

**PAPER 1 Recommendations Accepted**

<b>Theme</b>	<b>Colour</b>
Overarching principles / practice / process	<b>Black</b>
Permanence	<b>Light blue</b>
Child protection/ planning for children	<b>Red</b>
Pre birth	<b>yellow</b>
Roles and responsibilities	<b>Green</b>
Advocacy/ children's Rights	<b>Purple</b>
Audit/ review	<b>Dark Blue</b>
Wellbeing / workforce	<b>Orange</b>
Secure care	<b>Dark orange</b>

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	<b>Recommendation</b>	<b>Response</b>	<b>COSLA response</b>	<b>SWS Response</b>
1.1	All children and families must be able to access the help and support that they need, in the way that they need it, in line with the conclusions of the Independent Care Review	The Scottish Government is committed to investing £500m in Whole Family Wellbeing to improve holistic family support so that families get the right support, in the right way and at the right time. £50m has been allocated for the Whole Family Wellbeing programme in 2023-24. The funding will focus on the system changes required to shift investment towards early intervention and prevention activities, to ensure families can access support before they reach crisis point.	“Need” is very wide, resource constraints might impact the ability to implement, i.e. lack of foster carers in an area, so this is aspirational and whilst we support the aspiration its not so easy to deliver.	<b>No one would disagree with this</b>  However, <b>it should not be part of the Children’s Hearing Redesign</b> workplan as it is already agreed as part of Promise by government, local government and individual agencies.
1.2	There must be concerted and coordinated leadership, oversight, investment, and prioritisation of the provision of appropriate, high quality, accessible, early help and support for children and their families, and realising the commitment to 5% preventative spend. A national plan must set out how this will happen in Scotland by 2030.	The Whole Family Wellbeing funding seeks to deliver services that support individual circumstances, and strives to help Scotland to Keep the Promise through supporting families to thrive by reducing the need for more intensive support when things have gone wrong. We are distributing funding through three distinct elements co-produced with stakeholders: i) Providing Direct Support to Children’s Services Planning Partnerships; ii) National Support for Local Delivery; and iii) Taking a cross Scottish Government approach to system change. In continuing our delivery of the Whole Family Wellbeing programme, to	We are supportive of early intervention approaches, WFWF is about additionality and that’s welcome but wider LG budgets play a greater role, these are under pressure. The point made about the Promise response being more applicable than CH Redesign is well made.	As above  <b>This should not be part of the Children’s Hearing Redesign work</b> as it is already agreed and being progressed as part of commitment to the Promise

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		support the development and delivery of sustainable, preventative holistic family support across Children’s Services Planning Partnerships, building on Children’s Services Planning duties, and we will publish further detail on our longer-term investment approach in due course.		
1.3	Multi-agency partnerships must be supported to be clear and ambitious about developing accessible routes to holistic whole family support and how these are central to the development and delivery of each area’s Children’s Services Plan. This includes universal access to holistic, whole family support and more intensive support for families that need it.	As part of our National Support for Local Delivery element of Whole Family Wellbeing funding, a package of activity is aimed at supporting local transformation. This includes: our collaborative learning partnerships with three Children’s Services Planning Partnerships; a dedicated national support team to accelerate plans and provide local learning that can be shared nationally; a Learning into Action Network and a Knowledge Hub to share learning, facilitate peer support and collaboration; an independent evaluation of the programme’s implementation and impacts, and research to support continuous improvement.	COSLA are members of the Alcohol and Drugs Whole Family Approach Working Group which is promoting whole family approaches.	<b>This should not be part of the Children’s Hearing Redesign work</b> as it is already agreed and being progressed as part of commitment to the Promise.  We would note that <b>a commitment to multi-agency holistic family support goes beyond WFWF</b>
1.4	Work should be done to review the impact and effectiveness of help and support for families working voluntarily alongside local authorities,	The fundamental principle of Getting it right for every child (GIRFEC) is to provide all children, young people and their families with the right support at the right time. Child protection processes apply at the acute, urgent end of a range of services which	Has such work not already been undertaken, sound like something CELSIS would do.	<b>SWS disagree fundamentally with the statement that there is a two-tier system</b> between CSO and ‘voluntary’ assistance. Some members considered this statement to be insulting and queried the evidence base.

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	<p>to ensure that there is not a sense of a two- tier system of help and support for children who are on legal orders and children who are not, and to improve outcomes for children and families and uphold their right to help and support.</p>	<p>include prevention and early intervention. The GIRFEC principles and approach should be applied consistently across the range of services, regardless of whether a child or young person is subject to legal orders. Children and young people who are subject to care and/or child protection processes may already be known to services and may already have a Child’s Plan in place. Child protection processes should build on existing knowledge, on strengths in planning and partnerships to reduce the risk of harm, and should be aimed at meeting the child’s wellbeing needs.</p> <p>Our response to this recommendation cross-refers to the response to recommendation 7.5 around undertaking a national review of potentially multiple ongoing child protection, care and support processes and meetings, including review meetings. This would be to identify where unnecessary duplication takes place and to minimise that for the benefit of children and families.</p>		<p>Some members also suggest that this is not for the Children’s Hearing Redesign Board</p> <p>Additionally:</p> <ul style="list-style-type: none"> <li>• In line with legislation local authority social work services operate to the <b>minimum intervention principle</b> and GIRFEC and try to ensure that children receive the support they need in a quick and easy manner.</li> <li>• It should also be noted that most children are not subject to a CSO and receive support to the best standard that can be provided. This can include family support, kinship care, community supports and is often provided in imaginative ways.</li> <li>• Legal orders – this includes CSO, PO, section 25, CPO’s, kinship care orders amongst others – it is much broader than orders made by a children’s hearing. <b>Those working within the GIRFEC framework are also working within a statutory framework.</b></li> </ul>
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				<ul style="list-style-type: none"> <li>• The <b>assistance provided to children and families is based on assessment of need</b>, of which compulsory measures may be one aspect, not the legal order which may apply. See GIRFEC</li> </ul> <p><b>SWS can see benefits to mapping the various forums involved in planning and decision making, to consider if there is duplication and overlap.</b> We would refer to previous mapping undertaken as part of PACE and related work. We would also note that many of these functions have a statutory basis and that the separation between care planning and decision making is important.</p>
1.5	<b>The challenges relating to the recruitment, retention, and resourcing of child and family social work teams must be urgently resolved. This requires sustained investment, developing</b>	We acknowledge the immense and highly skilled contribution made by social workers to support individuals and families across Scotland, and are aware of current workforce and workload pressures. The establishment of a National Social Work Agency will support and invest in the profession by providing national leadership,	There are issues in many areas including social care around recruiting, training and retaining staff. We are working with others to seek to address these issues which are complex with an ageing workforce, high	SWS in our Setting the Bar report noted the current <b>significant challenges within the social work workforce</b> and the Children’s Services Reform work undertaken by CELCIS provides a comprehensive picture of the context for the children’s workforce. We know that there are specific challenges with local

