



getting it right
for every child

Proposals For Action



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Contents of this pack

This pack is available in a variety of languages, Braille and large type.

The Consultation Paper and further background on the Children's Hearings System are available at the Scottish Executive website – www.scotland.gov.uk. They are also available on the Children's Hearings website - www.childrens-hearings.co.uk – where you can complete the form online or download a word document to complete the form electronically.

All the proposals are summarised in Section 4 for you to record your views.

The sections of this pack are colour coded:

Section 1 - Improving children's services



The context in which these proposals are made and an outline of a unified approach to children's services

Section 2 - Proposals for action



Proposals to improve children's services and the Children's Hearings system

Section 3 - The Integrated Assessment Framework, Records and Plans (IAF)



Proposals for an integrated assessment, planning and recording framework.

Section 4 - Your response



Your views are invited both on the specific proposals and consultation questions and on the unified approach as a means to improve outcomes for children.

Replies should be sent by 30 September 2005 to:

Freepost Plus RLTK-LXLL-HRJS
Children's Hearings Review Team
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Victoria Quay
EDINBURGH
EH6 6QQ

Email: CHRteam@scotland.gsi.gov.uk

Ministerial Foreword

Putting the child at the heart of children's services

Phase I of the consultation on the Children's Hearings system raised fundamental questions, not only about that system, but also about the services and systems around the hearings system. That is why, in this consultation, we are seeking views on how to improve children's services and on our proposals for action to achieve the desired change, including improvements to the Children's Hearings system. This affects all agencies and services who provide care and support for children and their families. This includes local authorities, police, NHS Scotland and voluntary sector organisations.



We want to make sure that the child is at the heart of children's services. Decisions about children must be based on what they need to help.

There is already a range of activity underway to improve the way in which we provide support for children and families and we intend to build on this.

Everyone has a responsibility to do the right thing for each child and we must all work towards a unified approach, with less bureaucracy and more freedom to get on and deliver services for children. This will mean earlier help and the child getting the right service at the right time packaged for their particular needs.

Children and parents should know what to expect of public agencies and what is expected of them. Developing a unified approach to children's services will require changes in culture with different ways of working to deliver effective children's services.

Agencies should tackle problems as early as possible, only referring to the Children's Hearings system where clearly necessary.

All this has implications for the way services are structured and planned, with a stronger focus on outcomes for children, and on what works. This will make a real difference for children.

We will achieve our aim by developing from the Children (Scotland) Act 1995 and placing new statutory duties on agencies. Processes will be streamlined. We expect earlier and more coordinated action by agencies and fewer referrals to a strengthened and modernised Children's Hearings system. We will empower and value both front line services and panel members.

This is a challenging agenda and everyone involved in children's services has to share in the responsibility for taking action to deliver it. It will not happen overnight but we will start the process now.

A handwritten signature in black ink that reads "Peter Peacock".

Peter Peacock MSP

Minister for Education and Young People

A handwritten signature in black ink that reads "Euan Robson".

Euan Robson MSP

Deputy Minister for Education and Young People



Vision for children

Our ambition for the children of Scotland is that they should be ambitious for themselves and be:

confident individuals
effective contributors
successful learners
responsible citizens

To achieve our vision, children need to be:

- **Safe:** Children and young people should be protected from abuse, neglect and harm by others at home, at school and in the community.
- **Nurtured:** Children and young people should live within a supportive family setting, with additional assistance if required, or, where this is not possible, within another caring setting, ensuring a positive and rewarding childhood experience.
- **Healthy:** Children and young people should enjoy the highest attainable standards of physical and mental health, with access to suitable healthcare and support for safe and healthy lifestyle choices.
- **Achieving:** Children and young people should have access to positive learning environments and opportunities to develop their skills, confidence and self esteem to the fullest potential.
- **Active:** Children and young people should be active with opportunities and encouragement to participate in play and recreation, including sport.
- **Respected and responsible:** Children, young people and their carers should be involved in decisions that affect them, should have their voices heard and should be encouraged to play an active and responsible role in their communities.
- **Included:** Children, young people and their carers should have access to high quality services, when required, and should be assisted to overcome the social, educational, physical, environmental and economic barriers that create inequality.

Section **1**

Improving Children's Services



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Section **1**

Improving Children's Services

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Section 1: Improving children's services

PRIORITIES FOR CHILDREN AND YOUNG PEOPLE IN SCOTLAND

Introduction

Ministers have set out a high-level **vision** for children and young people in Scotland:

“We have ambition for all our young people and we want them to have ambition for themselves and to be confident individuals, effective contributors, successful learners and responsible citizens. All Scotland’s children and young people need to be nurtured, safe, active, healthy, engaged in learning, achieving, included, respected and responsible if we are to achieve our ambition for them.”

(For details see information box Vision for children)

The vision provides a clear focus on the outcomes we should all aim to achieve for children and young people.

The main focus of this consultation paper is to set out our proposals for improving children's services. These recommendations have arisen out of Phase 1 of the Children's Hearings Review. All these proposals contribute to the Scottish Executive's wider strategic policy and objectives.

Policy context

Children, young people and families have varied needs and expectations. No one service or agency can meet all of their requirements. It is therefore essential that children and young people get the help they need when they need it, from services which work together around their needs. Working with local partners, Ministers have set out an ambitious agenda to encourage improved integration of policy and practice at both national and local levels. The Cabinet Delivery Group on Children and Young People is driving the agenda forward.

The Group has set out its priorities to encourage public authorities throughout Scotland to work together to deliver high quality services and to make our vision a reality:

- **Improving delivery** by reducing bureaucracy and ensuring effective arrangements for planning, sharing information and joint working. Local authorities, NHS Boards, police forces and other local partners are involved in a new system of integrated children's service plans, which bring together planning for all services for children and families at local level. We are also looking at ways to bring together the many streams of funding which support services included within the planning framework to reduce bureaucracy and to support a stronger focus on delivering the outcomes in the vision.
- Consultation on the next stage of integrated inspection will be launched within the next few months. This will include Executive guidance on a **quality improvement framework** which will support the primary purpose of integrated children's services plans (that is to show that there is continuous and sustained progress towards achieving improved outcomes for children and young people). The framework is intended to support local service planners and



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providers to agree common outcomes, improvement objectives and targets, and to evaluate progress both within and across services. Further work is under way to look at rationalising the wide range of performance measures and indicators currently required by the Executive.

- Developing an improved system for **assessment and information sharing** which supports co-ordinated action plans for children. We include in this consultation pack plans for a framework of integrated assessment, planning and recording which is child centred and will result in less repetition and duplication. Children and families should have to provide information only once about their needs. Services will then be expected to work together to meet their needs in a holistic and co-ordinated way. We are supporting the sharing of information among service providers, including agencies providing universal and targeted services for children, young people and families, to support improved integration and to reduce the risks to children through lack of communication.
- Encouraging continuous improvement across children's services through establishing an integrated system of inspection of services for children. Pilot integrated inspections of child protection services have been completed in Highland and East Dunbartonshire and will inform the three year programme that will begin later this summer. Integrated inspections of all children's services will begin by 2008.
- We are also developing our knowledge and understanding of **children's services workforce** requirements to make sure that it has the skills, qualifications, capacity and leadership it needs. We have modernised the teaching profession through the reforms which are part of the agreement "*A Teaching Profession for the 21st Century*" and have improved the training of social workers. A major review of social work is under way to make sure that it can meet the needs of families in the 21st century. Other areas being considered are a common core of skills, knowledge and competencies, entry level qualifications, common entry level training across professional groups, continuing professional development and improved interaction between different qualifications and different professions.

The Cabinet Delivery Group's priorities set out a complex and challenging agenda for both the Executive and its partners. Successful delivery of the integrated approach will contribute to improvements in the lives of all children, young people and families across Scotland. These include people who may need little more than access to services such as schools and healthcare through to people with serious and multiple needs, who may need help and support over long periods of time from a range of service providers.

In 2003-04 local authorities spent £4.3bn. on children's services (including pre-school and school education and children and families social work services). This was a £1bn increase on the £3.3bn. spent by local authorities in 2000-1. It excludes NHS spending on services for children.

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- **Included:** Children, young people and their carers should have access to high quality services, when required, and should be assisted to overcome the social, educational, physical, environmental and economic barriers that create inequality.



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What Phase 1 of the Children's Hearings system showed

For many years the Children's Hearings system has operated in Scotland for children who are thought to be at risk and who need compulsory measures of supervision. The Children's Hearing is a tribunal made up of three lay members, known as Children's Panel members. The Children's Hearings system looks at all children at risk, whether they are in need of care and protection or are offending. Ministers are reviewing the system and last year carried out an initial consultation.

