

## Stage 2 Briefing on Children’s Hearings Bill: Amendments 467 and 468 to Section 173

Children in Scotland encourages the Education, Lifelong Learning and Culture Committee to **support both** of these Stage 2 amendments. They represent a vital strengthening of this Bill’s current ‘feedback loop’.

The Bill focuses heavily on structural and procedural issues, which has meant less attention to the issue of *real results for children* of decisions made by the Children’s Hearings system. Amendments 467 and 468 to Section 173 would create a more balanced and results-oriented Bill.

The Scottish Government successfully recruits new Children’s Panel members through its social marketing campaign. The current theme is “Help fix the cracks in a child’s life”. And yet, current Panel members currently have no systematic way of learning whether or not these cracks actually *end up being fixed*. The current Bill will not correct this major error. However, approving and implementing these two amendments would do so.

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### Section 173

**Ken Macintosh**

**467** In section 173, page 71, line 7, at end insert—

<(3A) A local authority must on a quarterly basis provide, or arrange for the provision of, information to the National Convener about the implementation of each compulsory supervision order by the authority during that period including, in particular, information about—

(a) any changes in the circumstances which gave rise to the decision of a children’s hearing to make a compulsory supervision order, and

(b) any changes in the overall wellbeing of the child to whom the order applies.

(3B) The National Convener must disclose information provided by a local authority under subsection (3A) in relation to a particular compulsory supervision order to—

- (a) any children’s hearing that is to review that compulsory supervision order, and
- (b) the members of the Children’s Panel who made the order.>

**Ken Macintosh**

**468** In section 173, page 71, line 7, at end insert—

<(3C) A local authority must on an annual basis, at a time to be determined by the National Convener, provide or arrange for the provision of information to the National Convener about the implementation of each compulsory supervision order by the authority during the preceding 12 months including, in particular, information about—

(a) any changes in the circumstances which gave rise to the decision of a children’s hearing to make a compulsory supervision order, and

(b) any changes in the overall wellbeing of the child to whom the order applies.

(3D) The information provided under subsection (3C) must be prepared and submitted in an anonymised format.

(3E) The National Convener must prepare and submit to the Scottish Ministers on an annual basis a report containing the information provided under subsection (3C)—

(a) for Scotland, and

(b) for each local authority.

(3F) The Scottish Ministers must lay before the Scottish Parliament each report submitted to them.>

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In our written evidence to the Committee, and in various meetings over the past year, Children in Scotland has pointed out that:

1. While the Children's Hearings system costs tens of millions of pounds annually, there is *no routine way of knowing what difference the 'decisions' from each Children's Panel actually makes* to the well-being and life chances of each child and young person involved. How can Panel members learn to make increasingly better decisions if they do not have a clue about the impact of their previous decisions? Are the services and orders triggered by the Panels' decisions a wise use of increasingly scarce public resources?

Children in Scotland certainly hopes so -- and we know of many cases in which they *have* been helpful and sometimes life-saving. But, hope and anecdotes are not systematic evidence about the results obtained for each and every child. It is hard to have 'evidence-based' decision making when so little meaningful evidence is collected, analysed and reported.

These two amendments would assist not only the Scottish Parliament and Scottish Government, but also local authorities by improving the knowledge base about which decisions/actions actually are – and are not – producing the desired results for children and young people. This can lead to cost savings by developing a firmer basis for understanding which interventions are less effective and thus, no longer worthy of public funding.

2. The Bill's current 'feedback loop' does not provide the level of evidence or degree of accountability and transparency needed for Scotland's distinctive Children's Hearing system. Current inspection regimes do not fill this void. The proposed feedback loop merely requires annual, aggregate reporting of anonymised data -- along the lines of: *This area's Children's Panels decided that 47 placements should be made into residential care units and 34 children received such placements, lasting an average of 6.5 months.* What are Panel members, the Scottish Parliament, Scottish Government, or anyone else supposed to learn from, and do with, such minimal feedback?

There are many other important Stage 2 amendments to the Children's Hearings Bill being considered by the Committee. Children in Scotland supports some of these, especially the ones that decrease the criminalisation of children and others that increase the weight given to the voice and views of children and young people themselves. These are good reflections of the UN Convention on the Rights of the Child, especially its Article 12 right for children to have a meaningful say in decisions affecting their lives. While such procedural changes *might* produce better results for children, this positive outcome is neither inevitable nor automatic.

Amendments 467 and 468 to Section 173 of this Bill add a much-needed emphasis on the right of children to really end up getting the help they need. It would be more sad than ironic to create a great participation process *within* the Hearings system for children – -- only to have such children to find their situations afterwards to be just as bad as when they first entered the system? The right to improved well-being *after* a Panel decision should be accorded at least as much respect as the right to proper participation *during* the Children's Hearings process.

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