

Multi-Agency National COVID-19 Recovery Plan 2020 - 2021



Children's Hearings
Improvement Partnership



The Children's Hearings Improvement Partnership - working together, sharing ideas and co-ordinating our efforts to improve services for children and young people.

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Children’s Hearings System – multi-agency national COVID-19 Recovery Plan 2020-21

This Recovery Plan:

- summarises work that has been done since March 2020 to help maintain the safety and rights of children and young people within the hearings system
- outlines the challenges that have persisted since March and an assessment of those that lie ahead
- describes the work still to be done both to safeguard service delivery and to achieve our aspirations for continuing modernisation of the hearings system, and strengthening its focus on children’s rights and protections
- sets out our vision of a high quality service that preserves the benefits from recent innovations and aligns closely with the calls for improvement in The Promise

Background

In March 2020, as Scotland entered lockdown in order to suppress the pandemic, a core group of agencies (The COVID 19 Group) involved with the children’s hearings system began to meet weekly.

The group’s remit was:-

- to exchange information, raise concerns, share ideas and agree actions to support children, families, volunteers and professionals i) each week, and ii) throughout the emergency period and up to 30 September 2020
- to plan the hearings system’s response to the pandemic in line with the COVID 19 Framework for decision-making phases 1-3 of the Scottish Government’s route map through and out of the crisis; including preparedness for the possible reintroduction of restrictive measures and
- to inform the overall strategic and authorising governance body the Children’s Hearings Improvement Partnership (CHIP) of developments in the delivery of children’s hearings

The COVID 19 Group includes representation from COSLA, Social Work Scotland, Children’s Hearings Scotland, the Scottish Children’s Reporter Administration, CELCIS, Scottish Government and CHIP. Meetings of the national Strategic CHIP Group could not take place as planned during the initial phases of lockdown. The COVID 19 Group provided frequent reports to the Strategic CHIP Group about COVID-driven change and activity in the hearings system. Updates, insights and contributions were invited from all CHIP partners to ensure an open flow of information, ideas and feedback throughout the wider CHIP community. A full list of CHIP partners can be found on the [CHIP website](#).

The COVID 19 Group has been guided in its work by the following principles, which reflect [guidance](#) on the use of emergency powers set out in the [Coronavirus \(Scotland\) Act 2020](#):-

The responses of all agencies and services to the needs of children and families in the hearings system should be appropriate and proportionate. They must:

- take account of children’s, young people’s and families’ human rights
- use the powers only when absolutely necessary, in response to clearly identified circumstances - they should last for only as long as required
- monitor and review their use of emergency powers and stop using them at the earliest opportunity

- help children, young people and family members participate effectively in decision-making about them, and wherever necessary enable advocacy and legal representation
- exercise these powers in partnership with SCRA and other partners in the hearings system

[The Scottish Government Framework for Decision-making](#) is a key point of reference for this Recovery Plan. It underscores that COVID-19 is first and foremost a public health crisis:

Initial Response – ensuring that emergency and time-sensitive hearings could take place safely

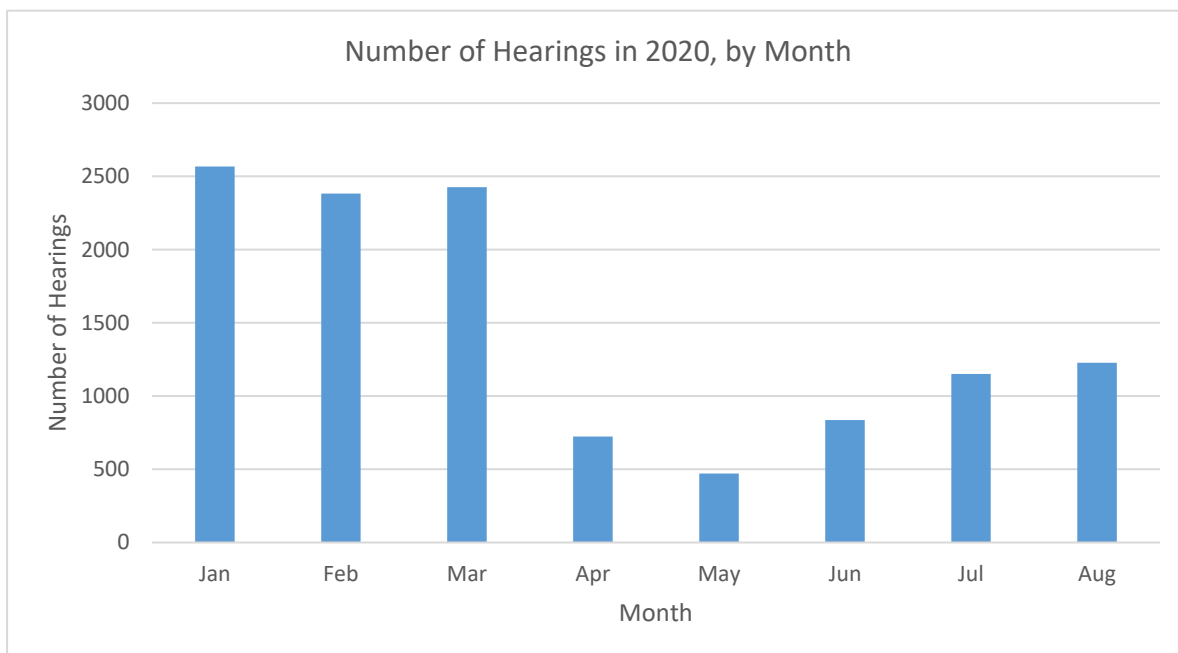
The measures to combat the impact of the pandemic have been necessary to save lives. But those measures also cause harm, and can have negative impacts on people in our society who are least able to withstand them. We are learning that the harms caused by the pandemic are not felt equally. Our response to this pandemic must recognise these unequal impacts. Just as we have sought to shield those most at risk, we must continue to provide additional support for those who need it and seek to advance equality and protect human rights, including children’s rights, in everything we do.

We will take the chance, as we emerge from this period, to chart a better way forward in support of all of Scotland. As we move forward we want not just to return to where we were, but to build on the innovative responses seen throughout the crisis to build a fairer Scotland. We will use the lessons learned during the pandemic to help us make progress towards our long-term outcomes of lower, poverty levels, greater equality, inclusive communities and respected and enhanced realisation of human rights.

We will continue to take a careful approach so that we limit opportunity for the virus to spread, while seeking to restore normality to the experience of children’s hearings as much as possible, whenever it is safe to do so.

