Views & Experiences of the Children’s Hearings System

Research with Children, Young People & Adults
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Chapter 1: Introduction

In 2012/13 Children’s Hearings Scotland (CHS) and the Scottish Children’s Reporter Administration (SCRA) conducted a joint survey to gather feedback from adults, children and young people about their experience of the Children’s Hearings System. It was the first such joint initiative since the passage of the Children's Hearings (Scotland) Act 2011 and sought to build on baseline information collected by SCRA in 2008.

A total of 745 people participated in the survey, including 456 adults, 158 young people and 131 children. Those taking part were asked whether they would be willing to participate in this piece of follow up qualitative work. In the event, this study drew on both adult survey participants and children and young people recruited specifically. However, the purpose of the study remained the same, to capture an in depth view of the lived experiences that lay behind the survey findings.

In general the 2012/13 survey findings provide an encouraging picture of the experiences of those attending Children’s Hearings. Findings about the provision of information for example suggest a positive direction of travel. One of the most positive findings was that both 99% of young people and 99% of adults said ‘yes’ they were treated with dignity and respect by SCRA staff when they came to the Hearing centre.

A notable finding for this study was that overall 71% of young people felt they were the most important person at their last hearing. This is significant because when the Children’s Hearings System was established, it was intended that what would distinguish hearings from juvenile courts was that the child would be at the centre of decision making and the driver for action would be the child’s need for special measures of education, training or support. Subsequently Article 12 of the United Nations Convention on the Rights of the Child sets out that the child has a right to express a view, if they are able to form one, in all matters affecting them.

Over the last ten years a number of research studies using a variety of methods, conducted by SCRA and a range of agencies in the children and young people’s sector, have sought to shed light on what participation is really like for those attending Children’s Hearings.

These include Big Words and Big Tables conducted by the SCRA and published by the Scottish Executive in 2006, Hearing Scotland’s Children conducted by Who Cares? for the SCRA published in 2011 and Understood and Making a Difference, conducted by the SCRA in
partnership with the Aberlour Childcare Trust, published in 2011.

In recent years, SCRA’s Modern Apprentices have also conducted a series of inspections of Hearing Centres. The physical and cultural environment of Hearing Centres has been a recurrent theme in the research studies.

This study therefore took place at an important moment; Children’s Hearings Scotland, established following the 2011 Act became operational in June 2013, just as the research was getting underway. It also took place in the context of a fair amount of recent research, conducted largely by and with the SCRA.

So it provides an opportunity to explore not only where things stand at an important milestone in the life of the Hearings system, but also to understand the extent to which the findings of previous research appear to have generated changes in policy and practice which have improved the experiences of those attending hearings; to identify where there is still work to be done, and provide some pointers as to what that might look like.
Chapter 2: Research methodology

This research study sought to obtain the views and experiences of children, young people and adults within the Children’s Hearings System in Scotland. The sample was therefore designed to elicit views from a range of participants who varied by age, location and type of carer (for adults).

A qualitative approach was deemed most appropriate. However, it is important to bear in mind that a solely qualitative approach places limitations on the extent to which findings can be generalised to the wider population. While qualitative samples aim to reflect the diversity of a research population, they are not designed to be statistically representative of that population. It is not appropriate therefore to draw conclusions relating to prevalence for example.

The sample needed for this study is not an easy one to recruit and presents challenges when conducting in depth interviews. Children, young people and families involved in the hearings system often live less stable lives and can be difficult to contact. They may also be reluctant to talk about their experiences, particularly if they have involved difficult hearings or hearings have resulted in an outcome they were unhappy about. Despite these challenges, the size and range of the achieved sample in this study is consistent with those used in other qualitative studies undertaken to explore the experiences of children and young people in the Children’s Hearings System.

The research sample consisted of children, young people and adults. In this section, we explain how we recruited participants and how we collected the data. We also provide some demographic and other relevant information on the achieved sample.

Children and young people

Twenty children and young people were interviewed in total, including 12 children aged five to 11 years and eight young people aged 12 to 17 years. Children and young people were recruited from the following hearings centres:
As a qualitative research project and thus involving small numbers of participants, the research was not designed to produce statistics which are generalisable to all children and young people involved in the hearings system. Instead, the project seeks to provide rich information on the perspectives and experiences of children and young people in the system.

**Recruitment**

Before an interviewer attended a hearing centre, information was provided to the research team by the Scottish Children’s Reporters Administration (SCRA) detailing: how many children or young people were due to attend hearings that day; their ages; and whether it was suitable to approach these children and young people and their carers. Cases where an approach by a researcher may cause distress, for example because of what was being discussed at the hearing, were removed by SCRA.

At the hearing centre, an interviewer first approached the parent or carer of, or the adult accompanying, the child or young person in question to obtain consent to speak to the child or young person. Consent was then sought directly from the child or young person. Further details on ethical issues and consent procedures are included in the Ethics section below.

Four child participants (aged 5 to 11 years) were recruited but did not eventually take part, either because they no longer wanted to or couldn’t within the necessary timescale. As far as possible, interviews with children and young people were undertaken within four days of the hearing at which they were recruited for the research. Anything beyond this was
deemed as unreasonable as the child’s ability to recall the circumstances and experience of the hearing would have been affected, subsequently impacting on the quality of the data gathered.

Young people were more difficult to recruit than children. Six of those initially recruited did not turn up for interview. When this happened, interviewers attempted to re-arrange the interview. After three such attempts, the participant was replaced with a new recruit from another hearing centre.

**Data collection**

The data was collected through the use of qualitative in-depth face to face interviews. The interview was undertaken directly with the child or young person, though a parent or carer was often present, particularly during child interviews. A discussion guide was agreed, in partnership with CHS, and used in all interviews (Appendix A). This semi-structured guide gave interviewers the flexibility to ask questions in a different order if necessary or to add additional probing if required.

In most cases, we found it was not possible to get through the entire discussion guide with children. In the case of the youngest participants (5-9 years), visual guides were used - for example, photographs of a hearing room and of people representing different ‘potential’ panel members - but the information gathered from these was of limited value. In addition, some children had a general difficulty grasping some of the topics we wanted to cover. For this reason, the focus was shifted to ‘older’ children (10 years+) towards the end of fieldwork.

Young people could generally articulate their feelings more easily and interviews with them tended to last approximately 45 minutes.

Most interviews were digitally recorded and then stored on a secure server and transcribed for analysis. Two participants did not want the interviews to be recorded. In these cases, the interviewer prepared detailed notes following the interview.

Children and young people were offered a £10 or £15 High Street voucher respectively as an incentive for taking part. The voucher was issued on completion of the interview. All children and young people who took part in the study will receive a summary version of the findings.

It is important to highlight that part way through fieldwork the Children’s Hearings (Scotland) Act 2011 entered into force (24th June 2013). As well as making Children’s Hearings Scotland operational, this also meant that a range of processes, rules and rights being explored in the research changed. Some hearings being referred to by respondents...
will have been held prior to the Act coming into force, and others would have been held afterwards.

**Sample characteristics of children and young people**

Aside from lower representation of young people (due to the difficulties involved in recruiting this group) there was a good spread of age ranges across the two groups. There was also a mixture of children and young people from urban and rural areas plus a reasonable gender mix with only slightly more boys (12) than girls (8).

The children and young people came from a variety of different living situations: seven lived with one or both parents, seven lived with kinship carers and three were looked after by foster carers. In the remaining three cases, the child’s living situation was unclear.

The majority of the sample had attended more than one hearing; only two young people and one child had only been to one hearing. Although it is not possible to say exactly how many hearings the other children and young people had been to, among all age groups regular attendance appeared to be common. It was also extremely rare, amongst the research participants, for parents or carers to report attending a hearing without the child or young person.

Participants were not required to give the reason for their hearing attendance as the focus of the study was more generally on their experiences of attending hearing and the wider system. It was also felt that this information would be potentially upsetting to relay. However, if it seemed appropriate, they were asked if they would like to share this information (it was always stressed that this was optional). In cases where participants did disclose this detail, it provided helpful context for their experiences. Very broadly, the teenagers in the sample who discussed these details were more likely to mention attending for breaking the law or truancy whereas younger participants were far more likely to attend hearings for child protection purposes. In practice, there can be multiple reasons for referral to a hearing and hearings are often to review cases rather than to consider new grounds for referral.

