

Reform of the Children's Hearings System

Proposal 18



“Continuity of Panel Members”

Report by
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Proposal 18

Continuity of Panel Members

Introduction

The Scottish Executive's 2005 Getting it Right for Every Child consultation included 23 'proposals for action'. Proposal 18 was '*greater continuity of Panel Members from one Children's Hearing to another is to be achieved.*'

The Scottish Government is exploring this further as one of a number of non-legislative areas for reform in the Children's Hearings System. A project to seek views from those involved in Children's Hearings, and to obtain information on Panel Member continuity has therefore been carried out. The invaluable assistance provided SCRA staff in the collection and analysis of some of the data and the the co-operation of Panel Members in the representative areas i.e. Glasgow NE, North Ayrshire, Aberdeen City, Angus, Orkney and Dumfries & Galloway is also gratefully acknowledged.

In order to obtain the views of key stakeholders and to collect information as to current practice and understanding in relation to this issue, detailed surveys were undertaken.

Data was collected over two broad areas:

1. from Panel Members and Reporters
2. from those attending hearings i.e. children and families, Safeguarders, social workers, Foster carers, residential workers, teachers etc.

Survey of Panel Members and Reporters

Method The survey areas comprised the following SCRA team areas: Glasgow East, Dumfries & Galloway, Angus, Aberdeen City, North Ayrshire, and Orkney. Questionnaires were sent to all the Panel Members and Reporters in the survey areas (attached at Annex 1). 427 questionnaires were issued – 392 to Panel Members and 35 to Reporters.

Completed questionnaires were returned to SCRA. The data was collated and analysed using SPSS (a statistical software package developed for the social sciences).

This survey was carried out in November and December 2007. It was anticipated that this survey would be carried out again during late Summer/Autumn 2008 after any relevant training/guidance has been provided to panel members. Unfortunately it proved impracticable to carry out this targeted training over the summer months. However, dependent upon the uptake of the training package now designed for local delivery, there remains the opportunity for this element of the survey to be completed during early 2009.

Findings

248 completed questionnaires were returned – 232 from Panel Members and 16 from Reporters. The response rates were – 58.1% total, 59.2% from Panel Members, and 45.7% from Reporters.

Over the past year, have you been involved in a case where a Panel Member attended more than one Hearing for the same child?

Table 1

	All*	Panel Members	Reporters
Yes	83.4%	83.1%	87.5%
No	16.6%	16.9%	12.5%

*n=248

For the above, it would appear that a Panel Member attending more than one Hearing for a child is a relatively common occurrence.

In the most recent case in which you were involved where there was Panel Member continuity – was this because of how the Panel Member rota worked?

Table 2

	All*	Panel Members	Reporters
Yes	59.8%	61.3%	40%
No	40.2%	38.7%	60%

*n=214

For the majority of respondents (128 respondents) the Panel Member rota was the most common reason for continuity. However, there was a difference between Reporters and Panels Members, with only 40% of Reporters reporting that the rota was the reason behind continuity compared with 61% of Panel Members.

Panel Member continuity also occurred when it was requested by those involved in the child's case/Hearing as shown below. This was the case for 80 respondents.

Table 3

Requested by:	All*	Panel Members	Reporters
Parents/carers	28.8%	29.2%	25%
Child	12.7%	12.7%	12.5%
Panel Member	41.8%	39.4%	62.5%
Hearing Chair	49.4%	52.1%	25%
Reporter	32.9%	36.6%	0
Social work/ other agency	8.9%	5.6%	37.5%
Safeguarder	0	0	0
Legal representative	0	0	0

*n=80

Those who requested Panel Member continuity most often were Panel Members – either as Panel Members or Chairs of Hearings.

Although Reporters and Panel Members gave very similar responses to the number of times children or parents/carers had requested continuity, there are clear differences between Reporters' and Panel Members' recollections of when others had requested continuity. For example, almost 40% of Panel Members reported that a Reporter had requested continuity but none of the Reporters who responded had experienced this. It should be noted that the Reporters and Panel Members who took part in this study may not have attended the same Hearings. However, general observations can be made that continuity is most likely to be requested by Panel Members but that it is also requested, although less frequently, by children and their parents.