The crisis caused a seismic shift in the way children’s hearings could be planned and delivered. Offices and public spaces could no longer be used. Schools closed. Home working became the norm for many. Face to face meetings – integral to the children’s hearing experience - could no longer take place. Court business was severely curtailed and social work services had to quickly adapt and develop new ways of working, with some support services such as respite care temporarily reduced or withdrawn. Following a brief pause in March 2020, social work services for children and families were quickly stepped up, assisted by new guidance on risk assessment and access to personal protection equipment. Support for, and contact with, children subject to compulsory supervision has continued throughout the pandemic response.

To ensure the protections afforded by statutory orders did not lapse for our most vulnerable children and young people, we took immediate action. SCRA swiftly sought a new digital platform and brought it into use. Targeted training was provided for panel members and reporters. Virtual Hearings were introduced. They have been developed, improved, and increased throughout recent months.



The Coronavirus (Scotland) Act 2020 (“the 2020 Act”) provided some essential flexibility in adapting existing procedures and systems in response to coronavirus, when it came into force on April 7th. The new powers in the 2020 Act – supported by Government guidance co-produced with the COVID 19 Group - helped agencies make the best use of limited staff and resources in the hearings system and across local authorities particularly in the early stages of the pandemic. They enabled a means to ensure essential statutory orders didn’t lapse and to plan how best to enable children’s hearings to continue to keep children safe.

What we did from March to September 2020

Maintaining safe and effective service core	Providing practical resource
<ul style="list-style-type: none"> ▪ Hearings were being held continuously throughout the period from March to September. ▪ Hearings evolved from entirely ‘virtual’ with everyone participating remotely to the re-establishment of face to face hearings and some ‘hybrid’ hearings (a mix of both face to face with some participants attending virtually.) ▪ A technical support team was set up to help families’ access to virtual hearings and associated paperwork. ▪ Laptops, tablets and data packages were provided by local authorities and SCRA to ensure participation for families. 	<ul style="list-style-type: none"> ▪ Laptops, tablets and data packages have been provided to ensure participation for families. ▪ The provision of support and equipment for Reporters and support staff to work remotely. ▪ New premises are being sought to allow safe conduct of hearings. ▪ Deployed additional enabling technology in hearing rooms, waiting rooms and other available spaces within the SCRA estate to increase participation and the number of participants who can attend hearings.

- Children’s Hearings Scotland trained over 1000 panel members to manage hearings virtually.
- CHS has implemented its new digital systems and widely rolled out the use of Microsoft Teams as a communication platform across the organisation.
- CHS designed bespoke online learning and development packages to support panel members to conduct and chair virtual and hybrid hearings.
- SCRA made available support and equipment for Children’s Reporters and support staff to work remotely.
- SCRA recruited 17 additional Assistant Reporters and 5 additional Reporters, and backfilled support posts where required to resource the hearing, court and decision-making activity required to deliver recovery.
- The Group maintained links with courts to progress interim orders and proof applications.
- A wide range of resource materials were created to inform all service users of changes to services.
- Risk assessments have been conducted across the SCRA estate.
- Office spaces have been altered and repurposed to accommodate social distancing.
- The Group actively sought and acted upon feedback on our practice changes and changes to operating models from children and families in addition to agencies including the CYPC office, legal practitioners, SLAB, advocacy providers, CYJ and Police Scotland.
- We commissioned a consultation with children and young people from Our Hearings Our Voice, the Fostering Network and others to support planning in relation to the return to face to face hearings – and using their input in the implementation.

- SCRA completed risk assessments with support from the HSE across the SCRA estate, altering and repurposing office spaces to accommodate social distancing and seeking new premises where hearings could be held safely.
- Set up approved cleaning regimes to permit the safe opening of hearing centres across the country.
- Piloting tests for change in some areas e.g. use of a shortened report format for hearings.
- Collating examples of good practice for use in our recovery phase.
- CHS and SCRA have reallocated revenue and capital budgets to support recovery planning and implementation.

Ensuring rights based practice

- We worked at local and national level with key partners to embed new advocacy workers in localities to help children's participation in hearings.
- The Group helped Social Work Scotland produce a [Framework](#) for decision-makers in local authorities, children's hearings and other planning forums to ensure children in public care maintain strong connections with family during the pandemic.
- We supported and promoted a rapid consultation about the experiences of virtual Children's Hearings undertaken by SCRA and CHS, and also independently by researchers at CELCIS and CYCJ to identify areas for improvement.
- A range of resource materials has been developed to inform all service users of changes to services.

Learning, self-evaluation and continuous improvement

- Feedback has been sought from children and families, CYPC office, legal practitioners, SLAB, advocacy providers, CYCJ and Police Scotland from children and families on practice changes and changes to operating models.
- A consultation with children and young people was commissioned from and carried out by Our Hearings Our Voice, the Fostering Network and others to support planning in relation to the return to face to face hearings.
- We listened carefully and responded to feedback and representation from children's rights observers and organisations.
- We consulted with children and families on how they wish to attend and participate in their hearings.
- Agencies piloted tests for change in some areas e.g. use of a shortened report format for hearings.
- We identified and collated examples of good practice for use in our recovery phase

June 2020 – the work to resume face to face children’s hearings

The resumption of face to face hearings for children and families was announced as part of Phase 1 of the easing of lockdown restrictions. SCRA began the process by undertaking comprehensive occupational risk assessments for staff returning to hearings centres and restarting face to face hearings. These were screened by Health Protection Scotland. SCRA has used these risk assessments to develop risk checklists in every area to ensure health and safety compliance. CHS carried out a survey to identify panel members who would be able to return to hearings centres to conduct face to face hearings. 88% of respondents were keen to participate.

Ensuring all staff and visitors to Hearings centres are safe, and risk of virus transmission is minimised

SCRA has introduced a 15 point Risk Assessment Plan for every hearings centre, with detailed actions under each of the following categories:

- Members of public returning to hearings rooms
- Travel to and from hearings centres
- Hearing rooms and waiting facilities
- Communal facilities
- Hearing room capacity
- Signage in the hearing suite
- Reporter and PM desks and laptops in hearing rooms
- Cleaning including infection control
- Reception areas
- First Aid
- Emergency procedures
- Occupational hazards
- Air conditioning
- Violence in the workplace

Hearings Centres are applying strict two metre physical distancing in all rooms, including reception areas, and waiting and hearings rooms. This may mean that at times hearings will be managed over several rooms to ensure that physical distancing is maintained. SCRA staff will take steps to ensure that all those attending comply with these procedures.

Two metre physical distancing means that no-one should be required to wear a face covering whilst attending a face-to-face hearing. Where someone wants to, then they are welcome to do so. SCRA will have a small provision of masks available. There may be exceptions when SCRA or the chairing Panel Member determines that face coverings are necessary and will ask that they be used, for example where two metre physical distancing may be difficult to sustain in a hearing.

