



**POLICY & RESOURCES
COMITTEE**

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CSD/247/2011/MJC

**DIRECTOR OF CORPORATE AND CUSTOMER
SERVICES**

CONTACT OFFICER:

**MARTIN CUNNINGHAM, DEMOCRATIC SERVICES
MANAGER, 0141 578 8251**

SUBJECT TITLE:

**CHILDREN'S HEARINGS SCOTLAND:
CONSULTATION ON PROPOSALS FOR THE
ESTABLISHMENT OF AREA SUPPORT TEAMS (AST)**

1.0 PURPOSE

1.1 The purpose of this report is to inform Members of changes to the Children's Hearings System resulting from the Children's Hearings (Scotland) Act 2011. The newly appointed National Convener for Children's Hearings Scotland has issued consultation proposals for the future support of the system in Scotland.

2.0 SUMMARY

2.1 The Children's Hearings System is presently supported in each local authority area in Scotland by a Children's Panel Advisory Committee (CPAC) which is responsible for recommending the appointment and re-appointment of Children's Panel members to the Scottish Government, monitoring panel members' performance at children's hearings and advising the Scottish Government on matters concerning the Children's Hearings System.

2.2 The Children's Hearings (Scotland) Act 2011 requires the National Convener of Children's Hearings Scotland to establish Area Support Teams (ASTs), in collaboration with local authorities, to replace the CPACs.

2.3 The National Convener issued her proposals for the establishment of ASTs on 29 July 2011 and has proposed that 17 ASTs should be established across Scotland, one of which would be comprised of East Dunbartonshire and West Dunbartonshire. The relevant extract from the National Convener's proposals is attached as Appendix 1.

2.4 The National Convener is required to reach agreement with each constituent local authority of the proposed AST and has requested that responses to her proposals should be provided by 21 October 2011.

2.5 The successful implementation of the Children's Hearings (Scotland) Act 2011 and establishment of an effective Area Support Team to serve the Hearings System within East Dunbartonshire fits well with the Council's strategic priorities. It is essential that the new Area Support Team is given the resources and support it needs to fulfil its duties to recruit and train members of the Children's Panel who have the responsibility for protecting young people from harm and dealing with those young people who participate in anti-social

behaviour and crime.

2.6 West Dunbartonshire Council considered and approved a similar report at their Corporate and Efficient Governance Committee on 21 September 2011.

3.0 **RECOMMENDATIONS**

3.1. It is recommended that the Committee:-

- a) Support the response to the consultation paper by the East Dunbartonshire CPAC, as appended to this report, subject to clarification on the delegation of powers to Sub-Committees as referred to in paragraph 4.2 below.

ALISTAIR CRIGHTON
HEAD OF LEGAL AND DEMOCRATIC SERVICES

4.0 BACKGROUND

- 4.1** Representatives of the East Dunbartonshire CPAC met on 5 September 2011 to consider its response to the National Convener's proposals and this is attached as Appendix 2.
- 4.2** The East Dunbartonshire CPAC is content for an AST to be established comprising of East Dunbartonshire and West Dunbartonshire but has proposed that a sub-committee should be established for each local authority area and that each sub-committee should separately have responsibility for the recruitment, reappointment and monitoring of panel members in its area. While the new legislation makes it clear that ASTs will have the power to form sub-committees, it does not specify the level of delegation permitted to such sub-committees. It is therefore recommended that this issue be addressed in the regulations which will support the implementation of the new legislation.
- 4.3** The East Dunbartonshire CPAC has a membership of five, three of whom are appointed by Scottish Ministers and two who are appointed by East Dunbartonshire Council. The National Convener will invite current minister-appointed CPAC members to transfer to the ASTs when they are established. The National Convener's proposal would allow each constituent local authority to appoint one member to the AST. However, there is provision in the Children's Hearings (Scotland) Act 2011 for a local authority to nominate additional persons to the AST, at the discretion of the National Convener and subject to the number of persons nominated by local authorities constituting no more than one third of an AST's membership..

