

## **CONSULTATION ON ESTABLISHMENT OF AREA SUPPORT TEAMS (ASTS)**

### **RESPONSE FROM EAST RENFREWSHIRE COUNCIL**

1. Some comments in the consultation document are either factually inaccurate or subject to misinterpretation as follows:-

- Regarding Paragraph 18.3, with very few exceptions (e.g. some emergency Hearings), all East Renfrewshire Hearings take place in Barrhead, East Renfrewshire (not Paisley as documented) prior to which they took place at East Renfrewshire Council Headquarters, with assistance from the Council. It is acknowledged that the Authority Reporter covering East Renfrewshire is based in the Scottish Children's Reporter Administration (SCRA) Offices, Paisley, but the Authority Reporter and related Hearings arrangements for East Renfrewshire and Renfrewshire are separate. It is acknowledged that SCRA's new management arrangements for West Dunbartonshire now rest jointly with the East Renfrewshire and Renfrewshire Authority Reporters based in Paisley, but based on comments made by the East Renfrewshire Authority Reporter, it was not anticipated that there will be an impact on day to day operations for East Renfrewshire Hearings.
- Paragraph 18.3 implies that East Renfrewshire has been involved in a concurrent panel membership scheme (the temporary sharing of panel members between two areas for a short period of time through a formal agreement) but this is not the case, although it is understood that some Renfrewshire panel members were involved in such a scheme with Inverclyde at one point for a short period of time.
- Regarding Paragraph 18.6, proposing a minimum membership of Renfrewshire/East Renfrewshire AST of 15 (including 10 current Children's Panel Advisory Committee (CPAC) Ministerial appointees (7 from Renfrewshire CPAC; and 3 from East Renfrewshire CPAC)), it is understood that there are only currently 5, rather than 7, Renfrewshire CPAC Ministerial appointees.
- There is an inconsistency and inaccuracy in the paper regarding the extent to which areas have contributed to national and other groups, with the documented position for some areas appearing to have helped justify some proposals for stand-alone ASTs. Such comments have not been attributed fairly to at least some areas where this is arguably and strongly justified, including East Renfrewshire. There are a significant number of examples of national groups and initiatives to which successive East Renfrewshire CPAC Chairs and the Clerk have contributed, including relating to the promotion of standardised practices across Scotland. Weight appears to have been given inconsistently to this in relation to the development of AST proposals.

2. Some developments are welcomed and considered positive, such as the establishment of a figurehead for panel members and flexibility which panel members will have to move between areas in future, subject to them wishing to do so, without the need for bureaucratic concurrent panel membership schemes to be established. Reflecting a significant contribution already made by East Renfrewshire to promoting the development of standardised practices, it is known that standardisation initiatives (a central and key theme of AST proposals aimed at delivering change and improvement) have always been, and continue to be fully, supported locally by East Renfrewshire CPAC and Children's Panel (CP). There is also local commitment to further standardisation in future. Standardisation work has already resulted in efficiency gains. For example, the need to discuss locally a range of issues on recruitment, monitoring and reappointment of panel members has reduced. It is known that ideas for further standardisation have been put forward locally for consideration at a national level, including recently in response to a request for these and that examples of best practice locally have been shared with others.

3. Reflecting the views of East Renfrewshire CPAC and CP, the establishment of an AST covering East Renfrewshire and Renfrewshire is not supported and, as an alternative, an AST for East Renfrewshire alone should be created. This view takes account of views and concerns held by East Renfrewshire CPAC and CP that the continuation of current local arrangements, that are known to work well, appear to have effectively been sacrificed, when focus should have been placed on addressing issues in some areas elsewhere where operational problems were said to exist. The potential for further improvement nationally and locally has been acknowledged by the local CPAC and CP which have embraced the national standardisation programme. This and other improvements to practices locally are evidence of the importance attached locally to continuous improvement.

