

Report on Consultation Responses to the Proposals for the Establishment of Area Support Teams (ASTs)

Introduction

On 29th July 2011, Bernadette Monaghan, the first National Convener of Children's Hearings Scotland (CHS), launched a consultation document setting out her proposals for the establishment of Area Support Teams (ASTs). This stemmed from the requirements set out in the Children's Hearings (Scotland) Act 2011 that the National Convener must establish Areas Support Teams in collaboration with each local authority to replace the existing 30 Children's Panel Advisory Committees (CPACs).

The proposals highlighted the National Convener's vision and commitment to provide consistent, adequate and high quality support to panel members to achieve national consistency and share existing good practice and learning. Above and beyond that is the firm belief that the new streamlined arrangements will ultimately benefit the children themselves, wherever they are, whatever their circumstances, needs and aspirations might be.

The consultation was intended for, and sent out to, all those who have an involvement with, or interest in, the Children's Hearings system i.e. local authorities, Children's Panel Advisory Committees and chairs, members, clerks and Panel chairs.

The consultation period lasted for 12 weeks. 67 responses were received which are available on the Children's Hearings Scotland website.

The National Convener is extremely appreciative of the valuable contribution made by all participants and this report focuses on the main points and questions put forward by the local authorities in light of the consultation.

The first section will outline the views of the local authorities on the proposed new 17 Areas Support Teams regarding the proposed arrangements set out in the consultation document.

The second section highlights the most common questions and comments raised by local authorities and CPACs.

Section 3 provides an overall analysis of the responses received from the local authorities whilst section 4 outlines the next steps that the National Convener will take to engage with individual councils to resolve any outstanding issues.

Section 1 - Proposed Area Support Teams (ASTs): views on new joint structures.

1. Aberdeen City and Aberdeenshire

Aberdeenshire mirrored the dedication and commitment of all local authorities to “enhance the role of Panels in securing better outcomes for young people”. The view expressed by the council was that clarification was needed in the areas of finance, role and responsibilities of the new structure before any agreement to the proposals could be made.

Aberdeen City’s favoured option was the creation of a standalone AST for its area to, among other things, preserve expertise, knowledge of the system and existing support mechanisms. The council’s view was the proposal for a joint AST would not achieve the desired effects and make it difficult to work jointly as one entity with Aberdeenshire.

2. City of Edinburgh Council

The council’s comments formed the basis for a joint and consistent response between itself, the local CPAC and Panel. The council was supportive of the National Convener’s proposals regarding the creation of a standalone AST for Edinburgh as well as the objectives used to determine the outcome of the AST structure and the overall number of ASTs to be created.

Similarly to the views expressed by many respondents, the City of Edinburgh Council was keen to hold further discussions with the National Convener to iron out any issues identified, for instance the need for a continuity plan and a clear model for a Service Level Agreement.

3. Clackmannanshire, Falkirk, Stirling and West Lothian

Falkirk and West Lothian councils both responded and although the latter welcomed the proposals, it identified a number of areas meriting further clarification e.g. identifiable milestones, key targets, anticipated benefits, efficiencies and improvements brought by ASTs, timeline for the transition to ASTs, size of panel area, etc. Falkirk council raised a number of reservations and it too, welcomed the opportunity to hold further discussions with the National Convener before forming a definitive view.

4. Dumfries and Galloway

Two responses were received, one from the council itself and one from its education services. Both were supportive of the proposals and recognised that the geographical characteristics of the region in terms of distances of travel to hearings centres and training venues and accessibility did merit the establishment of a standalone AST for that area. The council however, did express the need for further clarification with the National Convener in relation to a number of matters e.g. core membership of the current Children’s Panel Advisory Committee to ensure continuity of service, provision of support and training, etc.

5. Dundee, Perth and Kinross, Angus

All three local authorities responded to the consultation document. Dundee City Council expressed concerns about the workability and practicality of having only one AST covering what would be a “very large and diverse geographical area” as well as the impact on workload.

Perth & Kinross and Angus councils’ views on the new structure were broadly similar in terms of the uncertainties regarding the clerks’ functions and the impact on budget. Both agreed that further details about future Service Level Agreements were needed.