5.0 IMPLICATIONS

- 5.1.** This report has been assessed against the Policy Development Checklist and has been classified as being an operational report and not a strategic policy document. The implications for the Council are as undernoted.
- 5.2.** Corporate Implications - The success of the Area Support Team model is dependent on local authorities agreeing to provide the same level of administrative support as is currently provided to CPACs. If agreement cannot be reached between this Council and West Dunbartonshire Council on how the proposed new AST will be clerked and how costs will be apportioned then the proposal by the National Convener could falter. Not only would this be detrimental to panel members who will be keen to have some stability returned to the Hearings System after this prolonged period of change, but there is also the risk of reputational damage to the Council.
- 5.3.** Legal Implications – The adoption of the Children's Hearings (Scotland) Act 2011 negates the Council's previous statutory obligations in relation to the operation of the Children's Hearings system in Scotland. However as the subsequent paragraphs show, there will be discussions with the National Convener regarding the operational level of support needed from Local Authorities to ensure the continued success of the operation of the Children's Panel / Hearing system in Scotland.
- 5.4.** C.R.O.D. Implications – The Sub-Committee model, which the local CPAC supports, could require more officer time and support than the single Area Support Team (AST) model as proposed by the National Convener. However, if both local authorities agree to support the clerking of their respective sub-committees and share the administration of the full AST on a rotational basis then the staffing implications on each authority would be reduced. The National Convener will discuss this with both local authorities once the outcome of the consultation is published.

5.5. Financial Implications – It is the intention of the National Convener to negotiate service level agreements with local authority chief executives to transfer the role and functions currently carried out by CPAC clerks to the Area Support Teams. Where an AST is made up of more than one local authority the National Convener will discuss with each constituent authority the arrangements for the provision of the clerk functions, which may require a contribution from each local authority for the provision of a full-time clerk to an AST. Clearly, the costs associated with administering the Sub-Committee model proposed by the CPAC will be higher than the single AST proposed by the National Convener.

Extract from 'Proposals for the Establishment of Area Support Teams' by the National Convener of Children's Hearings Scotland, published July 2011

17. East Dunbartonshire and West Dunbartonshire

- 17.1 Geography and Boundaries: East Dunbartonshire lies to the north of Glasgow and shares boundaries with Stirling Council to the north, West Dunbartonshire to the west, North Lanarkshire to the south and east and Glasgow to the south and west. It is a mixture of urban and rural areas. East Dunbartonshire recently re-located to a new hearings room provided by the local authority and based in the Kirkintilloch Registration Offices.
- 17.2 West Dunbartonshire is located between Loch Lomond and the Glasgow conurbation on the north bank of the River Clyde. It shares boundaries with Glasgow City, Argyll and Bute, Stirling, East Dunbartonshire and Renfrewshire and is separated from Renfrewshire by the River Clyde.
- 17.3 Size of panel to be supported by the proposed AST: The proposed AST would support approximately 114 members: East Dunbartonshire currently has 33 children's panel members and two joint children's panel chairs and West Dunbartonshire has 81 panel members, including one panel chair and three depute chairs.
- 17.4 Existing joint / cross-boundary CPAC or panel working that should be preserved: There are no joint working arrangements between the CPAC or panel in each local authority area at present. East Dunbartonshire panel has previously assisted South Lanarkshire colleagues by providing male panel members to assist with hearings in South Lanarkshire over a 6 month period.
- 17.5 The two local authorities work together, however, in terms of the following broader structures and partnerships: the Clyde Valley Community Planning Partnership (along with Glasgow City, Inverclyde and East Renfrewshire); the Criminal Justice Partnership (also including Argyll and Bute); North Strathclyde Community Justice Authority (also comprising Inverclyde, East Renfrewshire, Renfrewshire and Argyll and Bute) and; the Valuation Joint Board (also including Argyll and Bute).
- 17.6 How the proposed arrangement would deliver better support for panel members locally: The same considerations apply as I have set out in the previous section: I considered and discounted, the creation of an AST grouping similar to the SCRA North Strathclyde Locality Model that includes East Dunbartonshire and West Dunbartonshire. I concluded that there would be no benefits in this model in terms of more effective support for panel members or greater efficiencies.
- 17.7 I do believe, however, that there are benefits to be gained from a more outward-facing approach that would facilitate the sharing of good practice and learning, whilst avoiding the creation of an AST so large and geographically spread that it could not offer meaningful support to panel members and may adversely affect their retention.
- 17.8 Membership of the proposed AST as a minimum: I propose a core membership of 9 National Convener appointees, 1 local authority and 1 Panel nominee for each local authority area and 1 Clerk.

