



**REFORM OF THE CHILDREN'S
HEARINGS SYSTEM:**

PROPOSAL 12

**'FREQUENCY OF REVIEW
HEARINGS'**

REPORT BY

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REVIEW OF CHILDREN'S HEARING SYSTEM

PROJECT 12 - FREQUENCY OF REVIEW HEARINGS

The Legislation:

Under section 70 (7) of the Children's Scotland Act panel members may include a condition of the supervision requirement that the case must be reviewed at a specific time:

'A children's hearing who make a supervision requirement may determine that the requirement shall be reviewed at such a time during the duration of the requirement as they determine.'

INTRODUCTION:

During consultation relating to the Scottish Government's proposed Children's Services Bill it was clear that although statistics were available showing the number of review hearings in each area, the reasons for calling reviews were not readily available or included in the statistics.

From the statistics it was clear that the number of review hearings fluctuated across authorities, some were experiencing high numbers while other authorities were medium to low in numbers.

The consultation document proposed 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.

METHODS:

5 Local Authority areas were chosen for the purpose of this project:

Glasgow North East	28%	(review hearings held in 6 months prior to study)
Glasgow West	71%	
East Renfrewshire	21%	
West Lothian	16%	
Western Isles	20%	

Consultation across major stakeholders in the system was considered necessary in order to ensure the views of all were taken into consideration in the process:

Involved were:

- Panel Chairs
- Panel Members
- Children's Panel Advisory Committee
- Safeguarders
- Social Work
- Education
- Voluntary organisations
- Residential and secure unit staff
- Young people and families

Initially the Children's Hearing Training Organiser, Glasgow University, produced the following 'Training Guidance and Points for Consideration' which was circulated to all panel members in survey areas.

TRAINING GUIDANCE AND POINTS FOR CONSIDERATION:

OVERARCHING PRINCIPLES

Attending a hearing is a serious intervention in a child's life. When making decisions panel members should be mindful of the 'overarching' principles:

- The child's welfare is the paramount consideration
- To seek and take account of the child's views
- Minimum intervention

these should also be kept in mind when deciding whether a review is necessary

SUPERVISION REQUIREMENT

The aim of a supervision requirement is to enable the child and his/her family to function satisfactorily so that compulsion is no longer necessary. The reasons for supervision, and the conditions attached, will set out in detail how the objectives identified by the hearing are to be achieved.

The reasons should identify:

- *who is doing what
- *the resources and services required
- *timescales

REASONS FOR A REVIEW

- *a particular target/piece of work has been completed
- *a particular event in the child's life means the supervision requirement may need to be varied
- *failure of the Local Authority to implement the hearing's decision – intended notice of enforcement – holding the local authority to account

Panel member reviews should be called WHEN it happens and NOT to see IF it happens.

This may mean a supervision requirement is no longer necessary or will need variation.

WHEN MIGHT A HEARING CALL A REVIEW?

Jenny has been placed with her aunt and uncle who have applied for a residence order. There are no concerns about the care she is receiving and will continue to receive once they have parental responsibilities and rights. The only reason the supervision requirement is needed is to secure the placement until the order has been granted.

Colin has been looked after for some time due to his mother's ill health – prior to this the care he received was of a very high standard. His mother is now fit and well and the hearing decide that Colin should be rehabilitated back home. The level of support the family will need will diminish as the family is re-established.

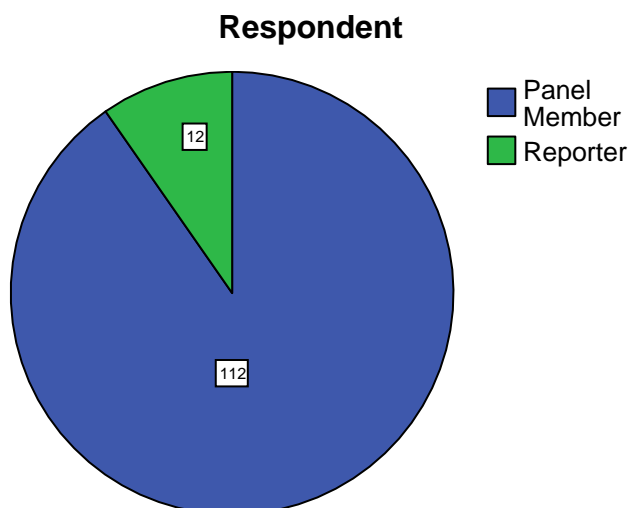
A condition of David's supervision requirement is that he addresses his drug habit and he is able to attend a ten week programme at the addiction session. Panel members may wish to know the outcome and what further measures may be necessary at the end of this programme and may in these circumstances want to speak to David at the end of the programme.

There is a condition on Susan's supervision requirement regarding her attendance at school and the support needed to achieve this. Panel members have set a review for eight weeks by which time significant progress should have been made and some of the support should be able to be withdrawn.

As part of the project, a survey of Panel Members and Children’s Reporters was carried out by the Scottish Children’s Reporter Administration (SCRA). This paper reports on the results of this survey¹.

All Panel Members and Reporters in study areas were asked to complete a questionnaire (attached at Annex 1). The study areas were those covered by the SCRA teams: Glasgow North East; Glasgow West; East Renfrewshire; West Lothian and the Western Isles. The survey was carried out in April and May 2008.

