

# the communicator

Children's Panel Chairmen's Group Newsletter

## Shona May

"Many of you will have heard the very sad news of Shona May's sudden death. Shona was a well-known and much-loved member of our team and many of you will know her as a colleague and as a friend who made a positive impact on the lives of all who knew her.

Our deepest sympathies go to Shona's husband Jim and her son Euan. We have appreciated the many messages of condolence and support we have received and we will forward all of these to Shona's family.

You will see that Shona prepared an article for this edition of the Communicator. It stands as testimony to her dedication to improving the lives of children and the Children's Hearings System. Shona was a tremendous inspiration to us all and we will miss her a great deal."

Denise Swanson  
Head of Children's Hearings Branch

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Children's Panel  
**CHAIRMEN'S GROUP**

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# EDITORIAL

By Gerard McEneaney

I hope by now you will all have taken the opportunity to respond to the Scottish Government's consultation on strengthening for the future of the Children's Hearings System. This is a critical consultation as the outcome will be the Children's Hearings System that will be in place for the considerable future and we all need to ensure that the system is robust enough to cope with the challenges now and in the future.

I was recently interviewed by the CPAC who were considering me for re-appointment. As I am sure you will all have done, I considered whether I still wanted to remain in the Children's Hearings System and if I was still able to contribute. I thought about the many changes that have taken place since I sat on my first Hearing in May 1994. It seemed back then that the Panel mainly dealt with young offenders and those who failed to attend school on a regular basis. Fast-track to 2008 and can anyone remember when they last dealt with a child who "failed to attend school regularly"?

I wonder how Lord Kilbrandon would view his "creation" or his "baby" to borrow an American phrase. His baby was conceived in the '60s, born in the '70s, was a mere infant in the '80s. Went through adolescence in the '90s and at this time needed some further guidance to keep it on track.

So is the now "grown up" ready for the challenges ahead? Is it still the right system for the children of the "noughties" and beyond? My belief is that Scotland still has the best system to care for and protect all of Scotland's children, however, some changes are required as the "graduate" looks forward to a different world with different challenges than those first encountered some 30 plus years ago.

The system today deals far more with cases where children are being neglected and treated appallingly, often due to parental substance misuse. These cases are often very traumatic for children and as a consequence, for panel members. Removing a child from parents is the last thing that any panel member would want to do however, when faced with some of the situations that come before us, often we have no choice but to remove the child.

I do not believe that wholesale changes are required, a phrase I have heard often in recent months when discussing the consultation with panel members is "don't throw the baby out with the bath water". It is imperative that those who know the system, who operate within the system respond to the consultation document and inform the Scottish Government of the type of mature adult system that is now required to meet the challenges ahead.

# CPCG/CPAG Joint Event

By Gerard McEneaney

On Friday 15th August the Children's Panel Chairmen's Group (CPCG) and the Children's Panel Advisory Group (CPAG) along with Local Authority Clerks to the Children's Panel and members of the Children's Hearings Branch met to discuss the consultation document. Although the event had been organised at short notice and had to be changed on several occasions due to the delayed publication of the document, it was heartening to see that over 80 people attended the event. The event was the precursor to the local consultation events and as you can imagine, it generated a lot of interesting discussion amongst the participants. There were 12 groups with a mix of CPCG, CPAG and Clerks and facilitated by (willing!) volunteers. The hardest task all day was to keep to time as there were so many interesting discussions and in some groups, passionate exchanges of views were shared!

Denise Swanson, the new Head of the Children's Hearings Branch was given a warm welcome by the assembled masses and it must have seemed a baptism of fire as she listened to some of the feedback from the groups.

A number of the people at the event have been involved in the Children's Hearings System for a long time, many as panel members and now as CPAC members. They have seen the changes that have taken place and know where the changes are needed to

"strengthen for the future". There were no real surprises that came from the groups, most were in agreement about where the focus should be and the main areas that need to be addressed.

What surprised me most of all was the fact that this had been the first time that the CPCG, CPAG and the Clerks had met as a group. There are, of course, a couple of working groups where there is cross-representation, however, nothing like on this scale. Although there were some differences in opinion, and that is to be expected, there was unanimous agreement that whatever the system looks like in the future, the focus should remain on the best interests of the child.