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	<p><b>practice, and implementing the specific conclusion of the Independent Care Review around supporting the workforce so that they alone do not feel the burden and responsibility of statutory involvement in children and families’ lives.</b></p>	<p>raising the status of social work as a profession and considering the future needs of the workforce. We also recognise that action needs to be taken now to address the current pressures in the profession and system - that is why we are already working to support and invest in the workforce. In conjunction with COSLA, we have established a joint working group to address immediate issues affecting the workforce, and are working collaboratively with stakeholders to ensure plans for improvement are informed by the voices of social work and other key partners and stakeholders.</p>	<p>employment and competition for staff, not sure how the Promise proposed resolving but there is national and local planning taking place. Its important not to just seek to resolve issues for SW staff involved in Hearings but across all disciplines and areas. So don’t want a CH SW workforce plan, that’s too fragmented.</p>	<p>authority children’s social workers leaving to go to adults, justice or third sector.</p> <p><b>Fundamental to the transformational change being sought is attention to workforce.</b> This will not be resolved by a NSWA alone.</p> <p>SWS note, and can evidence, <b>specific issues within the children’s social work</b> workforce related to the hearing system as it operates currently, which would if addressed, assist the recruitment and retention situations.</p> <p>Members also note that <b>workforce is bigger than social work</b> – attention should be paid by the Hearing system to healthcare and education and the responsibilities.</p> <p>Workforce issues cross the spectrum of social work and work in this area is being progressed by OCSWA and others. <b>It does not need to be part of the Hearing Redesign work</b>, but I an area where the Redesign Board can lend influence and support the wider work.</p>
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<p>1.6</p>	<p><b>There must be serious, sustained attention on maintaining and sustaining the children and families’ workforce to ensure that they are able to undertake the complex work that is required of them in a way that is characterised by a rights-respecting, trauma-informed approach. This includes the third sector workforce.</b></p>	<p>Many aspects of this recommendation are in line with current policy – for example, to deliver a trauma-informed training programme for the workforce supporting children, young people, and families. Activity is already underway in relation to many aspects of this recommendation, but in acknowledging the need for further work, we will recalibrate that current or planned activity in alignment with the HfC report.</p>	<p>Agree, but LA budgets are under pressure and SG prioritise maintaining teacher numbers not other professionals and that means cuts elsewhere.</p>	<p><b>SWS would want to see sustained attention to maintaining and sustaining the children and families workforce.</b></p> <p>We note though that this action is already part of wider activity in relation to social work workforce (sitting in OCSWA but involving others such as SSSC and SWS) and as such <b>it should not form part of the children’s hearing reform workplan</b>, beyond noting the actions which are dependent on that activity.</p> <p>SWS host the Social Work Education Partnership which is an integral part of the work to ensure a workforce fit for the tasks required. They work closely with OCSW and the trauma team, and the academic sector. Again, this work is well underway,</p> <p>Members strongly note that <b>all social workers adhere to a code of practice</b> and the principles of the profession are rights based. Work is already <b>undertaken from a trauma informed basis. Wider participants in the Hearing system would also benefit from learning and</b></p>
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				<b>development in relation to rights and trauma.</b>
1.8	The implementation of these recommendations must be linked to the national work to reduce poverty and to meet the child poverty targets.	<p>Best Start, Bright Futures’, our second tackling child poverty delivery plan, sets out how we will work together to deliver on Scotland’s national mission to tackle child poverty. Our work to tackle child poverty is firmly aligned with our commitment to the outcomes of the Independent Care Review. Successfully tackling child poverty requires our current approach to evolve, to focus on outcomes rather than inputs, and to deliver wide ranging, evidence-informed action across Scotland. Best Start, Bright Futures sets out how we will deliver differently, working in partnership to provide families with the right support at the right time, providing holistic and person-centred support for families. No one action in isolation can make the change needed. It is the cumulative impact of action across sectors, by all partners, in all parts of Scotland, which will make the difference for children and families.</p> <p>To support the delivery of ‘Best Start, Bright Futures’ we have put in place a cross-government Programme to oversee progress on delivery. The Tackling the Child</p>	Through the Verity House agreement COSLA and Scottish Government have committed to three priorities, and tackling poverty is one of them. Articulating how this priority is linked to HSWG recommendations is worthy of consideration, but we are unsure how and who will do this.	<p><b>Addressing poverty is an overarching theme but does not sit in any one area.</b> There is an existing poverty strategy with particular attention to children within that work – the national child poverty plan, and local poverty plans.</p> <p><b>This should not therefore be part of the hearing reform work plan,</b> but the context and impact of poverty on children, with the implications for referral to social work and in some instances children’s hearings noted and monitored</p>



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		Poverty Programme Board includes external members from across local government, the third sector and academia. They bring their skill, expertise and challenge to our work, and help us to avoid silo working to achieve shared outcomes. This would include making links with relevant elements of hearings system redesign.		
2.2	There must be a coordinated approach to establishing an appropriate, considered, and non-judgmental language of care in Scotland. A clear plan must be developed for identifying and implementing systemic policy, practice and legislative changes required to ensure consistent use of this language across all 32 local authorities.	This builds on efforts being advanced by multi-agency partners under the Children’s Hearings Improvement Partnership. The Scottish Government fully endorses the recommendation’s intent. Delivery responsibility will be assigned to the Children’s Hearings Redesign Board to be progressed by the statutory bodies in 2024-25. This will further link, where applicable, to the planned consultation on changes that will need primary legislative reform – to be taken forward in early 2024.	Sounds reasonable, note SWS say does not necessarily require legislation.	<p><b>This is important work which goes beyond the hearing system.</b> Extensive attention has already been given to language in care, not only by the language champions in CHS, but across champions board and children’s services partnerships across Scotland. Each and Every Child are also working on this in relation to reports, and experts in communication and language have much to offer.</p> <p><b>It is also a recommendation which does not lie with the 32 local authorities but with all those working in the care system</b> – Reporters, panel members, care providers, children and young people themselves, teachers, social workers, family support staff, health visitors etc</p>

