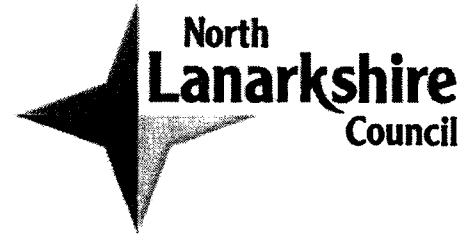


Our Ref: CPAC/ASA/IL  
Your Ref:  
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Date: 10 October 2011



### **Corporate Services**

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AST Consultation  
Childrens' Hearings Scotland  
Area 2E South  
Victoria Quay  
EDINBURGH  
EH6 6QQ

Dear Sirs,

### **Childrens' Hearings Scotland – Consultation on Proposals for the establishment of Area Support Teams**

I attach copy of the respondent information form together with North Lanarkshire Council's response to the consultation on proposals for the establishment of Area Support Teams.

The Council views with great concern the proposal to merge the current North and South Lanarkshire CPAC area into one Area Support Team. North Lanarkshire CPAC oversees one of the largest Children's Panel areas in Scotland currently with a membership of 160 Panel members or so. The proposal to merge North Lanarkshire with South Lanarkshire seems to be at odds with other proposals contained in the consultation paper, notably Fife which has a similar Panel membership. It is for that reason that North Lanarkshire Council is totally opposed to the proposal for a single AST for Lanarkshire.

As regards potential support by local authorities for the children hearings system, the Council notes that the consultation paper refers to the possibility of a service level agreement with Councils with a view to providing 'support' to the Area Support Team. The Council is not in a position to entertain any consideration of this issue without a full, detailed list of the expected roles and responsibilities with regard to any support to the Area Support Team and of the resources which will be made available.

Should you require any clarification on the foregoing or the contents of the Council's response please do not hesitate to contact Alastair Ashley on 01698 302445.

Yours faithfully,

**Head of Central Services**

*John O'Hagan, Executive Director, Corporate Services, Civic Centre, Windmillhill Street, Motherwell ML1 1AB*



**Service and People First**



# NORTH LANARKSHIRE COUNCIL

## REPORT

To: POLICY AND RESOURCES COMMITTEE		Subject: REVIEW OF CHILDREN'S HEARING SYSTEM - CONSULTATION ON THE ESTABLISHMENT OF AREA SUPPORT TEAMS
From: HEAD OF CENTRAL SERVICES		
Date: 1 August 2011	Ref: CA/ASA/RM	

### 1. Purpose of Report

To advise Committee of the content of the consultation paper "Proposals for the Establishment of Area Support Teams" and to seek approval for a response.

### 2. Background

2.1. The Children's Hearing System, which is uniquely Scottish, was introduced in 1971 following a report by the Kilbrandon Committee. The Kilbrandon Committee recommended a welfare base system should be created to respond to juvenile offending and that included in this system would be a new lay children's panel with responsibility for making decisions based on the child's best interest. The proposals of the Committee were adopted with some amendments and resulted in the Social Work (Scotland) Act 1968.

2.2. Each local authority has a duty under Schedule 1 of the Children's (Scotland) Act 1995 to form a Children's Panel Advisory Committee (CPAC). Scottish Ministers appoint the Chairman and two members and a local authority nominates two additional members (usually Councillors) to serve on the Committee. The Chairman must reside in the local authority area. The CPAC makes recommendations to the Scottish Ministers in respect of the non local authority CPAC appointments. The main duties of the CPAC are:-

- to submit names of possible Panel members to Scottish Ministers;
- to advise Scottish Ministers on the suitability of persons referred to them as potential Panel members, and
- to advise Scottish Ministers on matters relating to general administration of Children's Panels.

2.3. Administrative support is provided by local authorities, in the case of North Lanarkshire Council within Corporate Services. The Clerk to North Lanarkshire CPAC is John O'Hagan, Executive Director of Corporate Services. The Clerk:-

- provides administrative and secretarial services and makes arrangements for meetings;
- acts as a formal link between the CPAC, the local authority and Scottish Ministers;
- arranges for the recruitment of Panel members;
- liaises with the Children's Hearing Training Organisers;

- contacts the Scottish Executive for appointments, resignations and re-appointments of Panel members;
- keeps and maintains information about Panel members, including monitoring forms;
- monitors budgets and arranges for payment of expenses;
- offers advice and support to CPAC members on legal matters and other issues;
- deals with correspondence;
- participates in complaints procedures;
- attends, or arranges for a representative to attend, meetings of the CPAC, and
- may be asked to liaise with CPAC Chairman in respect of appointment of CPAC members.