Questionnaires were sent by SCRA to 339 individuals – 312 Panel Members and 27 Reporters. 124 questionnaires were returned - a response rate of 37%. In line with the numbers of Panel Members and Reporters in these areas, 90% of responses came from the Panel Members, while 10% came from Reporters.



n = 124

Completed questionnaires were returned to SCRA. Responses were collated and analysed using SPSS (a software tool used in social research).

Results

Part 1 – Views

In your view, when should Children’s Hearings request early reviews?

Table 1

	YES		NO	
	Number	% respondents	Number	% respondents
Never/not appropriate	0	0	56	46%
As a routine	1	0.8%	63	52%
Child reaching 16 th birthday	13	11%	49	40%
To check if child received services	61	50%	23	19%
Need to assess short term interventions/placements	109	90%	5	4%
Change in child’s residence/circumstances	87	72%	13	1%
To help ensure child engages with services	59	49%	21	17%

N=121

¹ A survey of Panel Members’ experiences of requests for early reviews was carried out prior to this survey, and the results of the first survey are attached at Annex 2.

Most respondents answered that early reviews should not be a matter of routine. For example, one Panel Member commented, *'Panel Members should be free to ask for an early review when they judge it necessary but not as a matter of routine'*.

The most common views were that it is appropriate to request an early review of a Supervision Requirement to assess short term interventions (90% of respondents) or because of a change in the child's circumstances (72% of respondents).

About a half of respondents were of the view that early reviews should be used to check if child had received services or engaged with them, and there were numerous comments on this issue. This view is contrary to the intention of the provision within the Children (Scotland) Act to permit early reviews. Norrie (1997)² states 'it would be a misuse for children's hearings to require a review under this provision for no other reason than to 'keep their eye on the situation'. This conflict between the intention of the provision and how it is applied in practice is reflected in some of the comments from respondents, as below:

'To check if child received services. I realise this is not the intention of an early review but in practical terms has been felt appropriate' (Panel Member)

'Early reviews can be requested to make sure that things get done. Although this is perhaps not ideal it is sometimes necessary.' (Panel Member)

'Shouldn't, but sadly, we know that 'services' may drag their heels or indeed never be forthcoming with the requested support/intervention if early review not on the cards.' (Panel Member)

'I do know that most reviews by Panel Members were because they were concerned that they would not see the case again and had concerns that the child may not receive the services it needs. They used it to check progress.' (Reporter)

However, others saw no conflict between the intention of section 70(7) and its use by Hearings to request early reviews of Supervision Requirements to have more control over services.

'On occasion the Hearing feels unsure that adequate resources are being made available by the local authority and therefore wishes more control.' (Panel Member)

'Sometimes the care plan is not clearly defined or is dependent on factors not in Panel's control and then review needed to ensure appropriate care/control for child.' (Panel Member)

'I think appropriate use of an early review is essential to ensure that actions instructed by the Panel where there is a clear need to understand that they have been followed through is available.' (Panel Members)

Others were clearer about the purpose of section 70(7) reviews:

'Child's best interest depending on circumstances, it is difficult to predict when the review should be applied. Don't think it should be used to monitor SWs or for an incentive to family - all other circumstances should be looked at separately and should still be available to PMs as an option.' (Panel Member)

'I try not to ask for early reviews as it has come to my attention that there may be too many and that they need to serve a real purpose. We need to trust social work et al to implement care plan and call review if they feel it necessary.' (Panel Member)

'The prospect of using frequent panel reviews to address child's behaviour is not in line with the ethos of the Hearings System. Panel reviews should be used in the child's best interest and only if necessary (minimum intervention).' (Reporter)

'I think sometimes it's the easy way out to have early reviews. We have to trust our decisions and what the professionals say.' (Panel Member)

'I feel that some Panel Members use early reviews as a monitoring tool. This is inappropriate.' (Panel Member)

² Children's Hearings in Scotland. Kenneth McK. Norrie. (1997)

Other circumstances

Some respondents suggested other circumstances where a Hearing should request an early review of a Supervision Requirement, as follows:

- *To allow relevant person who could not attend Hearings to have a chance to give views.* (Reporter)
- *'Change in parental circumstances (e.g. drugs related and effect on contact or placement of child'* (Panel Member)
- *'To make permanency arrangements or at last chance for rehabilitation.'* (Panel Member)
- *Social work and Panel believe it will focus child and/or parents on work to be done within a time period (on many occasions this is requested by social work).* (Panel Member)
- *'In the child's best interests'.* (Panel Member)
- *Where appropriate resource is not available and an alternative is used'* (Panel Member)
- *Where there is disagreement between family and services – to make sure both are working towards the child's welfare'* (Panel Member)
- *If Supervision Requirement is about to lapse and Hearing need to continue it without full reports or if child/family not present'* (Reporter)

Part 2 – Experience

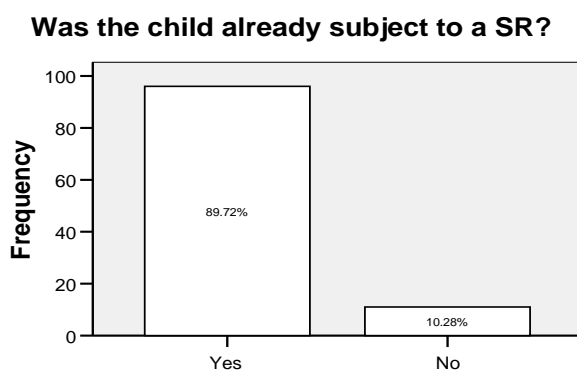
Over the past year, have you been involved in a case where a Children's Hearing requested an early review of a Supervision Requirement.