Cleaning arrangements

Cleaning in hearings centres has seen a particular focus on the cleaning of touch points and heavily used areas, such as hearings suites and staff workstations. This service is only available during normal cleaning times and has limited the number of face to face hearings that could be delivered. SCRA is now implementing an enhanced cleaning service – electrostatic spraying- which provides 28 day disinfectant coverage of all hard and touch point surfaces, regardless of how many times they are touched and on a daily basis for soft furnishings. This is now enabling higher numbers

of face to face hearings per room as there will no longer be a need to disinfect hearing suites in between hearings.

Ensuring the right technology is in place

SCRA has been putting in place new technology since the start of lockdown restrictions. The current focus is on securing the correct technology for SCRA premises in order to enable hybrid hearings. Each SCRA locality is assessing and reviewing their technology needs to maximise the use of space available. For example, some hearings rooms are not big enough to hold face to face hearings, but are big enough to manage virtual/hybrid hearings with the right technology in place. This will range from good connectivity spaces, to good video conferencing facilities, to access to devices and support for users in connecting in to hybrid hearings.

Preparing premises – social distancing, creative use of spaces, sourcing external premises

Ensuring compliance with the two metre physical distancing guidance is a very real challenge. Over recent years the 'Better Hearings' improvement agenda has focused on developing environments for hearings which use smaller, informal, welcoming spaces to help participants feel more relaxed and less intimidated. SCRA is therefore having to be creative about how to use the available space. Working together, CHS and SCRA localities are assessing available premises and thinking about how to deliver face to face and hybrid hearings. Some areas have turned larger staff spaces into temporary hearings suites and have linked smaller rooms through the use of technology so that those hearings that need to be face to face can be. Where SCRA premises cannot accommodate face to face hearings CHS, SCRA and local authorities are working together with the Scottish Futures Trust to explore using external premises – with the caveat that these must deliver the same level of safety.

Deployment of CSAS – quarter 4 2020

Over 3 years ago SCRA and CHS embarked on a joint IT project. This new IT system is now fully in place in CHS, and a phased rollout has begun in SCRA. Benefits of the new system include:

- a secure and robust digital system jointly used by SCRA and CHS
- for CHS, robust management information regarding the participation of volunteers in hearings, roll out and take up of new learning and development opportunities and assessment of quality including Panel Members' practice in hearings
- for SCRA, a more intuitive case management system that provides users with an efficient process that links across all aspects of case/court work and hearings management. The flow of information with key partners will enable good data security and a system that provides a single reliable source of information
- ability to access new platforms (MS Teams, HIP)
- Much better connectivity from home, enabling more staff to work remotely

Although CSAS should bring real improvement in the medium to long term, the timing of its introduction inevitably places additional pressures on already stretched staff and systems in the period to end 2020. As a result, SCRA is focussing on trying to maintain current hearing levels and dealing with key pressures such as the expiry of extended orders, rather than continuing to try and increase hearings in ways which are unsustainable.

Building hearings capacity

SCRA has focused on building capacity in three key operational areas:

- Workforce – SCRA has supported its staff to return to the office where they cannot effectively work from home and also deployed additional technology to allow for home working. Additional staff are being recruited and trained to support increased hearings capacity, referral and court activity. SCRA has brought forward planning to increase the cohort of Assistant Reporters and is recruiting a small group of temporary Reporters to support decision making and court activity. The modelling for recovery envisages virtual hearings options which will lend themselves to remote cross- locality support and the extension of the nationwide team supporting virtual hearings. An agile “task force” model will enable SCRA to apply resources at the point of greatest need to ensure equality of treatment for children across the country with all areas recovering at a similar pace.
- Physical estate - Work has started on alterations to SCRA’s core estate to increase the space available for face to face hearings with appropriate physical distancing. SCRA is working with partner agencies to source alternative external premises where their own premises are too small to accommodate physical distancing.
- Digital environment - SCRA is building capacity to hold virtual and hybrid hearings by deploying enabling technology to provide a more satisfactory user experience.

CHS has focused on three aims in building capacity:

1. Children have timely hearings and there are enough Panel Members to make decisions.
2. Children, young people and their carers feel heard and have a fair hearing, and that professionals working with families can present their professional assessments about the wellbeing of the children for whom they are responsible.
3. Learn from what we have done and from what people tell us about their experience of attending virtual, blended or face to face hearings.

Hearings that still need to be arranged include:

- Expiry reviews where the emergency legislation has been used to extend the CSO – from October 2020, hearings will be required to review CSOs which were extended using the emergency legislation when these orders begin to expire at 18 months. In the period to March 2021, the extent to which SCRA is using the emergency legislation is anticipated to reduce each month subject to internal operating conditions and the wider COVID prevalence and suppression measures.
- Deferred hearings - any hearing that was postponed in March 2020 has been kept under review. Reviews that were postponed in March 2020 will naturally evolve into expiry reviews over time, if they are not reviewed sooner.
- Grounds Hearings - every week, Reporters are referring children to hearings to consider new grounds. The profile of children awaiting grounds hearings will change as reporters prioritise children who need grounds hearings urgently and review those that have been delayed earlier to determine if hearings are still required. Delayed grounds hearings have been kept under regular review, and rearranged where there has been a significant need to do so.

- Grounds for referral awaiting a court hearing to be established – SCRA has many cases that have been affected by delays in courts being able to fix dates for proofs. As courts re-open; proofs take place and grounds are established, children’s hearings will then follow.

Recovery planning - including baseline assumptions end September 2020

This section includes a profile of Hearings over the next year within SCRA involving the utilisation of the emergency legislation. The profile is designed to show the pressures across the system and when these are most likely to occur. The data will change over time and is based on current knowledge.

The profile presents four separate data points and works with a few assumptions for modelling purposes, as outlined below:

Assumptions:

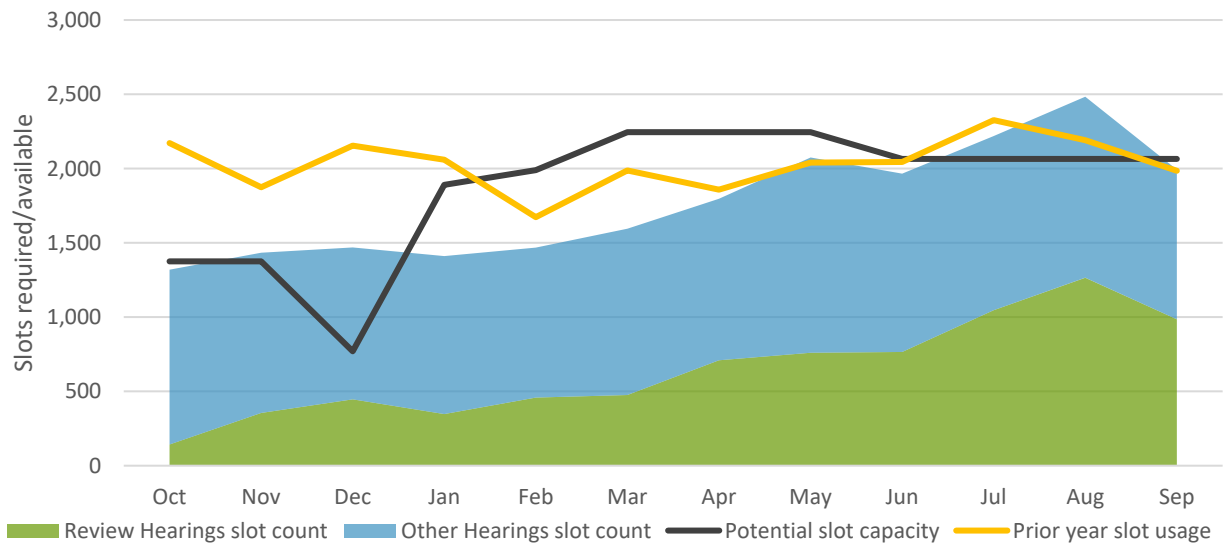
- SCRA has no automated way to count slots (currently they count children with Hearings, so three children attending one slot is counted as three hearings). To create slots, they have concatenated data around surname, local authority and dates to generate family groups
- Prior year slots are a guide to future needs
- It is assumed that there will be a 25% deferral rate. This is a standard level and helps present a realistic model
- It is assumed that 10% of Hearings contain both a review and another issue which requires resolution; again this reflects normal business and helps improve the accuracy of the model and
- All orders (for modelling purposes) will be extended using the emergency legislation until it ends March 2021. In reality, some cases will come up for review automatically and will be extended as part of prioritised business.

Counts:

- Review Hearing slot count, generated as per the methodology above, is shown by expiry month of the order (including those extended via Covid-19 which have an 18 month expiry)
- Other Hearings slot count, this is based on the profile of Hearings from 2018/19 converted into slots to provide context. It ignores any review Hearings from the count
- Potential slot capacity, this is built up from a locality level based on work done at a Locality Reporter Manager level and
- Prior year slot usage, like Other Hearings, this is based on a 2018/19 Hearing profile converted to slots, but this time including reviews, again to provide context

Review Hearings and other Hearings are stacked to show a total potential volume for Hearings. Potential slot capacity and prior year slot usage are standard line charts.

Hearing slot profiles



Slot profile in table form:

Month	Review Hearings slot count	Other Hearings slot count	Potential slot capacity	Prior year slot usage
Oct	143	1,176	1,375	2,172
Nov	355	1,079	1,375	1,874
Dec	446	1,023	770	2,154
Jan	347	1,064	1,890	2,060
Feb	459	1,009	1,990	1,673
Mar	476	1,119	2,245	1,987
Apr	710	1,088	2,245	1,858
May	760	1,315	2,245	2,040
Jun	766	1,200	2,065	2,045
Jul	1,047	1,173	2,065	2,326
Aug	1,265	1,219	2,065	2,191
Sep	986	1,008	2,065	1,985

Our Shared Challenges

Capacity

Barriers and risks in recovery	Bridging, mitigation and resolution
<p>Some outreach hearing centres are unavailable for use because of physical distancing rules and/or they require investment in new technology.</p>	<p>Technology is being sourced and installed. Discussions continue at local level to reopen or find alternative spaces.</p>
<p>Virtual hearings take SCRA more time to set up and process. Some children and families choose a F2F hearing when given the option. Remote areas often have the worst digital connectivity making such hearings difficult, but asking children to come to hearing centres could involve long or complicated journeys which may become impossible as Winter approaches.</p>	<p>Some families prefer this format, and choice for them should be retained whenever possible. A virtual format can be efficient, proportionate and effective for non-contentious cases. Virtual hearings mean more children can be represented by a duty solicitor at short notice, especially in remote areas. For some rural authorities including remote and Island communities virtual hearings have been especially welcome as travel can and has been a significant challenge.</p>
<p>Social distancing requirements mean that many F2F hearings in hearings centres have to be spread over 2 or 3 rooms. Not everyone can be in the same room as panel members.</p>	<p>Space in some SCRA and local authority premises has been repurposed to hold a larger number of people safely. Technology has and is being installed to enable connection between rooms in hearings centres. Alterations are underway in a number of SCRA properties to create larger spaces.</p>
<p>The requirements for an enhanced cleaning regime to protect all hearing participants from infection reduces the number of hearings that can take place at any one location.</p>	<p>New cleaning methods will provide 28 day protection so more hearings can be scheduled in any one location.</p>
<p>Capacity of personnel, both paid and volunteers, in all agencies involved in the system will continue to be restricted or reduce, for example when additional local lockdowns are put in place.</p>	<p>Extra SCRA staff who can attend and support hearings are being recruited. Data modelling to project hearing numbers and capacity. CHS is preparing plans for enabling more Panel Members to participate in different types of hearings and to deploy Panel Members across localities to maximise capacity in different areas. Operating a truly national Children’s Panel in which panel members in areas where there is additional capacity can support decision-making in areas where there may be temporary shortages of panel members.</p>

	Local tripartite meetings taking place between LRMs, Area Conveners and Area Support and Improvement Partners to plan for quarter 3 and quarter 4 to ensure demand for hearings can be fulfilled by ensuring enough skilled panel members.
<p>Introduction of the new case management system for the children’s hearings system (CSAS) impacts on operational capacity while volunteers and staff undergo training, Reporters’ case-loads are migrated onto the new CSAS system and everyone becomes familiar with the new system.</p> <p>This will continue to have impact on the ability to respond to referrals, arrange and deliver hearings during 2020.</p>	<p>The planned increase in the numbers of hearings to be arranged will begin after successful transfer of case management systems onto CSAS. Operational capacity must be carefully managed to ensure continuity of the hearings systems essential operations. CSAS is being introduced at a time when SCRA staff are already under pressure as a result of the response to the pandemic.</p> <p>The impact of organisational fatigue on all staff and volunteers in the hearings system cannot be ignored, and should be factored into recovery planning.</p> <p>Testing will prepare for a move to virtual children’s hearings taking place on the Teams platform to improve quality of communication and increase connection capacity</p>

Our plan to tackle the number of hearings needed to deal with outstanding referrals and reviews, and also respond to new referrals needs a phased approach which can be adjusted in the light of the wider prevailing measures to suppress virus transmission and the growing capacity of individual services to step up the level of support they can offer to children and families. The Scottish Government has committed over £2m in new resources to support that recovery effort.