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				<p><b>SWS query if legislation is needed to change something which is actually about practice</b> and how we communicate and speak to children. Any legislative change should perhaps follow culture and language changes in practice.</p> <p>It is also important that language is accessible and individualised – as important as consistency. <b>This recommendation and work should focus on the language across the system and organisations involved in the hearings system rather than the sole focus being on LAs.</b></p>
2.4	<p><b>There must be national oversight by the Scottish Government of the resourcing and provision of training in the impact of trauma, childhood development, neurodiversity and children’s rights for everyone involved in the children’s hearings system</b></p>	<p>The UNCRC Bill (which has now been passed by the Scottish Parliament and awaits Royal Assent) will place a duty on those working under the Children’s Hearings (Scotland) Act 2011 to act compatibly with the UNCRC. As such, system professionals will be required to comply with the UNCRC requirements once the UNCRC Bill becomes law and is commenced. So, training for professionals working in the children’s hearings system must also cover UNCRC responsibilities.</p>	<p>Unsure if it is solely the SGs role to resource the provision of training, and no mention of SSSC?</p>	<p><b>Agreed but this requires more clarification</b> about who is affected by the recommendation, what people are to be taught and trained in and what the change would be for each group eg police, solicitors, teachers etc. Also what oversight and resourcing by Scottish Government is being suggested.</p> <p>In relation to the SG response, we note support of SWS and others for UNCRC but some of the challenges in aspects</p>

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		<p>The National Trauma Transformation Programme (NTTP) recently announced the publication of the new Roadmap For Creating Trauma-Informed And Responsive Change: Guidance For Organisations, Systems And Workforces In Scotland.</p> <p>This resource is designed to be used flexibly and independently by services and organisations across all sectors of the workforce in Scotland, to help identify and reflect on progress, strengths and opportunities for embedding a trauma-informed and responsive approach across policy and practice.</p> <p>There is already an extensive range of training for volunteers and professionals involved in the children’s hearings system. Where appropriate, the Scottish Government will continue to work with organisations to ensure that the aspirations of this recommendation can be met.</p>		<p>given the restriction of coverage to post devolution legislation only.</p>
2.5	<p>There must be a clear understanding at all levels of a redesigned children’s hearings system about what children and families’ rights are and how they</p>	<p>The Scottish Government supports a renewed focus on building children’s and families’ understanding and confidence about the system overall, and what they can expect from those working within it. Work to progress this recommendation, alongside a number of others, will look to ensure that</p>	<p>Sounds reasonable, but requires time for staff to gain that understanding and they are busy, so how do you free up time.</p>	<p><b>Agree, but this is applicable across the whole care system.</b></p> <p>This applies not only to children and families understanding but that of all others involved in the panel system, and wider care system.</p>

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	should be accessed and upheld.	information on the children’s hearings system is accessible in one location for children, families and professionals. A simplified information bank, with links to the offers from, and highlighting the responsibilities of, the relevant professions and disciplines, will be developed under the auspices of the new Children’s Hearings Redesign Board which will begin its work in early 2024.		<b>This could usefully be extended to cover the whole system</b>
2.7	There must be a review of the current, respective functions of CHS and SCRA to ensure that the redesigned system operates effectively and efficiently for children and families and adequately supports and resources the discrete legal functions of the National Convener and Principal Reporter. This must be overseen by the Scottish Government as part of the broader work to implement the recommendations in this report and to keep the promise by 2030.	A review is currently underway – initial discussions have begun with both the National Convener (CHS) and Principal Reporter (SCRA), and we would expect those to conclude in the first quarter of 2024. The outcomes of that review would also be reflected in a primary legislation consultation. Aspects of this recommendation also sit under the Practice and Procedures workstream which contains a number of recommendations. Those can be progressed in the first instance by the principal officers of the statutory bodies, and will be overseen by the Children’s Hearings Redesign Board across 2024.	Agree a role for redesign board to consider any proposed changes.	<b>SWS would suggest that local authority social work is included in those discussion given the statutory remit of the CSWO.</b> Members consider it is critical that SW is ‘kept in the loop’ and that this is not only a CHS and SCRA matter

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3.1	<p>Updated national referral guidance must be issued to those working alongside children and families, which encompasses the core aims of the redesign. This must include the particular needs of babies and infants and their developmental milestones and should be clear that referral processes should be rights-based and underpinned by the key principles of proportionality, consistency, and timeliness.</p>	<p>Work to progress this recommendation, alongside a number of others, will look to ensure that information, and explanations, on the children's hearings system are accessible for all children, families and professionals. They should be expressed in an appropriate way to meet the distinct and additional needs of babies and infants. Updated national referral guidance will be developed following public consultation on those aspects of the redesign that require legislation.</p>	No comment	<p><b>Combine with other action about information for families and professionals.</b></p> <p>Some members query what exactly this would entail. Some suggestion that more radical approach to pre-birth referral may be worthy of consideration.</p> <p><b>Being pragmatic, others query if information for infant and babies is a priority</b></p>
3.2	<p><b>The workforce must be supported to work relationally alongside children and families, to ask their views and listen and act on the responses they receive about the help and support that would make the most difference in their lives and to use their</b></p>	<p>The Scottish Government agrees that the workforce must be appropriately trained and supported to use rights respecting, trauma-informed, relationship-based practice. Building on the GIRFEC, values and national practice model, and the principles of holistic whole family support, the child and their family need to be at the heart of the process to ensure their views are included and that every opportunity is afforded to them to access the services</p>	Agree, is it not current practice?	<p><b>This is already both a principle of social work, and a commitment within the Promise. It is also fundamental to GIRFEC.</b> Additionally, the fundamental approach is for social workers to use judgement - this is already part of our process and practice. For some members this recommendation was viewed as patronising</p>

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	<p><b>judgement about whether a referral to the children's hearings system is appropriate route for a particular child and their family.</b></p>	<p>they need, without referral to the Principal Reporter for potential compulsion. This support will enable a comprehensive and analysed assessment of wellbeing to take place, that will ultimately inform the development of an appropriate Child's Plan to provide support to the child or young person, and family, where that is needed.</p>		<p>As such <b>activity may not be required against this recommendation</b>, beyond noting that those principles and practice apply where the wellbeing of a child requires compulsory measures of care</p>
3.4	<p>All organisations within the children's hearings system must ensure that they have adequate audit arrangements in place to review and openly report on the quality, consistency and impact of their decision-making and outcomes for children.</p>	<p>This recommendation will be progressed by the Children's Hearings Redesign Board when it begins its work in early 2024. Baseline activity will be required to assess the adequacy and suitability of existing practice supervision, quality assurance and audit arrangements within organisations and agencies. If those current arrangements need to be augmented or reinforced, recommendations will be taken to the relevant decision makers in the course of 2024.</p>	<p>Not knowledgeable about existing audit practice, reviewing such seems reasonable ask, who will do it?</p>	<p>For SW, this happens via the inspection regime, and covers all aspects of the children's care system.</p> <p><b>Outcomes linked to the hearing system are dependent on multiple agencies. Any oversight should not provide additional burden but consider how enhancing working across boundaries and discipline might enhance the effectiveness of decision making on outcomes for children.</b></p> <p>(Note inspection just announced by CI on outcomes for children)</p>
3.5	<p>The role of the Reporter prior to a referral being made to the children's</p>	<p>This recommendation is closely tied to the recommendation in Chapter 7 of the report that calls for a review of processes and</p>	<p>Unsure about expanding the role, this suggests expanding the workforce,</p>	<p><b>SWS understand where this recommendation has come from but would wish to explore further aspects</b></p>