111 respondents had attended a Hearing where the Panel Members requested an early review. 11 had not. Two of the respondents did not answer.

Although not definitive on how many Hearings' requests for early reviews there are, this does show that the practice is widespread. The previous survey indicated that at 19% of Hearings Panel Members request early reviews of children's Supervision Requirements (Annex 2).

The remainder of the questions were on the most recent case that respondents had attended where the Hearing had requested an early review of the Supervision Requirement.

Was the child already subject to a Supervision Requirement?



N = 122

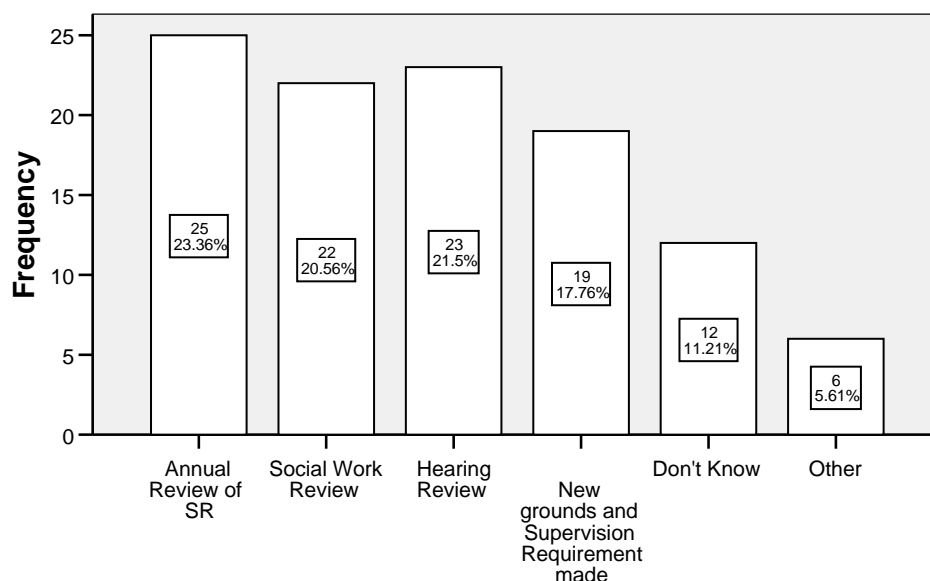
For the majority of Hearings attended by respondents, the child was already subject to a Supervision Requirement.

What type of Hearing was it?

Most of the Hearings, where the Panel Members requested early reviews, were already Hearings held to review Supervision Requirements – 25 annual reviews of Supervision Requirements, 22 reviews requested by social work, and 23 reviews requested by Hearings. Only 19 of Hearings, where an early review was requested, were ones where the child was not already subject to a Supervision Requirement.

From these results it would appear that it is not uncommon for a child to experience multiple early reviews, with the associated need for him/her and his/her family to attend Hearings relatively frequently.

What type of hearing was it?



n = 107

What was the reason for the Hearing to request an early review?

Table 2

Reason for the Hearing	No. respondents
To check child's response to intervention	37
To check parents'/carers' response to intervention	35
Early assessment of conditions of Supervision Requirement	18
Need to assess short-term measure, before further decision made	41
Child nearing 16 th birthday	2
Supervision Requirement about to lapse	11
Concern if child is receiving a service	28
Concern that care plan would be terminated	7
Concern that no timescales were outlined in child's plan	24
Lack of reports/assessment	33
Normal practice	0
No apparent reason	0
Other	9

N = 105

The most common reason for the Hearing to request an early review was to assess the short-term measure, before further decision was made. The second most common reason was to check the child's response to the intervention (Table 2). None of the respondents cited as 'normal practice' or 'no apparent reason' for the reason given for the request for early review.

Some respondents gave examples of other circumstances where an early review was requested:

- *'Parents due in court where custodial sentence was likely. Need to assess effect on child.'* (Panel Member)
- *'Social work did not attend. Mother wanted SR to obtain short term help and wanted the Order made ASAP with early review to allow full discussion and to allow her to show that the short term help had improved situation.'* (Reporter)

To what extent were the following involved in the decision for the Hearing to request an early review?

Table 3

	Number of respondents		
	Not at all	Informed but not involved	Involved
Child	20	40	59
Parent/carer	5	23	67
Panel Members	1	1	92
Hearing Chair	2	0	86
Reporter	10	32	29
Social Work or other agency	2	24	65
Safeguarder*	32	3	8
Legal representative*	33	5	1

*For most Hearings, safeguarders and/or legal representative would not have been present.

N = 106

Those most involved in the decision to request an early review were the Panel Members and Chair at the Hearing. Social Workers, parents were also often involved, as were children in about a half of the Hearings that respondents attended. Reporters were not often involved.

