

Briefing Note for the Education and Skills Committee

Context

While we recognise the need for Parliamentary Committees to divide responsibilities between them, we would highlight the fact that the Children's Hearings System deals with concerns about children's offending behaviour as well as with child protection concerns. The intersection between these issues is clearly evidenced in our recent research report on [children aged 8-11 who had been referred to the Reporter for offending](#), which found that many of these children experienced a range of additional vulnerabilities, including 25% who had previously been victims of physical and/or sexual abuse.



Data

SCRA publishes [annual statistical information](#) about children referred to the Reporter. More detailed local breakdowns of this data are available for partners in order to help identify trends and inform decisions on service provision and planning. However, we feel that this data could be used more in some areas, including by Child Protection Committees and we will be doing more to promote its use going forward.

Participation, Digital Strategy and Better Hearings

Three inter-related workstreams are targeted at improving the experience of children and families in the system and are directly related to SCRA's statutory duties around corporate parenting and the UN Convention on the Rights of the Child. Much of this work has been driven and informed by the views of care-experienced young people via the National Participation Forum and more latterly the Young People's Board for the Hearings System, which enables care-experienced young people to influence and inform decisions at an operational and strategic level within the system.

SCRA co-operates with Children's Hearings Scotland (CHS) on the Participation agenda. This has led, among other things, to [improvements in provision of communication materials](#), training and [the physical environments](#) in which hearings take place. One recent piece of work is the promotion of pre-hearing visits to help reduce anxiety ahead of the hearing and de-mystify the process for children.

The [Children's Hearings Digital Strategy](#) focuses on how key projects will improve the service to children, young people and families and increase participation through the use of digital technology. The intention is that time taken to journey through the Children's Hearings System will be reduced and better outcomes will be achieved by improving the information flow through the system.

The Better Hearings Project is aimed at providing a more tailored service which focuses on the needs of the individual child and family when arranging, scheduling and conducting hearings. A paper will be presented to the Children's Hearings Improvement Partnership in September and will be available to the Committee thereafter.

Neglect and Domestic Abuse

Two areas which SCRA believes merit particular attention are neglect and domestic abuse. We are conscious that neglect can be one of the most challenging issues to address because thresholds for intervention can be harder to define in a situation that reflects a more gradual “drip” of concerns rather than a single obvious crisis point.

SCRA’s [Child Protection Order \(CPO\) research](#), conducted in 2015, raised the question about whether risks could have been identified at an earlier stage and interventions planned to protect the child without the escalation of concerns or exposure to new risks that led to the emergency intervention of a CPO, particularly in neglect cases.



24.9% of children with Child Protection Orders were aged under 20 days

The Children’s Hearings (Scotland) Act 2011 introduced for the first time a specific ground related to domestic abuse. In 2015/16, 2,742 children were referred to the Reporter because of concerns that they had been exposed to domestic abuse. Children were more likely to be referred on this ground in their first year of life than at any other age and 22.3% of those referred were aged between birth and two years. This data highlights the fact that children are directly affected by living with domestic abuse. It constitutes a form of abuse by the perpetrator against the child and children can often be targets within the context of domestic abuse.

SCRA is currently working with Scottish Women’s Aid to deliver specialist training for Reporters on domestic abuse in order to ensure that practice is informed by the most up to date understanding of the research and the issues. We are also involved in the development of the Scottish Government’s Equally Safe work.

Decision Making and the importance of evidence

Since the previous Education Committee’s report into decision making on taking children into care, SCRA has conducted [further research on Permanence](#). It found that local authorities involved in the PACE projects are beginning to constructively question legal routes to adoption, but that there was still a need to address numbers of placements, drift and delay. It also highlighted challenges around contact decisions.

As a legal process, the Hearings System is reliant on high quality assessment and evidence to support decision making. The Child’s Plan is a critical vehicle by which this can be achieved. A good Plan will define the support and/or direction which children, young people and their families need, create a visible timeline for delivery of key interventions and a description of the intended outcome for that child/young person. It should also be clear about the need for, and purpose of, compulsory measures of supervision. Providing a clear basis against which progress can be reviewed will help to prevent cases from drifting.

Decision making in the courts is also important and delay in establishing grounds can be particularly significant for children. We would highlight the positive difference that pro-active judicial case management can make to timely and appropriate outcomes.

SCRA reviewed [Reporter decision making](#) in 2014. We found that in almost all cases, Reporter decisions were child-centred, proportionate and evidence based. Some areas for improvement were identified around recording of reasons and these are being taken forward.

Research is about to begin on children looked after at home. It will explore decision making, interventions and outcomes for children on home supervision and is scheduled for publication in Spring of 2017. Another piece of research to be published this year will consider decision making and outcomes for sibling groups in the hearings system, an area that has never been examined before. Finally, research examining the increasing complexity of cases in terms of issues such as the child’s needs, family relationships and number of agencies will assist understanding.