At least six of the children and young people interviewed were under a Compulsory Supervision Order (CSO)\(^1\). It is not possible to give a precise figure as there was no requirement to share this information with the interviewer. Even when it was discussed, the exact situation was not always clear. Many children were too young to understand and other cases were in transition periods where an individual was either coming on or off a

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\(^1\) A Compulsory Supervision Order (CSO) is made at a Children’s Hearing. It can contain measures stating where the child is to live and other measures with which they must comply. The local authority has a duty to put the CSO into effect.
Adults

Sixteen qualitative interviews were conducted with adults. As the sample was geographically spread all over Scotland, the majority of interviews (14) were conducted by telephone, and only two were face to face.

All adults were recruited using details provided by SCRA via CHS. The sample was generated from those who took part in SCRA’s *National Survey of Children and Families in the Children’s Hearings System 2012/13* undertaken in late 2012 and early 2013. The survey included a question requesting permission to re-contact participants for the purposes of a follow-up qualitative study. Those who agreed were asked to provide contact details. These details were passed to the research team who contacted participants about this study. On agreeing to take part, they were then given the option of a face to face or telephone interview. Only one adult who arranged to be interviewed subsequently chose not to participate in the end and four appointments were unsuccessful.

A discussion guide was agreed, in partnership with CHS, and used in all interviews (Appendix A). All interviews were digitally recorded and then stored on a secure server and transcribed for analysis.

Each adult who completed an interview was given a £20 High Street voucher as a token of appreciation for their participation. All adult participants will be provided with a summary of the research findings.

Sample characteristics of adults

There was a good age spread amongst the adult interviewees: five were aged between 18 and 35, five were aged 36 to 50 and six were over 50. Unsurprisingly, the older participants tended to be kinship carers rather than parents. The children or young people they were looking after or attending the hearing for were also a mixture of different age groups. Very often kinship carers were parents or carers of other children or young people who also attended hearings.

Adult participants lived in areas all over Scotland representing diversity both of geographic location and area urban-rural characteristics. The sample included participants from Greenock and the Western Isles, central belt areas such as Stirling and West Lothian, and

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areas on the East Coast such as Fife and Aberdeen.

The adults mainly appeared to be attending for a child or young person who required protection. Again, the information on this is partial because participants only spoke about the reasons for attending if they felt comfortable doing so.

Ten participants within the sample were parents, five were kinship carers and one was a foster carer. Of the 10 parents, five were living with the child whose hearing they attended, four were not and one was living with her child part of the time. All of the other carers were living with the child. Being a child’s carer does not necessarily mean that person also has ‘relevant person’ status in terms of the Children (Scotland) Act 1995 or the Children’s Hearings (Scotland) Act 2011. However, all parents and carers interviewed had received notification letters and pre-hearing reports for their most recent hearing. Given that, under procedural rules[^3], only those with relevant person status are eligible to receive these documents, it can be assumed that all interviewees satisfied one of these criteria.

At least nine of the children whose hearing the adults were attending were under a Compulsory Supervision Order (CSO) but again, this was not always clear and the true figure may have been higher.

Most of the adults had been to children’s hearings before, many had been to a large number of hearings and two had experienced hearings as a child. While participants were asked to focus as far as possible on the most recent hearing they had been to, inevitably they also drew on previous experiences when answering the questions.

**Ethics**

This study involved a sample of individuals drawn from vulnerable groups and people experiencing a difficult time in their lives. It was particularly important, therefore, to ensure that sample members fully understood what was being asked of them and that participation was voluntary.

Informed consent was sought from all children, young people and adults involved. A number of steps were taken to achieve this:

- All participants were given appropriate and accessible verbal and written information in advance of the interview. This included details of: the purpose of the study; what was involved for them (including reasons for recording the interview);

[^3]: As defined in the Children's Hearings (Scotland) Rules 1996 and revised in The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013
data protection and confidentiality policies; the research team (including contact details) and funders; and the voluntary nature of participation in the study.

- An age appropriate, tailored consent forms/information leaflet was produced separately for children and young people. The consent form for children also required consent from their parent or carer, whereas young people (aged 12+) were asked to provide informed consent themselves (consent forms included in Appendix B).
- Key points about the study were reiterated at the start of the interview, and verbal consent was sought (and recorded).
- At the end of each interview, all participants were given a further opportunity to raise any questions or concerns they may have about the study. They were also provided with contact details for the research team in case of any later queries they may have had.

Some of the children and young people participating were living away from their parents. This meant obtaining parental consent was not always possible or relevant. In this situation, consent to approach the child or young person was obtained from either another carer (e.g. a foster carer) or a named member of staff involved in their care (where the child was being looked after away from home).

Ethical approval was obtained from the NatCen Social Research (NatCen) Ethics Committee.
Chapter 3: Panel members

In this section we will discuss the views of children, young people and adults about panel members. This will include their perceptions of panel members they had encountered, the qualities they believe panel members should possess and how they believe their experiences of contact with panel members could be improved.

Participants were generally very positive about panel members and their experiences of interacting with them. They felt panel members were professional, courteous and friendly; all qualities participants deemed to be important for panel members to possess. Typically, participants said that panel members made them feel comfortable and at ease.

“Nice, polite and just...just nice to talk to.” *(Young person, aged 14)*

“Yeah...they were friendly, they were fine, chatty, made you feel comfortable... and that you were involved.......they just make you feel welcome.” *(Parent)*

The sample included adults, children and young people who had attended numerous hearings. For adults, this may have been when they themselves were children. This placed participants in a strong position to compare better experiences of panel members with worse experiences. This was particularly useful when assessing the qualities participants felt were positive or negative about panel members.

“No they were nice ‘cause in the past we’ve had quite pushy people but I liked these people, yeah” *(Young person, aged 12)*

Two views emerged. The dominant view was that panel members were relatively consistent in their behaviour (especially the roles they performed) and the qualities they displayed. A more cautious view was that the behaviours and qualities of panel members varied and experiences could depend on which panel members were there on the day.

“Sometimes you can get alright ones that are alright wi’ you.” *(Young person, aged 15)*

Outward behaviour of panel members

Children, young people and adults were generally positive about the behaviour of panel members. They described their behaviour as being quite relaxed rather than authoritarian
which made them feel comfortable. Smiling was an important behaviour mentioned by all participants, especially children and young people. They felt smiling indicated a person was more likely to be “friendly” and “kind”. Some children felt it was important they did not look as if they were “going to be bossy”.

“The one that I liked, the one with the long black hair she smiled a lot but the 2 old ones don’t really smile.” (Child, aged 10)

“Bubbly and took things like a, not a joke obviously but were funny about it, which was good...don’t make it all serious which is good.”

(Young person, aged 12)

Indeed, when presented with photos of potential panel members and asked which people they would most like to be on their hearing, children and young people generally seemed to prefer those that were smiling.

Such outwardly friendly behaviour was important to children and young people as hearings can present an intimidating experience. There were children in the sample who were able to articulate that they felt “shy” and “nervous” at hearings, which could explain why they chose not to say anything. Others were too young to articulate how they felt.

Stern faced panel members could have a negative impact on participant’s views of the hearing.

“...it's a dour faced on they just there, nobody knows how to smile, it’s just annoying how boring the room looks, too official if they don’t smile.”

(Young person, aged 16)

“The middle one as if he thought he was a sheriff, judge, jury! I did’nae like him. Even when I first looked at him, I’m quite good with first impressions and I did’nae like him, he was quite kind of...uppity-uppity....to me he was straight to the point and a wee bit kind of arrogant with it. And then when he spoke, and then I wanted to say something and butt in, wait a minute here...he was like no, no, I said no I want to say something.”

(Young person, aged 14)

Amongst those who had attended more than one hearing, typically participants reported that there had been different panel members at each hearing. There were mixed views as to whether this was good or bad. While there was a view that having different panel members
each time was fine, there was also a suggestion that having the same panel members each time could help put people at ease. It also meant not having to go over issues discussed in previous hearings. 4

“... when he was saying about [the child], and he recognised him, and [the child] felt more at ease. I felt a bit more at ease coz we weren't having to repeat a whole story. So I suppose that’s where the continuity comes in; where the panel member can actually say, “Oh, I remember this child” (Parent)

Consistent with a desire for panel members to be relatively relaxed and at ease, participants felt their dress code should reflect this. For example, they thought it was important panel members were not dressed in suits and ties.

“They werenae dressed in suits and ties, and, straight away, that makes you feel at ease because, you know, you’re going .. you feel it if you're going into a .. a .. something like that, and they’re in .. sitting in suits and ties and .. and .. and it's all very severe, and it wasn’t. It was very relaxed.” (Kinship carer)

Listening

Another important attribute participants felt panel members should have was the ability to listen. Children and young people sometimes spontaneously stated they wanted to feel listened to by panel members. Adults too thought this was important in relation to the children or young people they cared for. Generally, children, young people and adults reported that they had felt listened to by panel members.