4. A number of specific comments are offered as follows:-

- It is known that representatives of East Renfrewshire CPAC and CP have already emphasised strongly to the National Convener (NC) their view that the Hearings System in East Renfrewshire operates extremely well and have stressed that they value highly support provided to them by the Council and many Officers within it and to the Hearings System generally. Reflecting that support, turnover of local panel members has been relatively low since 1996 through which, for example, substantial pre-service training costs for panel members have been minimised and there has not been a need to progress time-consuming and resource-intensive recruitment of new panel members every year supported by local authority officers.
- The Council shares the view of East Renfrewshire CPAC and CP Members that excellent communication and harmonious working relationships exist in East Renfrewshire, and have always done so, between all key stakeholders involved in the Hearings System. The Council also agrees with the local CPAC and Panel that many positive aspects of local working arrangements are considered to be directly attributable to the small size of the Panel and CPAC operation in East Renfrewshire and the particular and positive approach of key local stakeholders, including East Renfrewshire Council and its Officers, to the Hearings System, which have allowed excellent working relationships to be formed and focus to be placed by all on addressing the needs of vulnerable children and families locally. It is disappointing that irrespective of this, the creation of an AST for East Renfrewshire has not been suggested as an option. Furthermore no guarantee or assurance has been provided by those promoting change that the positive experience enjoyed locally by East Renfrewshire CPAC and CP volunteers at present will be improved upon or even matched under a joint area AST under which new challenges would require to be faced. The management of relationships between CPAC and CP volunteers and two local authorities, which may differ in their approach to the Hearings System as a whole, is just one of these.
- During a recent meeting at which discussions took place between East Renfrewshire and Renfrewshire CPAC and Panel Office Bearers and some local authority officers on operational arrangements, including on panel member recruitment, reappointment and monitoring, the difference in scale of the tasks associated with these in both areas at present and related implications for East Renfrewshire volunteers became apparent quickly. It is known that East Renfrewshire CPAC and CP have concluded and are concerned that their workload is likely to increase unacceptably to them in future beyond that at present.
- The Council agrees with East Renfrewshire CPAC and CP that there will be a mismatch in terms of the scale of influence that East Renfrewshire CPAC and panel members will have at AST discussions compared to the influence of Renfrewshire appointees, based on the balance of the membership of the proposed AST.

- Regarding the number of panel members which the proposed East Renfrewshire/Renfrewshire AST would support (approximately 110, around 25 of whom would be from East Renfrewshire) and whilst it is acknowledged that some assurances have been given on where panel members will actually serve, the extent to which East Renfrewshire panel members would continue serving for the benefit of East Renfrewshire to which they have been appointed (either for the time-being or in future) remains unclear and unspecified. The extent to which flexibility is expected of local panel members to serve outside East Renfrewshire and what is meant by 'local area' has not been specified sufficiently and there is a pressing need for absolute clarity on this.
- It is known that some views expressed by Renfrewshire delegates at a recent meeting in support of amalgamating the East Renfrewshire and Renfrewshire Panels on the basis that there would be no merit in maintaining separate ones if a single AST covering both areas is established and that there could be advantages for their area of doing so, are not supported by local CPAC and Panel members in this Council's area. A misunderstanding at the meeting on the part of some attendees that all East Renfrewshire Hearings take place in Paisley was corrected. East Renfrewshire CPAC and CP hold the view that an amalgamation of the Panels would create a real risk that many valued panel members will be lost to East Renfrewshire and the Hearings System if pursued. The Council shares that view.

Through local consultation on the AST paper, it is known that real concerns exist amongst East Renfrewshire panel members that the particularly positive experience they consider they have had and continue to have of the approach of East Renfrewshire Community Health and Care Partnership and Education Department to meeting the needs of local children and families; implementing Hearings decisions; making resources available; and addressing the very few concerns that are expressed from time to time by the Joint Panel Chairs on their behalf at liaison meetings with social work and education managers on issues that it is felt need to be addressed, will not be replicated if the current proposals are implemented. There would also be challenges for East Renfrewshire panel members simply having to deal with two local authorities in the future which could make planning local training difficult and require panel members to attend some sessions outwith East Renfrewshire. It is arguable that some local training, specific to the local authority area, would need to continue to be provided for panel members in any case, as the approach of East Renfrewshire and Renfrewshire social work services, such as in making resources available for children, is unlikely to be the same and may be radically different. This does not seem to have been fully considered.

