



# competence framework

FOR CHAIRMEN AND MEMBERS OF CHILDREN'S HEARINGS



SCOTTISH EXECUTIVE

## Introduction

In 1999, the Scottish Executive published *Children's Panel Training: Design, Content and Evaluation*. This guidance, drawn up by the Children's Panel Training Organisers covers the pre-service and new member training of children's panel members in detail as well as referring to other training arranged by the Training Organisers. The document details the principles of teaching and learning on which the design and content of children's panel training is based as well as outlining the training provision and methods used to deliver the training. The guidance also describes the approaches used to evaluate the progress and performance of individual panel members during their induction training. Also included are some details about quality assurance to highlight, for the various parties involved in the training cycle, the important part they play in ensuring that training is 'fit for purpose'.

The main part of that guidance contains a description of the competences required of panel members when sitting on children's hearings. These have now been restructured and consolidated into a framework of six headline competences. Children's hearings are tribunals and as panel members are therefore members of a tribunal, reference, as appropriate, has been made to the publication '*Competence Framework for Chairmen and Members of Tribunals*' October 2002 published by the Judicial Studies Board.

## The format of the framework

The framework is divided into six main competences, each one representing a core element of the role.

- A Law and procedure
- B Equal treatment
- C Communication
- D Conduct of hearing
- E Management of information
- F Decision making

## Competences and performance indicators

The competences relevant to each core element are given. A competence can be defined as a learned skill assessed through observation of performance. For each competence there are performance indicators which set out the evidence required to show that a competence has been demonstrated.

The framework is further divided into those competences required by all who sit on a hearing (chairman and panel members) and those additional competences that apply to those panel members who chair hearings.

## Using the competence framework

The framework provides an essential self-development aid to individual panel members. It also assists those providing training, enabling them to design programmes which ensure that panel members effectively acquire the skills and knowledge necessary to undertake their role.

Appraisal against competences can enable individual needs to be accurately identified and met through training. It can also assist Children's Panel Advisory Committee members to effectively monitor the performance of panel members at hearings.

## a Law and procedure

To ensure an appropriate level of knowledge of the law, procedure and best practice in children's hearings

### Chairmen and panel members

- 1 Understand the legal framework and procedures of children's hearings
- 2 Understand the principles underlying the children's hearings system

### Chairmen

- 3 Possess a detailed knowledge and understanding of the law and practice relevant to children's hearings

### Performance indicators

- Can accurately describe and explain (in outline) the legal framework and procedures of a children's hearing
- Can describe the roles and responsibilities of those involved in the children's hearings system
- Acknowledge any gaps in own knowledge and seek information or advice from relevant sources to rectify this

### Performance indicators

- Focus on the welfare of the child
- Treat every child as an individual
- Help the child to express his or her views during the hearing and take account of them
- Assist in the maintenance of the rights of the child and family throughout the hearing
- Maintain confidentiality by storing papers safely and returning them to reporter at end of hearing

### Performance indicators

- Properly apply appropriate sections of the legislation and rules during the hearing
- Obtain further advice or information from appropriate sources when required
- Ensure the rights of child and family are maintained during the hearing

## b Equal treatment

To ensure and promote equal treatment for all involved with children's hearings

### Chairmen and panel members

- 1 Are aware of and respect: cultural and other differences among all who appear before a hearing, including differences in age, beliefs, gender, race, religious customs, sexual orientation, class, lifestyles, language or any physical or learning disability
- 2 Facilitate the participation of the child and family and all other parties to ensure a fair hearing takes place

### Performance indicators

- Use correct forms of address and appropriate language
- Ask questions and/or make comments in a manner that is sensitive to people's circumstances
- Participate in the hearing in a way that enhances and promotes equal treatment, e.g. by appropriate approach, attitude and non-verbal behaviour
- Ensure that the needs of those with physical or mental disabilities are properly accommodated by the hearing, making effective use of interpreters and signers where necessary

### Performance indicators

- Explain in everyday language the procedural, legal and other issues involved in the hearing, as appropriate, and check understanding
- Take necessary account of all factors that may unfairly discriminate and undermine full and effective participation
- Are open-minded and have not pre-judged the outcome

## C Communication

To ensure effective and purposeful communication at a children's hearing

### Chairmen and panel members

1 Communicate effectively

2 Communicate purposefully

### Chairmen

3 Communicate effectively

### Performance indicators

- Ask clear, concise and relevant questions which are understood by those to whom they are addressed
- Use open-ended questions wherever possible, avoiding leading or shaping what is said by participants
- Make appropriate comments
- Employ active listening skills, e.g. are attentive, checks perception
- Use appropriate body language, e.g. use appropriate posture, gesture, facial expression, eye contact
- Regularly check the understanding of all participants
- Encourage those present to participate in the discussion so that they may take part in the decision-making process
- Show awareness of own and others' non-verbal behaviour and its impact on the child and others at the hearing