The next question asked *to what extent various parties were involved in the decision for continuity of Panel Member(s)*.

Table 4

	Involvement in decision		
	None	Informed but not involved	Involved
Child	49.2%	28.6%	22.2%
Parents/carers	36.8%	26.5%	36.8%
Panel Members	5.6%	18.1%	76.4%
Hearing Chair	5.9%	10.3%	83.8%
Panel Chair	48.9%	10.6%	40.4%
Reporter	8.8%	20.6%	70.6%
Social work/ other agency	50.9%	26.4%	22.6%
Safeguarder	94.7%	5.3%	0
Legal Representative	94.7%	5.3%	0

Responses from Panel Members and Reporters were similar. The main difference was in the involvement of Reporters in the decision – 42.9% of Reporters said they were involved but 73.8% of Panel Members responded that Reporters had been involved in the decision.

The main conclusion that can be drawn from the above is that it is Panel Members who are most involved in the decision for Panel Member continuity. In contrast, children are much less frequently involved in this decision – for example, in almost half of cases the child had no involvement and was not informed, and for those children with a representative (Safeguarder or Legal Representative (n= 34)) they were not involved in the decision for Panel Member continuity.

Reasons for Panel Member continuity

Table 5

Reason	All*	Panel Members	Reporters
Panel Member's familiarity with the case	51.3%	51.5%	50%
To avoid child having to divulge sensitive information to more than one Hearing	15%	12.5%	37.5%
For Panel Member to check that action taken	18.8%	19.4%	12.5%
Rapport between Panel Member and child	6.3%	6.9%	0
Panel Member interest in the case	1.3%	1.4%	0
Other	6%	8.3%	0

*n=80

The most common reason for continuity was the Panel Member's familiarity with the case, with the second being for Panel Member to check that action taken. In only 15% of cases was it to avoid a child having to divulge sensitive information to more than one Hearing, although Panel Members and Reporters responses varied on this issue.

The findings above could be interpreted as meaning that the child's interests are the paramount consideration in only a minority of cases where there is Panel Member continuity. This and the finding that children and their representatives have limited involvement in the decision for Panel Member continuity could raise questions about this practice in terms of children's rights under Article 12 of the UN Convention on the Rights of the Child.

Did Panel Member continuity cause any problems?

Table 6

To whom	All*	Panel Members	Reporters
To Panel Chair in organising the rota	12.8%	11.4%	25%
To other Panel Members	5.1%	4.3%	12.5%
To Reporter/ SCRA staff	7.7%	7.1%	12.5%
To child	0	0	0
To family	0	0	0
There were no problems	82.1%	84.3%	62.5%

*n=78

Eight panel Members and one Reporter described the problems, all of which concerned problems with organising the rota and/or Panel Member attendance at the Hearing.

In most cases, organising Panel Member continuity did not cause problems to those involved. However, when these did occur they could be significant, for example one Panel Member described how they had had to take time off work which put pressure on them, another described how trying to achieve continuity meant that other children's cases had to be re-scheduled.

Did Panel Member continuity provide any benefits?

Table 7

To whom	All*	Panel Members	Reporters
To Panel Member involved	27.8%	31%	0
To Hearing	63.3%	64.8%	50%
To Reporter/ SCRA staff	16.5%	16.9%	12.5%
To child	67.1%	67.6%	62.5%
To family	57%	59.2%	37.5%
There were no benefits	10.1%	9.9%	12.5%

*n=79

The majority of respondents (Panel Members and Reporters) found that Panel Member continuity did provide benefits, and that the main party to benefit was the child. Only 10% responded that there were no benefits from the practice.

24 Panel Members and four Reporters described the benefits that Panel Member continuity brought, 20 of these comments concerned the sensitivity of the case, for example:

‘A difficult case with a long history.....continuity ensured that sensitive information did not have to be divulged a second time so avoiding distress to the child and family.’

‘Child had almost a sense that someone knew him and his case and was aware of the complexities.’

‘Child was very shy....created an environment where the child felt more relaxed.’

‘To avoid going over the same information again and to avoid distress to the child.’

All who took part in the survey were asked *if there should be continuity of Panel Members*. Responses are shown below (234 respondents).