“Interviewer: Did they listen to what you had to say yourself then?
Participant: Aye!

Interviewer: Did they...did you like the way they spoke to you?
Participant: Uh huh.

Interviewer: How would you describe the way they spoke to you?
Participant: Nice, polite and just...just nice to talk to”.
(Young person, aged 14)

When this was the case, adults were more likely to consider that their opinion had been valued and they were a part of the process.

4 Note that hearings practice requires Panel Members to explore all relevant issues at every hearing regardless of whether any of them have sat on a previous hearing for the child.
“...they come across very clear... they're not...in your face...they'll listen to one side o' things. They'll listen to another side o' things an' that. Everybody that's wanting to say something is given the chance.” *(Parent)*

Another example of the importance of listening came from a kinship carer who was pleasantly surprised at how much the panel members had listened to her as she had not found this to be her experience with other agencies.

“... they don't say 'Oh, you're not in a position'. I mean, they'll let you have your say. They don't say, because I'm because I'm not the mummy, because I just think 'God, I'm just the auntie', because a lot of agencies think that way...They were really nice and friendly...they make you feel at ease.” *(Kinship carer)*

She went on to say how important it was to her that they had taken on board and appeared to value what she had said, rather than focussing more on what the social worker had to say. However, in contrast other adults felt that panel members had listened to the social worker more than them or the child.

“they were just there to do their job but it was like they were asking the Social Worker mair stuff than what they were actually asking us” *(Parent)*

Some examples were given of occasions where the panel members had actively encouraged participants to talk and provide them with information, in order that they could help.

“She said alright we make the decision at the end she said but I want to hear all your views just don’t sit and be quiet. We want to hear what yous have got to say...Don't you sit back and struggle and be quiet [talking about financial problems], say what you need, you phone her [social work] because that's what she's there for [to help].” *(Parent speaking during interview of young person, aged 14)*

Amongst adults who had attended hearings and did not feel the panel members had listened, a contributory factor was often that a hearing had seemed quite “rushed” and that panel members were not listening to what they were saying because of time pressures.

“I know times are limited, but some cases go on way longer, and sometimes you feel as though you get shoved out the door and you're not getting fully listened to... It was like they just wanted to get me in there, tell me what was happening, and then just ship us back oot.” *(Parent)*
The importance of not feeling rushed was discussed by an adult respondent who was a recovering addict and had attended numerous hearings as a parent and child. She explained that it sometimes took time for her to be able to say what she needed to, especially when she was on medication.

“...if you’re not feeling 100%, you can’t articulate yourself the way you want to....... I know they can’t sit there all day, and sit with you... some – not all – panel members were rushing you, or cutting you up...And the panel I felt sometimes, when I was talking, weren’t doing enough to help me or listen to me.” (Parent)

Children and young people also articulated the difficulty they had experienced getting across how they felt to panel members. Being given sufficient time therefore could be important. For example one young person explained that when panel members gave her time to talk, she felt that there was more understanding about how she felt.

“...They like...let me talk so like understand what I was like meaning.”

(Young person, aged 12)

Others simply did not like talking at the hearings or had not wanted to communicate in them but could not explain why this was the case.

“I don’t want to talk in there.” (Child, aged 10)

Adult respondents offered suggestions as to how things could be improved. For example, speaking to children separately would ensure that their voices are central to the process and that they are listened to. In fact, this is already an option for children and young people, which suggests that parents and carers may often be unaware of this. Another suggestion came from a foster carer who had used an advocacy worker to ensure the child’s view was adequately expressed.

“How do I think it could be improved? Well I think just once again having the child in separately and listening to what’s being said. And that way he doesn’t feel as though he’s feeling intimated in front of everybody and feeling they’re having to say what they think the parents want the child to say in order to be loyal to the parents.” (Foster carer)
Empathy and being non-judgemental

Other important qualities for panel members, primarily mentioned by adults but also by some young people, were being non-judgemental and empathetic. This was of particular importance for parents who had lost custody of their child(ren) and reported feeling embarrassed about their previous behaviour. This included some participants with mental health problems and/or addictions. Participants who were vulnerable in this respect were very positive about the way the panel members had listened and responded to them.

“...these panel members they were, they were alright, they were telling us that we were doing good staying off the drugs and like no me and my partner splitting up.....They were just like talking to us like as if we were human beings, they werenae like disrespecting us and we werenae disrespecting them. They were they would laugh with us like they were smiling at us, eh.” (Parent)

When participants felt they were being judged or that the panel members showed a lack of empathy, the impact on their feelings towards panel members was very clear. For example, they felt looked down on and disrespected.

“It’s the way they look at you.....They just don’t look at you nice. They look at you like they're better than you and they’re f****** taxi drivers. Come on! I hate it when they think they’re better than you.” (Young person, aged 16)

“Just, like they just treated me oh because she’s been on drugs and ‘cause she’s doing this and she’s got her wains taken were taken off her, we’ll just talk to her any way ...you’re wanting that respect then you need to gi’e me a bit of respect. Doesn’t matter what people go through in their life but it means they’re still human beings at the end of the day.” (Parent)

To counter this, both adults and young people suggested recruiting panel members from a similar background to some of the people attending hearings. It was felt that because they might be more familiar with the challenges participants faced, they might be less judgemental.

“I think they should be looking for people that understand people that are in my situation, like if you get a drug counsellor it could be somebody that’s obviously been an addict years before themselves, so they understand. I think panel members should be people that understand people that are in other situations and not judgmental.” (Parent, aged 29)
Clear communication and checking understanding

Participants valued panel members explaining clearly what was going on in the hearing and checking they had understood.

“It just takes a few minutes to turn round and say, “Do you understand?”” (Parent)

In contrast where this had not happened and participants had not understood what was happening, they reported feeling less comfortable and at ease.

“They didnae even explain half o’ what was happening to us...we were having to wait until we got outside the panel, and my Social Worker was saying to me, “Did you understand everything?”, and then I would say to her, eh? I was like that, “No. No this bit. No that bit. No this bit”. See, they didnae explain everything...They didnae make us feel as comfy as the last yins, coz I was really at .. at ease [with them]”. (Parent)

A recurrent theme was the importance of panel members being able to communicate with children and young people effectively. This included making sure the communication was age appropriate. Both parents and kinship carers offered examples of where this had happened. In general, people were very positive about the panel members’ communication style with children and the time they had taken to communicate with children and young people to ensure their views were being heard.

“[The chair] would bring something up, or something was in the report, and he would say to [the child], “How did you feel aboot this?...and that was good because [the child] was then...you know, because the hearing was about him, and it made him feel, people are listening to him now” (Kinship carer)

“...when we first went in there they spent about maybe 5 minutes talking to the kid....one of the panel members was, she spoke to them like really good Like just like asking them what their favourite toy was and what cartoons they like and how they were doing at school, what they were doing at school (Parent)

Though less common, there were examples given of panel members who were considered not to have been good at communicating with children or young people.
“...the chairperson wasnae really, like she didnae really know how to talk to the kids to be honest with you. I felt she was asking them questions like she would ask an adult, like my kids are 6 and 7, they’re still quite young and the way she was talking to them was as if they were like 12 and 13.” (Parent)

It was hard to get children and young people to comment on their understanding of what was going on at hearings. This could be for a variety of reasons, including not wanting to talk about the outcome or interview fatigue. However, it was clear that children and young people did not always understand what was going on.

“They just said it out loud so I heard but I didn’t...know...I don’t really understand the meetings.” (Child, aged 10)

“They just tell you the supervision order is such and such and they use all these fancy words but they don’t explain themselves properly!” (Young person, aged 16)

This view was supported by adult participants.

“...sometimes the jargon’s just a bit too much for these younger kids to understand...I would say under the age of 11, but even then I mean my young, my young lad that I had, he was 14 last year but he only looks like a 9 year old.” (Foster carer)

Effective communication on the part of panel members through careful use of language was seen as a way of enhancing children and young people’s understanding.

“They put it into words that I knew.” (Young person, aged 12).

How could the practice of panel members be improved?

As highlighted previously, participants were most positive about panel members who smiled, who appeared to listen to them and who were non-judgemental and empathetic. Although participants commonly felt that panel members were doing this well, this was not universally the case. In such cases it was clear that participants’ experiences could have been better if panel members had exhibited these behaviours.

“I think they need to get to know...the other people and the way they think and their beliefs and things like that as well, because there are people out there like myself, things have
happened that have been circumstantial and now...I’m not a bad mum do you know what I mean? I’ve had...breakdowns and excuse my language but I’ve had quite a lot of shit to deal with throughout my life and...we’re not all the same do you what I mean... I don’t put drugs or drink before my children. I’m just your average kind of person that just has quite a lot of stuff to deal with.” (Parent)

Another factor which it was suggested could contribute to a better experience was less bias towards social work.