A large minority of children had no knowledge or involvement in the decision for an early review of their Supervision Requirements. It is not possible from this study to identify the reasons for this (e.g. they may be very young), but nonetheless perhaps a concern remains that a child can have such little involvement in a decision that directly affects them.

Do you think having an early review caused any problems?

Table 4

	No. respondents
To Panel Chair in organising rota	6
To other Panel Members	4
To Reporter/SCRA staff	20
To child	1
To family	16
To social work or other agencies	30
No problems identified	54

N = 100

In the views of respondents, the person least impacted upon in an early review of Supervision Requirements is the child – this is surprising since this decision means that the child will have to attend more Hearings.

There was some acknowledgement of the additional administration required, with respondents indicating that early reviews would cause problems to the Social Work Department (30 respondents) and Reporters/SCRA staff (20). However, 54 respondents said there was no problem with the request for an early review (Table 4).

Comments from respondents focused on the effect on the child and family and administrative burden:

'Hearings are difficult enough – can't quantify impact on family but potentially further anxiety. I think early reviews (in general) create more Hearings in an already stretched system.' (Panel Member)

'There is a large but diminishing number of s70(7) reviews that serve little purpose. They may be forgetting how stressful a Hearing is to the family, impact on:

SCRA has to find Hearing slots

Service providers working on reports

Families coming to Hearings.' (Reporter)

Did an early review provide any benefits?

Table 5

	No. respondents
To Panel Members	35
To Reporters/SCRA staff	4
To child	80
To family	64
To social work or other agencies	25
There were no benefits	3

N = 95

The majority of the respondents believed the child (80), followed by their family (64), as the primary beneficiaries of early reviews. As one Reporter commented: *'Generally speaking appropriately sought early reviews are beneficial for the child.'* However, not all respondents thought that early reviews benefited the children involved. One Panel Member commented: *'My experience of early reviews requested by Panel Members – of no benefit to child in any way.'*

The third group of respondents considered to benefit were Panel Members (35).

Other comments

Respondents were asked if they wished to give general comments or views on this issue. These are reflected below:

Best interests of the child

'In my experience early reviews have only been requested when the panel have considered it is to be in the best interest of the child. At all times we have been considerate of administrative concerns.' (Panel Member)

'At all times the Hearing should be guided by what they feel is in the child's best interests and not in anyway to be influenced by pressure on the diary of Reporter/SCRA staff.' (Panel Member)

'When I wish for an early review, it is in the best interests of the child.' (Panel Member)

'I only request an early review if I feel that the child will benefit.' (Panel Member)

Reasons for early reviews

'In my experience early reviews are asked for because the child is not getting the help and support on an SR that they should. So that when this is related to social work that child needs this intervention but that it's not being carried out.'

'The Panels I have been on have asked for early reviews so as to see if the fact the child does receive the help rather than letting it drift on.' (Panel Member)

'Most cases for early reviews are because of lack of reports or non-attendance by social work.' (Panel Member)

'In certain circumstances, I think that early reviews are essential to ensure that a child's needs are being met (e.g. not attending school) – if this is left for another year, there is a good chance child may not have attended school in that time.' (Panel Member)

'Over the last 6 months or so, Hearings are requesting early reviews largely to give families/child a focus to work towards.' (Reporter)

'Early intervention is paramount. I feel early reviews can be beneficial particularly in more complex cases also particularly where social work have to prioritise caseload.' (Panel Member)

Appropriateness of early reviews

'If the decision to hold an early review is imposed by a Panel it causes further overload on the system and may in the event, lead to an unnecessary Hearing. It should be left to the interested parties to exercise their right to call a review.' (Panel Member)

'Early review will bring problems in terms of scheduling and attendance and additional reports. However, I believe they are a benefit where there are concerns over a level of intervention or as an incentive to improvement. The latter only apply in particular circumstances and not as a general rule.' (Panel Member)

'I feel that s70(7) reviews are a valuable Hearing resource and the proposed legislation should not remove that option. However, I do accept that these reviews and reviews in general can cause administrative and hearing management issues. However, if used appropriately this still remains an invaluable Hearing resource and this outweighs the negatives of inappropriate use.' (Panel Member)

Yes: on rare occasions, early reviews are helpful, but in the main should be left to social work to request review.' (Reporter)

'I think 'good practice' guidance would address the issue best. Being prescriptive on having further statutory rules would not help. Often overuse is cultural or dependant on service delivery issues in local authority.' (Reporter)

Conclusion

Requests by Hearings for early reviews of Supervision Requirements appear to be a relatively common occurrence, with 90% of those questioned having been to such a Hearing in the past year. 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 a child was receiving services and/or the child's response to these services. As one of the respondents stated *"it ensures that things get done, although not ideal, it is necessary"*. It could be questioned whether this view (held by over 70% of respondents) is line with the intention of s70(7) of the Children (Scotland) Act, and suggests that there is a need for guidance and training on this issue to ensure consistency and clarity in the use of this provision.