Phase 1 of the Children's Hearings Review told us that there was widespread support for the principles of the Children's Hearings system. It also highlighted some serious concerns, in particular concern that:

- children did not get the help they needed when they needed it and were being drawn into the Children's Hearings system unnecessarily;
- the system was not very good at dealing with more persistent or serious offenders; and
- the system was under strain as panel members were often poorly supported and were frustrated when their decisions were not always acted upon.

The Children's Hearings system was set up in 1971 and since then the challenges facing children and families have changed. It has become very clear that changes to the Children's Hearings system on their own will not achieve the improvements for children and their families we are seeking.

It is also clear that just providing more of the same sort of support in the same way will not lead to a better system of support for children. So for the Children's Hearings system to work more effectively, we also need to change the way support is delivered to children.

What needs to happen

The public should have confidence in the Children's Hearings system. They should be confident that decisions made at a Children's Hearing will lead to improved outcomes for children who are in need of care and protection or who offend (for example, where offending behaviour is involved, there will be a reduction in offending). They should also be confident that decisions will be enforced where necessary. In order to achieve this, appropriate action must be taken as quickly as possible. Offending behaviour must be challenged - it is not in anyone's interest, least of all the child's, to avoid tackling offending behaviour and its impact on others. Persistent offending or behaviour which places a child at risk must be tackled. Panel members and those working in the Children's Hearings system must be confident that they are supported consistently in their activities and decision making.

Often parents, children and young people do not seek help from services because they think that this would label them as either bad or neglectful parents or as an offender. They do not want to face intrusive investigations or enquiries which do not actually lead to any help for them. Enquiries may seem to them to be designed to help the agencies 'screen out' those who do not meet their criteria.

Professionals want to and need to spend more of their time on actually helping improve things for a child. It is this sort of help which is valued by children and their families. We therefore **need to make changes** to allow professionals to spend less time processing children and their families through systems such as child protection, youth justice or Children's Hearings and more time tackling family and child concerns.

We know that people respond best to services that help them to succeed. We **need to concentrate more on preventative educative programmes** which help people to tackle their own problems. We need to involve families through approaches such as family group conferencing and family mediation. More priority needs to be given to developing capacity to support children's needs arising from stresses or breakdowns in family relationships. We also need to make sure that, when a child's needs are complex or serious, those needs are **properly identified** along with the contribution that various agencies should make to address them.

Mainstream services (for example nurseries, schools, family centres, primary care services and youth centres) should be the front line providers of children's services. They should make sure children and their parents get the learning and support they need to do well. These front line providers of children's services are also the front line of support. Working in partnership with other agencies, they need to take early preventative measures. **Before referral to another service, agencies should take responsibility and do all they can, with the help of others, to support the child. The child should not automatically be passed to another agency.**

We need to use compulsory measures only where they are absolutely essential to deliver action for a child or place requirements upon the child that cannot be achieved or sustained without such intervention.

For some children, a multi-agency response will be very important. But for many, one agency may well be able to provide all the support that the child needs. Formal procedures or assessments will be required to improve the situation for a child only when the degree of complexity requires such an approach.

Mainstream front line services all have a role to play in supporting parents and encouraging children and young people. **More intensive structured programmes** need to continue to develop and be used for adults who clearly need help to allow them to do a good job as parents and for young people with serious behaviour problems .

All of this means we need to find new ways of working together. We need to concentrate help where there are serious concerns. Where the assessment of risk to children is low, help and support need to reflect this. We need to develop technology and help all children and families to learn to cope better.

Demand for general child and family support and more intensive services for children who face particular difficulties continues to grow. There has been a considerable rise in the number of children who are living with drug misusing parents and in the number of children identified as having extra support needs. Increasingly, too, communities expect action to control the children and young people who cause a nuisance in their neighbourhoods.



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Improving Children's Services

What is already happening

There are already several things happening which we can build on.

- We have already developed a vision for Scotland's children which shows what life should be like for them. *(For details see information box Vision for children).*
- Children and young people have identified what they need in order to feel properly supported by the adults responsible for their care (the Children's Charter).
- We have developed separate national standards applying to children who may be at risk of abuse and neglect, for schools, for care services and for youth justice. We have also developed some self evaluation tools.
- We have done some work on identifying what effective children's services will look like *(For details see information box Vision for children's services)*
- We have a highly dedicated workforce, committed to improving the lives of children.

The above provides the basis for a range of changes already in place or proposed, which include:

- The Scottish Executive is refocusing the Integrated Community Schools approach, to enable schools to develop their role and be integrated if they are to be regarded as being excellent.
- The 21st Century Review of Social Work will identify how social workers can be better organised and supported so that they can deliver improved services.
- The establishment of Integrated Children's Services Plans and Community Health Partnerships will help the development, organisation and integration of services which are focused on a person's needs and co-ordinated locally.
- The establishment of integrated inspections by HMIE and Care Commission of vulnerable children and young people in residential special schools and secure care accommodation.
- Many existing developments are aimed at strengthening services and support for children, including:
 - ✧ **youth justice** – police cautions, restorative justice, crime prevention and electronic monitoring;
 - ✧ **child protection** – strengthening Child Protection Committees and A Framework for Standards for all agencies;
 - ✧ **child health** – linking health provision more to individual families needs and strengthening support for children and young people's mental health and wellbeing;
 - ✧ **assessment** – the Integrated Assessment Framework, and additional support for learning (The Education (Additional Support for Learning) (Scotland) Act 2004);

- ✧ electronic information sharing to help communication across agencies (eCare)
better support for **child witnesses**.

Together these mean positive help and support for children.

Our vision for children's services

Our vision for children's services is that they:

- are accessible, locally based, address locally identified needs and risks and are designed along with parents and children;
- are of high quality and that the public, children, young people and families have trust and confidence in them;
- clearly demonstrate through their buildings, décor, web pages, systems, processes and staff responses that 'we're here to help', with access to a range of skills, responses, advice and information from any entry point;
- encourage ambition and provide the environment, opportunities, support and resources to enable children to grow and develop into confident, respected and responsible adults, effective contributors and lifelong learners;
- provide proportionate, timely and appropriate responses to each child's needs and provide extra support or help to those that need it, so that they can make good use of the opportunities available;
- promote and secure children's safety and the safety of others and take action to protect them or others as necessary;
- strengthen the capacity of families and communities to meet the needs of their children;
- take responsibility for action to improve children's lives; and
- are accountable to the communities they serve.



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Summary of what we are proposing

- A range of new measures which will support services to work in partnership in order to make sure that a child receives a co-ordinated support which delivers help when needed.
- To work with agencies to develop a child friendly system which makes sure that, where the child needs a plan, there is one plan of action which is underpinned by co-ordinated assessment of the child's needs.
- Children and their families should have explained to them what is expected of them and the professionals involved with them; how expectation will be met; and how outcomes and milestones will be reviewed. They will also know what action will be taken if outcomes and milestones are not met. Children and their families will also know who will co-ordinate their action plan, particularly where multi-agency input is required.
- Building on the Children (Scotland) Act 1995, we propose new statutory duties on all agencies:
 - ✧ to identify children who are in need;
 - ✧ to seek and record the child's views;
 - ✧ to co-operate so that agreed action happens;
 - ✧ to act on Children's Hearings decisions;
 - ✧ to appoint a lead professional to plan and coordinate activity where a child requires multi-agency input; and
 - ✧ to be accountable for their actions.
- We will require early action by agencies, with the proportionate level of co-ordinated assessment. We want to reduce report writing and bureaucracy to a minimum. We will require mechanisms to be in place locally to make sure that action happens for the child.
- We propose re-writing the grounds for referral to the Reporter and the Children's Hearings system to be based on two tests - significant need and the likely need for compulsion, on which the Principal Reporter will issue guidance. If a referral does not meet the criteria for a Hearing, we will give the Principal Reporter the authority to send the child's case back to the agencies to fulfil their duties towards the child.
- To improve consistency in recruitment, training, monitoring and support for volunteers and the Children's Hearings system. We seek views on whether regional bodies or a national system for standards and administration should be established. We see no need for Scottish Ministers to appoint Children's Panel

Chairs or Children’s Panel Advisory Committees for local authority areas. In order to introduce more flexibility into the Children’s Hearings system, we propose that Children’s Panel boundaries should no longer link to local authority boundaries, but should be determined on a regional or national basis. New arrangements will be developed to oversee standards and procedures under either the regional or national option.

Section 2 sets out in detail how we propose this is achieved. Section 3 describes proposals for an integrated assessment, planning and recording framework.

‘Children’s services’: health, education, police and social work services working with children and their families. Collectively, these services share a responsibility for making sure the right sort of help, services and responses (including help from the voluntary sector) are in place to support families and to make sure the outcomes for children are good.