I enjoyed meeting and debating with colleagues within the Children's Hearings System. We all have the same shared goal and are all on the same side, albeit that we have different roles and responsibilities. As my old college Lecturer used to say "better to rub with than to rub against".

I have discussed the event with Gavin McGregor and Denise Swanson and we agree that another event should be held some time early in the new year in order that we can discuss the "next phase".

A special mention must go to John Allison, Clerk to Highland Children's Panel and Allison Cosgrove, Clerk to East Lothian Children's Panel who together organised the event and the feedback from the day.

### Angus Long Serving Panel Members are Honoured

Angus Provost, Ruth Leslie Melville, MBE, hosted a Civic Reception in Forfar on 27th September 2008, at which Long Service Awards were presented to panel members with more than five years service.

The Provost said that she, and the Council, greatly appreciated the dedication and hard work of the panel members and their determination to better the lives of the needy young people of Angus.

The reception was also a fitting occasion to say farewell to Chic Robertson who was retiring after 12 years' service, the last two as the Chair. Chic was presented with an inscribed clock by Bill Mcleod, MBE, Chair of CPAC, and with a sundial from the panel members, by Len Jukes the longest serving panel member.

Also present were representatives of SCRA, Angus Council, CPAC and Social Work Department.



Back row (left to right) Andy Gourlay, Sandra Brown, Mary Marshall, Alison Slingsby, Shona Moffat, Audrey Cowper, Cliff Russell, Mark Johnston, Norman Anderson.

Front row (left to right) Chic Robertson, Andy Homfray, Provost Ruth Leslie Melville, Bill Mcleod, Len Jukes, Willie Milne.

### Long Service Awards East Renfrewshire

At a dinner in Eastwood House last week Provost Alex Mackie presented certificates and quaichs to members of the East Renfrewshire Children's Panel who had completed 10 years' service.

Panel members Terry Diver and Jim Harvey, who were unable to attend the dinner, will also receive a certificate and quaich for 10 years service and Panel Chair Edith Linton will receive the same for 20 years' service.

Provost Alex Mackie said: "It's right that we recognise what members of the panel do for the good of children and families. Members give of their time freely and willingly to help others and do a great deal of valuable work."



Our photo shows – Back row (left to right): Lil Miller, Councillor Douglas Yates, Fiona Anderson, Archie Cumming, Councillor Charlie Gilbert and Kirsty Orr.

Front row is the Panel's Deputy Chair Ann Lees, Anne-Marie Kennedy and Provost Alex Mackie.

### Panel Member Leave of Absence

From time to time panel members are granted leave of absence. This is initially for up to 3 months. This leave of absence can be granted for a variety of reasons. A standard procedure should be adopted when this happens to ensure the panel member is supported on their return to Hearings. However, this standard procedure is not always being followed.

When a Panel Chair grants leave of absence they should straight away inform the CPAC Chair, Local Authority Clerk and the Training Unit.

If a panel member wishes to extend their leave of absence beyond 3 months, this is a decision for the CPAC. If it is agreed that the leave of absence be extended, the CPAC should inform the Panel Chair, Clerk and Training Unit.

If the leave of absence extends beyond 6 months then the panel member

concerned should undertake some refresher training before going back on the roster. In this circumstance, the leave of absence should be calculated as commencing from the time the panel member went on leave of absence and not when the extension was granted by the CPAC. The nature and content of this training should be decided following discussions between the Panel Chair, CPAC Chair and the Training Unit. If the leave of absence extends beyond a year then the panel member should be required to redo their induction training. At present the Units are not always informed when a panel member is off the roster. This means they are not able to plan appropriate refresher training for the panel member concerned and in some instances panel members have not received any additional training prior to resuming their duties as a panel member.

### Panel Members Who Wish to Transfer to Another Area

The Training Units are experiencing a variety of practices when panel members wish to transfer to another area. Although in some cases the Unit is contacted and asked for details of training records, in other cases panel members are appointed and the Units are given no details about where they served previously, whether they have undertaken all required training, and whether any kind of assessment or refresher training is required, depending on the time gap between leaving one panel and joining another.

It would be very helpful to standardise practice. This would mean that in addition

to seeking a reference from the local authority in the area where a panel member has served, the Children's Hearings Training Unit should be contacted when the request is received and the training officer will request a note of training records from the Unit responsible for core training and other training including mandatory training, refresher and in-service for the panel member in question. This means that each panel member who transfers will have a training record which another Unit will add to the Database.