Our Child Rights and Wellbeing Impact Assessment (CRWIA) will be updated and extended in tandem with this work. CHIP and the Scottish Government will publish an updated CRWIA in the coming weeks. That refreshed CRWIA will guide decisions about when policy, practice and procedure in the hearings system can be further developed. We are not yet at that point.

Recover – restoring capacity in the hearings system and beyond

The steps we have taken to date ensured that no essential children’s orders have lapsed since March. Local authorities and SCRA have continued to make, assess and progress referrals to children’s hearings -albeit more slowly than before lockdown. Panel Members continue to sit on hearings and make essential decisions about how support to children and families can best be maintained. We now need to turn our focus to tackling delayed hearings and enabling a wider range of hearings than has been possible whilst focusing on emergency and time critical hearings.

We have only been able to accomplish the changes in response to coronavirus by the unstinting hard work, commitment and goodwill of all those who play a part in the hearings system – panel

members, Area Support Teams and the local authority staff that support them, staff at Children's Hearings Scotland, all SCRA staff including managers, Reporters and Assistant Reporters and support staff, social workers, teachers, health workers, safeguarders, advocacy workers, legal representatives, staff at SLAB and everyone who supports them. We also thank the children, families and carers who have given their time to share their views to help us improve. We need to attend carefully to all of their wellbeing, and maximise support for individuals and teams as we plan for service recovery.

The reduction in hearings capacity has led to a build-up of outstanding hearings that now need to be dealt with as expeditiously as possible. We must continue to uphold the rights of the children, relevant persons and their families whilst increasing our capacity to arrange hearings quickly. The backlog includes cases where emergency legislation was used to extend for up to 6 months the duration of CSOs which are now close to expiry, cases of children for whom new grounds require a hearing to be arranged and requests for review hearings from local authorities and families when their circumstances change. In addition, we should be alert to the possibility of an increase in new referrals now that schools have returned and unmet need is identified. This has already been demonstrated in the national data which is being collated weekly. A spike in child concerns and referrals to social work or child protection services has already been observed in August 2020. It is likely that following assessment there will be a proportion of these children for whom the right response will be a referral to the Children's Reporter resulting in a hearing.

Court activity is increasing as the courts re-open and begin to process court applications arising from children's hearings.

The system is still operating below 50% of normal capacity. In order to ensure children have the hearings they need the hearings system will have to increase the number of hearings that can be arranged quickly. Recovery is still at an early stage, and our shared current assessment is that full 'steady state' recovery will not be realised until later in 2021.

The work needed to ensure that every child referred to the Reporter receives the right response at the right time is a broad, complex task. It entails rapid but careful planning, and the right level of resources invested over a sufficient time period to allow an increase in hearings. Every children's hearing requires careful planning and the gathering of key information from children, their families and the team of professionals who support them. This pre hearing work is essential but often goes unnoticed. It can consume significant time and resources. To ensure the best decisions are made for children at hearings we must not skip over these preparatory steps in order to achieve a quicker 'result'. Every child's case is different, and each one demands careful individual attention. Every procedural decision and every hearing must respect the needs, rights and interests of individual children and their families.

Protecting the rights of all: While each child's situation requires distinct consideration, some will require extra planning and support. For example, we must ensure that the voices of disabled children and those with speech, language and communication needs are heard equally; and the experiences of pre-verbal children and babies are no less central to assessment and decision-making processes than that of those who are more able to articulate their feelings and views.

Recognition of extra demand on partners: Optimal participation and upholding of rights in virtual and blended hearings which involve remote participation often requires additional preparation. This has inevitable resource implication; for example in terms of the extra time which social workers, advocacy workers, legal and other representatives need to help children and their families understand and participate effectively in new types of hearings.

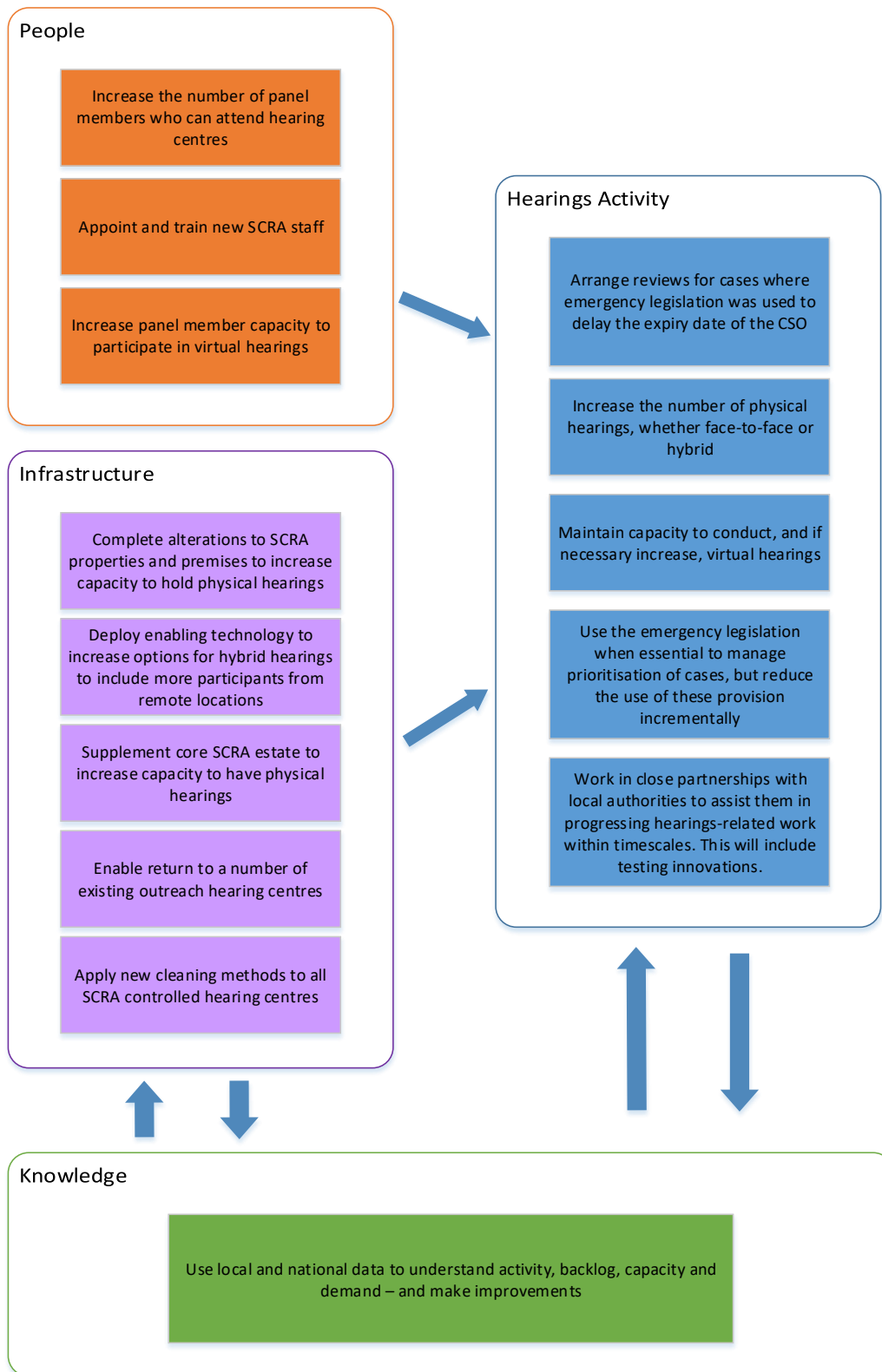
Dialogue and collaboration: Recovery planning has involved and will continue to involve regular briefing and debate within the Scottish Government’s Collaborative Leadership Group, COSLA, SOLACE and with other partners, including the Children and Young People’s Commissioner and the oversight body charged with implementation of Scotland’s Promise.