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Section **2**

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Section 2: Proposals for action

What needs to be done

Delivering high quality children's services will require changes both in legislation and within all agencies delivering children's services. We have set out our broad vision for children and the type of system we wish to have in place to make that vision a reality for children. To achieve this we need to establish a framework through legislation, best practice, revised guidance and regulation.

Improving children's services

We intend to continue working with children's services to make sure that the right structures, systems and staff are in place to deliver the high quality services that will realise our vision for children. Families and children should know what services they can get.



We propose that agencies should publish information for children and families about the services and support available and how it can be accessed.



You should be able to find out easily what you can get and how to get it.



'Handovers' between professionals should be the minimum necessary to ensure access to the right services. Families should have contact only with those professionals who are able to contribute to improving their situation. They should not have to face a range of professionals at meetings who they may not know.



We propose that agencies be under duties and responsibilities to be alert to the needs of children, to listen to them and record children's views, to identify children in need and to act to improve a child's situation.



You should be able to say what you feel and know that it will be considered and that people will do all they can to help you.





Section 2

Proposals For Action

Children's services should minimise the burden of meetings, referrals, processes, report writing, assessments and plans on children, young people and their families. They should also ensure a coherent and effective response to the needs of each child and young person. They will need to establish a local co-ordination and monitoring mechanism. If a child asking for help (or anyone asking for help on their behalf) thinks that an agency has not delivered the agreed help, they should be able to use this mechanism to seek a review of the agency's handling.



We propose a new duty on agencies to co-operate with each other in meeting the needs of children and to establish local co-ordination and monitoring.

 You should know that everyone is doing their best to help and make sure that things happen for you. You should know who you can complain to if you are not getting the help you need. 



We propose to develop, with agencies, a single integrated assessment, planning and recording tool for use within a framework of co-ordinated meetings, reviews and planning. These arrangements will in time replace meetings about child protection, looked after children, joint assessment, youth offending and other inter-agency arrangements.

 When you are given help you should not have to keep going to meetings to repeat what you've already said. You should have one action plan for whatever help you need. 



We propose that where a child's needs are complex, serious, require multi-agency input or are likely to require compulsory measures, an action plan must be agreed by all agencies involved and kept under review. The action plan will be the principal source of information for the Reporter if the child is subsequently referred.

 If action has to be taken, you should have a written plan showing what everyone hopes to do to help you and what you will do to help yourself. You will know when this plan will be reviewed. 

More details about the contents of an action plan can be found in Section 3.



Where a parent, child or young person cannot agree the action plan or they prevent a plan from being implemented, agencies should refer the matter to the Reporter. A Hearing will determine if compulsion is required.



We propose that where there is a need for co-ordinated action, a lead professional from amongst the agencies must be appointed.



You should know who to speak to about any aspect of your action plan.



The role of the lead professional will be to co-ordinate the work of agencies, monitor progress and act as an advocate for the child where necessary.

Where an action plan is agreed, agencies will be required to make it happen under the above duties. The local co-ordination and monitoring arrangements should make sure that if problems arise in implementing the plan, the agencies must be responsible for overcoming the barrier. Referral to the Reporter for consideration by a Children's Hearing should arise only where the needs of the child require compulsory measures of supervision.

Making Children's Hearings work

Processing children, young people and their families through criminal justice, Children's Hearing and child protection systems does not necessarily lead to good outcomes. Research evidence suggests that formal measures put in place to tackle low risk offending or low level concerns about children's welfare can sometimes be counter productive. They can lead to alienation of young people and their families from those agencies designed to help them. We need to be clearer about when formal systems are needed.

Agencies need to use the most effective means of achieving change and reserve referral to Children's Hearings for those children for whom compulsion is a necessity.



We propose that a referral to the Children's Hearings system should meet two tests - significant needs and a need for compulsion.



You will go to the Children's Hearings system if you need a lot of help, and to check the right decision is being made - especially if you don't agree. The Hearing will talk with you about the plan and decide what has to happen.





Section 2

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Under the current law, a specific incident or risk to the child may trigger a referral to the Reporter. However, where a pattern of behaviour causes concern and the individual incident on its own does not merit referral, the underlying need may not be addressed.

Behind a particular incident or risk there may be a significant need which has to be addressed and which may require compulsory measures of supervision. We propose that in rewriting the grounds for referral to the Reporter we concentrate on the need rather than the incident. Significant need will be defined by reference to the list of incidents or risks as indicators of the need.



We propose that one of the indicators of significant need will include a pattern of behaviour which gives rise to concern.

 The fact that you keep doing something which puts you at serious risk now or in later life may be a reason for taking action. 

This would allow action to be taken over behaviour which may not be significant in itself, but as part of a pattern of behaviour gives rise to concern. This pattern of behaviour may indicate a need for compulsory measures of supervision.

Where parents do not provide adequate care for their children, or a child's behaviour is causing serious concern, children's services must work together to achieve what the parents alone cannot or will not manage. This may require compulsory measures of supervision on the child through a Children's Hearing or measures applying to parents (or both).

Any supervision requirement will be based on the action plan agreed for the child. The action plan will set out:

- the needs;
- action required to address those needs;
- who is going to make sure action is taken (including responsibilities of parents and children); and
- the milestones.

The action plan should also set out contingency measures. The Children's Hearing will have the power to amend the action plan and set the review date, based on expected milestones. Any agency identified in a supervision requirement as being responsible for action will be accountable for making sure that action is taken. The provisions in the Antisocial Behaviour etc. (Scotland) Act 2004 to refer local authorities to the Sheriff Principal will be extended to cover all agencies identified in a supervision requirement.



We propose that all agencies involved in an action plan agreed at a Hearing are required to implement it. Any plan endorsed by a Hearing as a condition of supervision can only be amended by a Hearing (including the use of secure care).

 If someone has said they will do something in your plan they will have to do it. The action plan can only be changed if a Hearing agrees to it being changed. 



We propose that if the referral to the Reporter does not meet the test criteria, the Reporter will refer the case to agencies to act on the Action Plan and will be empowered to seek reports on progress and reviews as necessary.

 The Children's Reporter has to decide if a Children's Hearing is held. If you do not have significant needs or compulsion is not necessary, it will be for agencies, not the Reporter or Hearing, to take forward your plan. 

There should be speedier access to a Children's Hearing for children who need it. Pending an agreed longer term action plan for the child, the Children's Hearing should make an interim supervision requirement to ensure that action is taken. This could occur at any point from the Children's Hearing's first meeting with the child until a decision is taken in respect of the referral of that child.



Where action is considered necessary in advance of a Hearing reaching a final decision, we propose that a Hearing should make an interim supervision requirement.

 If the Panel Members on the Hearing feel that you need help right away, they should be able to decide that you get that help. This might happen even if all the papers or plans are not ready for you to discuss. If that is the case they will have to look again at the decision as quickly as they can. 

A number of concerns were raised in Phase 1 of the Children's Hearings Review about the Children's Hearings' ability to deal with persistent offending behaviour. The proposals outlined above for more clearly focused action plans, the option of interim supervision orders and a requirement on agencies to indicate why compulsion is necessary will enable greater focus on the behaviour of young people in the Hearing.



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To further strengthen the Children's Hearings system we propose:



The frequency of Review Hearings can be determined according to the child's need and the 'persistence' of the child's behaviour or needs.

 If you keep doing things that create worries about you, you will have to meet with people, possibly the Hearing, every time this happens. These people may decide on more serious action to help you to take responsibility for your actions. 



Children, whose behaviour or attendance at school is a cause for concern, should not be taken out of school to attend Children's Hearings. There should be greater flexibility in the timing of Children's Hearings to meet the needs of children and families.

 Hearings should be held at a time that suits you and your family and does not stop you from going to school. 



Where a Children's Hearing or other meeting is concerned that help and intervention is not leading to a positive change in a child's behaviour, a Hearing should be able to adapt its procedures as appropriate. In particular it should make sure that the child or young person is fully aware of the concern of the Hearing and the potential consequences of further such behaviour. This might include formally requiring the young person to explain why help or intervention has not resulted in improvements. If appropriate, community representatives or victims might be invited to sit in on the Hearing to reinforce that the behaviour has an impact on others, and to understand better what efforts are being made to address the child's behaviour.

 When the Hearing gets very worried about your behaviour, they may ask you to say what you are doing to stop it, not just to the Panel Members but also to people who have been hurt by what you are doing. 



Children's Hearings must be satisfied that the action plans presented to them are realistic and likely to be effective and that all the available measures to control behaviour (for example electronic monitoring, Parenting Orders and Anti-social Behaviour Orders) have been considered where appropriate.