“To help not take social work reports as gospel...try and realise that you know not everything that’s written in black and white...there are a lot of mistakes, there are a lot of errors, um...my social worker is still writing in my reports that my birth date is 1970...I was born in 1983.” (Parent)

A recurrent view amongst children and young people was that panel members were too ‘old’. It was suggested that younger panel members would be more likely to understand them better.

“I've never met anybody young. The youngest is probably 40! There's naebody in their 20s or 30s.....[I] Probably [would prefer a young person] because they're near enough your age so they'd be able to understand us[...]It’s all people that have been brought up like wains should be seen and no' heard! Then you get them basically saying you should'nae be doing this, you should'nae be doing that” (Young person, aged 15)

Both adults and young people commented they would like panel members to be from a similar background to them, or have attended hearings themselves in the past.

Adults held mixed views as to how effective panel members had been when reacting to aggression during hearings. One participant cited an example of a chairing member who had been very good at handling a difficult situation, stepping in at the right time when a parent was getting very upset and was behaving in an aggressive manner. This had been seen to calm things down effectively.

“...the chairman [intervened] because the mother kinda got a wee bit erratic, and he sort o' just defused the situation.” (Kinship carer)

However, participants also gave examples of times when they felt panel members should have intervened but had not. For example, a foster carer explained that she had to suggest
stopping a hearing as the behaviour of a parent was upsetting a child. This perceived lack of action prompted participants to suggest more guidance and training should be given to panel members in this area which would improve the experience of carers, young people and children attending the hearings.

“I’d want them to either tell him to you know watch what he’s saying or you know give respect. I think that the guidelines would be saying well okay if that’s the way you’re presenting yourself you’ll have to leave the room…on occasion if the chairperson [would take more of a leading role] so that when you are either getting...comments, and allegations made, or even when it comes to them being nasty towards a worker um...for them to take a leading role and stop it.” (Kinship carer)

Summary

Overall participants of all age groups were very positive about the panel members. They were described as friendly, professional, courteous and empathetic.

Many of the attributes mentioned in descriptions of what makes a good panel member related to having good communication skills. This included listening, encouraging people to speak and giving everyone a fair chance to have their say. Participants across all age groups reported that the panel members were good at this.

However the research also elicited less positive experiences where it was felt that panel members had not listened effectively. Adults in particular expressed concern about rushed hearings where they felt they had not had an adequate opportunity to voice their concerns. Adults also gave examples of panel members who it was felt had been more or only interested in social worker reports to the detriment of what they had to say.

While children and young people less commonly said that panel members had not listened to them, an important caveat is that it did appear that many of them found it difficult to articulate their experiences.

Participants generally felt that the panel members adjusted their language for different age groups and avoided jargon. However some participants experienced the opposite of this with inappropriate language used.

Panel members’ smiling was particularly important to children and young people. The importance of creating an informal atmosphere was also mentioned (e.g. through dress or having a sense of humour) and to avoid coming across as uptight or bossy.

Adults and some children reported being happy that panel members had not been judgemental and were fair in their treatment of different people involved. Less positive experiences where panel members were considered to have been judgemental or belittling were also offered.

(continued overleaf)
Summary (continued)

In the main, suggestions for improvement concerned the behaviour and approach of panel members. Two specific suggestions for recruitment and training also emerged. The first was to recruit panel members who had similar experiences and backgrounds to those attending hearings. In particular, young people consistently expressed a preference for younger panel members. The second was to provide training for panel members to enable them to be more assertive in situations where those attending become aggressive, including how to remove people from a hearing if they are upsetting others.
Chapter 4: Pre-hearing information and preparation

In this section, we present the research findings about the knowledge, understanding and experiences of children, young people and adults prior to the hearing. We look at the type and format of information received its relevance, how it is viewed and improvements suggested by participants. We also look at ways in which children and young people are prepared for the hearing beforehand.

Information received prior to the hearing

Procedural rules set out in legislation require the Children’s Reporter to provide the child and each relevant person (including any person deemed to have - or recently have had - significant involvement in the upbringing of the child) and any appointed safeguarder with a range of information in advance of a hearing. At a minimum, this will include a letter notifying them of the date, time and place of the children’s hearing as well as providing other information such as the availability of legal advice to the child and relevant person, the child and relevant person’s duty to attend the hearing, the right of the child and each relevant person to request a pre-hearing panel and information on how the child may express views to the hearing. This notification must be provided at least 7 days before the hearing is scheduled.

The rules also require that any report or other document prepared for consideration by the hearing, for example by the social work department, must be provided to the Reporter. The Reporter is then asked to share it with the child and each relevant person at least 3 days in advance, or, in some cases, as soon as possible before the hearing.

In practice, not all children under 12 years old are sent reports such as those prepared by social workers. However, they are able to request them. All children are sent a letter notifying them of the hearing along with a dedicated information leaflet for their age group (under 12 or over 12) and an ‘All About Me’ form. The All About Me form, which similarly has two age-appropriate versions, is designed as a medium through which children and

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6 A Safeguarder is a person, separate from the social worker, the Reporter and the Panel Members, who is appointed to make sure that a young person’s interests are looked after. A Safeguarder can be appointed by either a Children’s Hearing or a Sheriff. Not all children and young people need to have a Safeguarder.
young people can provide their views to the hearing.

**The notification letter**

The notification letter was usually the first tangible indication of an impending hearing for participants. As participants had often attended a number of hearings previously, this letter was generally not unexpected (usually due to outcome and actions of a previous hearing). The letter itself did not necessarily generate feelings of nervousness or anxiety in either adults or young people. Nervousness about the hearing tended to happen much later, on the day of the hearing once in the waiting room.

Adults who did have queries or concerns greatly welcomed having the option to contact the Children’s Reporter prior to the hearing. They commented positively on the inclusion of contact details within the letter and the offer to call and talk over any worries they might have. This was taken up by both a kinship carer and a parent who had less experience of the system and they were glad of the help and advice they received from the Reporter.

“I gave her a call (after receiving notification letter) just to find out a bit more, you know about all the wee things ...... because I hadn’t really known much about the children’s panel...” (*Kinship carer*)

Participants suggested that being able to contact the Children’s Reporter would be useful and there appeared to be a lack of awareness that this was possible or that the offer for participants to do so was contained in the letter. This highlighted the importance of ensuring such information is clear and highlighted (discussed further in Chapter 7 – Knowledge and Experience of Rights).

Although participants generally reported that the notification letter was clear and concise concerning the date and time of the meeting, there were comments about the timing of the letter. As noted above, the legislation requires that those attending the hearing must be notified of its date, time and location at least 7 days in advance.

One view was that the length of time between notification of the hearing via the letter and the actual hearing date could be short. This had resulted in parents, carers, young people and children feeling they had little time to prepare. This was especially true where a number of reports were included which required careful reading and perhaps discussion with their social worker. Indeed, the statutory requirement for circulating reports is at least 3 days in advance. In addition, adults, children and young people were generally unaware that a
request could be made for the hearing to be deferred to a subsequent date if they did not feel adequately prepared (see Chapter 7 for further details).

Concerns were raised regarding hearings being held during school hours. Although the need for this was understood, parents and carers talked about the potential adverse effects of taking children out of school on the day, although this was not mentioned by children and young people. For example, a carer was worried that this may exacerbate any feelings of stigma that may already be felt by the child due to the family/care circumstances, especially if their social worker visited the school to speak to the child or teachers.

One carer suggested that if the child’s attendance was required, it would be preferable for them to be excused from school for the whole day to mitigate such stigma whilst also allowing parents or carers to implement last minute preparation strategies with the child for the hearing. This approach could also allow for a post-hearing treat, felt to be especially important if the hearing had been traumatic in any way.

As noted above, the legislation requires that all children and young people required to attend a hearing are notified of that hearing in writing by the Children’s Reporter. One view was that sending such letters to young children was inappropriate particularly if the child was below reading age. Where this had happened, the parent or carer had been left with the impression that the Children’s Reporter had no real knowledge of their case files.