Review of emergency legislation: The provisions applicable to children’s hearings and looked after children were considered carefully and most will be extended. Circumstances are unlikely to permit return to the usual statutory regime until the second quarter of 2021. The emergency provision affecting how long a young person might be placed in secure care before review has now expired. The Scottish Government and the responsible agencies have resolved to cease use of each emergency provision as soon as circumstances permit.

While the extension regulations will allow Part 1 of the Scottish Acts to remain in force to 31 March 2021, Ministers are required under the legislation, and are committed to reporting on – and reviewing – the need for these emergency measures every two months. It is also clear from the data in the two-monthly reports that the use made of individual provisions has been carefully considered and that their use has been limited as far as possible. The weekly Covid19 Group has agreed that emergency powers should be used in a way which is both appropriate and proportionate and in line with the principles set out above.

Person centred, sustainable recovery: Our response to the pandemic has had to be immediate and pragmatic in terms of public health, systems, resources and lawful action. But we need to pay ongoing close attention to the impact on all the people involved in the hearings system, responding with empathy and care at every stage. Our primary focus has been on safety; recognition of trauma and the impact of Covid-19 on all participants; demonstration of understanding; continuing to engage and work on relationships; and grasping opportunities presented by new learning and new practice.

Our plan to tackle the backlog



Our ambition: potential innovations and practical implications

■ Out of hours hearings in the evening and at weekends

Implications: There would need to be collaboration and commitment from all participant groups in testing this option, which may require review and re-negotiation of terms and conditions of service for professional staff. Work would need to take place with solicitors and the Law Society of Scotland to discuss how the concept of out of hours representation could be tested. The reliable availability of advocacy workers would also need to be explored. For some children and their families, kinship carers and foster carers who may have responsibilities for other children this option may not be practical and their agreement would need to be sought. To ensure the wellbeing of Panel Members and professional staff it would be necessary to ensure that expectations fit within agreed supports and parameters for the working week. Practical and safe practice out of normal hours would depend on sufficient and reliable planning and resourcing of cleaning and reception services. Planning must take into account the realities of demands upon participants; including the cost of travelling at times where there is no public transport available, travelling in poor weather conditions and travelling in the dark in remote areas. Childcare could be an issue for staff and families alike. Consideration would need to be given to the timetabling of hearings that may recommend that a child or young person is placed away from home – there could be challenges accessing placements out of hours.

■ Testing alternative scheduling for hearings

- Implications: This might involve reducing the time allocated for a 'standard' hearing from 1 hour to half an hour; earlier/later starting times for some hearing sessions.

■ Tests for increased resilience

- For example audio only hearings in event of further local and national lockdowns and as an alternative for certain types of non-contentious hearing.

■ Using alternative hearing venues

- Increasing the number of places used for hearings over and above existing SCRA premises and the usual outreach hearing centres, to be used on a regular basis for the next 12-18 months.

Contingency planning

In addition to taking the steps outlined above to tackle the backlog and return to managing a 'normal' rate of referrals in the system we will:-

- preserve service continuity as far as possible if lockdown is re-imposed in specific areas
- respond to an expected increase in demand for services across the child protection system.

Renew – applying new learning and embedding new ways of working

Looking further ahead we want to retain changes introduced as a result of the pandemic which have proven to be positive for children and their families. These include, for example, providing children with options for how they would like to participate in their hearing and how their views could be conveyed to panel members.

- We are committed to listening to the voice of children to inform our decision-making; and in particular the ‘quieter voices’ identified in The Promise.
- We will continue work collectively to gather evidence of practice changes that children and families have found to be positive for them and seek to promote this on a wider scale.
- We are committed to the gathering of data across agencies to identify trends, track progress and inform improvement activity - and sharing the data and the conclusions we draw from it so that what we learn can be of use to everyone.
- We are committed to supporting families’ to access advocacy and legal services.
- We will examine and evaluate the new models for presenting information to hearings that have been introduced during the pandemic, to see if there are models of practice that will improve the quality of information that Panel Members rely on when making decisions, in line with the calls in The Promise.
- We will remain flexible in approach and open to new ideas.
- We will actively seek feedback on our performance from those who use and deliver our services.
- We are committed to working with children and young people to help identify areas for improvement, develop tests for change and pilot new ways of working.

Innovation: considering and testing different models of decision-making.

The Hearings recovery process is not insular. It is a doorway to ensuring that children’s needs for care and protection and support are properly met when intervention on behalf of a child and relationships and working between families and professional workers require further strengthening through legal compulsion. Children’s hearings are a safety net for a child’s care and protection when voluntary collaboration between families and professional workers is not, or is no longer, possible. They are not be regarded as a gateway to services which could otherwise be provided in collaboration.

The Promise called on the hearings system to explore its role, test change and explore impacts of change to better respond to what children and young people say they need. Its conclusions and recommendations will strengthen the national and local focus on improving holistic family support. Context matters; and the pervasive and corrosive impact of poverty on children and families is well researched, specifically in Scotland.

The Promise calls on the whole system to ‘shrink and specialise’ in order that compulsory intervention in family life happens only where that is absolutely necessary. The GIRFEC national practice model continues to provide a shared language in holistic, rights-based consideration of children’s wellbeing and a co-ordinated and collaborative approach to assessment and planning. We are committed to a concerted focus for local partnerships in each area on early and effective family support to tackle and address the impact of adversity on children’s welfare, including trauma, poverty and other areas of need. Suitably resourced and supported multi- agency implementation of the GIRFEC policy and related system scaffolding of support services is central to reducing the need

for children to be referred to hearings and support how existing and accumulating cases are handled better.