You should know that the decisions are to help you. The Hearing may try to stop you doing things that put you at risk. Special action such as taking you to a safer place or making you secure may sometimes have to happen. These and other possibilities will be discussed with you at the Hearing and you may have someone to help you such as a lawyer.



Children's Hearings should provide information to communities about the nature of decisions made and their outcomes.

People should have more information about what the Children's Hearings system and other people are doing to help and guide children and how well it is working.



Procedures are to be introduced to streamline the establishments of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds but the parents accept them.



Greater continuity of Panel Members from one Children's Hearing to another is to be achieved.

You should see at least one face you recognise on any later Hearings. At least one of the Panel members should be there next time.



Section 2

Proposals For Action

Supporting the Children's Hearings better

The current arrangements for protection of children's rights at a Hearing are not working as well as they should. A Legal Representative should be appointed where the case may raise complex issues that the child is unlikely to understand or if deprivation of a child's liberty is possible. The procedures for appointment of Legal Representatives are cumbersome and do not enable a legal representative to be appointed, where they are necessary, well in advance of a Hearing. This may reduce the ability of Legal Representatives to discuss issues with the child in advance of the Hearing. We will consult on how best to ensure that Legal Representatives are skilled in working with children, whether through a code of conduct, accreditation scheme or training.

We propose that the Reporter be placed under a duty to identify those cases where a Legal Representative may be appropriate and to initiate the appointment. The business meeting or the Children's Hearing (or both) would still have the power to make an appointment if necessary, but the Reporter, acting under this duty and drawing on legal advice from within Scottish Children's Reporters Administrator (SCRA) as required, should ensure a timely appointment is made.



We propose to place a new duty on the SCRA to ensure the provision of legal representation for children, where this is necessary, under current criteria to protect their rights.

 Where you need a lawyer you should be told whether one can be provided at no cost to you. 

The rights of parents and others involved in a Children's Hearing to full information about a child has led to the disclosure of information that may have placed children at risk.



We propose to legislate to enable Children's Hearings and Reporters to withhold information provided by the child when its release may place the child's welfare at risk.

 If you are worried about saying something about your parent or carer you should be able say it in private. 

We have commissioned research on international approaches to advocacy and the voice of the child and current provision in Scotland. We will consider the results of this research before recommending a way forward. The proposals outlined above may remove the necessity of a Safeguarder being appointed. **We invite views on whether the role of the Safeguarder should be maintained and/or available to any service which requires an independent assessment of the child's best interests.**



Do you think there should be someone independent who can look at what help you need and speak to the Hearing about this - even if that is not always what you want?

We need to introduce more flexibility into the structure of the Children's Hearings system. Panel members should continue to work in their own locality as much as possible but we want to remove the barriers to them sitting on Children's Hearings outside their immediate local authority.



We propose amending the Children (Scotland) Act 1995 to remove the requirements that Children's Panels and Children's Panel Advisory Committees be linked to local authority boundaries.

Phase 1 of the Children's Hearings Review clearly showed some dissatisfaction with the level and consistency of support provided to Panel Members, and in the arrangements for the payment of their expenses and allowances. There are two options for improving support.

- Local authorities retain their administrative responsibilities for the Children's Hearings system and work in regional groupings. This would guarantee that panel members in the groupings receive the same level of support.
- Support arrangements are managed by a national body with local administration.

Under either option, the supporting body would work to national standards for recruitment, monitoring and training. The regional or national body would support the activities on recruitment, training and monitoring which are currently the responsibility of CPACs.



We propose improvements in and modernisation of the arrangements for the recruitment, training, support and monitoring of panel members through the establishment of either a single national body or a local authority regional structure. We invite views on whether a regional or national approach is preferable.



Section **2**

Proposals For Action

Improving public confidence

Public confidence in the Children's Hearing system and in children's services could be improved. A number of reports and Phase 1 of the Children's Hearings Review indicate that the public is concerned that action is sometimes not taken when it should be and that sometimes action is taken when it should not be.

Meeting the needs of children effectively, and with the confidence of the public, will require children's services to strengthen their capacities to manage risk for the child. This will require:

- easy access to advice and expertise, including that of other professionals or agencies;
- staff who are sufficiently skilled and experienced (with support) to take informed decisions and follow them through;
- systems to identify, evaluate and manage risks that take account of the views and wishes of the child or young person;
- support for staff who make decisions in the best interests of the child or young person; and
- agency accountability for the work of their staff.

Children's Services will be required to complete, on an annual basis, published statements of assurance that they individually and collectively:

- provide effective services that improve outcomes for children and meet national standards;
- have arrangements in place to monitor the quality of their work; and
- have the right inter-agency systems and structures to make sure that there is co-ordination and accountability, and that disputes are resolved quickly and in the best interests of the child.



We propose agencies keep the public and communities informed about what is being done with their concerns and help them understand that the focus is on effective action and not processing children through the Children's Hearings.



The government will ask agencies what they are doing to make sure you get a good service that helps you.



What the Scottish Executive will do to help

The proposals for action are likely to impact on:

- the design and set-up of children's services;
- professional practice;
- relationships with parents, children, young people and the wider community;
- the effective use of new technology and development of self-help, self-assessment and direct access to resources;
- governance and accountability arrangements within and between agencies;
- skills, knowledge, experience, authority and decision making;
- legislation, regulation, guidance and procedures;
- inspection, quality assurance and performance management systems; and
- finance and the use of resources.

The Scottish Executive, agencies and everyone else with an interest in children's services will need to work together to decide on the best arrangements for supporting the changes. We are aware that there will be concerns over capacity and resource issues and we will need to discuss how these can be managed.

We will work with agencies and professionals to identify and remove the current barriers to integrated working. We will examine legislation, regulation and guidance to identify what needs to be amended or changed to achieve one coherent approach to meeting the needs of children.

We will build on existing standards to develop a unified set of national standards for all children's services which will focus on outcomes for children and young people and their experience of service provision.

We will work with professionals and agencies to develop a shared set of practice tools (assessments, action plans, records) and guidance for working with children to cover all children's services.

We are in the early stages of planning a 24-hour telephone helpline to access child protection support. Depending on the outcome of this early work, we propose considering how this might be extended to cover a wider range of children's needs. We will also consider if it can be further used as a vehicle for information, advice and support by telephone and e-mail.

We will help to develop an accessible directory of services. We will also help to develop freely available, web-based practice materials or tools for use by practitioners, parents and children and young people. For example, these could include parenting skills programmes, behavioural programmes, self-assessment tools and practice manuals.



Section 2

Proposals For Action

We are aware that good progress towards realisation of our shared vision is already being made in some areas. We will support the development of pilot arrangements for changing children's services to enable a greater focus on action to meet children's needs. We will develop a manageable plan for the implementation of these proposals.



We believe these proposals represent a strengthening and modernising of the Children's Hearings system while retaining its fundamental principles. The measures described in Section 1 and above retain the focus on the child. They require agencies and those supporting children to do what is needed to improve the child's life. They put the child at the heart of what we are doing.



This will be challenging. The proposals should free up professionals to do what they are trained to do: to work more directly with children. They will require significant changes in the way we work, in how we address children's needs. They have the potential to free up resources to make sure that children get the help they need. Resources must be targeted at what addresses those needs, not in supporting services. This feeds into effective integrated children's services planning and improved integrated working.



We are committed to making sure that the system has the right set up and adequate resources to do the best possible job to protect children. We believe that these proposals taken together over time will achieve this. Our task is now to work with agencies, professionals and volunteers to determine what has to be done to secure the vision for children and children's services.

Your best interests should be at the heart of everything that everyone is doing to help.



You should get what help you need when you need it.
We need to talk to people about what has to be done to make all this work.