A panel member may have completed the first stage of the compulsory induction

course with one Unit and may then move. Unless the suggested procedure is followed, the panel member in question is more likely to slip through the net and may not be picked up for the final stages of induction. This happens also if someone with, say, two years with one Panel, moves to another area and is given a fresh three year appointment. It may thus be five years before the panel

member is expected to attend refresher training if their training record does not move with them.

As we move towards the future, this information is likely to be held on a database and will be accessible to the single national body but it seems sensible to work towards standard practice at this stage.

## Intensive Support and Monitoring Services (ISMS)

From the 1st April this year all panel members in Scotland had a new disposal which they could consider when dealing with young people who meet the criteria for Secure Accommodation – a Movement Restriction Condition with an ISMS package. This option was previously only available in the Phase 1 authorities but has now been rolled out nationwide.

As this is a legislative change, training on the new disposal is mandatory and the Training

Units have been rolling out this training since late spring and it is anticipated that by late autumn all panel members will have received this training.

Failure to undertake this training – as with any mandatory training – will mean that panel members will be removed from the hearings rota and eventually from the Panel.

For details of ISMS sessions please contact your Children's Hearings Training Officer who can advise you of dates available.

## Strengthening for the Future/Reform Programme

By Denise Swanson, Head of Children's Hearings Branch

Our consultation document '*Strengthening for The Future*' closed on 24th October. We would like to thank all who responded, including individual Panel Members, Children's Panels and Children's Panels' Advisory Committees and training officers.

The Bill Team will now analyse the responses and produce a summary report which will be published on the Scottish Government's website in late December.

The consultation process will help us to develop the key provisions of a draft Bill to be introduced to the Scottish Parliament in June 2009. We will provide an update on progress in the New Year.

### The Bill Team

The Children's Hearings Policy Branch have been joined by a dedicated Bill Team to take forward the Children's Hearings Bill.

Their combined previous experience includes Bill Work, Child Protection, GIRFEC, Equality Issues, Voluntary Issues, Finance and HR.

If you wish to discuss any aspect of the Bill please feel free to contact them:

Gaynor Davenport – Bill Team Leader  
0131-244-1583

Hamish MacFarlane – Bill Team Manager  
0131-244-5489

Gillian McTavish – Bill Team Administrator  
0131-244-5409



*Children's Hearings Bill Team (left to right: Gaynor Davenport, Bill Team Leader; Hamish MacFarlane, Bill Team Manager; and Gillian McTavish, Bill Team Administrator)*



## Frequency of Review Hearings

By Christine MacKechnie

It is hard to believe that it is over a year since the commencement of Project 12 research following the GIRFEC consultation document proposal:

*that the frequency of review Hearings should be determined according to the child's needs and the 'persistence' of the child's behaviour or needs.*

The aims and objectives of this project were:

- To examine current practice in relation to reviews being set by panel members
- To determine the underlying reasons for setting reviews
- To create a viable set of guidelines as to how the review mechanism should be used to increase the protection for better outcomes for children and young people.

The following five Local Authority areas were chosen for the purpose of this project:

Glasgow North East, Glasgow West, East Renfrewshire, West Lothian, Western Isles.

Consultation across major stakeholders (including children and families) was considered necessary in order to ensure the views of all were taken into consideration in the process.

### **Main findings:**

Calling an early review should NOT be a matter of routine.

Requests by Hearings for early reviews of Supervision Requirements appear to be a relatively common occurrence. Most of the

Hearings where this happened were Review Hearings and the child was already subject to a Supervision Requirement.

The main reasons for Hearings requesting early reviews of Supervision Requirements was to check if the child was receiving a service and the child's response to these services.

It was deemed appropriate to request an early review of Supervision Requirement to assess short-term interventions or due to change in the child's circumstances.

A high number of comments stated that in their experience an early review did provide benefits to the child and family.

Returns from children, families and other agencies showed a high number of respondents believed that neither the child nor the parent(s)/carer(s) were actively involved in any discussion regarding a possible decision to request an early review.

It was generally felt that this was only mentioned when panel members gave their decisions and reasons.

A high number commented that the possibility of an early review should be discussed in more detail during the Hearing and this discussion should include the reason(s) and possible benefit an early review may provide.