The Guidance on Part 12 of the Children and Young People (Scotland) Act 2014 already provides a key reference point in support for families where children are on 'the edge of care', specifically referencing family group decision making as an option. [The joint \(Police Scotland/Social Work Scotland\) policy statement on Early and Effective Intervention during Covid-19](#) keeps a sharp emphasis on appropriate diversion.

There are known challenges in enabling the hearings system to make good decisions for children which support their protection and welfare and are grounded in and responsive to the views and rights of children and their family members. The Promise tells us that children can find it hard to say what they think in an environment that can feel unfamiliar and punitive, dealing, as it does, with compulsory measures of supervision. It underscores that emotions at a children's hearing can be overwhelming and children and their families have often experienced trauma and distress in their lives. The processes and procedures which are required of a legal tribunal can be experienced as at odds with a child-centred conversation about needs and welfare.

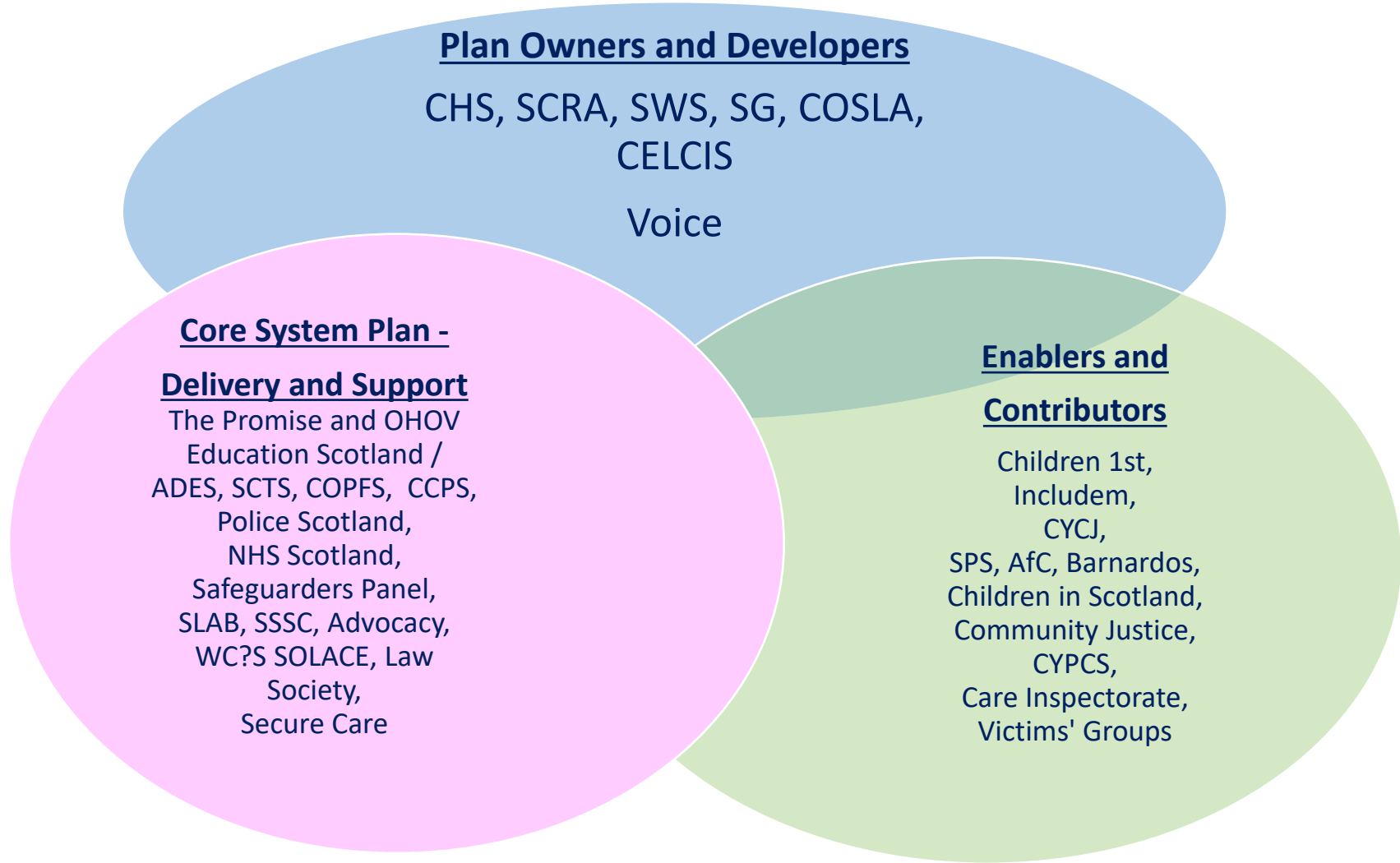
The changes brought about by the responses to the pandemic have enabled change to take place at unprecedented speed. Powers provided by emergency legislation enable children and families for the first time to choose whether they attend a hearing in person.

- We will identify new ways of enabling hearings to make fully informed decisions in a child-centred and responsive way, that offers children and young people more choices about how they and their family members are involved.
- We will front load communication and preparation for hearings by SCRA and other agencies so that children, young people and families are included in planning what kind of hearing is held, how it is held, and how other people contribute, and work with partners including children's rights and advocacy organisations to ensure that the perspective of infants and younger children are properly considered and reflected in these decisions.
- We will proactively and creatively engage with local authorities, children's rights and advocacy organisations and the legal profession to identify how action plans can be streamlined and progressed more quickly when children and families and the team around the child are agreed about the right way forward.
- We will test different ways of enabling hearings to reach sound decisions based on agreed outcomes without the need for families to come to hearings unnecessarily.

Commitment to volunteer and staff care

We continue to rely upon the conscientious, hard work of all the people - volunteers and professionals - within the Hearings System. We recognise their dedication and will need to count on their support both through the continuing challenges and those yet to come. There is a real risk of fatigue and exhaustion affecting how well the hearings system can operate for Scotland's children if we expect too much from our people. We need to balance our strong and clear ambitions for swift and safe recovery and renewal with the right support to maintain the capacity of our people to deliver that.