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	<p>hearings system must be enhanced. The engagement of the Reporter must routinely be considered during other child protection and care and support meetings and discussions, and there must be a consistent approach to partnership working between agencies and the children’s hearings system.</p>	<p>meetings that involve children and families. The outcomes of any review undertaken in relation to the below recommendation are likely to inform the approach taken to recommendation 3.5: There must be a national review of multiple ongoing child protection, care and support processes and meetings, including review meetings, to identify where unnecessary duplication takes place, where drift and delay is introduced, and where information could and should be better shared collaboratively with the Panel or Reporter to better inform decision-making.</p> <p>We note that the Reporter currently has no case-specific role prior to a referral. Rather, the Reporter has a corporate/collegiate role to advise on specific potential referrals. The Reporter has a clear interest in making sure that children get the help they need, but current legislation and guidance provides for a clear delineation between the referring party and the subsequent independent role of the Reporter – essential to preserving a rights-respecting process. Any move to enhance or expand the role of the Reporter prior to referral must not complicate matters, or cause confusion or duplication between the roles of the various</p>	<p>would want a clear picture of added value of doing so.</p>	<p><b>of what is proposed before giving any endorsement.</b> Some members have experienced more collaborative working with Reporter pre-2011 Act</p> <p><b>Where child protection processes are initiated whether compulsory measures are required will already be routinely considered and explored.</b></p> <p>Similarly, in ‘care and support’ meeting – definition of what is meant is required – this question will always be asked.</p> <p>In other recommendations it is suggested that the Reporter attends all meetings where CP processes are underway. <b>SWS would be concerned about this at both the information sharing level, and the likelihood that it may enhance the likelihood of referral.</b></p> <p><b>SWS agree that the delineation between referral and the role of the reporter is important and should be retained.</b></p> <p>Some members noted that this is one of the recommendations which shows a</p>
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		professionals involved in supporting the child. We will consult on the issues attending any proposed change to the scope of the Reporter role.		lack of trust and respect for the social work profession.
3.7	Specialist training must be provided to decision makers within the children’s hearings system and those working as part of the children’s justice system or directly alongside children in conflict with the law so that they know and help children access and understand their rights and the way in which the children’s hearings system interacts with the criminal justice system. This includes for Reporters, Chairs, Panel Members, police officers, social workers (including community justice social workers) and lawyers as a minimum—some of this has already started and must continue.	<p>Engagement with partners following publication of ‘Hearings for Children’ suggests that a wide range of activity that would deliver against this recommendation is already in place or is planned.</p> <p>In addition, the UNCRC Bill (which has now been passed by the Scottish Parliament and awaits Royal Assent) will place a duty on those working under the Children’s Hearings (Scotland) Act 2011 to act compatibly with the UNCRC. If Parliament are content, and the reconsidered UNCRC Bill becomes law, system professionals will be required to comply with the UNCRC requirements. So, training for professionals, practitioners and volunteers working in the children’s hearings system must cover any duties that they may bear under UNCRC. This will include any adaptations to the intersection between the children’s hearings system and the criminal justice system – those interactions will continue to move in the coming years, contingent on the introduction of Care and Justice Bill</p>	Note SWS comments. Greater training requires time away from work and we know staff are already fully utilising their time, so this is challenging.	<p>The principles of the hearing system make no distinction between those referred for welfare grounds and those referred as they have come into conflict with the law, This is in keeping the UNCRC view that children are first and foremost children who express the experiences and trauma in their lives in different ways.</p> <p><b>This recommendation is likely to be fulfilled as part of the UNCRC and care and justice work already underway</b> and as such may not require to be part of the hearing reform work plan.</p> <p>Members note the practical issue linked to this recommendation around type of training funding and amount of training. Also that some social workers will welcome specialist training.</p>



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		reforms, Age of Criminal Responsibility statutory review and possible reforms, the introduction of Disclosure (S) Act 2020 provisions.		
3.9	All children and young people up to age 18 who are convicted at Court should have the opportunity of either a remit to the children's hearing or a request for the advice of the children's hearing by the Court (an Advice Hearing), in accordance with the terms of the Children (Care and Justice) (Scotland) Bill.	Draft legislative provision has already been made for this to be possible via section 15 of the Children (Care and Justice) (Scotland) Bill, subject to its approval by Parliament in due course. Its remittal framework aims to maximise the use of the welfare-based children's hearings system, even in cases where children are being prosecuted in court. The provisions under section 15 bring consistency for children by removing the differentiated arrangements for children dependent on whether they are subject to compulsory measures or not, as well as allowing the court to remit for disposal without the need for advice, where considered appropriate. The only exception will be where the sentence is fixed in law, where the court will continue to have the power to dispose of the case itself.	No comment	<b>SWS agree with the hearing system being the primary forum for all children requiring compulsory measures.</b>  This is also a piece of work already underway s part of care and justice bill implementation, and as such could be removed for the hearing work plan
4.1	There must be changes to the way that advocacy is offered:	The Scottish Government agrees, noting that repeated offers of advocacy support are already enshrined in the practice model	Explore further, will this mean more advocates, do	<b>While supportive of advocacy for children SWS has some reservations</b>