I am extremely grateful to all who assisted during this survey, especially the children, young people and their families who agreed to participate. My sincere thanks to you all.

The full report is available on Children's Hearings website at [www.chscotland.gov.uk](http://www.chscotland.gov.uk)



## Continuity of Panel Members between Hearings

By George Anderson

The *Getting it Right for Every Child* consultation identified some 23 ‘proposals for action’ in relation to improving the overall service provided by the Children’s Hearings System. Amongst those which could be taken forward without the need for any legislative change was the issue of continuity of panel members from one Hearing to another. As this was very much an area where no statistics were routinely collected, the first course of action was to identify six representative areas across the country and to look at them in detail to establish not only the frequency of continuity, if any, but also to look at the underlying decision making process, i.e. Who decided? Who had input into the decision? Why was continuity seen as being appropriate? How the request was taken forward in terms of the rota, etc.?

With the assistance of research staff at SCRA and the co-operation of panel members in Glasgow NE, Dumfries & Galloway, North Ayrshire, Orkney, Angus and Aberdeen City a detailed survey was carried out earlier in the year. This was followed up by attendance at random Hearings and face-to-face discussions with children and their carers immediately after the Hearing had taken place. The views of

other stakeholders attending Hearings, e.g. safeguarders, teachers, residential staff, social workers, etc. were also sought.

The final report has now been submitted to the Scottish Government and will be made available on the Children’s Hearings website.

But it can’t just stop there! Analysis of the research findings shows a considerable difference of understanding amongst panel members, children and families, reporters, social workers, safeguarders, etc. as to who actually makes the decision that continuity would be appropriate and whose views have been taken into account. Importantly, and contrary to the view of many panel members, children and their carers didn’t feel involved to any extent in the decision and that it just seemed to happen. In appropriate circumstances, continuity can indeed be beneficial, especially if the reasons for such a request have been discussed by all concerned. But the big question we have to ask ourselves as panel members must be – *“Continuity yes, but for whose benefit?”*

It is anticipated that the topic will be included in pre-service training for panel members.

## Join the Children's Panel – it's Life Changing

By Lynne Phillips, Children's Hearings Team

The 2008 National Panel Member Recruitment Campaign was launched on Monday 1st September 2008. A photo-shoot took place at the National Children's Home Ayrshire Crossover Project in Irvine with Adam Ingram MSP, Minister for Children and Early Years and some of the young people who participate in the projects and their project workers. Many thanks to them for their help and hospitality on the day – they really welcomed us.

This year marks the start of a new recruitment campaign with new creatives and radio scripts. I'm sure you've seen the new creatives and heard the radio ad (voiced by Scottish actress Daniella Nardini) which were developed following the results of in depth research. The purpose of the research was to help understand the public's and panel members' perceptions of the Children's Panel, what motivates people to become panel members and what skills are required to become a panel member.

The campaign aimed to be strong, focussing on the child/young person and reinforcing that the child/young person should be at the heart of the campaign. Whilst the copy suggests that by joining the Children's Panel you could help change a child's/young person's life but maybe also change your own life. The message and strap-line reflects the creatives – *"They've been damaged but not beyond repair"*. *Join the Children's Panel – it's life changing.*



Adam Ingram MSP, Minister for Children and Early Years (pictured centre), launches the Children's Panel Recruitment Campaign 2008 at the Ayrshire Crossover Project, Irvine on 1st September. Helping him put the pieces together are: Back row (left to right) – Tom Taylor (Joint Chair of South Ayrshire Children's Panel Advisory Committee), Julie\*, William\*; Middle row (left to right) – Andrew Girvan (Director of Children's Services NCH Scotland), Adam Ingram, Karen Lavery (NCH Scotland Crossover Project); Front row (left to right) – John\*, Alex Hamilton (NCH Scotland Community-based Youth Justice Projects – Ayrshire), Janet Marshall (Chair of East Ayrshire Children's Panel).

\* The names of the young people involved in the Crossover project have been changed by request.

Also this year applicants could register their interest via three main mediums – the response handler recruitment telephone line, online via our micro site or by SMS/text. The national campaign ended on 19th September and so far it's looking as though it has been **very successful** with just over **5,400** people registering their interest. This is a fantastic increase of nearly 20% over the 2007 campaign which had generated the most responses ever! We know though that the test will be how many

actual completed applications are received and then how many applications actually convert into suitable appointments – fingers crossed that everyone meets their targets!

