prefer not to say	2	0.94%	0	0.00%	0	0.00%
Total	213	100.00%	54	100.00%	8	100.00%

Of those 9 recruitment campaigns, 7 females were appointed, and 1 male.

From our recruitment data and employee headcount figure (79.5% female), CHS can demonstrate that it is an organisation that attracts, appoints and promotes females at all organisational levels. We will continue to ensure that it maintains robust, fair and transparent recruitment processes that provide equality of opportunity for all protected characteristic groups.

3. Care experience

In order to ensure that our organisation is attracting and appointing people with lived experience of care and children’s hearings, we have added this criteria to our equality and diversity monitoring. This enables us to monitor our progress and to review our processes and support to maximise our recruitment and selection in this area.

Do you consider yourself to have had lived experience of care?

3. Care experience	Total	% of Total	Shortlisted	% Shortlisted	Successful	% Appointed
No	180	84.51%	46	85.19%	7	87.50%
Yes	21	9.86%	3	5.56%	1	12.50%
Blank	9	4.23%	4	7.41%		0.00%
Prefer not to say	3	1.41%	1	1.85%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

4. Trans

Do you consider, or have you ever considered yourself to be a trans person?

(trans is an umbrella term to describe people whose gender is not the same as the sex they were assigned at birth).

Transgender Status	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Yes	0	0.00%		0.00%		0.00%
No	205	96.24%	50	92.59%	8	100.00%

No response	8	3.76%	3	5.56%		0.00%
Prefer not to say		0.00%	1	1.85%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

4. Marital Status

Which of the following best describes your current marital status?

5. Marital status	Total	% of Total	Shortlisted	% Shortlisted	Successful	% Appointed
Married/Civil Partnership	81	38.03%	29	53.70%	6	75.00%
Partnership	35	16.43%	9	16.67%		0.00%
Separated /Divorced	13	6.10%	5	9.26%		0.00%
Single	68	31.92%	8	14.81%	2	25.00%
Widowed		0.00%		0.00%		0.00%
Prefer not to say	7	3.29%		0.00%		0.00%
No response	9	4.23%	3	5.56%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

5. Sexual Orientation

How would you describe your sexual orientation?

Sexual orientation	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Heterosexual/straight	178	83.57%	43	79.63%	6	75.00%
Bisexual	13	6.10%	6	11.11%	2	25.00%
Gay/lesbian	7	3.29%	1	1.85%		0.00%
No response	8	3.76%	3	5.56%		0.00%

Prefer not to say	7	3.29%	1	1.85%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

6. Ethnicity

Which ethnic group do you most identify with?

Ethnic Groups Consolidated	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
White Scottish	114	53.52%	34	62.96%	6	75.00%
White British	51	23.94%	12	22.22%	1	12.50%
White Irish	5	2.35%	1	1.85%		0.00%
White Other	15	7.04%	1	1.85%	1	12.50%
Black (Black Scottish, Black British)		0.00%		0.00%		0.00%
African (African Scottish, African British)	4	1.88%		0.00%		0.00%
Asian (Arab)		0.00%		0.00%		0.00%
Asian (Indian)		0.00%		0.00%		0.00%
Asian (Pakistani)	2	0.94%		0.00%		0.00%
Asian (Chinese)	1	0.47%		0.00%		0.00%
Other Asian Background	5	2.35%	1	1.85%		0.00%
Latin American	2	0.94%	1	1.85%		0.00%
No response	8	3.76%	3	5.56%		0.00%
Other Mixed Background	3	1.41%	1	1.85%		0.00%
Prefer not to say	3	1.41%		0.00%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

7. Religion

What religion, religious denomination, body or belief do you affiliate to?