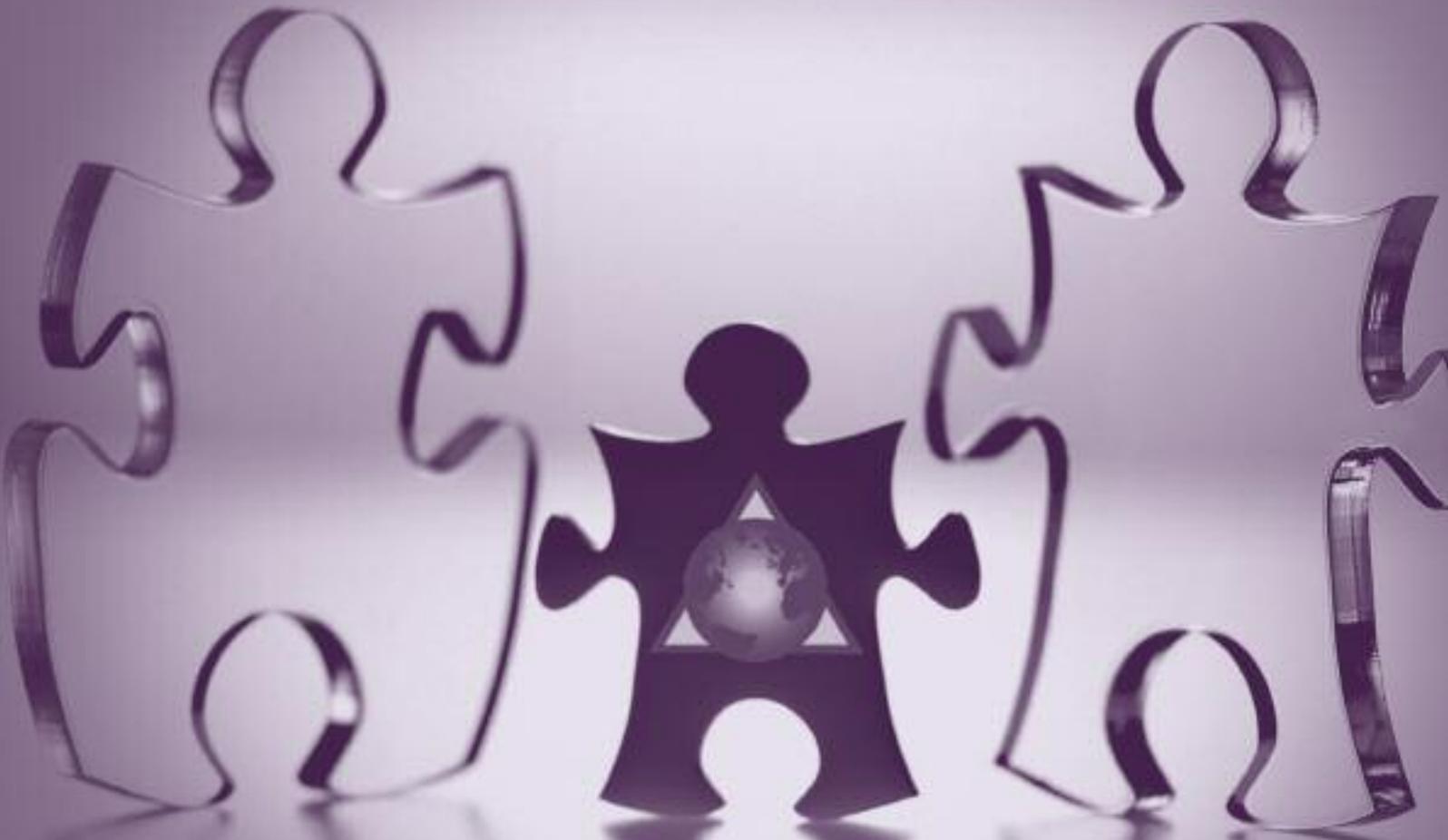


It won't happen overnight, but we will make a start.



Section **3**

**Integrated
Assessment, Planning and Recording
Framework**



getting it right
for every child



one
scotland
SCOTTISH EXECUTIVE



safer
scotland
SCOTTISH EXECUTIVE



Section **3**

Integrated Assessment, Planning and Recording Framework

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Section 3: Integrated Assessment Planning and Recording Framework (IAF)

At the heart of the proposals for reforming the children's support system is the intention that children receive the help they need when they need it.

Section 2 set out our proposals for integrated assessment and action plans for each child. The legislative, regulatory or other barriers to achieving these proposals will be identified over the coming months. In the meantime, agencies will need to make sure that assessments and action plans meet current statutory assessment and planning requirements where they exist, (for example, care plans and co-ordinated support plans).

This section outlines our proposals for:

- a framework within which action should be taken;
- assessment on which action should be based;
- action plans; and
- records.

Framework

The framework applies to all children. It does not require elaborate and cumbersome arrangements where simple, timely, effective action will improve matters. It will require compliance with the data standards set out by the Social Care Data Standards Project (SCDS at [http:// www.scds.org.uk](http://www.scds.org.uk)).

Where needs are significant or require multi-agency intervention, inter-agency assessment and plans will be required. Examples are when:

- parents, the child and agencies all need to know and understand each other's responsibilities and contributions to make sure there are no gaps or duplication in their efforts;
- close monitoring of progress is needed to secure a child's safety and wellbeing or the safety and wellbeing of others; and
- compulsory measures of care may be needed.

The Integrated Assessment Planning and Recording Framework (IAF):

- requires every worker and every agency to be accountable and acknowledge their responsibilities for the development and wellbeing of children and young people;
- applies to everyone working with children and young people, whether they are part of a universal service such as education, primary health care or the police, or whether they are in a more specialist, targeted service, such as social work, school care accommodation service or secure accommodation services, acute/tertiary health services or the psychological services;



Section 3

Integrated Assessment, Planning and Recording Framework

- will be used by all those working in both the voluntary and statutory agencies;
- requires agencies to share information in order to promote the best interests and welfare of all children. Trust, shared ownership and commitment are essential;
- will support the integration of a range of information and assessment from different professionals and agencies into a coherent view of a child's experiences, strengths and needs; and
- will improve the consistency and quality of assessments for all children.

Key principles

The key principles behind this framework are that it:

- applies to all children;
- serves the best interests of the child or young person;
- seeks to identify the earliest, most effective and least intrusive response to needs;
- includes the views of the child or young person, in line with their age and level of understanding; and the views of the family and others who are significant in a child's life, ensuring they understand and agree the aims of assessment;
- takes account of all aspects of the child's life, respecting rights and diversity, recognising communication, cultural or religious needs in order to prevent discrimination; and
- brings together professionals to work to make sure that assessments focus on personal and family strengths, support networks and resources available, needs and risks, the gaps that need to be filled and the resources and options to fill them, and continuity and progression, especially at times of transition.

Assessment

By definition, assessment is an ongoing process of gathering information, structuring it and making sense of it, in order to inform decisions about what needs to be done to make sure children achieve their potential. Assessment is a process, not a one-off event.

Assessments are undertaken in partnership with children, those working with them and those who care for them. Assessments identify and build on strengths. They take account of risks and needs. They assume the sharing of information where the law, practice and policy allows or requires it.

Assessment can be undertaken for different reasons. It is important to be clear about the purpose of assessment as that will influence content, the emphasis given to various factors, the subsequent analysis of the information gathered and action planned.

Those involved will consider the significance of the information about the child and their family circumstances and decide on future action for the child.

The assessment triangle

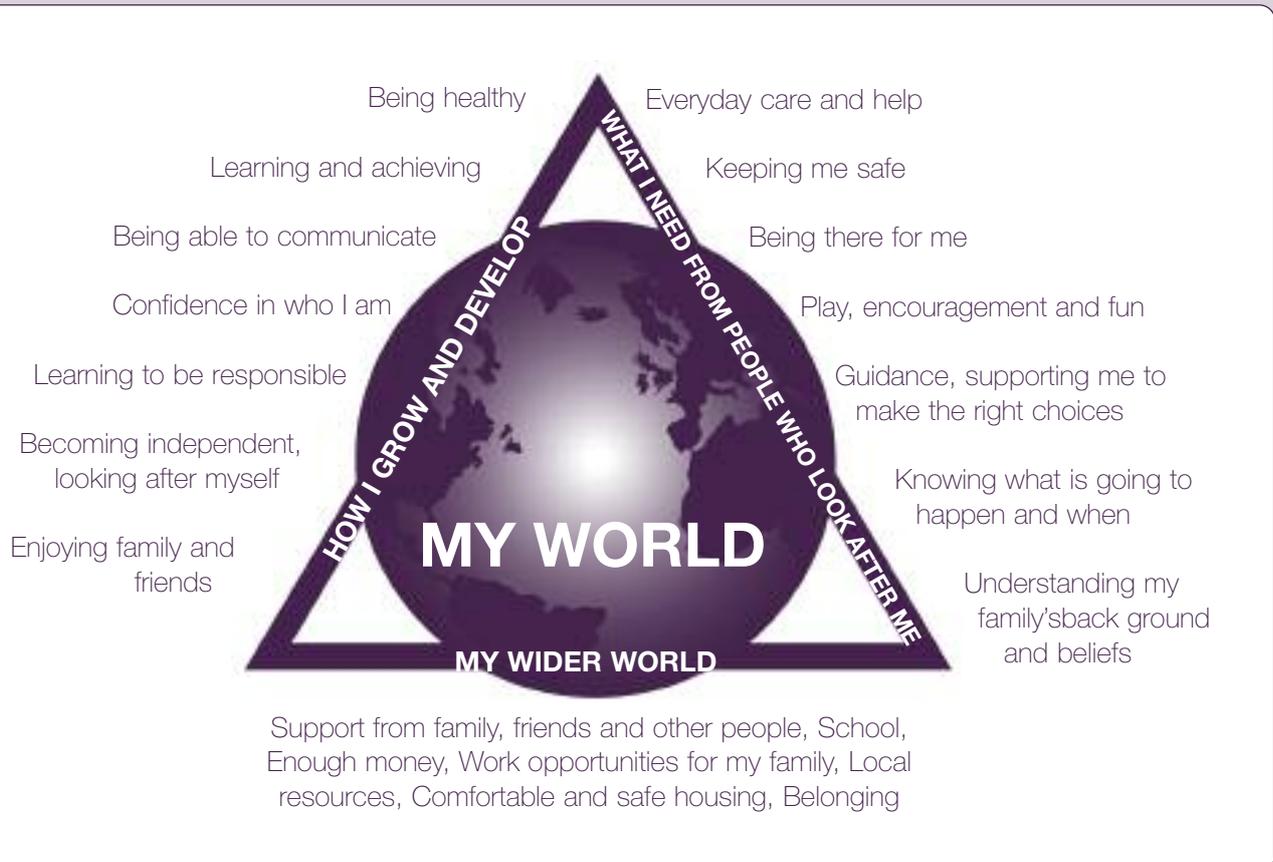
The assessment triangle is a key element of the framework. It identifies generic areas important in the development of all children, which should be taken into account when assessing children and young people.