Finally, as per usual, your local CPACs will have been and will continue to be very busy over the next few weeks with various tasks regarding the recruitment. I just wanted to say on behalf of the Children's Hearings team a very big thank you to everyone involved for all their hard work!

## Introducing “PanelPal”

By Shona May, Children's Hearings Team

“PanelPal” or Children's Panel Information Management Software (CPIMS), to give it its formal name, is a new software package that has been developed on behalf of the Scottish Government by Real Time in association with Computer Application Services (CAS). “So what?” I hear you ask.

Well, the new package will replace the CHARM system currently used by the majority of Panel Chairs and designated schedulers to produce the Panel rotas. And...?

CHARM has been in existence for 7 years now – some of you may have heard of it or perhaps heard your Panel Chair cursing it. While CHARM (which was developed by CAS) has been a helpful tool, it has had its problems – mainly the length of time taken to generate rotas and too many glitches. It has been known for some Panel Chairs to be able to go home and come back the next day and still no rota.

As part of the Scottish Government's non-legislative reforms to improve support to

panel members, it was agreed that a more flexible, user-friendly and speedier solution should be found.

And it has been – thanks to the input from a small advisory team of Panel Chairs and Scottish Government staff. Real Time and CAS have had the task of turning the advisory group's “wish list” into reality.

“PanelPal” is a web-based solution – basically a password protected website on the internet – and will be more than just a tool for generating rotas. It is about making the management of information easier, more accurate and more efficient too and not just by Panel Chairs.

You will be able to go on-line to update your contact details, to put in your availability (including shift patterns) for attending Hearings and will be able to see your Training History and what training is available in your area as well as your Panel History. You will also be able to get contact information if you need to find a substitute for a swap.

The Children's Hearings Team will also be using "PanelPal" as the main record of panel membership, re-appointment, resignations and so on.

So what happens next?

The new system will not be compulsory but we hope that as many areas as possible take it up. As a result, training has been arranged in October and early November for all Panel Chairs and designated schedulers to help familiarise them with "PanelPal" and all that it will be able to do for them.

Panel members will not need special training to be able to use the new system which should "go live" by mid-December. If you have ever used the internet for home banking or for buying gifts or booking a holiday then PanelPal should be familiar to you. If you haven't then don't worry

because there will be on-line prompts and help available. Of course you will need to have access to a PC or laptop but if you don't you can still be part of the new system – you might just have to rely on older tried and tested communication methods such as the telephone and letter.

If your area decides to use "PanelPal" you will be given more information about it nearer the time and an electronic password to get you started.

Finally, on behalf of the Children's Hearings Team can I say a huge thank you to everyone involved in this project for all their hard work. I know there will still be quite a bit of work for everyone to do after their training but we really believe it will be worthwhile and we hope you do too.

## Hearings Management

Tom Philliben, Director of Reporter Operations at the Scottish Children's Reporter Administration, talks to the Communicator about the efforts to improve Hearings Management.

Tom Philliben told the Communicator: "Everyone is committed to improving standards across Scotland and to ensure a better consistency in Hearings Management. Twice a year partners, including SCRA, the Scottish Government, CPCG, CPAG, CPAC, along with representatives of partner agencies, get together to discuss Hearings Management".

"The current set of standards were developed in 2005. One of these standards – the number of cases per Hearing session – can be difficult to achieve in every instance. Nonetheless, progress has been made".

At the last meeting on 5th September, SCRA presented the latest figures on the numbers of Hearings, the amount of slots per session and the duration of Hearings.

In summary:

- In 2007/08, more than 42,000 Hearings took place across Scotland.
- More than half (53%) of Hearing sessions took place in the morning, 40% took place in the afternoon, and 7% took place from 4pm onwards.



- 87% of Hearings had no more than three cases.

Tom explained:

"Our latest data shows that there has been a significant rise in the number of children attending Hearings, and the amount of children being made subject to a Supervision Requirement. In this context, we recognise that in some areas it is difficult to achieve or sustain good performance on this standard, but overall in Scotland performance remains high.

