

# Competence framework for panel members







## 1 Introduction and background

- 1.1 Children's hearings are legal tribunals and panel members are trained lay tribunal members. In order for panel members to be able to take up appointment they must be assessed as having satisfactorily completed comprehensive training. During this training, potential panel members must demonstrate the ability to meet a range of competencies linked to their important role as decision makers within Scotland's unique care and justice system for children and young people.
- 1.2 The National Convener published the National Standards for the Children's Panel in July 2012 and these set out the core values, principles and behaviours expected to be demonstrated by panel members in fulfilling their duties.
- 1.3 The national standards also set out what panel members can expect in return in terms of support and training from the National Convener, Children's Hearings Scotland (CHS) and training providers acting on the National Convener's behalf.
- 1.4 The competencies set out in the following pages are therefore directly linked to the national standards. They also provide a framework for panel member practice and for those Area Support Team (AST) members – particularly panel practice advisors (PPAs) – who are observing panel members in practice and making recommendations to the National Convener for reappointment of panel members.

## 2 The format of the framework

- 2.1 The framework has been in place since 2003 but was updated in 2012 and again in 2013 to reflect the provisions of the Children's Hearings (Scotland) Act 2011 (the 2011 Act) and the National Standards for the Children's Panel.
- 2.2 There are eight National Standards for the Children's Panel:
  - **Standard 1:** Children and young people are at the centre of everything that we do
  - **Standard 2:** Panel members are well equipped and supported to undertake their role
  - **Standard 3:** Panel member practice is consistent across Scotland
  - **Standard 4:** Every children's hearing is managed fairly and effectively
  - **Standard 5:** Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person
  - **Standard 6:** Area Support Teams are well equipped and supported to undertake their roles
  - **Standard 7:** Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful
  - **Standard 8:** Functions, roles and responsibilities are clearly defined and understood within the system
- 2.3 Of these, Standards 1,2,3,4, and 5 all link closely to the competence framework.



- 2.4 The framework has been updated to include seven main competencies, each one representing a core element of the panel member role.
1. Law and procedure (Standards 1,3,4,5)
  2. Equal treatment (Standards 1,3,4,5)
  3. Communication and children's views and participation (Standards 1,3,4,5)
  4. Conduct of hearing (Standards 1,3,4,5)
  5. Management of information (Standards 1,3,4,5)
  6. Decision making (Standards 4,5)
  7. Protecting rights (Standards 1,3,4,5)
- 2.5 Standard 8, Annex 1 sets out the key responsibilities of panel members and these also link closely to the competencies. The Annex is referenced in the competence framework.

### **3 Competencies and practice indicators**

- 3.1 Each competence aims to describe the elements of behaviour, knowledge and skill which represent best practice in relation to the relevant aspect of the role or functions of the panel member.
- 3.2 A competence can be defined as a learned skill or expressed behaviour assessed through observation of practice or performance. For each competence there are positive indicators which describe the behaviours which might be observed, or the requirements that might be met (for example during a reappointment interview), which demonstrate a competence.
- 3.3 Each member of a hearing must be able to demonstrate their ability to meet the competencies. There are additional competencies and practice indicators which apply to the chairing member, as they have additional duties in law.



## 4 Using the competence framework

- 4.1 The framework provides individual panel members with a summary of the knowledge, skills and behaviours which represent best practice. Alongside the National Standards for the Children's Panel (specifically Standard 8, Annex 1) panel members are encouraged to refer to the competencies when reflecting on their practice within hearings.
- 4.2 PPAs will refer to the competencies and to the relevant checklists within the Practice and Procedure Manual when undertaking panel practice observations and giving constructive feedback to panel members on their practice.
- 4.3 Panel members should be encouraged and supported to be self critical about their performance and proactive about identifying training needs.
- 4.4 Assessment and feedback against the competencies can enable individual training needs, best practice and worries about individual practice, to be accurately identified through effective observation by PPAs.
- 4.5 Through the links across the AST, general issues relating to training needs can be shared with the learning and development co-ordinators (LDCs). LDCs will liaise with the other AST members and with the national training provider(s) to ensure that **practice** and in practice issues inform the development and design of the national curriculum training programmes, supporting panel members to undertake their role competently and with confidence.



## 5 The competencies

### 5.1 Law and procedure

Panel members demonstrate an appropriate level of knowledge of the law, procedure and best practice in children’s hearings and this is evident in their practice.