All those working with children should consider, as part of the assessment process, all the components of the triangle – whatever their professional background or setting.

Considering and reflecting on the components of the triangle will ensure that assessment is holistic and that every child and young person will be able to play his or her part in the process throughout childhood, adolescence and youth.

The Assessment Triangle

The Whole Child: Physical, social, educational, emotional, spiritual and psychological development





Section 3

Integrated Assessment, Planning and Recording Framework

The framework builds on the work done by the Department of Health, Department for Education and Skills and Home Office (2000) and sets it within the Scottish context¹. It takes account of the important principles set out in the Children (Scotland) Act 1995 with particular focus on the requirement to listen to and take account of the views of children and young people, and to working in partnership with parents.

At the heart of this approach is the principle that all adults work together with the focus on helping the child. This approach extends to all those who work with parents, carers or groups whose own needs or problems may affect children and young people. The strengths and achievements of children and their families, as well as needs and risks of harm are taken into account.

The framework supports the integration of a range of information and assessment from different professionals and agencies into a coherent view of a child's strengths and needs.

Children are already assessed in a variety of ways within universal and specialist services. The difference will be that all professionals will be working to the same frame of reference and will be required in their assessments to take account of the child's life in the context of the families and communities in which they live.

It will also mean that a child will not have to be subjected to repeat assessments if he/she moves from one geographical area to another. Vital information will not be delayed on transfer, as the assessment information will transfer with the child and be built on and updated in the new area.

When children and young people move at key transition stages in their lives (for example from primary school to secondary, or at school leaving age), important information can travel with them.

Key elements of assessment

When children are assessed, the key elements expected to be covered are summarised below. More detail can be found in the supporting papers available at www.scotland.gov.uk/topics/people/young-people/childrens-services/18058/11525. These include a technical paper which provides more detail on the framework, a set of case histories which demonstrate how the framework works and a mapping template which can assist organisations in considering what they already do and the elements they will need to work on in order to come into line with the framework. Work is underway to develop these documents for implementation (for example eCare has developed a multi-agency information sharing protocol).

¹It has been shaped by the Assessment working group which was made up of practitioners and managers across a range of disciplines involved in children's lives.

An assessment requires bringing together relevant information to guide judgements about appropriate action. The assessment triangle acts as a template to structure thinking and information gathering. The information will include:

- a core set of biographical details about the child or young person;
- a chronological account of significant achievements, developments, events and changes in a child's life; and
- appropriate information about the child's life and experience.

Multi-disciplinary assessments will document strengths and resilience, protective factors, needs, vulnerabilities and risks.

The assessment will be based on the evidence available. In some cases it may be recognised that further information has to be sought. The information will be analysed and restructured into a balanced account or overview of what needs to change for the child or young person.

A plan resulting from the analysis and assessment will then be agreed (see "Action plans" below).

What to assess

The assessment triangle exists to guide thinking about the child's development in its widest context and remind all professionals of their responsibilities for the child's total wellbeing. For example, if there are concerns about poor concentration, clinging or disruptive behaviour, we expect all professionals to use the triangle to aid their assessment and planning to meet a child or young person's needs. In most cases brief references to factors under the triangle headings which the worker or family consider to be significant will be sufficient. These can be considered more fully over time if necessary.

Schools and health services routinely assess children's health and development. We do not expect that every time someone considers that a child may need their vision checked or their hearing tested they set in motion an elaborate and detailed assessment of a child's life. However, all professionals, families and carers need to respond at the earliest possible moment to factors, which may affect a child achieving their full potential.

The level of detail involved in any assessment should be proportionate to the concerns or needs identified. Occasionally routine assessment may lead to a wider or more detailed investigation of a child's needs and circumstances. Sometimes a child may express a worry or concern which suggests a need for support, which is additional to that routinely offered to all children. A concerned neighbour, friend or volunteer, as well as a child, a parent, carer or professional, may request or instigate action that may require an assessment to identify what action, services or resources are needed.

The assessment may be progressed through a variety of routes. Initially it will be undertaken by the agency where the issue was first raised. A full interdisciplinary assessment should only be needed when the agency that first identifies a concern is unable to resolve it without the help of another. The assessment will need to be co-ordinated by a lead professional. The role of lead professionals is set out in Section 2.



Section 3

Integrated Assessment, Planning and Recording Framework

Recording

Purpose of records

A child's record (sometimes called case notes, clinical notes or other agency specific terms) will record personal information for their own or agency use and to record the child's views and wishes.

Agencies use records so that children and their families do not have to keep repeating personal details on every contact, to assist in sharing information with others that need it and to account for their work. Practitioners use records to assess, plan, monitor and review their work. Managers use them to exercise oversight and to monitor and evaluate work. Inspectors use them to support inspection or monitoring. Where a child requires compulsory measures or where an adoption or permanency order is being sought, records may be used in evidential proceedings.

Although each agency may have different requirements, there is a broad range of information about individuals that is usually recorded on files: correspondence, background history; assessments, plans and reviews; records of events, reports etc.

Key principles of effective record keeping

- The record will include information which is readily accessible to all those who need it, primarily the child and their family.
- The relevant information will be in a single record.
- Records are accurate and up to date.
- Recording reflects the purposes for which it is written, is succinct and relevant.
- Records differentiate between fact, opinion and judgement.
- The record is written in plain English.
- The same basic recording system is used across agencies although some services may need to adapt the recording to meet specific service requirements.

Content of a child or young persons record

- Basic information (name, address, date of birth and age).
- Significant events and concerns. In cases where there has been a long history of multi-agency involvement or there have been a number of significant events, a summary of the relevant history may be needed.
- Information about significant others, particularly the families of children looked after.
- Risk assessments with dates (consideration of risk is part of all assessments).
- A planning section to include assessments, work plans and reviews.
- Record of contact – including contacts or failed contacts, such as absences from school, details of letters or messages and notes of significant events such as hearings and case reviews.
- Personal circumstances that may impact on how the service is delivered, (for example, English being a second language, mobility problems or limited availability).
- Correspondence and notifications of events and referrals.
- Reports.
- Statutory orders.
- Any other relevant information.
- Next appointment or review of progress.

Specific agency sections

Each agency will have agency specific matters that it records for each child. For example health professionals' records will include among other things immunisations, schools will record a range of data including attendance and levels of attainment, social work will record placements for a child who is accommodated, legal status of the child and contacts, the police will record charges against individuals and SCRA will record Children's Hearings decisions.

Some of the detailed information about personal and agency data has already been set out by Social Care Data standards (see supporting documents www.scds.org.uk). We will set out further standards and guidance taking into account the lessons learnt from the various pilot schemes currently underway.

In addition to records **about** service users, there is merit in having a record or compendium of information **for** service users.



Section 3

Integrated Assessment, Planning and Recording Framework

Action Plan

Where necessary, an Action Plan should be drawn up. The plan should be as simple as necessary and relevant to the child's needs. It should be updated or amended as needs change.

Content of a child or young persons Action Plan

Concerns or matters to be addressed – Why agencies or families believe a child needs an action plan, including any issues of concern to be addressed.

Partners to the Action Plan – The name and designation of all the partners to the plan including parents and children and how they can be contacted.