### **3. Children's Hearing System Review**

- 3.1. The Corporate Services Committee at its meeting on 30 October 2008 considered a consultation paper entitled "Strengthening for the Future" – a consultation on the reform of the Children's Hearing System. The consultation paper proposed the creation of a new national body to undertake many of the duties currently undertaken by local authorities, Children's Panel Advisory Committees (CPACs) and the Scottish Government. The paper also proposed that local authorities should be taken out of the system except for a minor role of promoting the Children's Hearing System as part of community planning. These significant changes proposed by the consultation paper were made without making the case for the need for the changes and this was reflected in the Council's submission.
- 3.2. On 26 June 2009, the Scottish Government published a draft Children's Hearings (Scotland) Bill which was designed to put into effect much of what was contained in the earlier consultation paper. The draft Bill envisaged the creation of the role of President who, with the help of a national body, would take on the vast majority of the duties currently undertaken by local authorities and CPACs and with regard to Children's Panels in terms of providing administrative support.
- 3.3. The draft legislation proposed the replacement of Children's Panel Advisory Committees with Area Support Teams which would be appointed by the President.
- 3.4. The Children's Hearings (Scotland) Bill was enacted on 6 May 2011 with most of the substantive proposals contained in the original bill remaining. The role of President has been renamed National Convener and Ms. Bernadette Monaghan was appointed National Convener and took up her post on 1 April 2011 and the first Board meeting of Children's Hearing Scotland took place on 15 July 2011.

### **4. Consultation on the Establishment of Area Support Teams**

- 4.1. The consultation paper on proposals for the establishment of Area Support Teams (attached as Appendix 1) was issued on Friday, 29 July with a closing date of 21 October 2011.

4.2. The substantive proposals contained within the consultation paper are as follows:-

- Area Support Teams would undertake functions delegated by the National Convener including, but not necessarily confined to, those currently undertaken by Children's Panel Advisory Committees and Children's Hearings Training Units;
- the National Convener would appoint members of the Area Support Team, one of whom would be nominated by each constituent local authority, if the authority chooses to make a nomination, and a member of the Children's Panel who lives or works in the area of the Area Support Team;
- existing members of the Children's Panel Advisory Committees who were appointed by Scottish Ministers would transfer to the Area Support Team;
- Area Support Teams would be supported by paid staff. The National Convener's intention is to negotiate service level agreements with local authorities to transfer the role and functions currently carried out by Children's Panel Advisory Committee Clerks;
- Members of Area Support Teams should have a strong interest in child welfare and an understanding of the Children's Hearing System, with the ability quickly to gain a good working knowledge of it. It is also proposed that they should have the appropriate skills to act in a constructive monitoring role and to ensure that there would be National Training Programme for Area Support Teams scheduled to take place in Spring/ Summer 2012, with all members of Area Support Teams expected to undertake compulsory, core training and keep their skills up-to-date through refresher training.

4.3. Currently the North Lanarkshire Council area is covered by one Children's Panel Advisory Committee. However, the consultation paper envisages an Area Support Team covering the local authority areas of both North and South Lanarkshire Councils with provision of Sub-Committees as necessary. The proposed membership of the Area Support Team for Lanarkshire, as a minimum, is 7 National Convener appointees, 2 local authority nominees, 2 Panel member nominees and one Clerk.

## 5. Conclusion

5.1. North Lanarkshire Children's Panel currently has a membership of 156 members and supported by one single Children's Panel Advisory Committee. The proposed move to a Lanarkshire wide Area Support Team confirms concerns raised during previous consultations in that there would be a departure from the local setting which was a key element of the Kilbrandon Report in 1971 which envisaged the involvement of local people in the Children's Hearing System. The Kilbrandon report saw considerable merit in a process, particularly recruitment and selection, where local people would recruit and select local people as Panel members making life changing decisions about disadvantaged young people with a local authority area. The case for merging North and South Lanarkshire into one Area Support Team has not been made in the proposals and the current size of the Panel in North Lanarkshire is considered to be an appropriate size in its own right whilst still retaining the ethos of the Kilbrandon report.

5.2. The Children's Hearings (Scotland) Act 2011 removes the statutory role for local authorities in providing support to the Children's Panel Advisory Committees and the Children's Panel itself. The proposals contained within the consultation paper are, however, based on the expectation that local authorities would continue to support

the newly envisaged Area Support Teams but be accountable to the National Convener for their work in this role. Specifically it is the National Convener's intention to negotiate service level agreements with local authorities.

- 5.3. However, the functions of the new Area Support Teams are not limited to those currently carried out by the Children's Panel Advisory Committees. At the very minimum they include the onerous function of preparing the rota of Children's Panel members for hearings. Additionally a range of other functions can be delegated by the National Convener, and, to identify the resources required there would need to be a clear specification of the functions of the Area Support Team and the duties expected of the support staff.

## **6. Recommendation**

The Committee is asked to agree a response to the consultation (1) opposing the proposal that there be only one Area Support Team serving the whole of North Lanarkshire and South Lanarkshire and proposing, instead, a separate Area Support Team for each of North Lanarkshire and South Lanarkshire, and (2) indicating that further specification and clarity is required regarding the role and functions of Area Support Teams and the duties expected of support staff.

**Head of Central Services**

For further information in relation to this report, please contact Alastair Ashley on Ext. 2445