

# Children in Scotland

every child - every childhood

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## **Children's Hearings Act 2011 – Consultation on Procedural Rules etc.**

Children in Scotland – along with its member organisations – has been integrally involved in commenting on, and seeking to improve, the Children's Hearings legislation since it was initially mooted in 2008. We were pleased to see provision in the Act both for better representation for children and for monitoring whether positive change results from implementing Hearing decisions (i.e. the Act's 'feedback loop').

We welcome the further opportunity to comment on the various subsidiary proposals intended to clarify and support the effective implementation of the Act. We are, however, concerned that the full implications of these measures are not necessarily easily deduced from these seven, extensive, highly technical documents. This, of course, means that the proposed actions they intend to introduce may not be well understood by Children's Panel members or relevant practitioners – let alone the affected children and their families. It seems counter-productive to request responses to consultation documents that are neither in Plain English, nor likely to be comprehensible to the people most directly involved.

Our initial impression is that: the number of hearings that an individual child may be subject to is likely to be significantly higher (thus exacerbating the demands on Panel members' and families' time); the number and complexity of rules and procedures will increase; the rights of the child may be compromised by procedural requirements in respect of adults who may now be deemed interested parties; the requirements for formal reports will place greater demands on social workers and other professionals; the child's experience in a Hearing will be more formal and potentially intimidating; and, that Panel members will be more frequently required to interpret possibly complex legal issues. None of the above strike us as being in line with the positive, less bureaucratic spirit of the new Act.

We would encourage the Scottish Government to consider issuing a further consultation document that summarises all the intended changes, compares these changes with the current position and sets out clearly the implications in terms of procedures and workload/time demands of these proposals. This also implies the need to extend the duration of the consultation process before new legal requirements are established. However, the extra time will be well spent if it results in more informed and helpful consultation responses – and if the people

around the table at Children's Panel meetings genuinely understand and are on board with the proposed actions that will affect them directly.

Thank you for your consideration of this matter. We look forward to your response and remain willing to be of assistance.

Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including most of Scottish local authorities, all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland's largest independent education mediation service.