

I think that.....

I agree.....

My view is....



I would
like to see



getting it right

for every child

Proposals for Action

I don't agree.....

Summary of Consultation Analysis



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getting it right

for every child

Proposals for Action

Summary of Consultation Analysis

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Hexagon Research and Consulting

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My view is....

I don't agree

What was the consultation about?

In April 2004 the Scottish Executive published a consultation pack entitled *Getting it Right for Every Child – Review of the Children’s Hearings System* to seek views on the principles of the Children’s Hearings system and a number of key issues facing it. The responses to this first phase of consultation were supportive of the general principles of the Children’s Hearings System but also revealed some concerns about the way the system was operating in practice.

Following this the consultation document *Getting it Right for Every Child – Proposals for Action*, which was published on 21 June 2005, identified three main areas for improvement:

- Improving and unifying services for children
- Strengthening the Children’s Hearings system
- Modernising the Children’s Hearings system.

Who responded to the consultation?

605 completed responses were received. 68% of these responses came from individuals and 32% were from organisations. In addition, a total of 41 children and young people participated in a series of events organised by Children in Scotland on behalf of the Scottish Executive.

Three-quarters of respondents said that they had some direct involvement in the Children’s Hearings system as a volunteer. A further 17% of respondents said they had direct experience of the Hearings system as a professional.

How were the responses analysed?

The analysis of the consultation responses involved a combination of qualitative and quantitative methods.

The quantitative analysis aimed to describe the proportion of respondents that were supportive, or otherwise of the suggestions made in the consultation document.

All respondents were given equal weighting in the quantitative analysis. Responses from organisations with a particular interest in the system were addressed in the qualitative discussion of each section of the full report.

It is important to emphasise that, whilst the quantitative information gives an indication of the levels of support for specific proposals, it cannot reflect the detailed issues that respondents raised or reflect the reasons they give for their views. These views are explored in more depth through the qualitative analysis incorporated into this, and the full, report.

Respondents' views on proposals to improve children's services (Proposals 1-6)

Key Findings:

- A substantial majority of all respondents expressed support for all of the proposals contained in the section of the consultation paper that dealt with issues relating to improving children's services.
- The children and young people who participated agreed that organisations need to share information with each other but that children and young people should have some control over who will be able to have access to any information they provide.
- There was a strong consensus amongst the children and young people who participated that if young people need to portray their problems and views to adults, they would greatly prefer to talk to one adult who would take a written record and share it with the other people that need to know.
- Young people identified a number of professionals who they felt could be the most appropriate person to speak to. However, there was a clear emphasis on selecting someone that the individual child or young person already knew and could trust and depend upon.
- Many respondents emphasised the need to build upon existing good practice and existing structures and systems rather than introducing new structures and procedures.
- A substantial number of respondents emphasised the need for the provision of information about children's services to be tailored to the needs of all children and young people.
- Many responses made it clear that cultural and attitudinal changes would be essential to achieve the objectives described in the consultation paper.
- A significant number of respondents suggested that there are substantial technical, legislative and cultural barriers that need to be overcome to achieve the level of co-ordination and information sharing that is envisaged in the consultation paper.
- A significant number of respondents suggested that there were major issues about managing accountabilities across organisational boundaries that would need to be addressed if the proposals contained in the consultation paper are to be implemented effectively.



My view is... I don't agree

Respondents' views on Integrated Assessment, Records and Planning Framework

Key Findings:

- There is general support for the concept of the Integrated Assessment, Planning and Recording Tool across a wide range of respondents to the consultation.
- There are some concerns that the proposed framework could be too simplistic for dealing with particularly complex or sensitive cases.
- A number of respondents suggested that there are lessons that can be learned from the experience of implementing integrated assessments in other policy areas, e.g. the shared assessment process recently introduced as part of the Joint Futures agenda.
- Many respondents said that the interface with adult services needs to be made more explicit.
- The need for clear guidance to ensure that the model is used effectively was also raised by a substantial number of respondents.

Respondents' views on the proposals to improve the way Children's Hearings work

Grounds for Referral (Proposals 7, 8 and 17)

Key Findings:

- There is strong support for a more focused and targeted approach to referrals to Children's Hearings.
- Children and young people thought that someone should only go to a Hearing if there was a very serious problem either with their behaviour or with their family.
- Many respondents have asked for greater clarification about the definition and interpretation of key terms such as 'significant need' and a 'pattern of behaviour'.
- A significant number of respondents have suggested that setting the threshold for referral to a Children's Hearing too high could result in some children or young people not receiving the support they require.
- Some respondents note that establishing a pattern of behaviour will require greater sharing of information between organisations and agencies and that significant barriers will need to be overcome to make this happen in practice.
- There are some concerns that care needs to be taken to ensure that any proposals to streamline the referral process do not undermine the rights of the child and do not impact on the need to maintain the principles of natural justice.

Action Plans and Implementation (Proposals 9-11 and 15)

Key Findings:

- There was a high level of support for all proposals relating to Action Plans and Implementation.
- Statutory organisations have concerns about accountability for agreeing and implementing Action Plans and the potential resource implications of having such plans "imposed" upon them.
- A substantial number of respondents express some caution over the use of interim supervision requirement and are keen to ensure that such decisions are not made without sufficient background information being made available to Panel members.

