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## Scotland's Children's Hearings System – does it deliver good outcomes for looked after children?

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# Objectives of the legislation: Children's Hearings (Scotland) Act 2011

- To modernise procedures and powers
- To increase the voice of the child
- To be compliant with Human Rights obligations



SCOTTISH  
CHILDREN'S REPORTER  
ADMINISTRATION

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# Scottish Children's Reporters Administration

Employs Children's Reporters

## Children's Reporters:

- receive and investigate referrals of children (24,198 children referred in 2012)
- make decisions, including decision to refer a child to a Children's Hearing
- administer Children's Hearings
- present cases in court





# Children's Hearings Scotland

Supports panel members and delivers the functions of Children's Panels – recruitment, selection and training



Established in June 2013 (Children's Hearings (Scotland) Act 2011)

Children's Panel Members: – 2,700 in 2013



## National Standards

**Standard 1:** Children and young people are at the centre of everything we do

**Standard 2:** Panel members are well equipped and supported to undertake their role

**Standard 3:** Panel member practice is consistent across Scotland

**Standard 4:** Every children's hearing is managed fairly and effectively

**Standard 5:** Every children's hearing makes decisions based on sound reasons in the best interests of the child or young person

**Standard 6:** Area Support Teams are well equipped and supported to undertake their roles

**Standard 7:** Communication and information sharing across the Children's Panel, ASTs and CHS is clear, appropriate and purposeful

**Standard 8:** Functions, roles and responsibilities are clearly defined and understood within the system





## Training

- **Standard 5:** every children's hearing makes decision based on sound reasons in the best interests of the child or young person
- “We will make sure that the national curriculum, training and practice development programmes assist them to do so. We will make sure that the panel members are able to communicate their decisions and reasons effectively to children, young people and families at the hearing and in writing. We will establish and develop mechanisms for sharing information about outcomes and appeals in relation to panel member decision making. We will work with all relevant groups and agencies to learn from this information.”



## Training - Expectations

Panel members:

Prepare for hearings in advance

Familiar with legal framework and procedures  
and apply that knowledge

Understand impact of children's experiences  
on their wellbeing and development

National Convener:

Commission the design and delivery of a  
national curriculum aligned with a competence  
framework

Development of a PDA / accreditation by SQA



## Children in the Hearings System



16,248 looked after children in Scotland (01/08/11 – 31/07/12) – most common legal basis is Supervision Requirement made by a Children's Hearing.



In 2012:

- 39,826 Children's Hearings held
- 12,783 children with Supervision Requirements (aged from birth to 17 years)
- 48% of children with Supervision Requirements live at home with their parent(s)
- 2,967 Place of Safety Warrants made
- 789 Child Protection Orders received



# Outcomes from the Children's Hearings System

- Education and Children's Plans
- Placements
- Measuring outcomes
- Children and young people's views



## Looked after children – educational outcomes

79% of LAC leave school aged 16 or younger, compared to 30% of all school leavers



### Average tariff scores:

▪ All school leavers	406
▪ Looked after children	106
▪ Looked after at home	40
▪ With 4 or more placements	33

### Positive destination on leaving school:

▪ All school leavers	90%
▪ Looked after children	75%



## Looked after children – educational outcomes

*there is nothing inevitable about looked after children doing less well in education” (Extraordinary Lives report SWIa, 2006).*



### So why do looked after children have poorer educational outcomes?

SCRA research – How much is education considered in the plans of children on Supervision Requirements?



## How much is education considered in the plans of children on Supervision Requirements?



**Child Plans** - were more likely to address problems and needs than support children's abilities and ambitions, e.g.

- 53% of children with learning difficulties
- 40% of children with poor attendance
- 18% of children achieving academically
- None of the children with talents
- 6% had actions to support children's ambitions

Majority considered short-term educational needs – only 22% considered the child's education beyond the current school year



## How much is education considered by Children's Hearings?

### Children's Hearings -

- 48% considered children's education in the reasons for their decisions. Most common - school attendance.
- 6% included education in their decisions – attendance, change of school or additional support.