“…..well I mean he can’t read anyway- well he couldn’t read at that time…..they knew what age he was so I just find it a bit bizarre that they kept sending him letters.” (Parent)

Despite the statutory requirement for notification by letter and, therefore, a likelihood that letters were sent in all cases, examples were given where parents and carers did not recall receiving a letter. In at least some of these cases, they reported being told about the hearing via the social worker. This is feasible in certain circumstances – for example, if the social worker happens to have contact with the family and notify them of the hearing before they receive their letter, or if it is an emergency hearing arranged urgently at short notice. However such examples were not cited and participants had a range of views about being told by their social worker. While some were content, others were angry and were clear in that they would always prefer to be informed by letter. However, in both instances parents and carers were unsure why they hadn’t received a letter.
Pre-hearing reports

Participants also reported receiving a variety of reports prior to the hearing, either along with the notification letter or a short time afterwards. This ranged from one document detailing the decisions from a previous hearing to several reports prepared by a number of involved agencies such as social work, school, nursery, health visitors and, in some cases, the police.

Although adult participants were generally content with what they received, a variety of concerns were raised including timing, the size and repetitive nature of some of the details and the appropriateness of children and young people being party to the information such reports contain.

General perceptions of pre-hearing reports

Despite some specific concerns, all parents and carers generally welcomed the reports, understood the reasons for their compilation and for the most part found them beneficial.

"It is beneficial for people - like having a recording... who's saying what....so that when you get there you can have your say, if it’s the wrong thing that they’ve done or whatever..."  
(Kinship carer)

"It prepares you for what you're going up there for.” (Child, aged 11)

Young people appeared less likely than parents and carers to have read the report. One explanation for not having done so was that the report just included "stuff that I knew". In contrast however, another young person (15 yrs) had read his report because he felt the police were not being truthful.

Parents and carers sometimes felt that young people may not be keen to read the documents due to the upsetting nature of some of the details they contained. In such cases parents and carers were unsure why young people and children were given this information and encouraged to read some of the more difficult parts of their parents' history.

Although less common, participants also reported feeling that reports were hard to understand and difficult to read, leaving them frustrated.

"No the reports that I get they're quite like, see if you not very good at reading and stuff like that and it's ...it's a lot...it’s like mumbo jumbo basically, it would be better if it was put down like a lot better.” (Parent)
Timing of receipt

The legislation requires that reports are shared by the Children’s Reporter at least 3 days before the hearing. In some other cases it allows reports to be shared as soon as possible before the hearing. Concerns were raised about the timing of the receipt of reports. Participants expressed annoyance at the limited amount of time they were given to read and process the information and compile replies. This was especially the case where there was disagreement about the presentation of some of the facts within reports. For example, some concern was raised about sparser reporting of an incident than was perceived necessary.

"..If that’s not in the report then why isn’t it in the report to go to the panel because that panel should have that..” ..." (Kinship carer)

Although not a legitimate mode of delivery, and not one used by SCRA to deliver pre-hearing reports, in some cases participants said they received reports through their social worker just before the hearing. On the one hand, this was considered to be negative because it reduced the time available to read and absorb it and prepare for the hearing.

“Well honestly I didn’t feel very prepared because I didnae feel as if the social worker....as I said I dinnae feel as if she gives me the reports in time..... I get them literally a day before I go.” (Parent)

On the other hand, receiving the report via the social worker was welcomed because it had allowed the social worker to discuss the hearing in more detail when passing on the information.

There were instances of participants not having received the reports at all prior to the hearing. Whilst some were unconcerned about this others found it frustrating.

"The mum’s social worker she didn’t have no reports ready.....she handed them I think to the reporter that morning....no nobody else got to read them...we’re due to go back in 2-3 weeks again now...” (Young person, aged 13)

Where no report had been received, parents and carers attended the hearing without information which left some feeling ill-prepared. Although this was always considered to be detrimental, it could leave the adult feeling at a disadvantage, especially where the other agencies involved had sight of the report prior to the hearing.
"Well it's kind of like going in blind isn't it? You know you don't really know the past history of what's going on....with the child or children.....sometimes you are asked questions it makes you kind of feel a bit inadequate so you don't really know what's going on with this child..” (Foster carer)

In such cases, parents can request that the hearing is deferred to a later date. However, as will be shown in chapter 7, awareness of being able to make this request was generally low amongst children, young people and parents and carers alike.

Parents and carers believed that where reports were received only a few days (or hours) prior to the hearing, this should be made clear to the hearing. One participant reported having brought the timing issue to the attention of the hearing. In this case the social worker was chastised for not ensuring reports were also received in a timely manner.

"They asked (in the hearing). The social worker turned round and said that they tried to email the new reports but that they changed their email system and the panel member ended up arguing with the social worker...” (Young person, aged 16)

Report size and details

Interest in the reports themselves varied amongst parents and carers and young people (children are not routinely sent reports and certainly none reported reading any). While some adults had taken a great deal of time to read and consider all the information contained in the reports, others said they had hardly glanced at them, either because they believed they already knew what the report would contain or, in contrast, because of the sheer size and number of documents. Another criticism offered was that reports sometimes reiterated a number of previous reports which made for lengthy and tedious reading. The report was sometimes referred to as “the big book” and it was suggested that a folder could be provided and additional reports added to this rather than duplicating paperwork.

I don’t even open my packet.....what’s the point.....it’s always the same old rubbish.... you get about seven different papers with seven different names on it for the same person” (Young person, aged 16)

“You get a little letter and then .....it’s a case of right – I’ll be waiting for my book..it’s like classic.” (Parent)
Children & young people receiving reports

The Children’s Reporter is required to share reports with the child or young person about whom it concerns, as well as with each relevant person. In practice though, children under 12 years old are not usually sent these reports. Where reports are not sent, children are able to request them. The report writer must make an assessment of whether a report can be provided to a young person. If it could cause distress or it contains information that the young person should not know or is likely to be detrimental to them, they may advise that the report is not shared with the child or young person.

Participants commonly said that reports had been sent to young people. Two examples were also given of children under 12 years old being sent reports addressed to them – one for a child aged 4 years and another to a 7 year old. Varying comments were made about how appropriate this was. One view was that children and young people did not understand a great deal of the reports. It was also suggested that information in the reports could be upsetting for a child to read.

“He turned twelve he receives his own copy o’ the reports. But really...what I find really strange is my youngest one is seven and she gets a copy o the documents but you know it’s difficult for her to read it, but more importantly ....it’s difficult for me to try and explain what it’s about but she’s a very bright wee lassie..” (Parent)

One parent felt that the solution was to ensure permission was first sought from the parent or carer prior to sending the reports to the young person or child.

Method of receiving reports

Overall participants felt that the delivery of reports by post was the most efficient method. However, it was suggested that if address details were checked more regularly, for example proactively and as a matter of course by hearings centre reception staff when the parent or carer arrives, this would reduce the likelihood of letters or papers going to the wrong address.

“If maybe there was a service..to be able to check personally with people confirm addresses and things like that.” (Parent)

Whilst there was no enthusiasm amongst adults for the reports to be sent electronically, young people, who were more comfortable with electronic methods, were more interested in this option. However, there was no evidence to suggest that this would encourage young people to read the reports more often.
Disagreement about factual information

There was evidence of a lack of knowledge about what participants should do if they do not agree with factual parts of the reports. For example, there were instances where a participant disagreed with interpretation of the social work report and some frustration around how to explain this to the hearing. Others were more assertive, however, and raised disagreements at the hearing.

“If you’ve read it and there was something that you know for a fact that’s happened within ..the last visit there...which always happens to me....I want to talk on behalf of the kids because the kids are too young to talk for themselves. So if I think they’re in danger or something then I’ve got to speak....I’ve got to say ‘right I’ve seen the report but why have you no put this in’…” (Kinship carer)

The 'All About Me' form

The All About Me form is sent to all children and young people prior to attending a children’s hearing. It is usually sent by SCRA with the notification letter and accompanying reports. It is intended to give children and young people a means by which they can tell panel members how and what they are feeling. There are two types of form – one designed for over 12s and another for under 12s.

Very few children and young people in the sample recalled receiving this form and most who did had to be prompted before they remembered it. There appeared to be three possible reasons for this: the child or young person had not received the form; they had not seen it because the pack of documents in which it was enclosed hadn’t been opened; or the pack addressed to them had been opened by the adult and the form had not been passed on to the child or young person. The latter explanation was similarly cited by respondents in SCRA’s 2012-13 survey of children and families in the hearings system.7

Adults chose not to pass on the form for a number of reasons. First, it was felt that the child or young person was unlikely to complete it anyway due to unease, upset or difficulty reading and writing. Second, adults thought that all the information required had already been gathered by the social worker or themselves. In addition, the adult believed that the child in their care was too young to complete the form adequately.

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“I think there might have been one like that....yeah there was... there were several different ones, in fact it got to the stage I didn’t bother opening them.” (Parent)

Amongst those children and young people who did recall receiving the form, a wide range of reasons were given for not completing it. For some, the issue was that they were not confident they could adequately express their feelings on paper. This was particularly the case for younger children. Others had difficulty reading which made completion of the form difficult. This further contributed to the perception that the Children’s Reporter had not read the case files because if they had they would know that the form would be difficult to complete. Some participants simply said that they had “forgotten all about it” while others said they “had nothing to say”.