### Performance indicators

- Help pace the hearing, taking account of child's stage of development, understanding, level of distress and attention span
- Help create a positive tone at the hearing through own verbal and non-verbal contributions
- Demonstrate sensitivity in situations where there is a high level of emotion such as stress, distress, anger or conflict

### Performance indicators

- Ensure effective communication between the hearing members and everyone present
- Explain any relevant legal or procedural issues to child and family in language they can understand
- Give decisions and reasons using clear and concise language so that the child and family understand them
- Ensure that written statement of reasons clearly and adequately reflect the verbal reasons so that child and family will understand them

## d Conduct of hearing

To ensure a fair and effective hearing

### Chairmen and panel members

- 1 Conduct themselves in a manner that establishes and maintains the independence and authority of the hearing

### Chairmen

- 2 Manage the hearing in a manner that enables proper participation by all those present
- 3 Manage the hearing effectively

### Performance indicators

- Recognise and disclose any potential conflict of interest
- Are punctual
- Dress appropriately
- Behave in a measured, calm and non-confrontational manner
- Anticipate possible difficulties that may arise in the hearing and devise ways of dealing with them
- Appropriately assist the chairman in ensuring that all the legal procedures have been carried out
- Give support to the other panel members
- Have an awareness of own style of working and its effect on the functioning of the team

### Performance indicators

- Identify who is present at the hearing so all parties know who is there and why
- Consider who should be present for all or part of the hearing
- Explain the purpose and procedures of the hearing
- Ensure that each party is properly heard
- Explain to child and family what will happen after hearing has ended
- Set the tone of the hearing which will enable participation by all and lead to an informed decision

### Performance indicators

- Consider in advance how the hearing might be structured
- Consult with the other two panel members prior to the start of hearing on how hearing will be managed
- Identify areas of agreement
- Maintain a proper balance of formality and informality
- Maintain firm and effective control
- Maintain focus and direction while being open to the unexpected and using time productively
- Manage situations where there is a possibility of high level of emotion such as stress, distress, anger or conflict

## e Management of information

To ensure that all the relevant issues are addressed by obtaining and managing information

### Chairmen and panel members

- 1 Undertake necessary preparatory work for all cases
- 2 Identify and assimilate relevant facts and information
- 3 Ask questions concerning material issues

### Chairmen

- 4 Conduct the hearing to encompass all relevant issues

### Performance indicators

- Exhibit familiarity with the reports
- Identify areas requiring clarification or investigation

### Performance indicators

- Identify and use only relevant facts and information in order to come to a decision
- Consider the child in the context of his or her family, race, gender, sexuality, community, class, culture, religion, language and any physical or learning disability

### Performance indicators

- Ask questions in such a way to find out information relevant to the issues

### Performance indicators

- Ensure all and, as far as possible, only relevant issues are addressed and considered
- Encourage panel members to ask appropriate questions
- Disclose the substance of the material information from the reports which may influence the decision-making process as long as it is not detrimental to the child
- Ensure that there is discussion about the reports by all the parties

## f Decision making

To ensure a proper assessment of the child's needs, identification of relevant resources, effective deliberation and reasoned decision for future care of child.

### Chairmen and panel members

1 Take an active part in deliberations

2 Takes an active part in decision making

### Chairmen

3 Involve all members in deliberations and decision making

### Performance indicators

- Use reports to identify key issues to raise in hearing
- Check understanding and interpretation of key issues by asking questions and listening to responses
- Express opinions in discussion relevant to issues
- Identify relevant resources, clarifying policies and practices with the appropriate professionals
- Identify risk factors involved in the child's situation
- Make an assessment of child's needs taking account of child's views, race, language, culture, religion and any disability
- Assess whether there is sufficient information to make a decision, and if not, identify what extra is required and from whom

### Performance indicators

- Make reasoned decisions based on the relevant legislation and own assessment of situation and child's needs
- Articulate decision and reasons in language in such a way the child can understand

### Performance criteria

- Summarise the issues
- Ensure that there is an opportunity for full discussion and that the child, any relevant person and safeguarder has an opportunity to express their views and that they are considered
- Establish a structured decision-making process
- Ensure that a clear decision is reached and the reasons are given by the hearing are recorded

© Crown copyright 2003  
Astron B33133 11/03