<b>Each member of the hearing:</b>	
<p>5.1.1 Understands the legal framework and procedures of children’s hearings</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● is able to accurately describe and explain (in outline) the legal framework and procedures of a children’s hearing</li> <li>● can describe the roles and responsibilities of those involved in the Children’s Hearings System</li> <li>● acknowledges any gaps in own knowledge and seeks information or views from relevant sources to clarify</li> <li>● is familiar with and refers to the Practice and Procedure Manual provided to panel members by the National Convener</li> <li>● attends mandatory and other relevant training and takes active interest in keeping their knowledge up to date</li> <li>● demonstrates that they are familiar with the step by step guidance provided by the National Convener in the Practice and Procedure Manual for panel members and applies in practice</li> </ul>
<p>5.1.2 Understands the principles underlying the Children’s Hearings System and upholds them in practice</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● within the hearing keeps focus on the welfare of the child</li> <li>● demonstrates ability to regard the need to safeguard and promote the welfare of the child throughout the child’s childhood as the paramount consideration</li> <li>● shows that they are considering immediate, medium and longer term impact of decisions on the child</li> <li>● actively seeks the views of the child and encourages the child’s participation – in whatever form this takes – and takes account of the child’s views</li> <li>● demonstrates through their decision making, understanding of the beneficial order principle</li> <li>● keeps focused on the role of the panel member – shows understanding that their role is to make a decision and not to lecture or mentor</li> <li>● maintains the rights of the child and others present at the hearing</li> <li>● questions and/or gives an opinion where others appear to be overlooking rights</li> <li>● understands the need to maintain confidentiality and follows guidance in relation to storing papers safely and returning them to the Children’s Reporter at the end of the hearing</li> </ul>



<p>5.1.3 Understands and accesses legal information or advice through the office of the National Convener</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● appears well prepared and has carefully read papers</li><li>● ensures views and information are obtained during the hearing from all sources</li><li>● shows an interest in hearing the views and opinions of others, including the Children's Reporter, the professionals attending and fellow panel members</li><li>● understands and can describe the 'stages' set out by the National Convener in relation to advice and has awareness of when to obtain formal advice from the National Convener</li><li>● knows how to access training and learning and reference materials from CHS and shows an active interest in keeping knowledge up to date</li></ul>
---	--

<b>The chairing member:</b>	
<p>5.1.4 Has the knowledge and understanding of the procedures and best practice to effectively chair children's hearings and fulfil their duties</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● is able to describe the responsibilities of the chairing member as set out in the Practice and Procedure Manual provided to panel members by the National Convener</li><li>● accurately applies the relevant rules and procedures during the hearing and the guidance set out in the Practice and Procedure Manual provided to panel members by the National Convener, specifically the duties of the chairing member</li><li>● obtains views from appropriate sources when required</li><li>● enables all participants to express their views during the hearing and takes account of them</li><li>● maintains the rights of the child and others present at the hearing</li></ul>



## 5.2 Equal treatment

Panel members ensure and promote equal treatment for all involved in children's hearings.

### Each member of the hearing:

#### 5.2.1

Is aware of and respects cultural and other differences among all who appear before a hearing, including differences in age, beliefs, gender, race, religious customs, sexual orientation, class, lifestyles, language and any physical or learning disability

#### *Knowledge and practice indicators:*

- uses correct forms of address and appropriate language
- asks questions and encourages and engages in discussion in a manner that is sensitive to people's circumstances
- encourages participation from everyone and shows patience and tolerance where individuals require additional time, for example for translation
- shows through their questioning and consideration of information that they are open minded and fair and does not dismiss anyone's contribution on the basis of who the contributor is
- promotes fair and equal treatment, by appropriate approach, attitude and non verbal behaviour
- ensures that the needs and rights of everyone attending the hearing are properly accommodated
- shows an active interest in developing learning and awareness of equality and diversity issues and attends relevant training

#### 5.2.2

Facilitates and encourages the participation of the child or young person and family and all other parties to ensure a fair hearing takes place

#### *Knowledge and practice indicators:*

- explains in straight forward, everyday language the procedural, legal and other issues covered in the hearing, as appropriate, and seeks clarity of children's (and others') understanding
- shows skill in seeking the views and participation of children and young people who may find it difficult to speak, for example using 'pause' and other techniques
- takes necessary account of all factors that may discriminate and undermine full and effective participation
- appears open minded and shows that they have not prejudged the outcome of the hearing
- demonstrates, through the questions they ask and the contributions they make, their understanding of the need to protect rights and enable participation where there is a lack of capacity to understand and participate
- maintains the rights of the child and others present at the hearing





### 5.3 Communication and children's views and participation

Panel members ensure effective and purposeful communication at a children's hearing.