6. East Dunbartonshire and West Dunbartonshire

Both councils supported the proposals for establishing one AST comprising the two local authorities and this view was equally shared by both CPACs. A sense of unity was clearly expressed in the two responses which both recommended that sub-committees should be established for each local authority area with their respective powers to be determined and agreed.

7. East Lothian, Midlothian and Scottish Borders

Midlothian Council and Scottish Borders Council did not respond to the consultation. East Lothian Council did submit a response; however, it contained confidential information. For this reason, the submission was not published.

8. Fife

Fife Council did not respond to the consultation however, Fife Children’s Panel and members of the Fife Children’s Panel Advisory Committee fully supported the National Convener’s proposal that Fife should be established as a single AST.

9. Glasgow City Council

Glasgow is the largest children’s panel in Scotland and its response focused mainly on the essential support of clerks and administrative staff to the successful establishment of ASTs. This support was equally recognised by the National Convener in the consultation document. Like many of the respondents, the council supported the development of ASTs and welcomed the need for further discussions with the National Convener.

10. Highland and Moray

The Highland Council’s submission agreed with the National Convener’s goal to streamline existing arrangements “to ensure that Panel members are fully supported to a consistently high standard and that children and young people have a high quality experience in hearings across Scotland”. This concept, quite appropriately, very much lies at the heart of the consultation document. The council’s response did highlight a number of areas – structure and role of AST members – which would benefit from further discussions with the National Convener.

The Moray council's response made the case for a standalone AST to preserve the existing quality of its service to children, families, members and Panel members of Moray. The council further expressed some apprehension that by merging with Highland, AST members will have to travel greater distances to meetings and/or hearings, with the potential unwanted effect of impacting adversely on the service provided by the AST.

11. Inverclyde and Argyll and Bute

Inverclyde council's response did not identify a need - or justification - for merging its area with Argyll and Bute into one AST, nor did it identify any substantial or added benefits, financial or otherwise, to be gained from such linking. This was echoed by Argyll and Bute council which favoured a standalone AST for its area.

12. North, East and South Ayrshire

All three councils agreed in principle with the National Convener to have one AST covering the three areas. This is welcomed and will be subject to further discussions between the local authorities themselves and the National Convener to ensure that the new structure will provide the best possible support and outcome for staff and children.

13. North and South Lanarkshire

North Lanarkshire council's view was to establish one standalone AST for its area as well as one AST covering South Lanarkshire. This stemmed mainly from concerns that the size of the new extended area would cease to be local in nature and thus depart from the principle according to which decision makers in the Hearings system are local people making decisions about the children of their communities.

This has to be contrasted with the response from the Social Work Resources department at South Lanarkshire council which identified a number of benefits of having a joint AST.

14. Orkney Islands

Although the council did not submit a response to the consultation, the local CPAC and Children's Panel did endorse the National Convener's proposals to establish a standalone AST. Both the Committee and the Panel welcomed the opportunity to clarify any outstanding points with the National Convener.

15. Renfrewshire and East Renfrewshire

In its response, East Renfrewshire council favoured the creation of one AST covering its area alone rather than one AST covering both councils' areas, as proposed in the consultation document. This view was endorsed by the CPAC and Children's Panel.

Before committing to any decision, Renfrewshire council's response indicated that a number of issues should be clarified with the National Convener, i.e. Service Level Agreement regarding the provision of services to the AST.

16. Shetland Islands

The council welcomed the proposal to establish a standalone AST and indicated its agreement to discuss any outstanding issues with the national Convener.

17. Western Isles

The Council welcomed the proposal to establish a standalone AST and will hold further discussions with the National Convener to clarify any outstanding points.

Section 2 - Comments and questions raised by respondents.