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<p><b>4.1.1</b> If a child does not already have an independent advocacy worker, there should be an immediate offer of advocacy at the point of referral to the Reporter for all children. This must be fully explained to children in ways that they understand so that they are aware of what an advocacy worker is and the role that they can play.</p> <p><b>4.1.2</b> The Promise Scotland’s work to develop a lifelong advocacy service for care experienced children and adults should include the extension of advocacy support beyond the entry point to the children’s hearings system to children working voluntarily alongside local authorities and to parents and carers too.</p> <p><b>4.1.3</b> The offer of advocacy should be repeated to children and to their</p>	<p>governing the current statutory children’s hearings advocacy provision that has operated since November 2020.</p>	<p>they exist, how will they be funded.</p>	<p><b>about extending this.</b> Members have noted:</p> <ul style="list-style-type: none"> <li>• There are no agreed national standards for advocacy, or independent advocacy and no oversight or scrutiny of this function.</li> <li>• Evidence base – children benefit from someone to help them to express their views, but the landscape has become cluttered. Social workers have an advocacy role, as do carers, children’s rights officers, advocates and independent advocates amongst others.</li> </ul> <p>We are concerned that in an attempt to ensure that a child has someone to help them express their views, that they end up with a multitude of individuals doing this and the child’s voice itself becomes lost as a result. Clarification on when advocacy is required and where someone assisting a child to express their views is sufficient is needed.</p> <p><b>Further consideration of this recommendation is needed before SWS could support it.</b></p>
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	<p>families at different stages of the process.</p>			<p><b>Any progression of lifelong advocacy also needs considered carefully</b>, and consulted upon widely, including the scope of such a service, how it would be provided, how it would interface with existing advocacy provision in adult and children’s, resource implications and standards. <b>This is not for the Hearing Redesign Board.</b></p> <p>Children not subject to compulsory measures also already have access to advocacy via local children’s rights officers.</p> <p>Similarly work would need to be done if advocacy is to be offered to families.</p>
<p>4.2</p>	<p>Children should be fully informed of their right to legal representation and there should be an exploration and understanding of whether the current mechanisms for them to access legal aid and their right to legal support is sufficient.</p>	<p>The Scottish Government agrees with this recommendation, which will be considered under the Practice and Procedures workstream. That contains a number of recommendations which can be progressed in the first instance by the statutory bodies and will be overseen by the Children’s Hearings Redesign Board once it begins work in early 2024. We anticipate that this will entail significant further work with</p>	<p>Agree on being informed of rights, like SWS have heard increases in lawyers as result to changes – in legislation I think – has made Hearings more adversarial, less inquisitorial. No comment on Legal Aid.</p>	<p><b>While in agreement with the principle of legal representation, SWS would note consistent comments from social workers, managers and leads, about the impact of legal representation on the hearing itself</b> and the extent to which this, while intended to assist those taking part and enhancing their rights, results in the child becoming lost in the process and subjected to often difficult</p>

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		Social Work, Local Authorities, the Scottish Legal Aid Board (SLAB) and the wider legal profession's representatives, including the Law Society of Scotland.		and challenging experiences which can be traumatising – and in a setting intended to have the child at the centre.  For legal representation for child and parents to work effectively in this forum, <b>considerable attention needs to be given to how legal representatives behave in the hearing context.</b>  <b>This needs to go beyond a code of practice, and should extend also to how panels, and others in the hearing system behave towards one another.</b>
7.3	<b>CHS and SCRA must be fully supported and resourced to adapt and flex to the changes required by the redesign.</b>	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children's Hearings Redesign Board. This will also be considered through multi-year financial strategy setting, resource planning and annual budget processes as they apply to the current grant-in-aid arrangements for the core public bodies CHS and SCRA.	An issue for SG, CHS and SCRA, but more funding in one area impacts other areas at a time when finances are so tight.	SWS note that <b>while it is right that CHS and SCRA are properly resourced, if other parts of the system – social work in particular but also health and other services – are not also resourced then the system will not improve as intended.</b>  <b>Social work is also a core public body in terms of the hearing system</b>
7.4	<b>The children's hearing must be clearly seen as the principal legal decision-</b>	The HSWG report states that:	As SWS response would need to understand implication on other	<b>SWS are not able to support this recommendation without considerable further detailed consideration of what</b>

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	<p>making forum for children after grounds are established. Children and families must understand the role and added value of the children’s hearings system and how it correlates to the other inter-related processes and meetings in their lives.</p>	<p>In a redesigned children’s hearings system it must be made clear to children and families, and to the workforce what the role and added value of the children’s hearings system is. This will ensure that there is a concrete understanding of how it correlates with, and interlinks to other important, simultaneous child protection, care and support, permanence, and adoption processes that may be woven into and across children and family’s lives. Decision makers in the children’s hearings system must be cognisant of what else is happening and what has happened previously in the lives of children and families.</p> <p>We agree with this recommendation provided that improved clarity about the role, relevance and significance of other key processes can be articulated, including those that address child protection, care and support, permanence and adoption.</p> <p>This recommendation is closely linked to recommendation 7.5 and we believe that a proportionate review of these processes and others across 2024 and 2025 can look to identify and address many of the issues raised across the report.</p>	<p>processes and the role of SWS and Las.</p>	<p><b>this would mean and how it would improve children’s wellbeing, and the processes which support that.</b></p> <p>There are many different processes and legal roles in the lives of children and that interface must be carefully considered to ensure that the right steps and changes are taken. <b>That must happen before SWS can understand if this recommendation is one we accept.</b></p> <p><b>We agree that clear and better understanding by professionals about the various links with other process such as CP, permanence and care planning are critical.</b> Once clarity is reached, that should inform if and what changes are required, and subsequently made clear to children and families.</p> <p>These processes go beyond GIRFEC and child protection process and include also permanence/adoption, and the wider care system</p>
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		Our National Child Protection Guidance sets out the links between GIRFEC national practice model, child protection processes and children’s hearings, as well as detailing the role of the Reporter. As part of our implementation of the Guidance, a resource for children, young people and families is being developed to offer an accessible source of information.		
7.5	There must be a national review of multiple ongoing child protection, care and support processes and meetings, including review meetings, to identify where unnecessary duplication takes place, where drift and delay is introduced, and where information could and should be better shared collaboratively with the Panel or Reporter to better inform decision-making.	This recommendation is tied to many others across the report that describe the relationship between the various assessment and support-planning processes children and families can experience, and the roles of the different professionals involved in them. We believe that there is merit in undertaking a review that can aid understanding and facilitate improvement. However, it is important that any review is focused and proportionate, seeks to add value, and does not place any unnecessary burden on professionals at the heart of critical services. We have already begun preparatory work to support the process of a review and will progress this with input from the Children’s Hearings Redesign Board and other key partners in early 2024.	Would want to understand added value and implications for SW ans LAs.	<p><b>Agree</b></p> <p>SWS members have noted that different processes are not necessarily a bad thing - some of those interlinking processes are appropriate and provide protection for the child.</p> <p>There is a distinction between investigation assessment and planning processes and decision making which is necessary.</p> <p><b>Any change in this area would require legislative measures as care planning and review duties sit with the local authority.</b></p>