Amongst ‘older’ young people there was a widespread view that the form appeared “cheesy” due to the images it contained (cartoon characters) and the language patronising. This meant it was discarded after a brief review because it was deemed to be of no value.

“I didnae need them....it just looked like a waste of time” (Young person, aged 15)

“What these things I’m supposed to fill out myself?....straight in the bin!” (Young person, aged 16)

Only three participants had completed the form and they found it easy to do so. These children tended to be younger (9 yrs and 10 yrs) who liked the bright and colourful imagery and the smiley faces.

“I liked doing it – It was a bit of fun” (Child, aged 10)

The dominant view however was that the form was not perceived to be age-appropriate for most children and young people. Certainly younger children had more positive views about the form. For older children, especially those who had a good relationship with their social worker and saw them regularly, many of the issues on the form were covered during routine conversations and thus saw completing the form as unnecessarily repetitive.

When asked how the form could be improved, children and young people over the age of 12 years felt that the imagery on the form specifically for them was more suited to younger children. Furthermore, because they felt the purpose of completing the form, who would see it or how it would be used, were not made clear, they attached little importance to it. A
range of improvements was suggested including: making the form for young people more “adult-like”; ensuring that those too young to complete are not sent the form; and the addition of a ‘how to send this form back’ section with an email address.

The consensus was that if a vehicle to gather these opinions was needed, the form needed to be clearer and better designed, perhaps through co-production with children and young people.

**Preparing for the hearing**

Adults generally felt that it was very important to be prepared for the hearing, especially those who lacked experience of the system. A range of factors contributed to feeling prepared: receiving the reports in plenty of time; notification of the hearing date suitably in advance; the provision of a contact in the Reporter’s office to discuss any queries they may have had (as noted in Chapter 2. See end of Chapter 7: Knowledge of Rights, for further discussion of communication).

Some participants had called the Reporter to help them fully prepare. For others, little preparation was deemed necessary as they had attended so many hearings and the format or content of the discussion had changed little.

> “Well I was prepared because I had the minutes the week before it and I was ok with it actually. I was quite relaxed about it”. *(Kinship carer)*

Social workers appeared to be important to adult participants’ preparation. A good knowledge of the family, a strong relationship with parents and carers, consistent assignment to a case, regular visits to the family and submitting a report to the hearing were all perceived by parents and carers as making the social worker the best person to help them feel prepared for the hearing.

Preparation involved talking through what would happen at the hearing, asking procedural questions and discussing the likely outcome. Discussions also included what would happen if someone came to the hearing who might make them feel uncomfortable. Parents and carers believed such discussions meant there would be no surprises. One adult also mentioned that their health visitor had been very helpful in preparing them for the hearing.

Preparing a child or young person for the hearing could also take various forms. However, for some, little preparation took place. This was mainly because they had attended many times before and as such hearings were a regular occurrence and a known quantity. In these
cases the child or young person was just told where they were going.

“[X] just told me that I had a panel and I goes ‘it’s my supervision order?’ And she goes ‘aye’ I goes ‘right ok’…” (Young person, aged 15)

There was little evidence of preparation with younger children (e.g. those under 5yrs). They might just be told that they were “going to chat to some people”.

“I just tell him we’re going to speak to the ladies and a man …and he’s quite fine because he knows that you are there” (Kinship carer)

Other participants spoke to the child or young person beforehand to prepare them. This was deemed important, perhaps because the child would be seeing a parent who they did not see regularly or because the carer believed the issues due to be discussed needed to be talked through prior to the hearing.

“We just sat down and we discussed what would happen, who would be there and any time you know if you felt that you were uncomfortable and you didn’t want to be there, then either just look at me, put your hand up or just say you know you’ve had enough..” (Foster carer)

Adults with less experience of hearings had called the Children’s Reporter before or after talking to the child or young person. In other cases a safeguarder or social worker had spoken to the child.

“we had the social worker at the time and when she came out she explained to us what was happening. I phoned the reporter myself just to see what was going to happen. She was very good. She explained everything to me..” (Kinship carer)

A view amongst parents and carers was that the paperwork received prior to the hearing could be clearer about who else may be attending the hearing, particularly those linked to the family (as opposed to individuals representing the school or police). In some cases this was not clear until the day of the hearing and necessitated separate waiting rooms for family members to avoid conflict. Having to explain this to children and young people on the day was not believed to be ideal (see further discussion in Chapter 5 in the section on Attendance and in Chapter 7).

“Let all the children be aware of what’s going on in there, who’s coming, who’s going to be
there...I’ve got a violent ex-partner....he was violent towards the children as well and he was allowed to sit in that panel with them. He’s allowed out for the day to come down to that panel..... the children were so intimidated by him” (Parent)

Conflict between the rights and wishes of adults and the rights and wishes of children and young people is discussed further in Chapter 7.

A view amongst some adults was that they would prefer the Children’s Reporter themselves to come out and help them prepare, perhaps because no social worker had been allocated to the family or where the relationship with the social worker was poor.

“The letters ....all very clear...it would be better for somebody to actually come out. Sometimes if people are going in for the first time it can be quite scary, especially for young children.. (Parent)

One suggestion was that it would be helpful to enable children to view the waiting room and hearing room prior to the appointment date. In fact, this is an option currently available but demonstrates a further entitlement about which few children, young people and adults were aware.

“I know that a lot of them are young and it can be frightening... but even before the day, an arrangement could be made that they could go in and see the surroundings they’re going into; not necessarily even seeing the panel but you know just get a feel of where they’re going..” (Parent)
Summary
Participants were generally happy with the content of their pre-hearing letter and felt it was a suitable way of informing them of the time and location of the hearing. Sometimes the letter and accompanying documentation did not arrive in enough time to allow preparation for the hearing. This was particularly problematic when there was a long report. In other cases the letter had not been received. There was some mention of pre-hearing letters and reports being sent to very young children. This approach created a negative impression of the system amongst those affected.

Having to attend a hearing during school hours was perceived to be potentially stigmatising. One suggestion was to allow or encourage a full day off for children and young people. This would give the adult time to prepare the child or young person and spend time with them afterwards if the hearing had been difficult.

Adults were broadly positive about the pre-hearing reports, saying they were the right method of communicating information ahead of hearings and helped them prepare. However, they were not always read sometimes because people felt they knew the content anyway. Few of the children or young people, if any, appeared to routinely read the reports. Some parents found them difficult to read.

Reports could be very long and were thought to be unnecessarily repetitive. One parent suggested that a folder could be used instead with updates provided rather than the same history being included in each report. Some adults and young people disagreed with the content of the reports. However there were no examples of participants contesting the details or submitting information before the hearing and there was little knowledge of the right to do so. A belief that the content was inaccurate contributed to a perception that what social workers wrote in these reports had too much influence over the hearing.

The All About Me form had been seen by very few of the children or young people. The form was poorly regarded, particularly amongst young people, and hardly used. A more age-appropriate version was suggested as being necessary, along with the provision of details on who would see the completed leaflet and how it would be used.

The opportunity to talk about the hearing was important for adults to feel prepared. Social workers were crucial for this, but Children’s Reporters, health visitors and safeguarders had also been helpful in this regard.

Preparation was not always deemed necessary for children, particularly those who were very young or had been many times. For others, discussion with a parent, carer or social worker was important, especially if they had not been before or if a change was likely.
Chapter 5: The children’s hearing

This chapter considers participants’ views and perceptions of the children’s hearing itself. People attended hearings for a variety of reasons and this, along with their experience of the system impacts on their attitudes and perceptions of the hearing.

Adults, young people and children all reported being nervous, scared or anxious on the day. Whilst it was clear that they would rather not have to attend they understood that panel members were there to help them. However, there are touch points on the day of the hearing which could cause upset.

In this section we discuss findings about: the timing of the hearing; the room; attendance; chairing member responsibilities; perceptions of the role of the panel member; and how involved everyone feels in the process.

The times and places of hearings

The waiting room

Waiting for the hearing to start could be stressful. This was compounded when sharing a space with family members with whom there is some conflict. So when participants were asked about improvements, having a separate room available for situations when there was conflict between family members was high on the list. Whilst this is available in most hearings centres and is requirement of SCRA’s Property Strategy, it is clear that participants did not always perceive this to be the case.