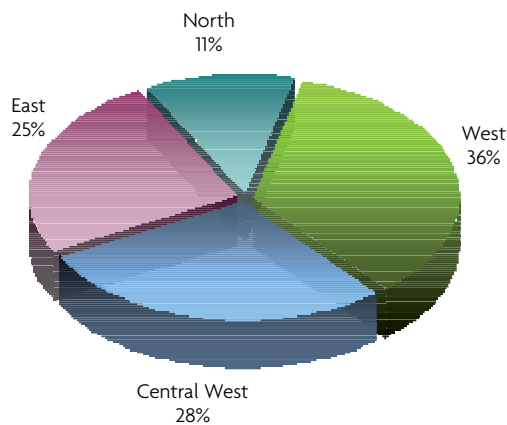
"I want to take this opportunity to thank Panel Chairs, Panel Members and SCRA staff who work together to support this demanding level of business."

## Hearings Report 2007/08

All data in this report excludes business meetings.

In 2007/08 there were 42,302 Children's Hearings, the percentage split by region is as follows:

Proportion of Hearings 2007/08, by region



### Hearings scheduled start times

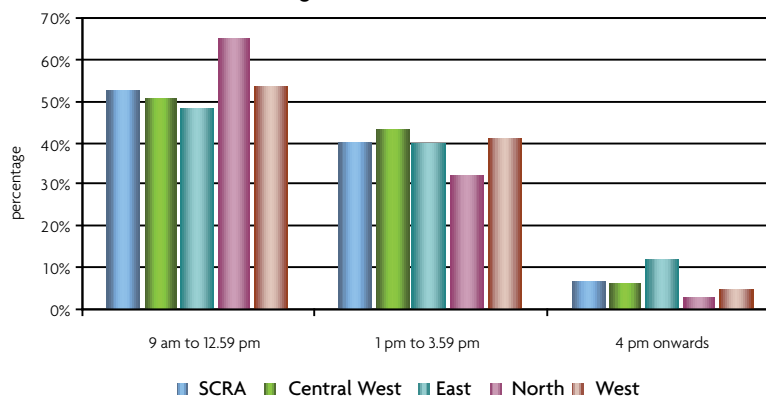
The banded scheduled start times of Hearings were as follows:

Scheduled start times	9am to 12:59pm	1pm to 3:59pm	4pm onwards
Number of Hearings*	22,045	16,896	2,850
As a % of total Hearings	53%	40%	7%

\*Hearings in this table exclude emergency and CPO Hearings.

The overall split as well as the regional split is provided below:

Hearing scheduled start times 2007/08



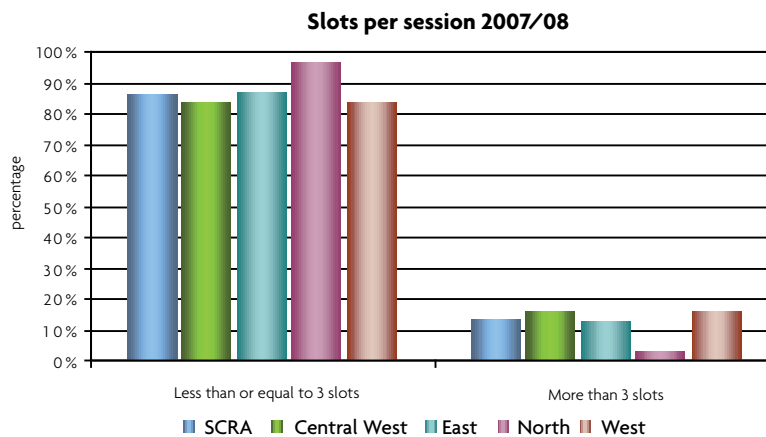
# Scottish Children's Reporter Administration (SCRA)

## Slots per session

Number of slots per session	Less than or equal to 3 slots	More than 3 slots
Number of slots*	10,419	1,621
As a % of total sessions	87%	13%

\*Slots include CPO and emergency Hearings, therefore the number of sessions with less than or equal to three Hearing slots will be understated.