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				<p><b>As the processes are primarily duties on the local authority members suggest this work should be led by social work.</b> If progressed it would require significant legislative change. Decision making for those process does to currently primarily sit with the hearing system.</p>
7.6	<p>The discretion of the Principal Reporter to decide whether a Reporter should attend a children's hearing should be retained. Reporters must only attend a Hearing when they have a meaningful contribution to make and, in their view, it is in the best interests of children and their families.</p>	<p>Reporters consistently make a meaningful contribution at hearings by acting as an independent observer ensuring fair process and by keeping a record of proceedings. SCRA's Practice Direction 11 gives clear guidance about the role and practice expectations of the Reporter at hearings and pre-hearing panels. The Reporter also has an important role at appeals of decisions of children's hearings, which includes assisting the court to make a well-informed decision in the best interests of the child. Prior attendance at the children's hearing facilitates the Reporter's carrying out that element of their role effectively.</p>	<p>SWS comments noted, if Reporters being present reassured SW staff that Hearings were better run we wonder why they do not attend as standard, good to understand the rationale for not attending, is this down to capacity/Reporter numbers?</p>	<p>SWS members have expressed views that attendance at hearings by the Reporter, which was a normal feature prior to 2011 but now varies, resulted in better hearings, less aggressive discussions and improved behaviour. The legal guidance of Reporters on process and competence was also valued.</p>
7.7	<p>Clear measures should be in place to explain the role of the Reporter in a hearing</p>	<p>The Scottish Government agrees. Work to progress this recommendation, alongside a number of others, will look to ensure that information on the children's hearings</p>	<p>Agree.</p>	<p><b>Agree – this should apply to all those who have a role in the hearing</b></p>

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	in a way that children and families understand.	system is accessible for children, families and professionals. SCRA have current and planned practice in this area. We understand that they will bring that to the Children's Hearings Redesign Board in 2024 to ensure wider system visibility and alignment for the benefit of children and families. Should future system redesign affect the role of the Reporter following primary legislation, that awareness-raising and explanatory work will be revisited and repeated to reflect the changes.		
8.1	There must be a more robust preparation phase in advance of a children's hearing, which must involve children and their families.	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children's Hearings Redesign Board which will begin its work in early 2024.	Unsure of existing preparation stage, if others agree it needs improved would support, who delivers?	<b>Understanding what is behind this would be helpful.</b> Social workers will as standard discuss the hearing and what will happen, but it is accepted that this also needs to come from Reporter and others, and to be repeated on more than one occasion and often using more than on medium.
8.3	Local authorities, CHS and SCRA must work together to consider how best to plan and prepare all children and families for optimal support, understanding of, and	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children's Hearings Redesign Board which will begin its work in early 2024.	Sounds reasonable.	<b>Combine with 8.1 above</b>



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	participation in their children's hearing			
8.7	The feasibility and potential positive and negative consequences of pre-hearing planning meetings must be explored.	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children’s Hearings Redesign Board which will begin its work in early 2024.	Agree redesign board to consider.	<b>SWS would want to understand better what this would involve, who it would involve and what the benefits would be. This is at the moment not clear.</b>
8.8	In a redesigned children’s hearings system there must be a separation between procedural decisions relating to the hearing itself and the decisions made by the hearing. There should be an assessment to understand which procedural decisions a Chair can take without the need to convene a full Panel in advance of a hearing. This should include scrutiny of whether anything needs to change in legislation or procedural rules to better facilitate decision-making and	We will undertake the assessment described in this recommendation in concert with CHS and consult if necessary in 2024, both to explore the issues with a wider audience, including the care community and to seek views on any legislative changes that may be required.	No comment	<b>SWS consider that local authorities also need to be involved in this,</b> assuming some of those decisions may be about excusing a child, how a hearing is managed, who attends etc.

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	eliminate structural drift and delay in the system.			
8.10	The rights of brothers and sisters to participate and be part of their siblings' hearing must be upheld.	<p>The Scottish Government is clear that, where appropriate, all siblings should get a proper opportunity to participate in and be part of their sibling's hearing. The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021 came into force in July 2021 affording siblings this opportunity in the appropriate circumstances.</p> <p>Work is already underway to support full implementation of <a href="#">The Looked After Children (Scotland) Regulations 2009</a>, as amended by the <a href="#">Looked After Children (Scotland) Amendment Regulations 2021</a> and 'Staying Together and Connected' National Practice Guidance that will further support the recommendation to uphold the rights of brothers and sisters to participate and be part of their siblings' hearings. That work is progressing independent of the HfC report, but we have ensured it is aligned.</p>	Might there be exceptions?	<b>This is already in legislation and does not need further action, just attention to interface.</b>
8.11	For people who might find it difficult to physically attend a hearing due to	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under	No comment.	<b>SWS query why this would only apply to someone who would find it physically difficult to attend a hearing.</b>

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	emotional or practical concerns there must be ways for information and views to be shared in advance, either through a written report or a recording.	the Children’s Hearings Redesign Board once it begins its work in early 2024.		Limiting it to only certain individual may result in others questioning why they need to attend.  Suggestion of guidelines for when remote hearing may be appropriate and when specific other ways of expressing views would be indicated.
8.12	The existing obligation for a child to attend must be removed and replaced with a presumption that a child will attend their Hearing, with some limitations. There must be no presumption that babies and infants will attend their Hearing.	The Scottish Government agrees that there should be no presumption that babies and infants attend their Hearing. While there are substantial considerations regarding the capacity and participation of older children and young people of various ages and stages of maturity and capacity, the choice of the child on how they participate must be a significant factor in a redesigned system. Enabling children to have a clear choice, unencumbered by administrative barriers, is in keeping with broader trauma-informed practice, and we are supportive of this in principle. We will develop options for consultation on how the legislation and procedural rules of a redesigned system could enable high quality participation for children and young people, ensuring their preferences are respected and their rights are upheld.	No comment.	Pleas for consistency in terms of attendance/excused from attending to align with age of legal capacity.  <b>This recommendation would also benefit from further work around what a trauma informed system would look like and methods of hearing and including young people</b>

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8.13	<p>The existing range of options available to help facilitate children's attendance within the children's hearings system should remain in place and expand in accordance with emerging research, evidence and shared learning from other tribunals and ongoing improvement work.</p>	<p>This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children's Hearings Redesign Board. We will ask them to focus on domestic and international comparators - to ensure that the best and most appropriate attendance, engagement and participation supports are put in place for a redesigned children's hearings system.</p>	<p>No comment</p>	<p><b>Combine with 8.12 above</b></p> <p>Note CELCIS international work may already have the information sought</p>
8.14	<p>If a child does not wish to attend their hearing, then there must be clear mechanisms in place to help the child understand what was discussed at the hearing and what decisions were made.</p>	<p>This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children's Hearings Redesign Board.</p>	<p>Unsure of current practice, who will deliver?</p>	<p><b>Accepted as current practice to a large extent.</b></p>
8.17	<p>All reports must be shared with plenty of time for Panel Members to review them.</p>	<p>This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children's Hearings Redesign Board.</p>	<p>Definition of "plenty of time", earlier shared more risk of being out of date?</p>	<p>Timescale already exists, though pressures mean they are not always adhered to</p> <p><b>This does not need be part of the Redesign Board work plan</b></p>