Table 8

	All*	Panel Members	Reporters
As a routine	20.5%	21%	13.3%
When requested by child	59.7%	59.6%	60%
When requested by parents/carers	46.8%	47.2%	40%
When requested by child’s representative (e.g. Safeguarder, Legal Representative)	42.5%	44%	20%
When requested by Panel Member	27%	28%	13.3%
When requested by Hearing	53.6%	55.5%	26.7%
When requested by Reporter	44.2%	46.8%	6.7%
Only if happens by chance through rota	13.3%	12.4%	26.7%
Only under specific circumstances	18%	16.1%	46.7%

*n=234

The most common reason given why there should be Panel Member continuity was when it is requested by the child. Responses from Panel Members and Reporters were very similar on this issue. However, this contradicts current practice where the most common source of requests for continuity was from Panel Members and with Panel Members and Reporters most involved in this decision. In contrast, children and their representatives had limited involvement in Panel Member continuity (Tables 3 and 4).

Conclusion

Continuity of Panel Members between Hearings is relatively common and was experienced by over 80% of those in this survey. However, the most frequent reason for this was through chance from how the rota was organised.

Only 10% of respondents saw no benefits in Panel Member continuity. Over 60% reported that it had benefits to the child.

For those Reporters and Panel Members who had been involved in Panel Member continuity where it had been requested/organised specifically, the most common reason for this was that it had been requested by Panel Members. Reporters and Panel Members also had the greatest involvement in the decision for Panel Member continuity. In contrast, the lack of involvement of the child or their representatives in this decision is notable. This raises questions about the interests of the child when only 15% of respondents gave the reason for Panel Member continuity being to avoid the child having to disclose sensitive information to more than one Hearing. The extent to which Panel Member continuity serves children's interests in terms of their ability to participate in this decision against the interests of others involved in the Hearing may have implications for the fairness of such proceedings. This is an area which perhaps should be investigated more fully.

When asked for their views rather than their experience, the majority of respondents said that there should be Panel Member continuity when it is requested by the child. This is different from current practice as described above. This divergence may indicate that there is a need for clear guidance on when and why Panel Member continuity is appropriate and in the interests of the child.

Administratively, arranging Panel member continuity (outside of rota) caused problems in a minority of cases. However, these problems could be significant to those concerned or have wider impact (e.g. other children's Hearings being re-scheduled).

Survey of Children & Families, Social Workers, Safeguarders etc.

Children and Families data collection

Method

In contrast with the questionnaire style survey used to obtain information from Panel Members and Reporters, it was decided that the most effective method to collect comparable information from children and families was to carry out a series of face-to-face interviews. These were carried out in the same local authority areas as the panel member/reporter surveys and took place only with the explicit agreement of both the child/family and the members of the hearing.

The approach used was to speak briefly to the child and relevant persons immediately before the hearing and explain the purpose of the survey in general terms only. In order that the outcome of the hearing was not influenced in any way, the specific issue of panel member continuity was not raised at this stage. Where practicable, the appropriate consent forms were completed by those participating in the survey. Leaflets detailing the purpose of the survey were also provided. It should be noted that the full agreement of everyone involved was readily forthcoming in the great majority of cases. The only area where there appeared to be any reluctance to participate was in Orkney where, owing to the small number of cases, a different approach was devised. Rather than personal face to face interviews children and families were requested to respond to a questionnaire given to them on the day by the Reporter. Only two forms were returned, the main reason given being that the inherent stress of attending a Hearing made the children and families reluctant to participate.

It may reasonably have been expected that the nature of the information being sought and the circumstances under which the interviews were taking place might prove to be difficult. Thankfully, this did not prove to be the case during face to face interviews and although many families were somewhat reticent about voicing opinions a great deal of relevant comment was in fact made. In order to obtain a wider view of how families might feel about the issue of continuity of Panel Members they were encouraged to try to think about Hearings in general and not only their own Hearing that had just taken place.

Social Workers (inc. residential workers), Safeguarders etc. data collection

Method

Whilst individual interviews were also carried out with social workers and Safeguarders outwith the Hearing setting, their presence at Hearings made it possible to speak to a much greater number. The majority of the data relating to the views of social workers and Safeguarders was, therefore, collected during discussions immediately after the Hearing had taken place.