GETTING IT RIGHT

REVIEW HEARINGS REQUESTED BY CHILDREN'S HEARINGS – QUESTIONNAIRE

The Scottish Government wants to obtain information on the extent to which Children's Hearings request early reviews of Supervision Requirements, the reasons why Panel Members request these and the views of those involved. Christine MacKechnie, former Chair of Glasgow Children's Panel, 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 Christine MacKechnie.

Please complete the questions below and return in the postage paid envelope provided, by **5th May 2008**.

If you have any questions on this questionnaire, please contact Christine MacKechnie:

Email: chris93444@aol.com

Mobile: 07831816573

Gillian Henderson
Head of Policy
Scottish Children's Reporter Administration
Ochil House
Springkerse Business Park
Stirling FK7 7XE

Tel: 01786 459531

Email: gillian.henderson@scra.gsx.gov.uk

REVIEW HEARINGS REQUESTED BY PANEL MEMBERS – QUESTIONNAIRE

Q1. Are you:

- Panel Member
- Reporter

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

- Glasgow North East
- Glasgow West
- East Renfrewshire
- West Lothian
- Western Isles

Q3. Over the past year, have you been involved in a case where a Children's Hearing requested an early review of a Supervision Requirement?

- Yes (Please complete the rest of this questionnaire)
- No (Please answer Q4 only)

Q4. In your view, when should Children's Hearings request early reviews?

	Yes	No
Never/not appropriate	<input type="checkbox"/>	<input type="checkbox"/>
As a routine	<input type="checkbox"/>	<input type="checkbox"/>
If child nearing 16 th birthday	<input type="checkbox"/>	<input type="checkbox"/>
To check if child received services	<input type="checkbox"/>	<input type="checkbox"/>
Need to assess short term interventions/placements	<input type="checkbox"/>	<input type="checkbox"/>
Change in child's residence/circumstances	<input type="checkbox"/>	<input type="checkbox"/>
To help ensure child engages with services	<input type="checkbox"/>	<input type="checkbox"/>
Other circumstances (please suggest what these should be		

.....

If yes - looking at the most recent such case that you were involved in:

Q5. Was the child already subject to a Supervision Requirement?

- Yes
- No

Q6. What type of Hearing was it?

- Annual review of Supervision Requirement
 - Social Work Review
 - Hearing review
 - New grounds and Supervision Requirement made
 - Don't know
 - Other (please explain)
-

Q7. What was the reason for the Hearing to request an early review? (tick all that apply)

- To check child's response to intervention.
- To check parents/carers response to intervention.
- Early assessment of conditions of Supervision Requirement.
- Need to assess short-term measure, before further decision made.
- Child nearing 16th birthday.
- Supervision Requirement about to lapse.
- Concern about if the child would receive a service.
- Concern that care plan would be terminated.
- Concern that no timescales were outlined in child's plan.
- Lack of reports/assessment.
- Normal practice.
- No apparent reason.
- Other (please explain).

Q8. To what extent were the following involved in the decision for the Hearing to request an early review (tick all that apply)?

	Not at All	Informed but not involved	Involved
Child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent/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"/>
Reporter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Work or 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"/>

Q9. Do you think having an early review caused any problems? (tick all that apply)

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

Q10. Did an early review provide any benefits? (tick all that apply)

- To Panel Members
- To Reporter/SCRA staff
- To Child
- To Family
- To Social Work or other agencies
- There were no benefits

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

Thank you for completing this questionnaire.

Christine MacKechnie (Project Lead)

REVIEW HEARINGS REQUESTED BY CHILDREN'S HEARINGS – SURVEY OF PANEL MEMBERS

Introduction

This survey was carried out as part of a wider project looking at the practice of early reviews of Children's Hearings requested by Panel Members. This project is being carried out to inform the Scottish Government's Getting it Right programme, and is being conducted by Christine MacKechnie.

This survey preceded the more comprehensive survey that it reported in the main part of this report. The findings reported here should be viewed as indicative.

For a more robust and wide ranging overview on the practice of early reviews requested by Hearings and Panel Members' and Reporters' views on this, please refer to the main survey.

Methods

All Panel Members in the study areas were asked to complete a short questionnaire (at end of this Annex) at the end of each Hearing. The completed questionnaires were collected by SCRA staff and returned to Christine MacKechnie, and then forwarded to SCRA Information & Research team for analysis using SPSS.

The survey was carried out from November 2007 to February 2008.

Results

277 Questionnaires were completed and returned.

Area	No. completed questionnaires
East Renfrewshire	43
Glasgow West	113
Glasgow North East	47
West Lothian	44
Western Isles	29
Not recorded	1
Total	277

Type of Hearing

Type of Hearing	Number	%
Annual Review	75	27.5%
Social work review	38	13.9%
Parent/child review	3	1.1%
Panel Member review	47	17.2%
New grounds	38	13.9%
Other	72	26.4%

N=273

Where the response was 'other', the most common types of Hearings were continued Hearings (29 respondents) and Hearings to consider Place of Safety Warrants (16 respondents).

At today's Hearing, did the Panel Members set an early review date of the child's Supervision Requirement?

	Number	%
Yes	50	19%
No	218	81%

N=269

Why did you set this early review?