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8.19	A child and ‘relevant person’ must be given appropriate time to read and understand the information that they receive.	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children’s Hearings Redesign Board under the current system. If any changes need to be made to existing regulations or procedural rules, the Scottish Government will engage on those, following primary legislation consultation.	Definition of “appropriate time”? seems reasonable, what’s existing practice.	<b>Already in place though aware of challenges with adherence. Practice issue which does not need be part of the Redesign Board workplan.</b>
9.2	Children and their families must be helped to understand their choices and rights relating to their participation in their hearing.	<p>This recommendation, alongside a number of others, looks to ensure that information on the children’s hearings system is accessible in one location for children, families and professionals.</p> <p>A range of publicity, communication and engagement materials have been developed for children and their families to help them understand their rights and to support their choices about how and when they can participate in their hearing – we will bring that together under the Information workstream of the Redesign Board. There is an ongoing programme of communications and engagement to ensure children and their families are made aware of their rights in preparing to attend hearings. Maintaining the child’s right to attend their hearing, and avoiding inappropriate influencing or</p>	One location suggests IT access, information should be in various formats, including having conversations, who will deliver?	<b>This is covered in other responses</b>

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		practice that would have the effect of discouraging attendance, are emphasised to children and their families by advocacy workers. Children and families are made aware at every contact with prospective advocacy providers that advocacy support is not a one-time offer.		
9.4	The provisions in s.3 of the Children (Scotland) Act 2020 with respect to a child being given an opportunity to express their views in a manner they prefer or a manner suitable, must be commenced.	The Scottish Government agrees, but in keeping with the HfC report's observations on sequencing and capacity, we will consider further when is the optimal time to commence these provisions taking into account the wider demands that a range of other reforms are bringing to the workforce supporting children, young people and families workforce.	Unsure why sequencing is noted by SWS & SG – does this mean this is deprioritised?	There are many forums for children expressing their views including to the social worker preparing and writing the report for the Panel.  Also links to UNCRC incorporation, and the section on advocacy.  <b>Sequencing of any changes is critical.</b>
10.3	<b>Social workers' training must cover the purpose, processes, and structure of the children's hearings system in adequate detail and must support them in developing the reports that decision makers will need to inform their decision-making.</b>	We intend to coordinate the development of an Advanced Practice Framework (APF) which sets out the structures that support social workers to progress through different career phases. The APF will describe a cohesive and supportive series of academic, learning and developmental and work based opportunities to support the workforce.  In spring 2023 officials sought the views of social work students, social workers and social work leaders. Their feedback will	The recommendation suggests training for all SW, unsure of content in initial training, is this new, unsure if all SW need such training?	Please see comment on workforce and <b>existing work underway in relation to workforce planning.</b>  <b>This recommendation should be included in that and taken forward out with the hearing redesign work.</b>  Members note that panel member training <b>MUST</b> include the role of the social worker and the role of hearings. <b>Social work education is not for the</b>

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		<p>inform the creation of a framework which will:</p> <ul style="list-style-type: none"> <li>• Contain core, practice specific and mandatory elements</li> <li>• Respond to changing policy and practice developments</li> <li>• Reflect the important role social workers play in multi-disciplinary teams</li> </ul>		<p><b>design board and is led elsewhere – OCSWA and SWEP</b></p>
10.4	<p><b>Social workers who attend Hearings must have an in-depth understanding of the lives of children and families to whom the Hearing relates.</b></p>	<p>The GIRFEC national practice model is part of professional practice for all professionals who work with children, young people and their families in Scotland. It was refreshed in 2022 and supports social workers to build an in depth understanding of the lives of children and families attending children’s hearings. Professionals who work with children, young people, parents, carers and families, including social workers, are aware of the GIRFEC national practice model which provides values, principles and a universal assessment model. This practice model provides information to inform a clear plan outlining what help is to be provided, by who and by when. At all assessment stages the child is at the heart of the process, their views are listened to, and their rights are respected.</p>	<p>Would this not already be the case unless the CYP had just become subject to SW support, or SW was newly supporting CYP?</p>	<p>Social worker training is all about development, societal factors and impact of trauma. GIRFEC framework (and GIRFE) expresses this in our national practice model. Social workers are probably the best placed to understand the lives of children and families of all professionals and individuals involved in the hearing system.</p> <p>Understanding of poverty, trauma etc for all those involved in the hearing system would be beneficial.</p> <p><b>This is not for the Redesign Board.</b></p>

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11.12	Orders must have a high degree of specificity to ensure safe, loving, mutually supportive relationships are upheld and protected.	This recommendation will be considered under the Practice and Procedures workstream, which will be progressed under the Children’s Hearings Redesign Board.	Unsure of current degree of flexibility, specifying interventions which cannot be delivered due to resourcing places SW, LA and cyp in difficult situation.	Specificity is good, but should not go too far, nor include matters beyond the scope of the implementing authority.  <b>Orders must be SMART and achievable.</b>
11.4	There must be clear processes for a Hearing to inquire about what is working and what is not working with respect to contact arrangements as part of regular review processes.	<p>The Scottish Government agrees that it makes sense for the Hearing to be able to hear about the successes and challenges of contact arrangements and experiences. An agreed process to raise any concerns would also be beneficial.</p> <p>Though not currently covered in the current approach to joint inspections, the Redesign Board and relevant functions, potentially including the Care Inspectorate, would want to think through the adequacy of sources of data and evidence and the extent to which they could use information from CHS and SCRA. In addition, the Redesign Board will wish to consider recommendations and any relevant output from regulation of contact centres.</p>	Current practice, whats the current processes, do they need revised?	<p>SWS members advise that <b>this is already part of children’s plans and the work that is undertaken including what is presented to hearings.</b></p> <p>Contact arrangements and the reason for those will be part of every child’s plan where a child is not living with their birth family. <b>Any review (childcare review or panel review) should therefore also review that aspect of the plan.</b></p> <p>Understanding of family time (as children prefer to call it) by wider participants in the hearing system would be beneficial.</p> <p>While contact centres are helpful, we note that most contact takes place in more natural settings – activities, parks, carers houses.</p>