Across the six representative areas, a total of 36 Hearings were observed and face to face interviews carried out at each.

In an effort to gauge the current level and perceived value of continuity from a non Panel Member’s perspective, amongst the questions asked were:

“Have you attended a Hearing where one or more of the Panel Members were at the previous hearing?” “If so, how did this come about?”

“Did you feel there was any benefit to you or the Hearing in general?”

“Would you like to see greater continuity of Panel Members from one Hearing to another?” “Why would you like/not like this to happen?”

“If you did want one or more of the Panel Members on the next Hearing, how would you go about it?”

Not unexpectedly, in many cases the circumstances under which the interviews had to be carried out were not ideal. The conclusions reached, therefore, are based on an overall impression of the opinions expressed by children, their families, social workers, Safeguarders etc. rather than on hard statistical data.

Analysis of interviews

Findings

The table below summarises the responses to the general questions:

“Do you think there are any benefits in having continuity of Panel Members?” and “Would you like to see it happen more often?”

	Yes	No	Unsure
Children /Families	25%	30%	45%
Social Work (inc residential staff)	25%	31%	44%
Safeguarders / Legal Representatives	100%	0%	0%
Others*	20%**	27%	53%

*education staff, Foster carers, voluntary sector workers, other relevant persons, etc.

During interviews it quickly became evident that, with the exception of Orkney where there was too little data to analyse, continuity of Panel Members was not an issue that was at the forefront of the minds of children and families attending hearings.

Amongst the comments made during interviews were:

- *“don’t want to see any of the same Panel Members again can’t see any reason for it. I’m OK with three different people each time”* Young person
- *“yes and no ‘yes’ when Hearings are held in quick succession, but ‘no’ when Panel Members have been thought to be overpowering and bullying”* Social worker

- *“definitely worthwhile, especially in review situations where there is an expectation re actions/improvements in a young person’s behaviour”* ISSMS worker
- *“too nervous during Hearing even to think about it”* Young mother
- *“very much in favour of continuity – would like to see all three members being continued in some cases”* Social worker
- *“yes, especially if, as today, someone was building a relationship with my grandson”* Grandmother
- *“doesn’t make any difference, panel members are just folk off the street no confidence in any Hearing knowing what it’s doing so couldn’t care less about continuity”* Young mother
- *“would like to be able to nominate one or more panel members for continuity. We know the decision he/she is going to make before they start. I often request continuity (via the reporter) but it very seldom happens”* Legal Representative
- *“concerns about the level of capability of some Panel Members some just don’t seem to know what to do and ask the Reporter for advice”* Experienced Foster carer
- *“not bothered who is on the next Hearing just so long as they have read all the papers”* Father of two teenagers
- *“stupid question”* Mother
- *“as a Foster carer of 30 years experience, I’m just happy with whatever three members are there on the day”* Foster carer
- *“I requested continuity for this Hearing because I was fed up different people going over and over the same ground without arriving at a decision”* Grandfather
- *“don’t like the idea of three new people every time. Should be like the English system where one judge makes the decision”* Father of child with severe learning difficulties
- *“How about the other way round? What if I don’t want someone on my next panel?”* Young person

Conclusion & Next Steps

From discussions with all those attending Hearings it became quite obvious that very few people, especially the children and families involved, had any firm idea about how to go about requesting continuity, should they wish it to happen. This is reflected in the numbers of “unsure” responses in all but the Safeguarder/Legal representative category. Unless the subject had been raised and discussed by Panel Members during a Hearing they were, in most cases, totally unaware that any such request could be made. Even then the process seemed ill-defined with most feeling that the whole matter was decided by the Panel Members and the Reporter.

It is understood that in some local authority areas there are much more formalised procedures whereby continuity can be requested. Specific forms are available for this purpose and are completed by the hearing members on the day. However, depending upon who *is or is not* involved in the decision making process to facilitate continuity, there may be some serious implications in relation to ECHR legislation, specifically, the child’s right to a fair hearing. Should, as expected by Scottish Ministers, greater continuity of panel members become the norm across the country, great care will have to be exercised in the related decision making process.