18. Roles and responsibilities

- What are the short, medium and long term aims for ASTs?
- What are the exact duties and roles of the AST?
- What are the proposed duties of CHS staff and for the local authorities?
- What is the timeline for the transition to ASTs?
- Who will be responsible for managing the change process at the local level? Who will be accountable for this and who will monitor it?
- Will the clerk position be full time? What will be their role?
- What are the role and reporting arrangements for the AST clerk?
- What support is expected from local authorities?
- What will be the relationship between Scottish Children's Reporter Administration (SCRA) and AST?
- Is the ratio of one panel member per local authority sufficient?

19. Funding

- How will ASTs be funded and will it be on actual cost basis or on annual budget?
- What will the funding arrangements be in the short, medium and long term?
- Budgets for 2012-13 are being set now, so when will negotiations start?
- What is the split of funding between the AST and CHS?
- What is the comparison of current and expected future costs for AST functions?
- Who will hold responsibility for providing resources and associated costs e.g. catering, accommodation, expenses, etc?
- What efficiencies and improvements are expected from ASTs?

20. Service Level Agreement (SLA)

- Will individual Service Level Agreements be agreed with each local authority or will there be one single SLA on behalf of all local authorities?
- Discussions regarding joint ASTs need to take place between local authorities before the SLA can be reached
- The split of support between constituent local authorities in a joint AST needs to form part of the service level agreement
- When is the approval from local authorities required by?
- Is there a template for the service level agreement?
- What will happen if local authorities disagree with the proposals?
- What will happen if one of the local authorities in a proposed joint AST disagree?

21. Future consultation

- Has an Equality Impact Assessment been carried out, if not, will there be one and when?
- What consultation agreements will be put in place to obtain consent from local authorities regarding the duties of ASTs?

- There will be a need for a consultation in accordance with the Children's Hearings (Scotland) Act 2011 on the functions of the proposed ASTs

22. Sub-Committees

- Are sub AST committees allowed?
- What is the scope to increase the membership of ASTs?
- What powers does an AST have to delegate to a sub-committee?
- AST sub-committees should have responsibility for recruiting, reappointing, monitoring and pastoral support of panel members in their respective areas

23. Rota

- How will panel members be allocated to Hearings?
- Will local postcodes be used to reduce and minimise travel distances?
- Will volunteers continue to do the rota or will this be part of the clerk's duties? If so, what is the budgetary impact?

24. Training

- What will the compulsory training consist of?
- Where will panel members training take place?

Section 3 – Brief analysis

25. The consultation document was issued to 173 individuals and bodies. 67 responses were received amounting to over 38.5 %. The points below are based on the responses received from the local authorities who responded to the consultation.

26. Overall, the local authorities were split into three categories; those who supported the proposals in principle subject to further discussions with the National Convener, those who disagreed with the proposals and those who would welcome clarification from the National Convener on a number of issues before making a decision. This is an important consideration as the Children's Hearings (Scotland) Act 2011 requires the National Convener to reach agreement with local authorities to establish Area Support Teams.

27. A more detailed analysis of the responses suggests the need for a further distinction in situations when, within the same proposed AST, local authorities were divided on this issue.

28. Overall, the vast majority of respondents agreed that further discussions with the National Convener would be welcomed to resolve a range of complex issues and questions (see paras. 18 to 24). This will constitute the next step of the process.

Section 4 - Next Steps

29. The National Convener is very keen to engage with, and clarify the points raised by, local authorities and has been actively working through the responses received to provide the level of details and information that they sought. As part of the next step towards seeking agreement with local authorities, the National Convener will therefore produce a detailed and comprehensive response to the issues they identified in their submissions.

30. Naturally, the National Convener recognises that, following her forthcoming response to the local authorities, there may be a need for further discussion with those who will potentially fulfill roles within the Area Support teams. The National Convener is very much looking forward to having fruitful discussions with local authorities to explore and resolve the points they have made.

31. In addition, at the end of November 2011 the National Convener will launch a consultation paper on Standards for the National Children's Panel which, amongst other things, will give more detail of the roles and functions of ASTs. This consultation is seen as part of the process to further explain, clarify and, again, resolve any issues that may be outstanding.

32. The National Convener would like to take this opportunity to thank all who responded for their constructive responses and she looks forward to further discussions with a view to signing off arrangements for the Area Support Teams by the end of January 2012.