Adopting, delivering and monitoring the recovery plan - roles and responsibilities



Current CHIP Membership

Barnardo's Scotland

CELCIS

Children's Hearings Scotland (CHS)

Children 1st

Children and Young People's Centre for Justice (CYCJ)

Convention of Scottish Local Authorities (COSLA)

Crown Office and Procurator Fiscal Service (COPFS)

Education Scotland

Includem

Judicial Institute

Law Society of Scotland

NHS Scotland

NSPCC

Our Hearings, Our Voice

Police Scotland

Safeguarders Panel

Scottish Children's Reporter Administration (SCRA)

Scottish Courts and Tribunals Service (SCTS)

Scottish Government

Scottish Legal Aid Board (SLAB)

Scottish Social Services Council (SSSC)

Social Work Scotland (SWS)

Multi-agency Partnership Engagement and Implementation Strategy 2020-21

This document sets out what all agencies need to do, working together to support children and families referred to the children's hearing system, both collectively and individually, to make the Multi-Agency National COVID -19 Recovery Plan, as endorsed by the Strategic CHIP Group on 12th November 2020, a reality.

Embarking on this journey to recovery will not be easy given the current constraints wrought by the pandemic. A plan is needed to cover the next six months. Regular review of progress will be built in to the plan. This will aid system recovery and ensure that improvement activity is aligned with the Promise.

It remains essential that we:

- place the voice of children and their rights firmly at the centre of decision-making,
- provide timely support for engagement in hearings and
- enhance the experience of participation in the hearing system.

We need to work with urgency and realism in progressing recovery of the Hearings system. The timetable must be practicable and sustainable for all partners to hearing-related activity. Striking this balance will be a sensitive matter, requiring determined teamwork and a listening approach while acknowledging the variation in demands, available resources and current and short term pressures on the system in different parts of the country.

Innovation and practice improvement will continue to emerge from robust multi-agency working and practitioner understanding of roles and responsibilities at every level. We have solid foundations to build upon, for example, in the form of Better Hearings groups, CPCs and Children's Services Planning arrangements which have enabled the setting of agreed local priorities while respecting individual statutory duties and upholding the rights of children and their families.

Elliot Jackson, National Convenor of the Children's Panel and CEO of CHS and Neil Hunter, Principal Reporter and CEO of SCRA and local authority Chief Executives represented by SOLACE have agreed to lead delivery of the plan and enable the following actions to aid recovery :

To note the recovery planning being put in place for the hearing system and support the need to work together locally to advance and deliver recovery

Local Authority Chief Executives to consider within their own Localities whether there are high quality, child- friendly accommodation options available that can host Children's Hearings during the current physical distancing constraints and add to our overall local capacity.

Consider what we can do together to recover better and mainstream improvements such as:

- *streamlined Social Work reports for hearings*
- *provide personalised approaches to supporting children, young people and families before, during and after hearings*
- *improved long term access to helpful, meaningful digital tools for children, young people and families to aid participation in decision making*

Support local joint approaches to workforce learning and development to ensure that our workforce, including volunteer panel members have the required digital skills, competence and confidence to optimise the use of current and future platforms and technologies for quality hearing as well as an

improved ability to directly and proactively support children, young people and their families to maximise the opportunities of wider choice and enablement

To work differently to enhance recovery capacity – for example by exploring flexible working to enable evening and weekend hearings.

We are asking each agency partner with a part to play in enhancing families’ experience of hearings to pool effort and resources to enable implementation:

To progress the Recovery plan all system partners are asked to do the following:

1. Inter-agency collaboration is fundamental to recovery. Inter-agency understanding is key to plans that are realistic and sustainable for all partners. Investment in local partnerships will provide the confidence and context for development and delivery of innovation.
2. All agencies, and in particular local authorities, Police Scotland and Education Scotland, are encouraged/should commit to review existing referrals processes; ensuring alignment with the [CHIP to Guidance on Referral the Reporter](#).
3. From the start of 2021, the Scottish Courts and Tribunals Service (SCTS) will prioritise children’s referral proceedings across all six Sheriffdoms.
4. Scottish Government will provide practical support and consider requests for financial support for the testing, development and implementation of innovative practices that assist recovery of the Hearings system, protect children’s rights and in so doing fit well with realisation of the Promise.
5. Early and Effective Intervention (EEI) processes and approved projects should be sufficiently and sustainably resourced.
6. Partners in each local area should work together to align and synchronise complimentary technologies, and to support children and families to connect to virtual Hearings.
7. Every participant should work in partnership to ensure effective and lawful streamlining of information submitted to Children’s Hearings. Information shared should be proportionate and necessary for the purpose of making decisions in children’s best interests.

In line with the above actions it is anticipated that areas for local exploration will include:

Exploration	Benefits
Working with the Promise Team to align our recovery planning with the Promise	National buy in and support for recovery planning that respects the rights of children and people with lived experience and includes them in our planning
The use of one digital platform for hearings and exploration of the availability of a digital platform that is easily accessible to all agencies, children and their families, across a local authority area	<ul style="list-style-type: none"> ■ Easier input for children and families to decision-making ■ Assist rapid multi-agency discussion and decision-making ■ Avoid delay ■ Eliminate digital divide

Explore the ways in which multi and single agency information is gathered and presented for children's hearings e.g. the use of a simplified report format for hearing; inclusion of child friendly summaries/CSOs	<ul style="list-style-type: none"> ■ Ensure reports reflect the views of children ■ Ensure reports reflect the views of siblings ■ Support sound decision-making ■ Provide readily understandable reports for children and young people, minimising unnecessary historical information.
Consider single agency referral procedures; assess current practice and refresh where necessary	<ul style="list-style-type: none"> ■ Supports are available at the right time for children and families ■ Appropriate referrals are made in a timely fashion to address care and protection needs and
Assess local multi-agency processes for the early screening of referrals/put in place a local multi-agency screening protocol	<ul style="list-style-type: none"> ■ Consistency of referral practice ■ Early consideration of supports for families
Review local authority EEI processes/develop a framework to support multi-agency EEI screening	<ul style="list-style-type: none"> ■ Early supports for children ■ Swift resolution for victims
Develop bespoke approaches to supporting children, young people and families before, during and after hearings	<ul style="list-style-type: none"> ■ Provide responsive and timely support for children and families throughout the hearing process.
Continue to improve access to digital tools for children, young people and families	<ul style="list-style-type: none"> ■ Increase participation in decision making
Support local joint approaches to workforce learning and development	<ul style="list-style-type: none"> ■ Ensure our workforce, including volunteer panel members, have the skills, competence and confidence to make evidence-based decisions to improve the lives of children including in the context of the current global pandemic

Governance and Oversight of Progress

- Oversight of this work will lie with the Strategic CHIP Group.
- Quarterly update reports will be considered by the Strategic CHIP Group, will link into the proposed quarterly baseline review for the plan and act as a regular invitation for CHIP partners to provide suggestions on the plan's content.
- A short monthly bulletin will update the Strategic CHIP group on key issues raised and resolved in that period, and look forward to the succeeding month.

Produced by
Children's Hearings Improvement
Partnership (CHIP)
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