EAST DUNBARTONSHIRE CHILDREN'S PANEL ADVISORY COMMITTEE**Response to the Consultation on Proposals for the Establishment of
Area Support Teams**

Representatives of the East Dunbartonshire Children's Panel Advisory Committee (CPAC) considered the National Convener's Proposals for the Establishment of Area Support Teams at a meeting on 5 September 2011 and agreed to respond in the following terms.

The CPAC agrees with the National Convener's proposal for an Area Support Team (AST) to be established comprising of East Dunbartonshire and West Dunbartonshire.

Role of the AST

The CPAC proposes that sub-committees should be established for each constituent local authority in the AST and that each sub-committee should separately have responsibility for the recruitment, reappointment, monitoring and pastoral care/support of panel members in its area.

Paragraph 8 of the consultation paper recognises that "panel members sign up to serve largely on the panel in their local area and that this will not change with the introduction of Area Support Teams or the National Panel".

The CPAC considers that its members have also volunteered to serve in their local area and would therefore propose that AST members should carry out their responsibilities predominantly within their locality and that the majority of the functions currently administered by the CPAC should be administered by each sub-committee of the AST in the future.

The CPAC has concerns at the workload which may be associated with the position of the Chair of the AST, particularly in view of the fact that this person would be a volunteer.

Recruitment and Reappointment

The present guidelines for the recruitment of new panel members states that "prospective panel members... will generally live and/or work within, or have good knowledge of the areas for which the panel is constituted" (paragraph 12 of the Children's Hearings Guidance Circular CH2008).

In view of this, and particularly in recognition of the significant socio-economic differences which exist between East Dunbartonshire and West Dunbartonshire, the CPAC proposes that the recruitment of new panel members, and the reappointment of existing panel members, should be carried out by AST members who have a knowledge of the particular local authority area and who would be able to establish a relationship with panel members.

It is also considered that it would be impractical and off-putting to request that residents of East Dunbartonshire who were interested in becoming panel members attend for interview in West Dunbartonshire or vice versa.

Composition of the AST

Paragraph 3.1.8 of the consultation paper acknowledges that the pastoral role to be undertaken by identified AST members would require them to get to know, and be known to, panel members, and that for ASTs which would be composed of more than one local authority area, an adequate number of panel members should be appointed for each constituent authority.

In recognition of the larger size of the West Dunbartonshire Children's Panel (at present 77 panel members compared to 33 panel members in East Dunbartonshire, as stated in paragraph 17.3 of the consultation paper), the CPAC would propose that a greater proportion of panel members from West Dunbartonshire should be appointed to the AST than are appointed from East Dunbartonshire.

Local Training

The CPAC has concerns that fully-integrated local training for all panel members in East Dunbartonshire and West Dunbartonshire would incur a significant increase in panel members' travel expenses.

Panel members in both East and West Dunbartonshire are each required presently to attend 50% of local training sessions and it is considered that increases in the time and distances required to be travelled by panel members in order to attend local training may have a negative effect on the attendance and retention rate of panel members. It is important to bear in mind that panel members are volunteers.

It is therefore proposed that the majority of local training should be provided separately in East and West Dunbartonshire, with one or two training sessions being held jointly each year to provide opportunities to share learning and examples of good practice.

The CPAC agrees with the National Convener's comments in paragraph 17.7 of the consultation paper that the proposed AST "would facilitate the sharing of good practice and learning" and considers that this could be achieved through the sharing of some local training activities.

The CPAC considers that local training should be flexible and that panel members should be able to choose whether they attend the programme of local training in East Dunbartonshire or West Dunbartonshire in view of the fact that a small number of the present members of the West Dunbartonshire Children's Panel are residents of East Dunbartonshire.

Monitoring of Hearings

As stated above, it is considered that AST members would best be able to establish relationships with panel members who serve in the same locality and it is therefore anticipated that AST members should conduct the monitoring of panel members predominantly at their local Reporter's Office.

It is anticipated that panel members in West Dunbartonshire may sometimes be requested to attend hearings in East Dunbartonshire, and vice versa, but it is considered important that this be at the discretion of panel members.

Conclusion

The CPAC considers that two sub-committees in an AST comprising of East Dunbartonshire and West Dunbartonshire, each with responsibility for monitoring, recruiting, reappointing and providing pastoral care/support to panel members in its locality would be cost-effective, efficient and would allow the continuation of the good relationships which have been developed among the relevant agencies.

