

Parliamentary Briefing

Children's Hearings (Scotland) Bill
Scottish Parliament Stage 1 Debate
Wednesday 16 June 2010

Children in Scotland welcomes this Bill's overall intent and direction, i.e. improving the operation of Scotland's Children's Hearings system, while preserving the Kilbrandon principles of a welfare-based, child-centred, locally-relevant, volunteer-driven alternative to juvenile courts and the criminalisation of children.

We agree with most of this Bill's proposed changes to the Children's Hearings system and support the Bill's eventual enactment.

However, we think there should be a series of crucial amendments at Stage 2:

- Ensuring that new procedures (which result in even more adults being present) do not have the unintended effect of making Hearings more daunting, difficult and dysfunctional to the participating child;
- Improving the ways in which the views of the child are solicited, heard and heeded -- before, during and after the Hearing itself -- with explicit inclusion of children *below* the age of 12 (as well as 12 or older) to the extent that their maturity and capabilities allows meaningful participation; and,
- Resolving possible inconsistencies and problems arising between this Bill and the final Criminal Justice and Licensing Act (e.g. criminal records, offence grounds and DNA retention) now at Stage 3 within the Scottish Parliament.

The most important Stage 2 amendments are those that create a far more robust 'feedback loop' and establish the effective monitoring, evaluation and reporting of *actual outcomes for each child*.

This Bill focuses almost exclusively on what the Committee Report describes as "structural changes" and "procedural changes" to the Children Hearing's system. While absolutely necessary, these need to be supplemented – and validated – by "outcome changes". Stage 2 amendments should address the consequences on the well-being and life chances of each child *after* her/his experience with the Children's Hearings system. The value of evidence-based policy and practice is widely espoused, but the current Bill does not make provision for the gathering, analysis and disclosure of adequate evidence about what happens to each child who is involved with this system.

Our written evidence at Stage 1 can be found on Children in Scotland's website:

<http://www.childreninScotland.org.uk/docs/ChildrensHearingsEvidenceCIS.pdf>

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