Religion	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
No response	9	4.23%	5	9.26%		0.00%
Buddhist	2	0.94%	2	3.70%		0.00%
Church of England		0.00%		0.00%		0.00%
Church of Scotland/England	35	16.43%	14	25.93%	2	25.00%
Humanist		0.00%		0.00%		0.00%
Jewish	3	1.41%	1	1.85%	1	12.50%
Muslim	2	0.94%		0.00%		0.00%
Sikh	2	0.94%		0.00%		0.00%
None	115	53.99%	25	46.30%	4	50.00%
Other (Not specified)	1	0.47%		0.00%		0.00%
Other Christian	16	7.51%	1	1.85%		0.00%
Prefer not to say	9	4.23%	4	7.41%		0.00%
Roman Catholic	19	8.92%	2	3.70%	1	12.50%
Total	213	100.00%	54	100.00%	8	100.00%

8. Caring Responsibilities

Which of the following best describes your caring responsibilities? (you can tick more than one if you wish).

Caring Responsibilities	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Care for a child/children	64	30.05%	24	44.44%	6	75.00%
Care for an adult	5	2.35%		0.00%		0.00%
Care for an adult/children	2	0.94%		0.00%		0.00%
Prefer not to say	3	1.41%	2	3.70%		0.00%
No response	9	4.23%	1	1.85%		0.00%
None	130	61.03%	27	50.00%	2	25.00%
Total	213	100.00%	54	100.00%	8	100.00%

9.1 Disability

The Equality Act 2010 defines disability in the following way:

"A person has a disability if s/he has a physical or mental impairment which has substantial and long-term adverse effect on their ability to carry out normal day-to-day activities". *Having read the above, do you consider yourself to have a disability?*

Disability	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Yes	18	8.45%	10	18.52%	3	37.50%
No	182	85.45%	38	70.37%	5	62.50%
Prefer not to say	5	2.35%	1	1.85%		0.00%
No response	8	3.76%	5	9.26%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

9.2 Consolidation of Health Conditions

Consolidation of health conditions	Total	% of Total	Shortlisted	% Shortlisted	Appointed	% Appointed
Deaf or Partially Deaf		0.00%		0.00%		0.00%
Learning Difficulty (e.g. Dyslexia)	8	3.76%	6	11.11%	3	37.50%
Long-term Illness, Disease, or Condition	5	2.35%	4	7.41%		0.00%
Mental Health Condition	3	1.41%		0.00%		0.00%
Blind or partially sighted	2	0.94%		0.00%		0.00%
No response	8	3.76%	5	9.26%	0	0.00%
Other	0	0.00%		0.00%		0.00%
Physical Disability		0.00%		0.00%		0.00%
Not applicable to applicant	182	85.45%	38	70.37%	5	62.50%
Prefer not to say	5	2.35%	1	1.85%		0.00%
Total	213	100.00%	54	100.00%	8	100.00%

Appendix 1 – Jargon Buster

Volunteers: CHS operates due to the work of our committed and hardworking volunteers. These are both those who are tribunal members attending panels across Scotland and those in our area support teams supporting the tribunal members. None are paid a salary although they may be reimbursed for reasonable expenses incurred in attending hearings e.g. parking costs.

Area Support Teams (ASTs): The ASTs are a team of volunteers who support and manage panel members in their local area supported by a Clerk who is a local authority employee.

CHS Community: The CHS Community encompasses panel members, AST members, board members and national team employees.

Panel Members

Panel members are volunteers from local communities across Scotland who are recruited and trained to make decisions to help the lives of vulnerable **children and young people attending children’s hearings**. Panel members commit to making themselves available at least once a month to prepare for and sit on a three hour hearing session.

Children’s Hearings System: The Children’s Hearing System is the care and justice system for Scotland’s children and young people.

Children’s hearing: A hearing consists of three lay tribunal members called panel members, who are trained volunteers from the local community. The hearing listens to the child or young person’s circumstances and views and takes these into account as well as those of the family and all the information that has been provided by, for example, social workers. The hearing then makes a decision about what support and help is needed and whether a compulsory supervision order is required.

Protected characteristics: Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (male or female); and sexual orientation.

Equality groups: persons who share a relevant protected characteristic.




Equality Impact Assessments (EqIAs): a set of processes for assessing the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty with consideration to relevant evidence relating to persons who share a protected characteristic.



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