- It is of concern that, overall, insufficient weight appears to have been given to the high quality and value attached by local CPAC and Panel Members to the current service and support arrangements in place locally simply in favour of creating a larger AST of which East Renfrewshire representatives would become a relatively small and minority part, even if the over-estimation of the current number of Ministerial CPAC appointees in Renfrewshire was addressed. The current extended size of Renfrewshire CPAC and related impact on the AST proposed creates a risk that those representing East Renfrewshire would be unable to influence the outcome of at least some discussions which will have a direct impact, possibly detrimentally, on the current local area. If a mechanism to address the imbalance over time exists, that is not clear.

- Paragraph 18.6 refers to the proposed minimum membership of the AST. A review of the proposed minimum membership of all 17 proposed ASTs reveals various anomalies. For example, in contrast to the proposed East Renfrewshire/Renfrewshire AST for which a minimum AST membership of 15 is proposed for an area of around 110 panel members, the minimum number of proposed AST members for the North and South Lanarkshire AST (covering 240 panel members) is only 12. Other anomalies of this nature are reflected in the document, those relating to Glasgow being most striking.
- It appears that the size of Panels and related statistics (e.g. those provided in Appendix 2 of the consultation paper) have, for most areas, been used as a justification for the proposals put forward. However the factual position is that Glasgow AST area would be substantially larger than any other by a large margin (joint or stand alone AST). Despite reference in the consultation document to discounting a super-structure that would have impacted on East Renfrewshire, no similar argument has been made for splitting Glasgow into smaller teams, although arguably, on the basis of the justification for proposals for at least some areas, that approach should have been promoted. Why scale as an issue is raised for some areas, and not for Glasgow, remains unclear and illogical.
- Taking account of Paragraph 3.1.7 and the scale of the task of providing pastoral support to a Panel of the size of the current Renfrewshire Panel, we share a view expressed by Hearings System volunteers in both East Renfrewshire and Renfrewshire, that identifying a single panel member willing to be a member of the AST and carry out this pastoral role, on a voluntary basis, for Renfrewshire based panel members would be difficult. Scope therefore remains to either appoint additional panel members to the AST from Renfrewshire to cope (potentially further imbalancing the membership of the AST in favour of Renfrewshire) or to expect Panel representative(s) from East Renfrewshire to share this task, but for panel members outwith their own area and unknown to them. A range of issues could impact on the scale of this task in what seem to be two quite radically different areas. The small scale of the Children's Panel in East Renfrewshire and working relationships formed, where people are known to each other, makes taking on pastoral responsibilities more manageable and meaningful.
- Real and additional benefits that would be realised locally from a joint AST arrangement have not been sufficiently specified or demonstrated. In reaching this conclusion account has been taken that:-
  - Reflecting an outward facing approach, the use of standardised procedures by East Renfrewshire CPAC and Panel Members, as developed nationally have, without exception, already been adopted and embraced locally, generating efficiencies and improving consistency with practice across Scotland;
  - East Renfrewshire panel members already have opportunities to attend pre-service and some in-service training on an inter-authority basis, allowing experiences to be shared with those elsewhere and that would continue to be the case under the future arrangements for providing/funding such training;
  - It is known that steps are being taken at a national level to improve the consistency of experience which panel members receive when they attend non-local training, as currently provided by Children's Hearings Training Units, but this would fall outwith the control of ASTs;