“The only thing that I would say was that because we were in one room with the mother and the auntie and it was an awkward situation...there were no words...spoken at all...that’s what made it uncomfortable, because the mother was there, the auntie, and [the child] but they didn’t speak to [the child]. So I would rather had [the child] not in that situation. I would o’ rather had them two in another room.” (Kinship carer)

The hearing room

There was a prevailing perception amongst parents and children alike that the physical attributes of the room made it quite formal. Participants talked about “the big table” and “the big room with lots of chairs”. Some were more positive than others.

“It’s like an interview room isn’t it really...just a big table” (Kinship carer)
“It was fine...it was lovely...the panel sat in front of us and then we were sat in a sort of horseshoe round it and everybody got to choose where they sat...” (Kinship carer)

In some hearing locations, the hearing room could be somewhat small, especially if the hearing required attendance by a number of agencies and family members. In these circumstances participants referred to the awkwardness of taking notes due to the sheer number of attendees and the size of the table.

Parents and carers mentioned feeling nervous or anxious upon entering the room, though were more comfortable or relaxed once inside. However, this settled feeling came from the friendliness of the panel members rather than the physical surroundings. Amongst more experienced parents and carers, the physical attributes of the room were less noticeable.

“It’s comfortable...it’s a comfortable environment..it’s a friendly environment. They have toys there for the kids..they are all very..how could I say... people friendly..it’s positive..” (Kinship carer)

“They couldn’t have been nicer...more welcoming...and as I say...relaxed. It was a very relaxed atmosphere which was good for ..[the child] and good for us all too, coz going into places like that you do feel a wee bit nervous but – no – everything was very relaxed.” (Kinship carer)

Children talked about the formality and standardisation of the room. This was especially true of younger children, under the age of ten, who found the room ‘boring’ - though this may also be due to the nature of the discussion. They spoke of the difficulty of talking in the “scary room”. The toys, drawing books and pens went some way to easing this boredom and fear but some children believed the choice of toys was suited to much younger children. With no distractions, boredom led to agitation and desperation to leave the room.

“It’s boring...just silly adults playing... it started to get a bit boring.” (Child, aged 7)

“..’cos all what you have to do is sit down.” (Child, aged 9)

A few suggestions were made by children, young people and adults about how the physical environment of the room could be improved. The most common suggestion was to generally make the room more child-friendly and less formal. It was suggested that this would help children feel more comfortable and make it more likely that they would feel able
to talk freely. Having toys, games and books suitable for a wider variety of different age groups was one way it was believed this could be achieved. The benefits of this were seen to be two-fold. It would lessen the worry for parents and carers who would be more relaxed knowing the child was occupied and the child(ren) would be less likely to disrupt the hearing due to boredom.

“(what would make it better?) Books,...toys...games....PlayStation...iPod.....” (Young person, aged 13)

“What could make the room better? Well seeing as it’s about children I think they could make it a bit more child friendly ...” (Foster carer)

Providing paper and pens for all attendees was thought to be a good idea as due to nerves some people could forget some of the things that were discussed. Another suggestion from one child was that the walls could be decorated with posters drawn or painted by the children themselves.

Delays to the hearing
The prevailing view, certainly amongst adults, was that most hearings start at the appointed time. Where there had been a delay, participants recalled being kept informed either by the receptionist when they first arrived or by the Children’s Reporter once they were in the waiting room. Delays mentioned ranged from 10 minutes to 1.5 hours. In a few cases the hearing had been re-scheduled for another day. Being notified and updated about delays and given reasons for this (when it happened) was appreciated and was accepted as a necessary part of the process which would inevitably happen on occasion.

“Actually the people in the building were really, really good. There was one time when the hearing didn’t start for a wee while.. and the lassie behind the kiosk came through with a cup of tea for me which was really really cool.” (Parent)

“Maybe they had been held up before that...I don’t know...but that’s to be expected at these kind of things.” (Kinship carer)

Only when the delay has been due to procedural or administrative matters - including late supply of reports - or when the hearing had been cancelled, did participants express annoyance.

“Two of them were deferred because he presents lengthy documents on the day of the
Views and experiences of the Children’s Hearing System

“hearing...so twice the panel didn’t go ahead..” (Kinship carer)

“The panel themselves didn’t have the paperwork and they were actually quickly reading through the notes.” (Parent)

Where the child involved was young, delays could result in a fractious toddler. Such difficulties were not restricted to toddlers though and teenagers could also become angry when the hearings were delayed.

“He would say if this meeting doesn’t hurry up I’m gonna walk ...he’d have that bravado but he’d also have that frightened attitude and it like I don’t wanna be here and he gets agitated ‘cos they’re sitting for so long.” (Parent)

**Attendance and attendees**

Frequently, children, young people and adults attended the hearing with a social worker and sometimes a lawyer. There was little awareness about who they could ask to attend with them for support. In general, one or more of the following people was mentioned when asked who else was in the room.

- Social Worker
- Lawyer
- Parent(s)
- Siblings
- Grandparent(s)
- Aunts/Uncles
- Carer
- Support Worker
- Head Master/ Guidance Teacher
- Family Centre Worker
- Prison Officers
- Safeguarder
- Health Visitor
- Representative from Home Start
- Advocacy Group

Although participants generally felt that those who were in the hearing room should have been there, some exceptions to this were given. In addition, the necessity for the child to attend was sometimes questioned.

“It’s got its pros and cons..because sometimes you want them to see how healthy they’re looking or how they’re presented and what has been happening. I think you would have to look at each case individually to sort of say whether you wanted the kiddies to be there or not” (Kinship carer)

Such a view was voiced, for example, where a further hearing was scheduled shortly afterwards.
“... then the child who is just coming up for 14 is like well if youse are taking record of it can you just not show the new ones at the next meeting? And they’re like no we think you should just come along. They need to come and as [the child] put his point across – I’ve just told you I’m no going to change my opinion in the next two weeks can you give it to the next reporter – and they’re like no – you need to come”

(Kinship carer)

Where some of the discussion could be upsetting or cause anger, adults felt that a better way should be sought for panel members to obtain the child’s view. Attendance at the hearing itself was believed to be potentially traumatic both on the day and afterwards.

“...mummy’s shouting...mummy’s banging the table..and granny’s shouting at Mummy..and Granny’s shouting at X..So you know obviously the kids might get upset. So sometimes I think ‘Yeah you want to see that the kids are there, and see what the kids have got to say for themselves’ but other times I’m like that ‘Oh is it a good place for your kids?’ I don’t know.”

(Kinship carer)

The child and relevant persons are entitled to bring someone to the hearing as a representative. As a result, in some cases hearings include people who participants believe should not attend.

“My ex-partner’s NHS worker (shouldn’t be there)...she’s just came into it like came into his life ‘cause he’s focussing on his drug workers and that and he just asked to bring her...it’s like for counselling “cos she really didn’t know a lot about our family.” (Parent)

Furthermore it was argued that in some cases that children and young people cope better when there are fewer people in the room. This view was also supported in the recent Education and Culture Committee report⁸, highlighting the importance of including as few people as possible in the hearing to ensure it stays centred on the child or young person.

“I think just the people that’s important (to be there) obviously the social worker and I think the school really don’t need to be involved. I think if they just send a report and the less people the better... it doesn’t make it so daunting.” (Foster carer)

Particular concern was expressed about people who have been excluded from the child’s

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life still being able to attend the hearing (because they had relevant person status and are therefore entitled to attend) and find out information about the child’s (and carer’s) current situation. The concern was that this personal information could then be divulged outside of the hearing by that person.

“I was kind of annoyed about that..the fact that ...relevant person in a child’s life but then has been stopped from seeing the child is still able to come in and acquire information...for me not so much to do with my child but with my current circumstances she obviously carries that back to people within the community...” (Parent)

There was another view that, at times, someone important was missing from the hearing.

“Cos it was the summer holidays they [the school] sent in a report....I would’ve like them to be there because it’s always been me that’s going up to the school and getting information off the school and that and they werenae there to like talk for me and my ex-partner was like saying that the school wisnae taking up to do with them but he wisnae going up anyway so it would have been good for like them to be there so they could have told the panel members that” (Parent)

**Notification of attendance**

Whilst the Children’s Reporter will know who has been notified of the hearing, they do not necessarily know in advance who is going to attend. Thus, pre-hearing notification regarding who else would be attending (apart from the panel members, Reporter etc.) appeared to be informal. It was often the participant’s social worker told parents and carers who else was going to be in the room.

Where there had been upset at the hearing due to the appearance of a parent for example, parents and carers felt that if they were told in advance through the social worker, it would have been easier to prepare the child(ren) if necessary. Alternatively, they may have been able to ask for separate waiting areas to reduce the risk of conflict between the parties or reduce emotional anxiety that the children may feel.