Reason	Number
To check child/family carers response to the intervention	18
Concern about family/child	21
To secure a short-term placement	0
Concern about if the child would receive a service, or if the care plan would be terminated	5
Concern that no timescales were outlined in the child's plan	4
Could matters be resolved/addressed/re-assessed during the period of the review	11
Supervision Requirement about to lapse	10
Lack of reports/assessment	8
Other	19

Where the response was 'other' the most common reason was because the child and/or family did not attend the Hearing.

A minority of respondents answered the next two questions. The response rate varied from 11 to 44 out of 277.

Who was involved in the decision to set an early review?

	Not at all	Informed but not involved	Involved
Child	14	9	8
Parents/carers	5	11	19
Panel Members	4	0	40
Social worker	3	7	22

If involved in the decision, did they agree or disagree?

	Agreed	Disagreed
Child	11	0
Parents/carers	25	0
Panel Members	37	0
Social worker	25	0

SCRA
4 August 2008

SCOTTISH GOVERNMENT RESEARCH - PANEL MEMBER QUESTIONNAIRE

Please complete after your Hearing, and return to reception staff.

Area:

Date of Hearing: Time:

Type of Hearing (please tick one):

- Annual Review
- Social Work Review
- Parent/child Review
- Panel Member Review
- New grounds
- Other (please state)

At today's Hearing, did the Panel Members set an early Review date of the child's Supervision Requirement?

- Yes (please complete the following questions)
- No (please do not complete remaining questions)

Why did you set this early Review? (please tick all that apply):

- To check child/family/carers response to the intervention
- Concern about family/child
- To secure a short-term placement
- Concern about if the child would receive a service, or that the care plan would be terminated?
- Concern that no timescales were outlined in the child's plan.
- Could matters be resolved/addressed/re-assessed during the period of the Review?
- Supervision Requirement about to lapse.
- Lack of reports/assessment.
- Other (please explain)

Who was involved in the decision to set an early Review? (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"/>
Panel Members	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If involved in the decision, did they agree or disagree? (tick all that apply):

	Agree	Disagree
Child	<input type="checkbox"/>	<input type="checkbox"/>
Parents/Carers	<input type="checkbox"/>	<input type="checkbox"/>
Panel Members	<input type="checkbox"/>	<input type="checkbox"/>
Social Worker	<input type="checkbox"/>	<input type="checkbox"/>

Please include any other comments that may help.

Thank you for completing this questionnaire: Christine MacKechnie (Project Lead).

A similar questionnaire was completed by Stakeholders including:

Social Work
 Education
 Voluntary Organisations
 Residential & Secure Staff
 Young People and families
 Safeguarders

124 returns were received from:

Social Work = 46
 Education = 11
 Voluntary organisations = 22
 Residential & Secure Staff = 11
 Young people & families = 28
 Safeguarders = 6

QUESTIONNAIRE RESULTS:

Q1. Please state organisation:

Q2. Local authority/SCRA area:

Q3. Over the past year, have you been involved in a case where a Children's Hearing requested an early review of a Supervision Requirement?

101 = Yes
 23 = No

Q4. In your view, when should Children's Hearings request early reviews?

	Yes	No
Never/not appropriate	<input type="checkbox"/>	103
As a routine	34	<input type="checkbox"/>
If child nearing 16 th birthday	98	<input type="checkbox"/>
To check if child received services	87	<input type="checkbox"/>
Need to assess short term interventions/placements	32	<input type="checkbox"/>
Change in child's residence/circumstances	121	<input type="checkbox"/>
To help ensure child engages with services	52	<input type="checkbox"/>
Other circumstances (please suggest what these should be		

If yes - looking at the most recent such case that you were involved in:

Q5. Was the child already subject to a Supervision Requirement?

Yes 97
 No 4

Q6. What type of Hearing was it?

Annual review of Supervision Requirement 53
 Social Work Review 23
 Hearing review

New grounds and Supervision Requirement made 25
 Don't know

Q7. What was the reason for the Hearing to request an early review? (tick all that apply)

To check child's response to intervention. 33
 To check parents/carers response to intervention.
 Early assessment of conditions of Supervision Requirement.
 Need to assess short-term measure, before further decision made.
 Child nearing 16th birthday.
 Supervision Requirement about to lapse.
 Concern about if the child would receive a service. 25
 Concern that care plan would be terminated.
 Concern that no timescales were outlined in child's plan.
 Lack of reports/assessment. 43
 Normal practice.
 No apparent reason.
 Other (please explain).

Q8. To what extent were the following involved in the decision for the Hearing to request an early review (tick all that apply)?

	Not at All	Informed but not involved	Involved
Child	<input type="checkbox"/>	97	<input type="checkbox"/>
Parent/Carers	<input type="checkbox"/>	86	
Other Panel Members	<input type="checkbox"/>	<input type="checkbox"/>	101
Hearing Chair	<input type="checkbox"/>	<input type="checkbox"/>	89
Reporter	<input type="checkbox"/>	<input type="checkbox"/>	18
Social Work or other agency	<input type="checkbox"/>	76	<input type="checkbox"/>
Safeguarder	<input type="checkbox"/>	72	<input type="checkbox"/>
Legal Representative	<input type="checkbox"/>	13	<input type="checkbox"/>

Q9. Do you think having an early review caused any problems? (tick all that apply)

To Panel Chair in organising rota
 To other Panel Members
 To Reporter/SCRA staff 16
 To child 56
 To family 73
 To social work or other agencies 67
 There were no problems 34

Q10. Did an early review provide any benefits? (tick all that apply)

To Panel Members
 To Reporter/SCRA staff 14
 To Child 76
 To Family 54
 To Social Work or other agencies 16
 There were no benefits 4

OTHER COMMENTS:

Generalisations are perhaps dangerous; each case should be assessed on its own merits.