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Frequency and Timing of Hearings (Proposals 12 and 13)

Key Findings:

- The vast majority of respondents fully support flexibility in relation to Hearing frequency and timing.
- A large number of respondents have called for greater clarity about the use of the 'persistence test' and expressed fears that overuse could result in an increased number of Hearings.
- A number of respondents raised concerns that convening Hearings too frequently could undermine attempts to provide support to children or young people as interventions may take some time to prove their effectiveness.
- While there is considerable support for the principle of not having Hearings during school hours a large number of respondents have raised logistical concerns.

Adapting Procedures (Proposals 14 and 18)

Key Findings:

- A large majority of participants felt that, whilst it may be beneficial for children and young people to explain their actions to the victims of their behaviour, it should not be part of a Hearing.
- There is strong opposition, from all sources including children and young people, to the suggestion that community representatives or victims should have a role to play in the formal Hearings proceedings.
- There is strong support for the principle of continuity of Panel members between Hearings. However, it is also clear that there will be significant logistical barriers to be overcome to achieve this objective.

Respondents' views on proposals to provide better support to Children's Hearings (Proposals 19-22)

Key Findings:

- While a large majority of respondents support the proposal for the appointment of a legal representative in appropriate cases there are concerns that overuse could change the nature of the Hearings system.
- A large number of respondents suggest that clear guidance should be issued setting out in what circumstances legal representation would be appropriate.
- A substantial number of respondents suggest a need for more clarity about the respective roles of Safeguarders and legal representatives.
- There are mixed views about the role of Safeguarders and some issues which respondents say need to be addressed if their role is to continue. Children and young people consulted did not value the role of the Safeguarder.
- While the vast majority of respondents recognised the need for withholding information in certain circumstances, many respondents suggested that detailed guidance on the criteria for withholding information was required.
- While there is support for greater flexibility in the arrangements for allowing Panel members to sit in Hearings in different geographical areas, there is strong opposition, particularly from local authorities, to removing the formal link with local government boundaries.
- There are mixed views on the desirability of establishing regional or national arrangements for the recruitment, training and support of Panel members.



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Respondents' views on proposals to increase public confidence in the Children's Hearings system (Proposals 16 and 23)

Key Findings:

- There is strong support for the principle of providing more information about the Children's Hearings system in particular to dispel the myth that the system represents a soft option.
- Children and young people felt that there should be more, easy to access, information. The information that children and young people wanted fell into two categories. First, general information about what the Children's Hearings system is and second, specific information about the proceedings, for children and young people who are going through the system.
- The vast majority of respondents support the principle about making more information available to local communities but are concerned that information should emphasise positive outcomes and not just 'problem' behaviour.
- There are concerns to ensure that information is provided in such a way as to preserve the privacy and confidentiality of individuals.
- A substantial number of respondents state that they feel there is a need for a national strategy and publicity campaign.

Conclusions

This was a wide-ranging consultation that invited responses to a substantial number of detailed proposals regarding the reform of the Children's Hearings system and the wider provision of services and support to children and young people. Many of the proposals included in the consultation paper involve substantial changes in the way services for children are delivered and in how the Children's Hearings system operates.

The vast majority of respondents support the proposals. The fact that the consultation covered such a wide range of issues is reflected in the scale and breadth of responses received. Many of the responses received were very detailed and reflected respondents' view that any changes introduced have a positive impact and improve the way that services are delivered to children and young people. The commitment of a range of organisations and individuals to ensuring that the objectives underlying the consultation are achieved in practice was clearly apparent from the detail and quality of many of the responses.

A large number of respondents make the point that many of the proposals concerning adopting a more integrated approach to the planning and provision of children's services reflect existing trends. There is a concern to ensure that any proposals arising from this consultation build upon this existing good practice and are integrated with other developments rather than introducing new structures and systems.

One recurring theme that is evident from many of the responses is the fact that the changes that are proposed in the consultation paper will not be achieved by simply introducing new legislation, changing structures or introducing new systems and procedures. Many of the changes will require significant changes in organisational culture and individual work practices.

There were a number of areas where the views expressed by the children and young people who participated in the events facilitated by Children in Scotland represented a distinctive voice that did not necessarily reflect the views of the majority of other respondents. The areas where there were the clearest differences in views included attitudes to sharing information without an individual child or young person's permission, the ability of young people to choose their own lead professional and attitudes to Safeguarders who were perceived as being just another adult.

The understanding of the respondents of the issues involved and the commitment to make the system work for the benefit of children and young people was impressive. There is a wealth of detail in the responses that have been received and a range of positive and constructive suggestions about how the proposals can be made to work in practice.

The full report can be viewed online at www.childrens hearings.scotland.gov.uk

Those who do not have access access to the internet can request hard copies by phoning 0131 244 7389.



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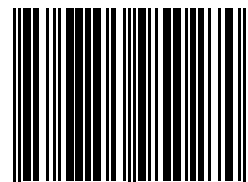
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