The overall split as well as the regional split is provided below:

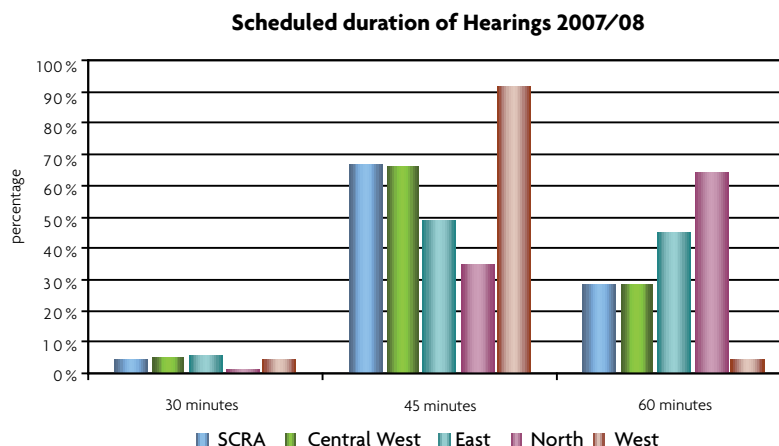


## Duration of Hearings

Scheduled duration	30 minutes*	45 minutes*	60 minutes*
Number of Hearings**	1,861	28,046	11,884
As a % of total Hearings	4.5%	67%	28.5%

\* 30 minutes includes all Hearings scheduled to last up to 30 minutes, 45 minutes includes all Hearings scheduled to last up to 45 minutes and 60 minutes includes all other scheduled Hearings.

\*\* Hearings in this table exclude emergency and CPO Hearings.



## SCRA launches National Survey of Children and Families involved in the Children's Hearings System

### Background

SCRA is currently conducting a national survey of children, young people and their parent(s)/carer(s) who are involved in the Children's Hearings System. It will gather their views and expectations of coming to a Hearing as well as their experience of the service they have received from SCRA.

SCRA carried out its first survey with service users in 2004 (which is available on our website – [www.scra.gov.uk](http://www.scra.gov.uk)). That survey focused on the timings and locations of the Hearings and the physical environment of Hearings centres.

The focus of the current study is different. It investigates the views and experiences of those involved in the Children's Hearing System. As part of the survey, children and families will be asked to fill in questionnaires with the assistance of trained SCRA staff before Hearings. A number of children and families will also take part in follow up interviews.

Amongst other things, SCRA will be asking children and families about the information they receive from us, how prepared they feel for the Hearing, and the use of the 'Having Your Say form'. The age at which children are invited to take part is five years and above. Parents and carers will also be invited to take part. Participants will be given an opportunity to take part in a more in-depth interview at a later date if they wish to.

The survey will be carried out by SCRA's Information and Research Team. Lucy Hanson, Information and Research Manager, who is leading the project, said:

"This research is the first of its kind to be carried out by SCRA. It is a real opportunity to find out first hand what the children, young people and families who use our service really think of it."

Conducting a survey this year will enable SCRA to evaluate its practice and level of support towards children and families who are attending Hearings, as well as inform service delivery, service modernisation and the transition to the new single agency.

### Next steps


The 2008 survey is being piloted in Edinburgh and Ayr during October, before a national roll out in November. The Information and Research Team will be overseeing the survey but like the previous survey, it will be administered through the help of staff in local offices and Hearings centres. All those helping with the survey will receive training from members of the Information and Research Team ahead of the roll out.

A full report and summary of the survey's findings will available in the summer of 2009.

Scottish Children's Reporter Administration

Children and Families Survey 2008

Tell us what you think!



SCRA is currently conducting a national survey of children, young people and parents/carers who are involved in the Children's Hearings System. We want to know your views on:

- The information you were sent before your Hearing
- How you feel before your Hearing
- Your past experiences of Hearings
- What you understand about the Hearings System.

Someone from SCRA will ask you to take part in this survey at this Hearings centre. This will only take ten minutes. Everything you say will be private.

You don't have to take part, but we hope you will. What you say will help us to make sure we give the best service to you.

If you have not been asked to take part but would like to, please ask a member of staff or phone Edward or Indiya on 01786 459500.

Thank you.

Changing for Children

## The Role of the Principal Reporter in the Current Legislation

The current legislation states that the Principal Reporter has a variety of roles, giving her a number of specific duties and powers. These roles range from before, during and after the Children's Hearing, to court proceedings and work with other agencies.