From the observation of Hearings there appears to be little evidence, in the few cases when continuity is being considered, that the views of children and families are fully recognised or taken into account. Any decision about whether or not continuity would be in the child’s interests would appear to be not just outwith the influence of the child but at the sole discretion, primarily, of the Panel Members. The data collected from the survey of Panel Members and Reporters would suggest that even under these circumstances there is a lack of understanding as to who is really making the decision. If there is to be greater uniformity of practice across the country there is clear need for formal guidance on continuity to be issued to Panel Members. Whilst it is not part of this project, it is suggested that steps also be taken to raise awareness of the issue of continuity with stakeholders right across the spectrum.

Next steps

- ***Development of Training/Guidance package and delivery mechanisms.***

In discussions with both Children’s Hearings Branch staff and Children’s Hearings Training Organisers it has been agreed that any associated training issues could be best dealt with as “awareness raising sessions” rather than as formal training. It is intended that continuity issues will be assimilated into the pre-service training programme for new members and that existing members be offered awareness raising/guidance materials via their own local training mechanisms.

- ***Re survey to test effectiveness of training.***

As noted at the beginning of the report there was an intention to carry out a follow up survey to gauge the effectiveness of any training arising from this survey. Dependent upon the uptake of local training, there remains the opportunity for this to be done early in 2009.

Annex 1

GETTING IT RIGHT

CONTINUITY OF PANEL MEMBERS - QUESTIONNAIRE

The Scottish Government wants to obtain information on the extent of Panel Member continuity between Children's Hearings, the reasons for this and the views of those involved. George Anderson, former Chair of CPCG, is carrying out this investigation, the results of which will be used to produce guidance for Panel Members.

This questionnaire is being sent to all Reporters and Panel Members in the study areas to obtain their views. This is being done by SCRA on behalf of George Anderson.

Please complete the questions below and return in the postage paid envelope provided, by **26 November 2007**.

If you have any questions on this questionnaire, please contact George Anderson:

Email: andersongeorge@blueyonder.co.uk

Mobile: 07980526543

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Scottish Children's Reporter Administration
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CONTINUITY OF PANEL MEMBERS - QUESTIONNAIRE

Q1. Are you:

- Panel Member
 Reporter

Q2. In which local authority area (tick one):

- Glasgow East
 Dumfries & Galloway
 Angus
 Aberdeen City
 North Ayrshire
 Orkney

Q3. Over the past year, have you been involved in a case where a Panel Member attended more than one Hearing for the same child?

- Yes (go to Q4) No (go to Q9)

Q4. If yes, thinking about the most recent such case, what was the reason for this? (tick all that apply)

- Just the way the Panel Member rota worked (go to Q9)

Or requested by:

- Parents/carers
 Child
 Panel Member (not Hearing Chair)
 Hearing Chair
 Reporter
 Social work or other agencies
 Safeguarder
 Legal representative

Q5. To what extent were the following involved in the decision for continuity of Panel Member(s) in the most recent such case (tick all that apply)?

- | | Not at all | Informed
but not involved | Involved |
|----------------------------|--------------------------|------------------------------|--------------------------|
| Child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Parents/carers | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other Panel Members | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Hearing Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Panel Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Reporter | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Social worker/other agency | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Safeguarder | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Legal Representative | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q6. What was the main reason for Panel Member continuity in the most recent such case? (tick one)

- Panel Member's familiarity with the case
- To avoid child having to divulge sensitive information to more than one Hearing
- For Panel Member to check that action taken
- Rapport between Panel Member and child
- Panel Member interest in the case
- No apparent reason
- Other (please explain)

Q7. Did Panel Member continuity cause any problems in the most recent such case? (tick all that apply)

- To Panel Chair in organising rota
- To other Panel Members
- To Reporter/SCRA staff
- To child
- To family
- There were no problems

Please describe the problems:

Q8. Did Panel Member continuity provide any perceived benefits in the most recent such case? (tick all that apply)

- To Panel Member involved
- To Hearing
- To Reporter/SCRA staff
- To child
- To family
- There were no benefits

Please describe the benefits that Panel Member continuity brought:

Q9. In your view, should there be continuity of Panel Members (tick all those that apply)?