#### Each member of the hearing:

<p>5.3.1 Communicates effectively</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● shows care, warmth and respect towards children and young people and their families</li><li>● asks clear, concise and relevant questions which are understood by those to whom they are addressed</li><li>● uses open ended questions wherever possible, avoiding leading or shaping what is said by participants</li><li>● employs active listening skills by being attentive, checking perceptions and allowing time for responses</li><li>● shows empathy through sensitive choice of words and non verbal communication, where children and/or family members become upset</li><li>● shows a willingness to try to communicate where there are barriers – for example using humour appropriately</li><li>● demonstrates appropriate body language through suitable posture, gestures, facial expressions and eye contact</li><li>● regularly checks the understanding of all participants without being patronising</li><li>● enables those present to participate in the discussion and contribute to the decision making process</li><li>● demonstrates awareness of own and others' non verbal behaviour and its impact on the child and others at the hearing</li></ul>
<p>5.3.2 Communicates purposefully</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● ensures the child has opportunities at all stages of the hearing to express their views</li><li>● decides where appropriate to speak to the child on their own</li><li>● avoids using terminology, jargon and acronyms, which can inhibit participation – when these are used by others, explains the meaning</li><li>● assists with pacing the hearing, taking account of the child's stage of development, understanding, level of distress and attention span</li><li>● helps create a positive tone at the hearing through own verbal and non verbal contributions, avoiding lecturing, threatening or mentoring</li><li>● demonstrates sensitivity in situations where there is a high level of emotion, such as stress, distress, anger or conflict</li><li>● gives verbal decisions and reasons using clear and concise language so that the family understand them</li><li>● checks that what they have said has been understood</li></ul>



### The chairing member:

#### 5.3.4

Communicates effectively and purposefully

#### *Knowledge and practice indicators:*

- explains any relevant legal or procedural issues to the child and family in language they can understand
- is able to explain the grounds for referral to the child and relevant persons in language they can understand
- seeks clarity that the grounds have been understood and provides the child or relevant persons with the opportunity to accept or deny them (where relevant)
- explains the purpose of the hearing to the child and relevant persons clearly
- facilitates effective communication between the hearing members and everyone present
- gives own verbal decisions and reasons reflecting the content of the discussion – uses clear and concise language
- gives the hearing's decisions and reasons using clear and concise language so that the family understand them
- checks that they have been understood and makes every attempt to rephrase so that the child or young person is clear
- ensures that the record of the hearing's decisions and reasons clearly and adequately reflects the verbal reasons

## 5.4 Conduct of hearing

Panel members ensure a fair and effective hearing.

### Each member of the hearing:

#### 5.4.1

Conducts themselves in a manner that establishes and maintains the independence and authority of the hearing

#### *Knowledge and practice indicators:*

- arrives in sufficient time to have an adequate pre-hearing planning discussion
- recognises and discloses any potential conflict of interest
- anticipates possible difficulties that may arise in the hearing and devises ways of dealing with them
- behaves in a measured, calm and non-confrontational manner
- appropriately assists the chairing member in ensuring that all legal procedures have been carried out
- gives support to the other panel members and works as a team member
- demonstrates respect and has an awareness of own style of working and its effect on the functioning of the team and others at the hearing



**The chairing member:**

5.4.2

Manages the hearing in a manner that enables participation by all those present

*Knowledge and practice indicators:*

- sets the tone of the hearing through an effective approach, attitude, choice of words, posture, facial expressions and tone of voice – this enables participation by all leading to an informed decision
- identifies who is present at the hearing so all parties know who is there and in what capacity
- considers who should be present for all or part of the hearing, as appropriate
- explains the purpose and procedures of the hearing and checks that it can be understood by all present
- ensures that each party has the opportunity to participate and express views
- ends the hearing appropriately

5.4.3

Manages the flow of the hearing effectively

*Knowledge and practice indicators:*

- considers in advance how the hearing might be structured
- consults with the other two panel members prior to the start of the hearing on how the hearing will be managed
- identifies areas of agreement and disagreement
- demonstrates respect and maintains a proper balance between formality and informality
- maintains firm and effective control during difficult exchanges
- maintains focus and direction while being open to the unexpected and using time productively
- manages situations where there is a high level of emotion such as stress, distress, anger or conflict sensitively



### 5.5 Management of information

Panel members ensure that all the relevant issues are addressed by obtaining and managing information.

Each member of the hearing:	
<p>5.5.1 Undertakes necessary preparatory work for all cases</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● exhibits thorough knowledge of the reports and appears to have carefully considered all papers</li> <li>● contributes to the pre-hearing discussion</li> <li>● identifies areas requiring clarification or investigation</li> </ul>
<p>5.5.2 Identifies and assimilates relevant facts and information</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● identifies and uses only relevant facts and information in order to come to a decision</li> <li>● considers the child in the context of his or her family, race, gender, sexuality, community, class, culture, religion, language and any disability</li> <li>● avoids becoming distracted by information not relevant to the particular matter at hand</li> </ul>
<p>5.5.3 Ask questions concerning material issues</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● makes appropriate use of the agenda identified at the start of the hearing</li> <li>● asks questions which explore relevant information to inform the decision</li> <li>● avoids interpreting information inappropriately, for example exploring issues from a counselling perspective</li> </ul>

The chairing member:	
<p>5.5.4 Chairs the hearing ensuring all relevant issues are discussed and explored</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● introduces the agenda and invites contributions from those present</li> <li>● ensures all and, as far as possible, only relevant issues are addressed and considered</li> <li>● facilitates participation in the proceedings of the other panel members and all present</li> <li>● discloses material information from the reports which may influence the decision making process, unless there has been a request for non-disclosure</li> <li>● ensures that there is discussion about all other relevant issues by all parties</li> </ul>



## 5.6 Decision making

Panel members properly consider the child's needs, identification of relevant resources, effective deliberation and reasoned decisions for the future care of child.