### 1. Investigation of referrals and decisions on need for compulsory measures

Before any Children's Hearing is held, the Principal Reporter has:

- A duty to receive referrals of children from the police, local authority or another person
- A power to investigate the circumstances of children who have been referred – this will involve requesting reports from the local authority or other agencies
- A duty to make decisions regarding the need for compulsory measures of supervision
- A duty to arrange a Children's Hearing where the decision is that compulsion is required – this results in a duty to prepare the statement of grounds for referral
- A power to refer a child to Scottish Ministers where it appears that an education authority is not complying with its duties regarding the education of a child excluded from school

### 2. Arranging Children's Hearings

In addition to the duty to arrange a Hearing following a decision that the child requires compulsory measures of supervision, there are duties to arrange a Children's Hearing in other circumstances, for example:

- When a review Hearing is requested or required by legislation (for example, an annual review)
- When a child is moved to secure accommodation
- When a case is remitted to a Hearing after the Sheriff has found grounds for referral to be established in a proof
- When a court has requested advice or remitted the case for disposal following a prosecution
- When a child has been made the subject of a Child Protection Order – however, this is only if the Principal Reporter has decided that the conditions for the CPO being made still apply

When a Children's Hearing has been arranged by the Principal Reporter, there are a range of duties and powers in relation to those arrangements:

- A duty to notify the child, relevant persons, certain unmarried fathers, the Chief Social Work Officer for the local authority and any Safeguarder of Hearing

## Scottish Children's Reporter Administration (SCRA)

- A duty to notify the panel members and provide them with papers
- A duty to provide the same papers to relevant persons, certain unmarried fathers and any Safeguarder
- A duty to provide the same papers, on request, to a member of the Scottish Committee of the Council on Tribunals or CPAC who is attending the Hearing
- A duty to notify the child, relevant persons, safeguarder and the local authority of a decision of the Hearing
- A duty to secure the attendance of the child at the Hearing
- A duty to keep a report of the proceedings of the Hearing
- A power to arrange a Business Meeting prior to the Hearing
- A power apply to a Children's Hearing for the renewal of a Section 66 Place of Safety Warrant
- A duty to refer a child to Scottish Ministers where required to so by a Children's Hearing (where it appears that an education authority are not complying with their duties regarding the education of an excluded child).

### 3. Court proceedings

In the various court proceedings that arise from Children's Hearings, the Principal Reporter has:

- A duty to apply to the Sheriff for a proof when directed by a Children's Hearing – there is then a power to lead evidence in the proof
- A power to abandon an application to the Sheriff for a proof
- A power to apply to the Sheriff for a Section 67 Place of Safety Warrant to follow on from Section 66 Warrants issued by Children's Hearings
- A duty to provide papers to the Sheriff in an appeal against a decision of a Children's Hearing – in the appeal the Sheriff has a power to question the reporter regarding the procedure at the Children's Hearing
- A power to appeal against a decision of a Sheriff in a proof or appeal.

### 4. Local authority accountabilities

When a Children's Hearing has placed specific duties on a local authority in a Supervision Requirement, and the local authority has not complied with those duties, the Principal Reporter has:

- When directed by a Children's Hearing, a duty to give notice to the local authority regarding a proposed application to the Sheriff Principal
- When authorised by a Children's Hearing, a power to apply to the Sheriff Principal for an order requiring the local authority to perform the duties.

## 5. Parenting orders

In relation to parenting orders, the Principal Reporter has:

- A power to apply to the Sheriff for a Parenting Order
- A power to investigate the child's circumstances before deciding whether to apply for a Parenting Order
- A duty to consider applying for a Parenting Order when required to do so by a Children's Hearing.

## 6. Other statutory functions

Finally, the Principal Reporter has a number of other statutory functions:

- The local authority has a duty to consult with the Principal Reporter regarding the areas children's services plan and anti-social behaviour strategy
- The local authority and a registered social landlord have a duty to consult with the Principal Reporter before applying for an antisocial behaviour order in relation to a child
- When a child is referred to the Principal Reporter on the grounds of committing an offence, the Principal Reporter has a power to provide information to the victim of the offence
- A duty to prepare an Annual Report
- September 2008.

## And finally... a reminder

This edition of *The Communicator* has been produced by Claus Boyle, Chair, Renfrewshire Children's Panel and Eleanor Manson and Isabelle Jacobsen, Children's Hearings Team.

*The Communicator* is your publication and we would like to hear from you.

Let us know what is happening in your area.

Are you doing something that would be of wider interest to other Panel members?

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