Yes No

- As a routine
- When requested by child
- When requested by parents/carers
- When requested by child's representative
(inc. Safeguarders and Legal Representatives)
- When requested by Panel Member
- When requested by Hearing
- When requested by Reporter
- Only if happens by chance through rota.
- Only under specific circumstances (please suggest what these should be)

Q10. Do you have any other comments or views on this issue?

Thank you for completing this questionnaire.

George Anderson, Project Lead.

A photograph of several children running happily on a grassy hill under a clear blue sky. The children are in the foreground, and their shadows are cast on the grass. The image is part of a header banner.

Children and Families involved in the Hearings System

Continuity of Panel Members from one Hearing to another

Information for Parents and Carers

Research Project

Continuity of Panel Members

This is a project being carried out by George Anderson, a former Children's Panel Chairman, on behalf of Scottish Ministers. It is funded by the Scottish Government. This project aims to discover what improvements could be made to Hearings in terms of greater continuity of one or more panel members from one hearing to another. Its findings will help determine the current level, if any, of panel member continuity and try to determine what benefits or disadvantages for children and families might result should a system of greater continuity be introduced across the country.

The project will explore the experiences of children and young people, as well as those of their families, to gather information as to their views about one or more of the panel members sitting on a child's next hearing. The interview will be to collect general information and will not be specific to your child's hearing. If possible, brief interviews will be carried out immediately after the child's hearing

What would my child have to do?

As soon as possible after the hearing, your child will be asked a few simple questions about his/her views as to whether one or more panel members should follow through any particular children's hearing. This should take only a few minutes and unless it just not possible, for whatever reason, your child will be spoken to in your presence.

The views of children and families will form a central part of future training programs for panel members. Your co-operation would, therefore, be greatly appreciated.

Confidentiality

Although notes will be taken for research purposes, children and young people's names and personal details will not be revealed. What each individual child or young person says will remain confidential. So though quotations from interviews may be used in the final report, the names of children and young people will not be. What individual children and young people say will not be discussed with anyone. However, we will need to contact the appropriate agencies if a child or young person tells us that s/he is in danger.



CONSENT FORM

If you would like to take part, please read this form carefully, tick the boxes that apply and sign your name.

I would like to talk to you about children's experiences of going to Children's Hearings, about what you think about panel members following through a child's case from one hearing to another.

Would you like to talk to me?

Yes
No

I would like to note down what you say so that I don't forget it. I won't show my notes to anyone else, and I won't tell anyone your name or what you said.

Are you OK with this?

Yes
No

You can stop whenever you like. I won't mind.

If you have read the leaflet and are happy to take part, please sign below.

Signed.....

Name.....

Age.....years

Date.....

Children and Families involved in the Hearings System

Continuity of Panel Members from one Hearing to another



Information for Children and Young People

What is this all about?

I am doing a project on children and young people's experiences of Children's Hearings and I want to talk to you to find out what you think about one or more of the same panel members following a particular case from hearing to hearing. I need your help to find this out as everyone in the hearings system needs to know what YOU think. If possible I will also want to talk to someone who has come along to the hearing with you, maybe your parents or your foster-carer or social worker.

Who am I?

My name is George Anderson and I have been a panel member in another area for a long time. I have been asked by the Scottish Government to do this work to find out if we can make hearings better for children and young people.

What do I have to do?

Not really a lot! Just give me your thoughts as best you can on a few simple questions. You won't be asked anything difficult and the questions will be about ALL hearings not just your's.

Where and when will this happen?

The best time would be right after the hearing before you leave. It will take only a few minutes and everything should still be fresh in your mind.

Why should I talk to you?

You are the most important person at your Hearings, so it is important for everyone in the Hearings system to find out what you think. This is a chance for you to have your say in what might happen in the future at Hearings right across Scotland.

Will you tell anyone what I say?

So that I don't forget what you say I might write down some of your comments. BUT I will not let other people see what I've written or tell them what you've said. The only time I would tell anyone what you said was if you told me you were in danger. I would need to talk to another adult if this happens, but we would speak to you about it first.