- Valid arguments have not been made to suggest that interests of volunteers serving in East Renfrewshire or local children and families would be better served simply by volunteers falling under an area covered by a larger AST;
  - Concerns that it was argued were expressed regarding the reimbursement of expenses for volunteers in a few areas (outwith East Renfrewshire) are being addressed at a national level again in a way that is unrelated to the establishment of ASTs;
  - The local Authority Reporter is involved not only in East Renfrewshire Hearings, but also in attending other meetings at a single local authority level, including of East Renfrewshire Child Protection Committee which has a key role in addressing the needs of vulnerable children and young people in the Council's area;
  - The Panelpal IT package is now being used in East Renfrewshire for the Panel rota and there are plans to roll out its use for other purposes when possible, creating further administrative efficiencies and other standardisation type gains;
  - Taking account of comments made above on access to inter-authority training and adoption of standardised practices locally, it is not clear where other gains would be made locally;
  - The proposals reflect a departure from dealing with issues in a local setting, as promoted by the Kilbrandon Report which envisaged the involvement of local people in the Children's Hearings System.
- A local authority appointee (an elected Member) on East Renfrewshire CPAC with a close oversight of children's social work issues services would be ineligible to serve on an AST. This is regrettable since the involvement of such an elected Member has been highly valued by volunteers locally. Matters needing to be raised with such an elected Member could be in future, but this would have to be through an AST member, creating an unnecessary barrier. A potential conflict of interest is acknowledged, but because elected Members do not directly influence independent decisions made by panel members, the proposal is unnecessarily restrictive, especially as the potential list of criteria for appointing AST members seems extensive and risks ruling out at least some from participating.
  - It is not clear if the Authority Reporter will be permitted to attend AST meetings (Paragraph 1.10 refers).
  - Paragraph 18.3 comments on the lack of any real, existing joint and cross boundary CPAC or Panel working arrangements between Renfrewshire and East Renfrewshire, arguably because no valid reason or need for this has existed in the past so far as the local CPAC and Panel is concerned.
  - The new Act removed the statutory role of local authorities to support the local CPAC and Children's Panel, but the AST proposals reflect an expectation that they will continue to do so, although their accountability, including that of the Clerk, will be to the NC. Until SLAs are negotiated with local authorities and relevant issues are considered, discussed and resolved, it is impossible to comment on these proposals because proposals associated with the creation of the AST and related support arrangements are inextricably linked. Arguably they should have been put forward together in sufficient depth.

The full extent to which AST functions will be the same as, or differ from, those carried out by current CPACs and of additional burdens that could be placed on ASTs, Clerks and related Officers under the direction of the NC remains unclear. As already indicated to the NC by Officers of the Council some support issues may not be straight forward to resolve, including regarding exact support needs and arrangements; the Clerk's role; and related management and accountability arrangements amongst others and there may be impediments associated with the arrangements operating exactly as suggested, including because no single officer in East Renfrewshire or Renfrewshire provides support as a primary function of their remit. Pending resolution of the types of issues referred to above, commenting more fully is impossible. It is not considered likely that TUPE provisions would apply to the Officers concerned.

The proposal that a paid officer, the AST Clerk, should be a full member of the AST is not supported. Clerks should support, but not be a member of, the AST. If implemented, the role would be significantly different from that of a CPAC Clerk.

For practical reasons, it is likely that some operational arrangements would best be made locally even if a joint AST was established. For example, subject to a subgroup of the new National Panel remaining in place for East Renfrewshire, it is unlikely that there would be merit in requiring local applicants to travel outwith this area to attend either information meetings or appointment interviews etc. for panel membership and therefore there would be local implications in terms of support for these activities. The adoption of standardised procedures, such as those already adopted, have generated some efficiencies, but the extent to which simply joining up areas will actually reduce the total officer workload is very unclear at present, including in the absence of knowing the extent to which support functions will be delegated to ASTs by the NC.

It is known that, having adopted standardised procedures which East Renfrewshire has contributed to creating and being supportive of further such developments and the sharing of best practice, members of East Renfrewshire CPAC and Children's Panel remain strongly of the view that there are not considerable benefits, if any, to be gained for East Renfrewshire from a joint AST arrangement with another authority, even its close geographical neighbour Renfrewshire or from East Renfrewshire CPAC and CP Office bearers having to contribute to resolving issues that may be attributable solely to the approach of another local authority. Their strong view is that arguments suggest that the proposed arrangement is likely to be detrimental to East Renfrewshire. The Council supports their view that valid arguments have not been made that suggest that the changes proposed for East Renfrewshire would impact positively, or at all, on local children and families, panel members or CPAC volunteers and possibly negatively on CPAC and Panel volunteers.

Like East Renfrewshire CPAC and CP, the Council accepts, unreservedly, that joint arrangements may be considered warranted, beneficial and appropriate in some areas, but finds extending this argument to East Renfrewshire in this case difficult. The proposals require further thought, giving due consideration to wishes and views expressed locally.

In summary:-

- (a) there is a need for further specification and clarity on the roles and functions of the Clerk, and on related support staff and associated workload issues, before a definitive view can be offered by the Council on these issues;
- (b) supporting views expressed by East Renfrewshire Children's Panel Advisory Committee (CPAC) and Children's Panel, the Council does not support the creation of a joint East Renfrewshire/Renfrewshire AST; and
- (c) the Council requests that a stand alone AST for East Renfrewshire is established by the NC which is independent of Renfrewshire.