Early reviews can be very helpful; particularly where a child or family has not been engaging or if the Hearing is concerned that Social Work will not implement the decision. Early reviews are also helpful where decisions about the child's long term future are imminent; e.g. a 'last' opportunity to a parent to exercise contact where permanency is under consideration.

When a particular assessment has been requested or underway the result of which might effect decisions about resources which might be necessary for the child or when an appropriate identified resource will become available before Review date.

I think an early review is very important in certain cases to ensure that any care plan put in place is effective.

The freedom to opt for an early review is to be valued by panel members and should normally work in the child's best interest. It is particularly useful where there are disputes regarding contact between child and parents.

I find the Reporter's role in different areas varies – some advise not to set an early review while others encourage this. I also have the impression that Trainings offer different guidance so national more standardised training would be helpful.

While I do not think a reason for an early review should be to see if the child has received a service, I do have sympathy with panel members given there are instances when the child comes to the annual review having had no allocated social worker. I am not sure if someone could check the situation and trigger a review or if relevant persons could be made more aware of their responsibilities and rights.

As a safeguarder I have recommended an early review on a few occasions. This has been primarily because I have had concerns about either the child's needs being met or the appropriateness of a placement. Although this has been my recommendation panel members have always supported this recommendation and it has not been an issue as far as I am aware.

CONCLUSION:

The most common views were that is appropriate to request an early review to look at changes in child's circumstances or if child was nearing 16th birthday, but not as a matter of routine.

A fairly high number of respondents stated that early reviews should be called to check if child had received services.

A high number of responses showed neither the child nor parent/carer were involved in decision to request an early review.

The majority of comments were that this should be discussed in more detail at hearings and that the child, parent and social worker should have some input.

Most stated that an early review was only mentioned during the decision making process.

The only comment given on an early review causing problems was:

'There should be no concerns who this causes problems to if deemed necessary for the child's benefit.'

The majority felt that an early review provided benefits to the child and family.

INTERVIEWS HELD WITH YOUNG PEOPLE IN KIBBLE RESIDENTIAL AND SECURE UNIT.

I interviewed 9 young people ranging from 12 – 17 years of age from the following Local Authority Areas:

GLASGOW
 EDINBURGH
 ABERDEEN
 EAST RENFREWSHIRE
 WEST LOTHIAN

All had been in the Hearing system for several years and had been the subject of a Supervision Requirement at the time of attending a Review Hearing.

Main Findings:

Q5. Were you already subject to a Supervision Requirement?

Yes	9
No	<input type="checkbox"/>

Q6. What type of Hearing was it?

Annual review of Supervision Requirement	<input type="checkbox"/>
Social Work Review	<input type="checkbox"/>
Hearing review	3
New grounds and Supervision Requirement made	3
Don't know	3
Other (please explain)	<input type="checkbox"/>

Q7. What was the reason for the Hearing to request an early review? (tick all that apply)

To check child's response to intervention.	2
To check parents/carers response to intervention.	<input type="checkbox"/>
Early assessment of conditions of Supervision Requirement.	1
Need to assess short-term measure, before further decision made.	2
Child nearing 16 th birthday.	1
Supervision Requirement about to lapse.	<input type="checkbox"/>
Concern about if the child would receive a service.	3
Concern that care plan would be terminated.	<input type="checkbox"/>
Concern that no timescales were outlined in child's plan.	<input type="checkbox"/>
Lack of reports/assessment.	<input type="checkbox"/>
Normal practice.	<input type="checkbox"/>
No apparent reason.	<input type="checkbox"/>
Other (please explain).	<input type="checkbox"/>

Q8. To what extent were the following involved in the decision for the Hearing to request an early review (tick all that apply)?

	Not at All	Informed but not involved	Involved
Child	<input type="checkbox"/>	9	<input type="checkbox"/>
Parent/Carers	<input type="checkbox"/>	9	<input type="checkbox"/>
Other Panel Members	<input type="checkbox"/>	<input type="checkbox"/>	9
Hearing Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reporter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Work or other agency	1	2	6
Safeguarder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal Representative	<input type="checkbox"/>	9	<input type="checkbox"/>

Q9. Do you think having an early review caused any problems? (tick all that apply)

- To Panel Chair in organising rota
- To other Panel Members
- To Reporter/SCRA staff
- To child 1
- To family 2
- To social work or other agencies 4
- There were no problems 2

Q10. Did an early review provide any benefits? (tick all that apply)

- To Panel Members
- To Reporter/SCRA staff
- To Child 7
- To Family 2
- To Social Work or other agencies
- There were no benefits

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

The young people in general had no issues with attending hearings.
 The majority felt they would prefer more hearings to enable them to advise panel members how they are progressing. 3/6 monthly was suggested as 'good'.
 All said they were not asked whether an early review would be helpful.
 1 young person felt he could not get involved at hearings because he was nervous,
 2 said panel members make decisions regardless of their views.
 The majority stated they would find it helpful to have a known face (previous hearing panel member) at each hearing, but NOT the same one all the time.
 All of the young people interviewed had been involved in early reviews and were the subject of a supervision order prior to this.