**Given importance of education in a child's life and for their future – shouldn't it be given greater consideration in planning and decision-making for looked after children?**



## Moves and placements



Scottish Government statistics show that 59% of looked after children experience multiple placements.



## What does this mean for these children and what can be done to change ?

*“...there’s still a bit that makes life suck a bit, like, moving around and all that...”*



## Moves and placements – children on Supervision Requirements for 5+ years

### High degree of instability in placements:

- 68% of children had at least three moves
- Over half (56%) of moves were not planned
- The most common unplanned move was failed rehabilitation attempt with parent(s) (15% of all moves)

*“I don't want to move because I've already been taken away from my family and I'll be taken away from my friend”*

*“I've been told I am going leaving my nana go to fostering. I am not leaving my nana. I trust my nana.”*

*“I don't want to stay with my mum. I just want to stay here with my gran.”*



## Moves and placements – children on Supervision Requirements for 5+ years

Delay in placing children away from home can also expose them to risk:

- 46 of 90 children – first Supervision Requirement was at home
- 60% - continued to be exposed to neglect
- Numbers displaying emotional and/or behavioural problems almost doubled (from 36% to 62%)
- Numbers with poor school attendance doubled (15% to 31%)
- 18% had successful rehabilitation home

*“I want to live with my mum and sister because I love them. I don't want to go to foster care”*

*“I would be safe if I stay here because my mum doesn't feel well sometimes”*



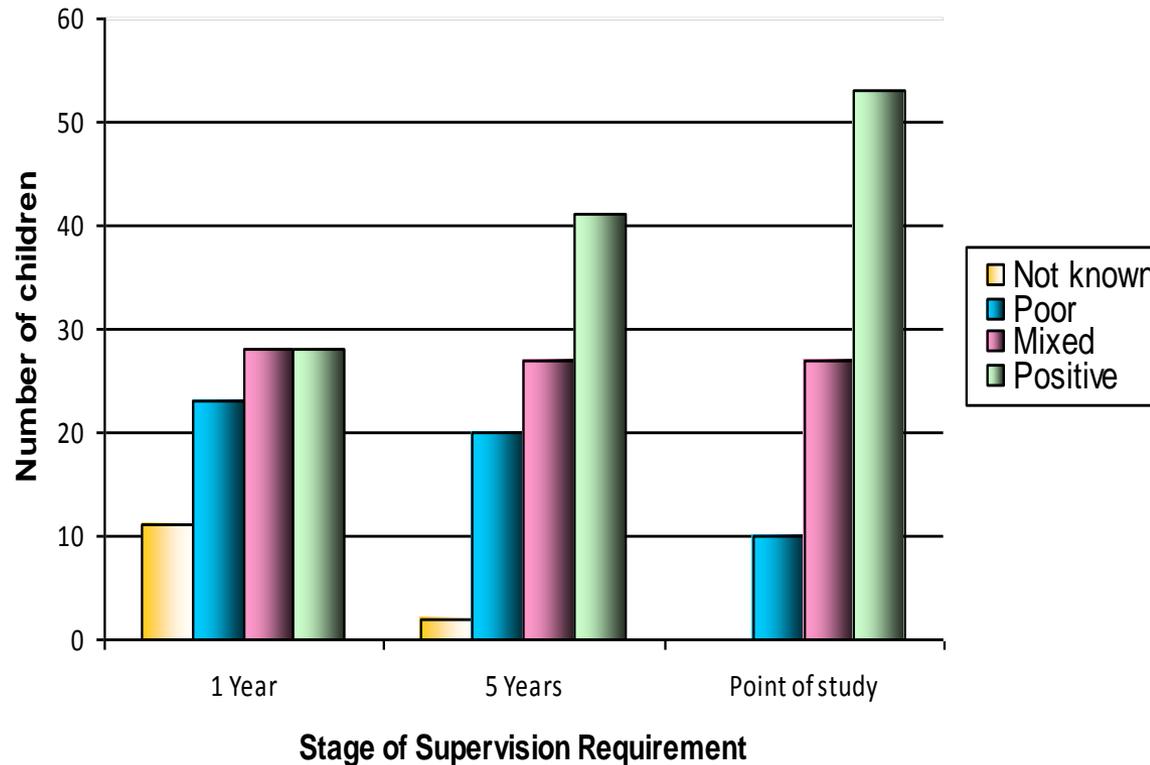
# Measuring Outcomes

Designed our own approach to assessing outcomes:

Outcome grade	Example
Poor	Child has had a number of different foster carers as is unable to settle anywhere. The child is socially excluded and frightens other children.
Mixed	Child is settled into the care of their foster carer and is attending college. Child is self-harming at the thought of having to leave their foster carer due to their age.
Positive	The child had very challenging behaviour and emotions when young but remained in the care of their grandparents where he was able to thrive and do well at school. The child states he feels safe with his grandparents.



## Outcomes at different stages of Supervision Requirements





**How can outcomes data be collated nationally whilst maintaining some level of meaning and relevance to children's lives?**



## Feedback Loop

- Section 180 and 181: development of a system for reporting about implementation of compulsory supervision orders
- **Purposes**
  - To understand types of supervision that have proved effective
  - To inform panel member decision making
  - To achieve better outcomes for children
  - Panel members have deeper understanding of the implications of their decisions



## Feedback Loop – local authorities

- National Convener may require local authorities to provide information about:
  - The number of compulsory supervision orders
  - Changes in circumstances that led to making of the orders
  - Effect of the orders on the overall wellbeing of children



## Phased approach to implementation

- A multi layered, collaborative approach with partners is required to fulfil the purposes outlined
- A phased approach will be undertaken to implement the feedback loop
- **Phase one**
  - Will deliver quantitative information which will provide a picture of implementation of compulsory supervision orders by local authorities, through a set of indicators
  - Indicators cover local authority contact with the child or young person, the presence of a care plan and implementation of secure authorisation orders
  - A consultation is now open on phase one of the feedback loop
- **Phase two**
  - Phase two will explore the challenging issue of the impact compulsory supervision has on the wellbeing of children and young people – this requires a multi-agency approach
  - Aim to begin scoping for this in conjunction with partners this year



## Enforcement power

- ss244 – 148: implementation authority has a duty to give effect to a CSO as well as any requirements placed on it by the hearing
- The 2011 Act contains a procedure a hearing can use where satisfied the implementation authority are in breach of their duty/duties. Two stages:
  - **Notice by the National Convener to the Implementation Authority;**
  - **Application to the Sheriff Principal**
- National Convener has no discretion



## Does the Children's Hearings System make a difference? Young people's views

Most young people felt their lives had got better since being involved in the Hearings System:

*“Before I went to Hearings it was worse...I was getting intae trouble an’ that, people used to call me names an’ I used to hit them. I used to push chairs an’ I used to swear at teachers am’ I used tae, like, run away...that would, like, just still been happening...”*

*“Aye, supervision it kind of protects you a bit, that’s kinda good but that’s about it”*

But, overall, young people said that it was their own commitment to change that had improved their lives:

*“...it’s up to yersel’ what you dae, isn’t it? You can either change things or just leave it the way they are...”*

*“I think it was down to me, to be honest...I had help obviously but I don’t think the Panel Members made any difference, to be honest...”*



## Questions

- Why do looked after children have poorer educational outcomes?
- Given importance of education in a child's life and for their future – shouldn't it be given greater consideration in planning and decision-making for looked after children?
- What does having multiple placements mean for children and what can be done to change ?
- How can outcomes data be collated nationally whilst maintaining some level of meaning and relevance to children's lives?
- How can we ensure that the experience and views of children are used in organisational learning?



## SCRA and CHS reports on outcomes for children involved in the Children's Hearings System

- SCRA (2013). How much is education included in the plans of children on Supervision Requirements?
- SCRA (2011). The Children's Hearings System: understood and making a difference. Young people's views
- SCRA (2012) Children on Supervision Requirements for Five or More Years. Decisions and Outcomes
- CHS: Literature Review – 27 reports on Children and Young People's views and experiences of children's hearings – a summary



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