

**Children's Hearings Reform****Report by Hillary Kelly, Head of Customer Services****1 Purpose of Report**

The purpose of this report is to update the Cabinet on the reform of the Children's Hearings system and to advise on the progress made to both establish and support Area Support Teams who will succeed Children's Panel Advisory Committees.

**2 Background**

The Children's Hearings (Scotland) Act 2011 provides for the abolition of the existing 32 Children's Panels in Scotland (one per local authority) and their replacement by a National Children's Panel and the abolition of the 29 Children's Panel Advisory Committees (CPAC) by 18-20 Area Support Teams. The National Children's Panel and the Area Support Teams will operate under the auspices of Children's Hearings Scotland, which was established under the Act.

At present, the Council has a duty to support the Children's Hearings system within Midlothian and is responsible for meeting the costs of expenses; training; recruitment; and support of both Panel and CPAC Members. The Council is also obliged to provide and meet the cost of providing accommodation for the purposes of local meetings; training events and interviews. In addition the Council is obliged to provide administrative support for these functions as well as the management of the Panel rota and, on behalf of Scottish Government, the panel of legal representatives.

The Council is also obliged to maintain a panel of Safeguarders, including meeting their fees and expenses and training costs.

**3 Current Position**

The Children's Hearings (Scotland) Act 2011 was due to be fully implemented by 30 September 2012. However, delays in making amendments to national legislation and the need to secure agreement on the establishment of a number of Area Support Teams, has meant that full implementation has been delayed until 23 June 2013 when the Council's duty to support the Children's Hearing system will cease.

**4 Children's Hearings Scotland/ Area Support Team**

With effect from 23 June 2013, responsibility for the payment of expenses; training; Panel Member support; recruitment; reappointment; and the management of the panel member rota will become the responsibility of the National Convener, Children's Hearings Scotland and these duties will be discharged via the Area Support Team, which

will cover the local authority areas of Midlothian; East Lothian; and Scottish Borders. The Area Support Team will be made up of existing CPAC members who are Ministerial appointees who are willing to transfer to the Area Support Team; representatives of the local Children's Panel; and one representative as of right, from each of the local authorities covered by the Area Support Team. Local authorities may also nominate other persons to serve on the Area support Team which the National Convener is obliged to consider. The number of local authority appointees may not exceed one third of the total number of members on the Area Support Team.

## **5 Future Local Authority Support**

As has been stated above, the 2011 Act removes the duty placed on the local authority to support the Hearings System. However, there is still an expectation that local authorities will continue to provide practical support to the administration of the Hearings system. Children's Hearings Scotland and Scottish Ministers are mindful of the expertise and local knowledge that will remain within local authorities following transition to the National Panel and Area Support Teams. Local authorities have been therefore been asked to continue provide

Accommodation for meetings and training events;

Staff to administer the scheme of expenses on behalf of Children's Hearings Scotland; and

The services of a Clerk to support the Area support Team; it's office bearers; and the Panel in the performance of their duties.

The provision of accommodation for meetings will involve minor revenue costs but these are already accommodated within the Divisional budget. The administration of expenses would be carried out on a no cost basis with the Council recouping outlays on a quarterly basis.

The role of the Clerk to the Area Support Team is a full time post, given the increase in the number of hearings to be administered; the geographical area to be covered; and the number of specific new duties that will be placed on office bearers of the Area Support Team and which will require substantial support. The role of Clerk is regarded as fundamental to the success of the new system. Agreement, in principle has been reached with East Lothian and Scottish Borders Councils that the post of Clerk is to be based in East Lothian Council and that each Council contribute one third of the employment costs. The grade for the post will be determined by East Lothian Council's job evaluation process. It will be necessary to employ a Clerk from no later than 1 April 2013 in order to ensure that the clerk is ready for the "handover" on 23 June 2013. Scottish Government Officials have confirmed that the Council's share of these costs will continue to be eligible expenditure for Revenue Support Grant purposes.

## 6 Safeguarders

The Council is obliged to maintain and recruit a panel of Safeguarders. The role of a Safeguarder is to represent the best interests of children in proceedings either before a Sheriff or a Children's Panel. Every hearing must consider whether a child requires a Safeguarder to be appointed. Safeguarders normally have either a legal or social work background and must undergo compulsory training before they may represent Children. All appointments of Safeguarders are subject to approval by the Sheriff Principal. The Scottish Government had initially proposed that this function would transfer to a management agency to be run by Children First on 30 September 2012, at which time the Council's duty would have ceased. This transfer will not however now take place until 23 June 2013. It will therefore be necessary to extend the appointments of the Safeguarder Panel to 23 June 2013.

### Report Implications

#### 7.1 Resource

There are no resource issues arising directly from this report. The Council has made provision for full year funding in 2012-13 and the budget will accommodate existing costs.

In 2013-14, the Council can anticipate savings from no longer having a responsibility to meet support costs for the Hearings System in respect of Travel and Subsistence; Training; Recruitment; Reappointment; and Safeguarders Fees and Expenses. These savings will be offset by the one third share of the cost of employing a Clerk to the Area Support Team.

#### 7.2 Risk

The failure to reappoint Safeguarders would mean that the hearings system would not be able to function and the Council would therefore be in breach of its statutory duty.

#### 7.3 Policy

##### Strategy

The support for the hearings system accords with the Council's policy of working closely with children, young people, their families and partner agencies, to provide the support they need, maintaining children and young people in mainstream schooling and in their communities, where possible and with Getting it Right for Every Child National Policy (GIRFEC).

## **Consultation**

The Director, Education and Children's Services; the Chairman of the Midlothian Children's Panel; and the Chairman of the Midlothian CPAC were consulted in drafting this report.

## **Equalities**

There are no equalities issues arising from this report.

## **Sustainability**

There are no sustainability issues arising from this report.

### **7.4 IT Issues**

There are no IT issues arising from this report

## **8 Summary**

The Council's duty to support the Children's Hearing system will cease on 23 June 2013.

The Council will be expected after 23 June 2013 to continue to provide "in kind" assistance to the Panel and the Area Support Team by way of accommodation for meetings, training events, interviews etc

In the interim the Council will continue to work in conjunction with partner Councils in East Lothian and Scottish Borders to provide a Clerk to the Area Support Team and Panel.

The Council need to renew the appointments of existing Safeguarders to 23 June 2013

## **9 Recommendations**

The Cabinet is invited to

- (a) Note that the implementation of the Children's Hearings (Scotland) Act 2011 has been delayed to 23 June 2013;
- (b) Note that after 23 June 2013 the Council will be expected to continue to provide "in kind" assistance to the Panel and the Area Support Team by way of accommodation for meetings, training events, interviews etc ;
- (c) Note the ongoing dialogue with East Lothian Council and Scottish Borders Council on the appointment of a Clerk; and
- (d)/

- (d) Agree to the reappointment of the existing panel of Safeguards to 23 June 2013, subject to the approval of the Sheriff Principal.

**Date 10 July 2012**

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**Background Papers:**