



Children's Hearings System – update Monday 20 April 2020

We wanted to provide an update on the operation of Children's Hearings during the Covid-19 pandemic.

SCRA and CHS continue to operate in very challenging circumstances, with lockdown restrictions in place, offices closed, and reduced capacity. We are working flat out to do the best we can in the circumstances, to make the best possible decisions for our children and young people.

The Coronavirus (Scotland) Act 2020 has now been passed, elements of which are directly related to the Children's Hearings System. [Guidance](#) has been produced to enable implementation of the Act and we are committed to the principles outlined within the guidance.

Scheduling of Hearings:

Hearings are still taking place. The reporter assesses and considers each individual child's case and their unique circumstances, and the panel will make the best possible decision based on the information before them.

Priority is given to hearings with fixed statutory timescales, or to prevent an order from lapsing. These include:

- Hearings to consider further ICSOs or interim variations
- CPO grounds Hearings
- Custody grounds Hearings
- Reviews of CSOs containing secure accommodation authorisations
- Any other Hearing with a restricted timescale (eg emergency transfer, emergency placement in secure accommodation or a contact direction review)
- Advice to a criminal court

Other Hearings, including other review and grounds Hearings, are assessed for priority taking into account the likely impact of any delay on the welfare of child and fairness to the child and relevant persons. Allocated social workers will be consulted with about the timing of such Hearings.

The Coronavirus (Scotland) Act allows some flexibility around when to arrange Hearings for CSOs that would otherwise be due to expire. We are currently using this flexibility, but only to the extent necessary and the position will be regularly reviewed.



Virtual Hearings:

We have been running virtual Hearings for 4 weeks. Due to the speed of the response required to social distancing measures and to prevent children being left without the legal protection of an order, these Hearings were initially held with 3 panel members and the Reporter, and any information that the Reporter was able to present.

Going forward, our aim has always been for inclusive and participative virtual Hearings.

To this end, we have quickly moved to enable the contribution of the views from legal representatives, where they were in place, verbally prior to the hearing to provide balance for families as the focus of decision was to continue orders for children to prevent a lapse in legal protection. In the last fortnight we issued guidance on the [SCRA website](#) for how children and families could contribute to their Hearing and were able to undertake some small scale expansion of virtual Hearings attended by Social Work and children and families. This enabled us to test the robustness and accessibility of the Vscene tool and to begin to develop guidance to help support anyone attending a virtual Hearing.

Over 750 Panel Members across Scotland have been trained over the last 3 weeks on how to participate in and manage virtual Hearings.

We have also identified and tested further secure tools that will enable the provision of written reports securely to Panel Members, children and relevant persons prior to the Hearing.

During the Hearing:

CHS are issuing guidance to Panel Members about how to run a virtual Hearing, and this will be available shortly but will include advice in line with the new act that:

- Panels may proceed with less than 3 Panel Members, in exceptional circumstances
- The panel may consist of all men or all women
- There is no longer any obligation on a child or relevant person to attend a children's Hearing in person unless specifically directed to by a children's Hearing.

Next Steps:

Expansion of the testing of inclusive and participative virtual hearings will take place during w/c 20th and 27th April with a view to national roll out from w/c 4th May. To support this, SCRA and CHS have been working together locally with Social Work teams and have reached out to Advocacy organisations to work together to understand how we can best support children and families to attend and contribute to their Hearings moving forward, and we thank all the local teams for their help and support in moving towards the vision for inclusive and participative virtual Hearings. In each of the 32 HSCP/Local Authority areas, work has been going on between Social Work, SCRA and CHS to make sure plans are in place to best support families and children that are sensitive to local challenges.



How can Children and families be part of their virtual Hearing?

Notifications have been posted out to children, young people and relevant persons on Thursday for Hearings taking place the week of 27th. The SCRA standard notification letter (which has been amended to reflect the current position) gives more information about how they can participate via their tablet laptop/PC or mobile phone.

The letter also includes an information sheet which explains how they can join a virtual Hearing. There is one for children/young people and one for relevant persons. We have worked with the Our Hearings, Our Voice Project Lead to try and make this information accessible for children and young people, and we are extremely grateful for their help with this.

The instructions include top tips about virtual Hearings and also provides information about rights and reminds children and young people that they have the right to have a trusted adult, an advocacy worker or lawyer attend the virtual Hearing to provide support.

Any children and relevant persons who indicate they want to take part in their Hearing virtually will be contacted by the SCRA Virtual Hearings Team who will help them with instructions and run a test using the Vscene tool before the actual virtual Hearing takes place.

Non digital participation:

We are aware of the very real challenges of Digital Exclusion and that this is a potential barrier to attending virtual Hearings. With this in mind, we will do what we can to try and remove barriers to involvement in virtual Hearings, for example purchasing data. However, if a child, young person or relevant person cannot join their Hearing remotely, they can still provide their views. This can be done via Advocacy Workers/Legal representatives or by emailing the information to the [local team mailbox](#) and the Reporter will then ensure this information is given to the Panel Members.

We know that children, young people and families are under huge stress due to the Coronavirus outbreak and they have many competing demands on their resources. We appreciate there are many complexities to being involved and we will continue to work to try and improve what we are doing. We value your support to children, young people and families at this time.

We hope this update is helpful and please feel free to share it with colleagues. Please get in touch with your local SCRA Locality Reporter Manager, CHS Area Support and Improvement Partner or Area Convenor if you have any questions or comments. We would be more than happy to talk to you.

Many thanks and best wishes

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Elliot Jackson, National Convener and Chief Executive, CHS