Assessment of child's circumstances – The assessment should be based on the Assessment Triangle and cover:

- the child's wider world (community and family);
- how the child should grow and develop (health, education, development, behaviour); and
- what the child needs from people who look after him or her (needs, strengths and risks).

Desired outcomes and milestones for achievement – This may include physical, social or personal development milestones. The plan should identify both short and long term outcomes time scales for achievement.

Where a child is at risk of abuse or neglect or poses a risk to others, the action plan should identify the minimum requirements or standards of care, nurture or behaviour to ensure a child is safe or the safety of others is protected.

The plan should encourage ambition for children and their families.

Assessment of what needs to be done to improve a child's circumstances and achieve desired outcomes to include:

- action to promote future wellbeing and achievement (for example social, training or employment opportunities, education - including good citizenship and how to be safe);
- strengthening both the child's and the family's support network (for example parenting classes, respite services);
- any changes that need to be made in the child's living situation to keep them safe (for example the provision of mobility or lifting aids such as hoists or the separation of a child from their parents);
- action to make good any harm already caused or to help a child catch up with their peers (for example extra educational input, counselling or health treatment); and
- an assessment of the need for compulsion where this is considered necessary.

Action to be taken - by whom (to include professionals, the family and the child) and by when.

Resources to be provided - by whom and within what timescale.

Contingency plans - A statement of what will happen if milestones or agreements are not met. An agreement about what might have to be put in place if risks escalate and what action partners to the action plan will take.

Monitoring, review and 'lead professional' arrangements

- The name and contact details of the person who is responsible for monitoring progress and how this will be done.
- The name and contact details of the person who is responsible for co-ordination, communication and undertaking review arrangements.
- Consideration of the need for review and how this will be undertaken (forum, paper, electronically), when this will be undertaken, who should participate and the need for prior assessments or review reports.

The child's views (and those of their parents or carers) about any or all of the elements of the action plan.

Compulsory measures - where compulsory measures of supervision are needed, the reasons for these should be recorded on the action plan.

Reviews - a summary of the work undertaken in the review period and, a review of progress, achievements, and any setbacks including any outstanding work. For children where there are concerns about risks to themselves or to others it would also be important to include a summary of contacts or appointments, kept or not kept, with action taken. When the order or contact has ended it is helpful to have a final review of progress over the whole period of involvement and conclude with a final assessment.



Section 4: Your Response

We are inviting written responses to this consultation pack by 30 September 2005.

Please respond by:

- **sending your response electronically** – the questions are on the Children's Hearings website: www.childrens-hearings.co.uk
- **posting this booklet in the envelope provided to:**

Freepost Plus RLTK-LXLL-HRJS
Children's Hearings Review Team
2C-South
Victoria Quay
EDINBURGH
EH6 6QQ

If you have any queries please e-mail CHRteam@scotland.gsi.gov.uk or phone Lesley Sheppard on 0131 244 7380.

Your Details

Name _____

Address _____

Post Code _____

Contact telephone number _____

E-mail _____

Please complete the details below to help us handle your response appropriately:

1. Are you responding as: (please tick one box)

(a) an individual? (go to 2a/b)

(b) on behalf of a group or organisation? (go to 2c)



Section 4

Your Response

2(a) Individuals

Do you agree to your response being made available to the public (in the Scottish Executive library and/or website)?

Yes No, not at all

2(b) Where confidentiality is not requested, we will make your response available to the public on the following basis (Please tick **one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

2(c) ON BEHALF OF GROUPS OR ORGANISATIONS

Your name and address as responder **will be** made available to the public (in the Scottish Executive library and/or website). Are you content for the detail of your response to also be made available?

Yes No

3. We will share your response with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future but require your permission to do so. Are you content for the Scottish Executive to contact you again in the future for consultation or research purposes?

Yes No

OPTIONAL QUESTIONS

The next two questions are optional but it would be very helpful to us in analysing the responses to have some background information on who you are. Your answers to these questions will remain confidential.

1. Have you had direct involvement in the Hearings system and in what capacity?

Volunteer Professional Other No involvement

2. Have you had experience as a parent or child before a Hearing? (Note: you do not have to answer this if you prefer not to, but knowing that your comments are based on personal experience would be helpful.)

Yes No

Section 4 – Your response

Instructions for completion

In this section we have outlined the objective of each proposal before setting out the proposal itself. The full background to each proposal can be found in Section 2 and Section 3. **We would ask you to record your response in the space provided after each proposal.**

It is particularly important for us to know:

- if you support the proposed action;
- if you think the proposed action will meet the stated objective; and
- if you think further or different measures are required.

We would ask you to make this clear in your response.

An on line version of this Response Section is available at www.childrens-hearings.co.uk

If you have no comment to make on a particular proposal, please record NC in the space and move on to the next proposal.

Improving children's services

Families and children should know what services they should be able to access.



We propose that agencies should publish information for children and families about the services and support available and how it can be accessed.



Section 4

Your Response

We intend to continue working with children's services to make sure that the right structures, systems and staff are in place to deliver the high quality services that will realise our vision for children.



We propose that agencies be under duties and responsibilities to be alert to the needs of children, to listen to them and record children's views, to identify children in need and to act to improve a child's situation.

Empty response box for Section 2.

Children's services should minimise the burden of meetings, referrals, processes, report writing, assessments and plans on children, young people and their families. They should also ensure a coherent and effective response to the needs of each child and young person. They will need to establish a local co-ordination and monitoring mechanism. If a child asking for help (or anyone asking for help on their behalf) thinks that an agency has not delivered the agreed help, they should be able to use this mechanism to seek a review of the action of the agency's handling.



We propose a new duty on agencies to co-operate with each other in meeting the needs of children and to establish local co-ordination and monitoring.

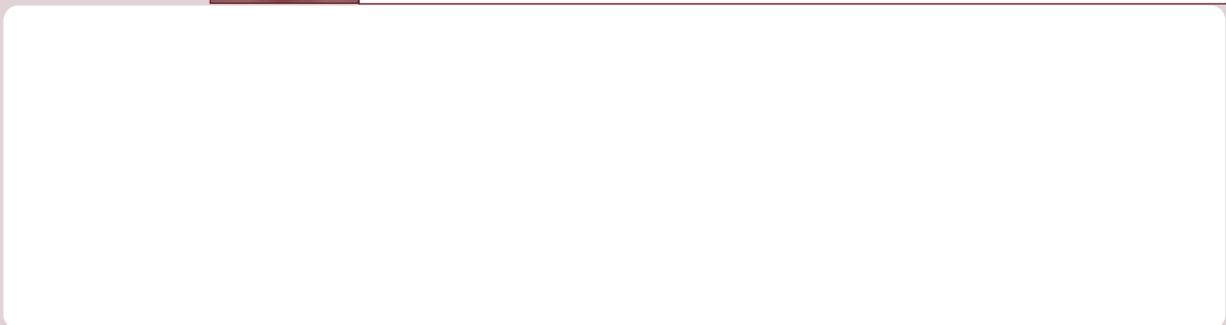
Empty response box for Section 3.



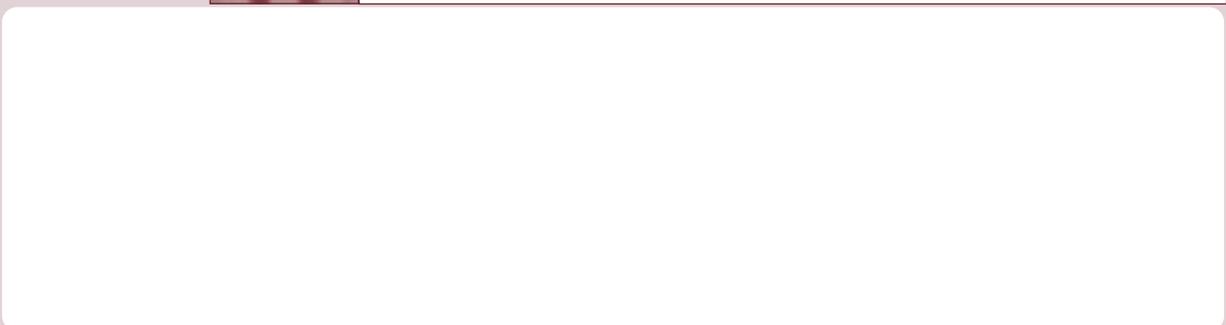
We propose to develop, with agencies, a single integrated assessment, planning and recording tool for use within a framework of co-ordinated meetings, reviews and planning. These arrangements will in time replace meetings about child protection, looked after children, joint assessment, youth offending and other inter-agency arrangements.



We propose that where a child's needs are complex, serious, require multi-agency input or are likely to require compulsory measures an action plan must be agreed by all agencies involved and kept under review. The action plan will be the principal source of information for the Reporter if the child is subsequently referred.