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<p>11.16</p>	<p>If families are not engaging in the support that is available, the tribunal must inquire about the circumstances surrounding this and seek to understand what alternative provision may be more appropriate.</p>	<p>This Scottish Government agrees. The National Convener will wish to assist the tribunal to understand reasons for non-engagement with compulsory measures, and implementation authorities will wish to be part of a focused, timely dialogue about whether measures in orders can be safely adapted or reconfigured. This recommendation will sit under the Practice and Procedures workstream, which will be progressed under the Children’s Hearings Redesign Board when it begins its work in early 2024.</p>	<p>Sounds like its current practice.</p>	<p><b>This is and should be a core part of any review and the TAC meetings in between.</b></p> <p><b>Combine with 11.4 above as one action related to content and purpose of reviews of CSO</b></p>
<p>11.19</p>	<p><b>11.19.1 There must be sufficient resources and multi- agency planning and collaboration with the Children’s Hearing to ensure the additional, specific needs, of all 16 and 17 year olds are met.</b>  <b>11.19.2 The tribunal must have oversight of the transition plans for children who are nearing their 18th birthday so that there is no ‘cliff edge’ in terms of help and support</b></p>	<p>The Scottish Government agrees that multiagency planning and resourcing considerations are key to the successful implementation of any statutory provision. Legislation cannot deliver its full potential benefits in isolation - policy and delivery mechanisms are crucial. To ensure co-design of those plans and an early consideration of issues with partners, the multi-disciplinary Children (Care and Justice) (Scotland) Bill Implementation Group was established in summer 2023. While the reforms proposed in this Bill mainly relate to under 18s, some extend to young adults. For example:</p>	<p>COSLA responded to the FM likely additional costs by increasing the number of young people with care experience who will be supported through continuing care to the age of 25, this is Care and Justice Bill, but we can see the merit in reemphasising the need for this to be fully funded by SG.</p>	<p>This is part of the care and justice bill work and financial memorandum to which SWS contributed. <b>As this is already being taken forward as part of this work it can be removed for the hearing redesign work plan.</b></p> <p>RE transitions, <b>there will always be a level of ‘cliff edge’ as children’s rights and provisions that relate to children are greater than that available post 18, when the YP is an adult.</b> That said, good planning should see a young person into continuing care or after care, where local authority duties continue. Children</p>

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	<p>when they become an adult.</p>	<ul style="list-style-type: none"> <li>the ability of children who have been remanded or sentenced and placed in secure care before their 18th birthday to remain to a maximum age of 19;</li> <li>the ability for the hearings system to consider whether supervision or guidance will be needed by the child after attaining the age of 18 years when terminating a child's order;</li> <li>and the possibility for more children to have aftercare entitlements following referral to the children's hearings system or having been placed in secure care via a justice route.</li> </ul> <p>Scotland continues to develop a distinct approach to young people aged 18-25 years of age. This includes the Scottish Sentencing Council's Guidelines; extension of the Whole System Approach under the Youth Justice Vision; and youth court pilots, all of which will continue to be monitored and provide valuable learning.</p>		<p>subject to a CSO are not left unsupported once the CSO terminates.</p> <p>Transition planning is also important for those under 18 whose CSO is terminated</p> <p>Members again note that <b>this recommendation shows a lack of understanding of local delivery and current practice.</b></p> <p><b>It should be removed from the Hearings Redesign Board.</b></p>
<p>11.23</p>	<p>The right to appeal must be accessible and understandable to children and families.</p> <p>To ensure feedback loops play a role in the</p>	<p>The first part of this recommendation can be addressed through an information workstream that we will progress in concert with the Children's Hearings Redesign Board. The second element is mainly for the tribunal element of the system. In considering how this could be</p>	<p>Unsure of current practice, who considers appeal, will this be extra work, do they have capacity?</p>	<p>Links to earlier recommendation about information available to families and professionals</p>

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	continuous improvement of Hearings, Sheriffs should request a copy of appeal decisions be included in Hearing papers.	implemented, we will explore if it is possible for appeal decisions to be automatically provided in children's hearings papers to be considered in subsequent proceedings for each individual child.		
12.1	The application of compulsion should remain with a child, but there must be a strengthened understanding of the importance of their family and the support they require as part of the link between the order and the Child's Plan.	The Scottish Government agrees that the application of compulsion should remain with the child for the reasons outlined in the report. In line with our response to recommendations 2.6.3 and 11.15, we suggest exploring how we can place a stronger emphasis on the use of the My World Triangle and National Practice Model within the work of the Reporter and the hearing – to encourage a whole-family approach to supporting a child. Those are principally training and practice issues for the Principal Reporter and National Convener. For clarity, we note that the Child's Plan' referred to in this recommendation is the statutory Child's Plan for a Looked After Child.	No comment.	SWS members view is that <b>this is already the case</b> – most children are not referred to the Reporter due to their issues but the issues in the environment around them. The national practice model, our framework in Scotland also makes this clear.  <b>SWS would welcome exploring a new emphasis on the national practice model and its use to inform all care planning</b>
12.7	A Review Hearing should be seen as an opportunity for a full and frank discussion alongside the child and family with the	The Scottish Government agrees. We note that a chairing member can use the powers in sections 146 and 147 of the 2011 Act to direct the National Convener to give notice to the implementation authority to take	No role for SW noted in the recommendation.  SG response seems unlinked to the	Members felt that <b>this recommendation could be framed more constructively.</b>

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	<p>benefit of an independent Chair, and not a place for adversarial proceedings. They should be characterised by curiosity into what has gone wrong and what is needed to change.</p> <p>In an inquisitorial system, the Review Hearing should be the place for an open and honest inquiry into what progress has been made, where the strengths of the family lie, and what challenges there might have been in meeting the terms of the order.</p>	<p>remedial action, failing which they may apply for an enforcement order. The focus and current use of this mechanism can be explored further during the planned 2024 consultation. Review hearings can be strengthened through improved practice, learning and guidance from the National Convener.</p>	<p>recommendation – which does not refer to remedial action and enforcement orders?</p>	<p>Review hearings should be just that, a consideration of what a review should cover may assist.</p> <p>SWS members have fed back that <b>the adversarial nature of children’s hearing is one of the most significant aspects of the system needing changed</b> and one which currently causes social workers much distress on their own and the child’s behalf.</p> <p>We would note that <b>the action needed here is not about the chair ‘giving notice’ to the implementing authority and taking enforcement action.</b> The adversarial hearings currently being experienced across the country is reported by social workers (and evidenced) as more usually related to the behaviour of lawyers and often also panel chairs and the lack of management of the hearing by panels. This includes failure to stop the abuse of social workers, and adoption of defence strategies, chairs being faced with experiences beyond their volunteer capacity to manage, and failure to ensure basic good manners and attention to the child in those aggressive situations.</p>
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				<p>SWS can evidence this behaviour and the impact it has on staff and children. <b>We would welcome the opportunity to work with CHS and SCRA to consider how hearings can be the collegiate, respectful, informed and child centred setting intended.</b></p>
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