Each member of the hearing:	
<p>5.6.1 Takes an active part in deliberations</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● uses reports and other information, including the child's plan, to identify key issues to raise in the hearing</li> <li>● checks understanding and interpretation of key issues by asking questions and listening to responses</li> <li>● expresses relevant views in discussion of issues</li> <li>● considers relevant resources, clarifying policies and practices with the appropriate professionals</li> <li>● considers risk factors relating to the child's situation, taking account of the child's views, race, language, culture, religion and any disability</li> <li>● assesses whether there is sufficient information to make a decision and, if not, identify what extra is required and from whom</li> </ul>
<p>5.6.2 Takes an active part in decision making</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● demonstrates that they understand the options open to them in line with the relevant legislation and the Practice and Procedure Manual for panel members</li> <li>● makes reasoned decisions based on and own assessment of situation and child's needs</li> <li>● articulates decision and reasons in clear and concise language the child and all participants can understand</li> <li>● demonstrates that reasons for the decision provide sufficient justification for compulsory intervention</li> </ul>

The chairing member:	
<p>5.6.3 Involves all members in deliberations and decision making</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● summarises issues at appropriate points in the hearing</li> <li>● ensures there is full discussion and that the child, any relevant person and all participants have an opportunity to express their views and that they are considered</li> <li>● establishes a structured decision making process</li> <li>● ensures decisions are given in clear and concise language with robust and fully justified reasons, including any minority decision and reasons</li> </ul>



**5.7 Protecting rights**

Panel members ensure that children’s hearings are compliant with the European Convention on Human Rights, the United Nations Convention on the Rights of the Child and any other relevant legislation.

<b>Each member of the hearing:</b>	
<p>5.7.1 Demonstrates the need to ensure the hearing is fair, transparent and proportionate</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● can describe the correct procedure throughout the hearing and is familiar with the Practice and Procedure Manual for panel members</li> <li>● applies the correct procedure throughout the hearing in line with the guidance in the Practice and Procedure Manual</li> <li>● ensures at the outset that everyone is aware of their rights in the process</li> <li>● checks all participants have received all the relevant materials</li> <li>● gives equal opportunity to all participants to express views</li> <li>● demonstrates ability to ask difficult questions and deal with sensitive issues</li> <li>● ensures all decision making takes place in front of all parties</li> <li>● understands decisions should be proportionate and fully justified</li> </ul>
<p>5.7.2 Upholds the rights of everyone involved to have their views heard</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"> <li>● invites contributions for consideration</li> <li>● recognises that the child and relevant persons have a right and obligation to attend unless formally dispensed with under the legal criteria at a pre-hearing panel</li> <li>● recognises that the child has the right not to express a view and does not force the child or young person to do so</li> <li>● considers different means of seeking the child or young person’s views, including making use of the “All About Me” documents and/or excluding certain people from part or parts of the hearing</li> <li>● understands the need to protect rights and enable participation where there is a lack of capacity to understand and participate</li> </ul>



<p>5.7.3 Demonstrates understanding of the responsibility not to intervene without justification ('no order principle')</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● considers options including voluntary support</li><li>● demonstrates awareness of potential impact of intervention on a child's and family's lives</li><li>● shows awareness of a child's rights to family life under the relevant legislation and conventions</li><li>● considers, where family life is being disrupted, when rights to continuing family links are appropriate</li><li>● gives fully justified reasons for decisions</li></ul>
<p>5.7.4 Upholds rights in the context of children's hearings</p>	<p><i>Knowledge and practice indicators:</i></p> <ul style="list-style-type: none"><li>● actively seeks to keep hearings child focused</li><li>● shows awareness of the right to participation and actively seeks to enable the participation of the child and relevant persons</li><li>● shows awareness of equality and diversity issues</li><li>● demonstrates a willingness to keep learning up to date in relation to rights issues</li><li>● is able to deal with a human rights issue should it arise during the hearing</li><li>● shows that while recognising the rights of parents, these may be superseded by the primacy of the rights of the child</li><li>● demonstrates ability to clearly explain rights at the end of the hearing</li></ul>