We propose that where there is a need for co-ordinated action, a lead professional from amongst the agencies must be appointed.





Section 4

Your Response

The Integrated Assessment, Records and Planning Framework – Specific Questions

The IAF proposes measures to benefit all children and young people – not just those with additional support needs, those in need or those requiring care and protection. In doing so we have tried to emphasise the involvement of children.



Is there sufficient emphasis and guidance about the child's involvement and are there sections which need strengthening to make sure that the child or young person is at the heart of the process?

The assessment triangle has been developed to provide a common approach to working with children and their families using similarly defined language and to recognise positive as well as negative factors in a child's life. In doing so it has tried to capture the child's world, and issues such as key transition points for children, and the diversity of children (including mobility, disability, faith, language, culture and ethnicity).



How well does it do so and are there any gaps?

Making Children's Hearings work

Agencies need to use the most effective means of achieving change and reserve referral to Children's Hearings for those children for whom compulsion is a necessity.



We propose that a referral to the Children's Hearings system should meet two tests – significant needs and a need for compulsion.

Under the current law, a specific incident or risk to the child may trigger a referral to the Reporter. However, where a pattern of behaviour causes concern and the individual incident on its own does not merit referral, the underlying need may not be addressed.



We propose that the indicators of significant need will include a pattern of behaviour which gives rise to concern.



Section 4

Your Response

Where parents do not provide adequate care for their children, or a child's behaviour is causing serious concern, children's services must work together to achieve what the parents alone cannot or will not manage. This may require compulsory measures of supervision on the child through a Children's Hearing or measures applying to parents (or both).



We propose that all agencies involved in an action plan agreed at a Hearing are required to implement it. Any plan endorsed by a Hearing as a condition of supervision can only be amended by a Hearing (including the use of secure care).

Empty response box for Section 9.



We propose that if the referral to the Reporter does not meet the test criteria, the Reporter will refer the case to agencies to act on the Action Plan and will be empowered to seek reports on progress and reviews as necessary.

Empty response box for Section 10.

There should be speedier access to a Children's Hearing for those children who need it. Pending an agreed longer term action plan for the child, the Children's Hearings should make an interim supervision requirement to ensure that action is taken.



Where action is considered necessary in advance of a Hearing reaching a final decision, we propose that a Hearing should make an interim supervision requirement.

Empty response box for question 11.

We are proposing several other measures which are designed to strengthen the Children's Hearing system and would appreciate any views you have. Please record your views in the space after each proposal.



The frequency of Review Hearings can be determined according to the child's need and the 'persistence' of the child's behaviour or needs.

Empty response box for question 12.



Section 4

Your Response



13

Children whose behaviour or attendance at school is a cause for concern, should not be taken out of school to attend Children's Hearings. There should be greater flexibility in the timing of hearings to meet the needs of children and families.

Empty response box for item 13.



14

Where a Children's Hearing or other meeting is concerned that help and intervention is not leading to a positive change in a child's behaviour, a Hearing should be able to adapt its procedures as appropriate. In particular it should make sure that the child is fully aware of the concern of the Hearing and the potential consequences of further such behaviour. This might include formally requiring the young person to explain why help or intervention has not resulted in improvements. If appropriate, community representatives or victims might be invited to sit in on the Hearing to reinforce that the behaviour has an impact on others, and to understand better what efforts are being made to address the child's behaviour.

Empty response box for item 14.



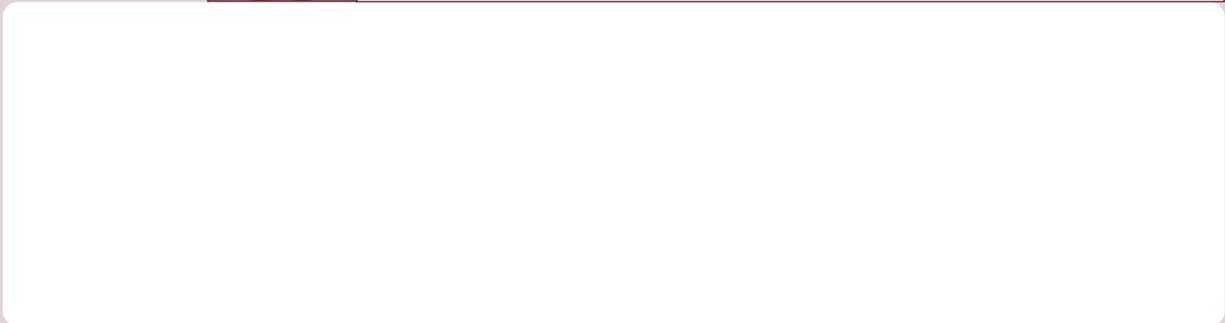
Children's Hearings must be satisfied that the action plans presented to them are realistic and likely to be effective and that all the available measures to control behaviour (for example, electronic monitoring, Parenting Orders and Anti-social Behaviour Orders) have been considered where appropriate.



Children's Hearings should provide information to communities about the nature of decisions made and their outcomes.



Procedures are to be introduced to streamline the establishment of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds but the parents accept them.





Section 4

Your Response



18

Greater continuity of Panel Members from one Children's Hearing to another is to be achieved.

Supporting the Children's Hearings better

The current arrangements for protection of children's rights at a Hearing are not working as well as they should. The procedures for appointment of legal representatives are cumbersome and do not enable a legal representative to be appointed, where they are necessary, well in advance of a Hearing. This may reduce the ability of legal representatives to discuss issues with the child in advance of the Hearing. We will consult on how best to ensure that legal representatives are skilled in working with children whether through a code of conduct, accreditation scheme or training.



19

We propose to place a new duty on the SCRA to ensure the provision of legal representation for children, where this is necessary, under current criteria to protect their rights.

The rights of parents, and others involved in a hearing, to full information about a child has led to the disclosure of information that may have placed children at risk.



We propose to legislate to enable Children's Hearings and Reporters to withhold information provided by the child when its release may place the child's welfare at risk.

Empty response box for the first proposal.

We have commissioned research on international approaches to advocacy and the voice of the child and current provision in Scotland. We will consider the results of this research before recommending a way forward. The proposals outlined above may remove the necessity of a Safeguarder being appointed.



We invite views on whether the role of the Safeguarder should be maintained and/or available to any service which requires an independent assessment of the child's best interests.

Empty response box for the second proposal.



Section 4

Your Response

We need to introduce more flexibility into the structure of the Children's Hearings system. Panel members should continue to work in their own locality as much as possible but we want to remove the barriers to them sitting on Children's Hearings outside their immediate local authority.



We propose amending the Children (Scotland) Act 1995 to remove the requirements that Children's Panels and Children's Panel Advisory Committees be linked to local authority boundaries.

Phase 1 of the Children's Hearings Review clearly demonstrated some dissatisfaction with the level and consistency of support provided to Panel Members, and in the arrangements for the payment of their expenses and allowances. There are two options for improving consistency:

- Local authorities retain their administrative responsibilities for the Children's Hearings system and work in regional groupings. This would guarantee that panel members in the groupings receive the same level of support.
- Support arrangements are managed by a national body with local administration.

Under either option, the supporting body would work to national standards for recruitment, monitoring and training. The regional or national body would support the activities on recruitment, training and monitoring which are currently the responsibility of CPACs.



We propose improvements in and modernisation of the arrangements for the recruitment, training, support and monitoring of panel members through the establishment of either a single national body or a local authority regional structure. We invite views on whether a regional or national approach is preferable.

Improving public confidence

Public confidence in the Children's Hearing system and in children's services could be improved. A number of reports and Phase 1 of the Children's Hearings Review indicate that the public is concerned that action is sometimes not taken when it should be and that sometimes action is taken when it should not be.



We propose agencies keep the public and communities informed about what is being done with their concerns and help them understand that the focus is on effective action and not processing children through the Children's Hearings.





Section 4

Your Response

Please use this space to record any additional comments you would like to make.

A large, empty white rectangular area with rounded corners, intended for recording additional comments.



If you are interested in becoming a Children's Panel member, or want to find out more about volunteering for your local children's panel, please contact your local council and ask for the clerk to the Children's Panel Advisory Committee. You can also find out more from the Children's Hearings website:
www.childrens-hearings.co.uk

The next national recruitment exercise will take place in autumn 2005 and campaign materials containing application details will be displayed in August/September.

Copies of Phase 1 of the Review of the Children's Hearings System, which contains further background information on the Children's Hearings system, may be obtained by phoning 0131-244 5322.

If you require further copies of this pack, please telephone 0131 244 7389 and leave your name, address and the number of copies you require.

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