One of the young people interviewed had been in the English court system and felt the Scottish system was far superior stating 'Court decided on guilt or innocence and dealt out punishment whereas Children's Hearing system tried to change young people's direction by offering help and support'.

NB

**Information Sheet was given to all young people prior to interview.
 Consent Forms were signed in advance of interviews.**

**Annex 1
 Annex 2.**

KIBBLE INTERVIEWS

FREQUENCY OF REVIEW HEARINGS (requested by Children's Hearings)

The Scottish Government wants to obtain information on the extent to which Children's Hearings request early reviews of Supervision Requirements, the reasons why Panel members request these and the views of those involved.

My name is Christine MacKechnie; I am the former Chair of Glasgow Children's Panel and a panel member. I am carrying out this investigation the results of which will be used to produce guidance for Panel Members. A questionnaire has been sent to all Reporters and Panel Members in study areas to obtain their views. Various agencies have also completed the questionnaire including social work, education and voluntary agencies. **YOUNG PEOPLE ARE ALSO BEING INTERVIEWED TO GAIN THEIR VIEWS.**

WHY?

You are the most important person at Hearings so it is important for me to find out what you think of hearings. This is a chance for you to have your say; your views will be listened to. You can help me to find out how things could be changed by telling me what was good and bad about your Hearings and about ways in which people could help young people join in. This will help make Hearings better for all children and young people who go to them.

I will write down what you say to ensure this is included in the research, but no one except me will know what you said.

THE ONLY TIME I WOULD TELL ANYONE WHAT YOU SAID WAS IF YOU TOLD ME YOU WERE IN DANGER. I WOULD THEN NEED TO TALK TO ANOTHER ADULT IF THIS HAPPENS BUT I WOULD SPEAK TO YOU ABOUT IT FIRST.

After the interviews I will write a report giving the views of everyone that took part, but no one's name will be mentioned. You will get a copy of this report telling you what I have found out from everyone.

Thank you very much for taking part in this research, should you have any further questions please contact me through David Baird (Kibble).

Christine MacKechnie (Project Lead)

CONSENT FORM.

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

I would like to talk to you about your experiences of going to
Children's Hearings, about whether or not you felt you could join in,
and about the people who might have helped you do this.

Would you like to talk to me?

Yes

No

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

Signed:

Name:

Age: years

Date:

.....

I have read the leaflet 'Information for Parents and Carers' and
agree/do not agree* to my child being interviewed as part of the
research study for the Scottish Government on Children's Hearing
System.

(*please delete as appropriate)

Signed:

Name:

Date:

Child's Name:

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 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 child's circumstances.

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

*

The view that early reviews should be used to check if the child had received services or engaged with them is contrary to the intention of the provision within the Children (Scotland) Act to permit early reviews, however, as the consultation document proposed 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, it could be argued that in fact the child's need for services to be delivered or engaged with is good reason to set early reviews.

Panel member responses show that those most involved in the decision to request an early review were the Panel Members and Chair at the Hearing. A high number of panel member responses said the child/carer were also involved.

However, returns from children, families and other agencies showed a high number of respondents believed that neither the child nor parent/carer 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 and possible benefit an early review may provide.

There were a high number of comments regarding the lack of reports from social work being available for panel members and children/carers at least 3 days prior to the Hearing. This was considered as the reason a high number of hearings had to call an early review. The majority of panel members, children/carers and other stakeholders in the system felt attending a Hearing when necessary reports were not available was a considerable waste of time and particularly stressful for the child and family, the child's welfare being the most important factor.

The majority of returns commented that if an early review is considered necessary there should be no concern regarding who this may cause problems to.

TRAINING ISSUES:

Overarching Principles

Attending a hearing is a serious intervention in a child's life. When making decisions panel members should be mindful of the 'overarching' principles

- **the child's welfare is the paramount consideration**
- **to seek and take account of the child's views**
- **minimum intervention**

and these should also be kept in mind when deciding whether a review is necessary.

Setting an early Review Hearing should NOT become routine.

Panel Member training should include the necessity to ensure discussion takes place during the hearing with the child/carers and others involved regarding any possible benefit of an early review to ensure all views are considered prior to making a decision.

Reports essential to the hearing should always be available to panel members, child/carers at least 3 days prior to hearing date.

Panel member guidelines require to be produced as to how the review mechanism should be used to increase the potential for better outcomes for children and young people.

Christine MacKechnie would like to thank the following for the help, support and assistance during this research:

Scottish Government Children's Hearings Branch Team

Panel Chairs

Panel Members

Barbara Reid CHTO

Reporters

**Dr Gillian Henderson SCRA
SCRA Information & Research Team**

**Social Work
Education
Voluntary Organisations**

Safeguarders

CPAC

David Baird – Kibble School

A particular thank you to all the children, young people and families who gave their time and their views during the research.

*Christine MacKechnie
October 2008*