“Another room would o been handier or are at least to be informed that she was gonna be there...so that he (the child) didn’t just go in and there she was..” (Kinship carer)

For one participant who was reluctant to be in the same room as a family member there appeared to be no other option.
“When it came to it...if we didn’t go into the same room then we were not going to be part of the panel...they couldn’t ask him to leave apparently” (Kinship carer)

Parents and carers gave examples of meeting someone in the hearing room who they did not realise was required and they had not been told would be there. This led to awkwardness, embarrassment and in some cases conflict.

“The children were really upset wi’ their father coming in from prison. They got really upset and had to leave the room. One o my girls was violently sick that day as well. And one was crying and very hysterical and had to get taken into another room. So I just felt as if that was a bit intimidating for them..... Reliance people sitting there with their dad....And then him getting taken away in the van again in the handcuffs and stuff like that..it’s just so upsetting for the children..” (Parent)

There were also examples of being notified in advance that certain parties would attend, but who would subsequently not turn up. In some cases this meant the hearing could not go ahead (for example if a social worker was ill). In other cases the hearing proceeded without the party in question - often it was a parent who failed to attend.

Parents and carers appeared to be mostly unaware that they could speak to the Children’s Reporter in advance including to discuss possible solutions regarding attendance.

**Chairing member responsibilities**

Participants were asked about whether the chairing member fulfilled their role in the hearing. This included introducing everyone in the room, explaining the purpose of the hearing, checking everyone had received and understood the reports and confirming with the child or young person that the reports reflected their views⁹.

The overwhelming view was that the chairing member did fulfil these roles. Indeed, participants who had been to hearings several times felt that chairing members were consistent in their approach.

“... they were fairly consistent they’d obviously had similar training because every single meeting was pretty much the same as it had been before, so a good deal of consistency...the format was always almost identical, what they said was always almost identical.”

(Parent)

⁹This last duty only applies to hearings held under the Children's Hearings (Scotland) Act 2011 relevant from June 2013, and thus would have only been experienced by a small number of participants.
Participants generally recalled “the chair” introducing the process or at least identified that there was someone leading the process whilst perhaps not remembering their name or title.

“Oh yeah...I knew the difference I didn’t know who they were but I knew the Chair...they all introduced themselves at the beginning of the meeting.” (Parent)

“Yes...it’s usually the one in the middle usually introduces the other two.” (Kinship carer)

Young people and children were less likely to remember the introduction process in detail but could identify the chairing member from the hearing when prompted by the researcher.

“I don’t remember their names...they all introduced each other...I think it was the person in the middle.” (Child, aged 9)

Young people and children recalled having to introduce themselves, although they were often embarrassed about this. This seemed to be exacerbated by a lack of understanding as to why they had to do it. Parents and carers on the other hand saw the benefits of such an approach.

“They pointed to you and you then introduced yourself.” (Young person, aged 13)

“Aye...it [introducing himself] was embarrassing.” (Young person, aged 14)

The chairing member always explained the purpose of the hearing at the beginning of the meeting and ensured all participants understood what would happen. Parents and carers and young people understood this process and why they were there. However, younger children were less likely to either recall this part of the process or understand exactly why they were there. In some cases they were also confused about why other people were there.

Panel members regularly checked with participants that they had received and understood the report and that it accurately reflected their views. However, as discussed previously, in some cases these reports had not been received or participants had not felt they had sufficient time to read them. Panel members intervening or commenting about this was viewed positively by participants.
“On one occasion there was the social worker I think she’d been off sick and the reports weren’t done when they were supposed to be and we got handed them ten minutes before the meeting and the panel made it quite clear that that’s not on.” (Kinship carer)

However, there was little mention of panel members subsequently asking participants whether they felt prepared enough to proceed with the hearing.

Perceptions of panel members' role

The role of a panel member was clearly understood, appreciated and almost unanimously described in positive terms, even by those who at some point had their child(ren) removed from their care.

“..Obviously to do their job and make sure the children are safe...and if they didn’t do that, they could ...... the children’s be like going away and not being safe wi’ anybody. It’s their job tae dae that...and I’m glad they’re there to do that.. Cos at one point I was in a bad place..and they did [the children] need help...and I’m glad they [panel members] were there to give me that help.” (Parent)

“They are there do their job and they do it well.” (Kinship carer)

The panel members’ responsibilities towards the child were central to how their role was defined by participants.

“The role of the panel members I would say is just well.... from what I believe is to look out for the welfare of the child and to look at the legalities of the system.” (Parent)

“Well they’re there for...for what’s best for the weans..” (Parent)
Summary
The waiting room was generally considered to be fine. However, it was suggested that there could be a separate waiting room or different arrival and leaving times in cases where there was potential conflict between those attending.

Hearings generally started on time. However they did sometimes start late and two participants reported that it had been necessary to reschedule hearings.

In general participants felt the hearing room was adequate if a bit too formal. Suggestions to help make it less formal were more toys and pictures on the walls. Some hearing centres had rooms which were quite small and became cramped in cases with a lot of attendees.

It seemed that children could become quite disengaged during the hearing. While there were positive comments about the toys and books that were provided, it was suggested that they only really catered for younger children.

Notification of who was going to attend was inconsistent, with some informed by social worker but others not. Participants who had not been told who would attend said they would have appreciated notification.

Adults consistently reported that chairing members demonstrated a professional and consistent approach to their duties. Children and young people often did not like introducing themselves but adults were more positive about these formalities and the way the chairing member usually made sure everyone understood what was happening.

Participants also had a clear understanding of the role of panel members and saw them as consistently working in the best interests of the child. They were consistently positive about them, knew that they worked on a voluntary basis and appreciated that it was a difficult job.
Chapter 6: The decision and after the children’s hearing

In this section we look at participants’ awareness of the hearing decision, how they felt panel members had come to the decision, how it was explained to them and how they felt about it as well as what happens after the hearing.

In general, both parents and carers and children and young people had been informed of the outcome of the hearing - that is, the decision reached by the panel members at the end of the hearing. The decision was rarely a surprise for those involved either because they knew what to expect from previous experience, because it became apparent during the hearing or because their social worker had discussed the recommendations in the report beforehand. Consequently, very few were anxious about the decision.

“It’s quite obvious because you have listened to what has been said”
(Kinship carer)

“Before the hearing social worker explained why they were calling another or they were asking for another hearing ‘cos they didn’t want to be involved anymore. On that occasion the 3 panel members all sort of gave me their judgement at the end of the meeting...so I suppose you could say everybody explained it..” (Parent)

Explaining the decision

Participants usually felt the decision had been explained to them clearly and in simple terms by the chairing member. Even where the participants had disagreed with the decision, they acknowledged the reasoning behind it, and the information that had been used to reach the decision, and felt that it had been communicated in a non-patronising manner.

“Yeah they did explain why I had to go back (to another hearing)
(Young person, aged 13)

They went right fae...like right doon to the last detail wi’ the decision and everything. It was explained perfect.” (Parent)

“They were explained pretty clear...and I understood what they were saying.” (Parent)
There was a view amongst parents and carers that when the decision was being explained to them they were given no opportunity to highlight concerns about misunderstandings which had occurred during the discussion or any other particular issues. This view was associated with unhappiness about the hearing’s decision.

“Yep...I didn’t think they listened to me...they just told me I could appeal it...and then that was the end of the panel.” (Parent)

“At the end of the meeting, I’m sort of putting my hand up to speak and they said..’oh no. We can’t deal with you now. You have to take it through the appeals process’ and I’m going..’wait a minute’......I felt really belittled as if to say...’well all I’m asking you to do’...or what I was trying to ask them to do was to re-explain what the question was to A ‘cos he sat there looking at me with this face that went ‘I don’t understand’ and he thought he was being big and brave....but he totally misinterpreted the question.” (Parent)

Similarly, although not typical, concern was expressed by some of the parents and carers and young people that the decision had not been explained to them clearly enough. Where this had happened, the participant felt disempowered because it meant they had they left the hearing somewhat confused or unclear about the reasoning behind the decision.

“They just said this is what we’ve decided and that was it over...not a long panel” (Young person, aged 12)

“They didn’t really explain it, they just says like you’ll get unsupervised access, they never really explained anything it was like we went into the panel and it was finished within 30 minutes..” (Parent)

It was clear that explaining the decision to children and making sure that they understand could be difficult in some circumstances. One view amongst adults was that the hearing could have explained the decision better to the child or young person.

“It depends on the actual family situation. Can’t speak for everybody but the ones I felt when I was in, I felt some o them could have been a lot more explanatory to the child.” (Parent)

Where children had been too young to understand, the chairing member had understandably not asked them directly about the decision, or had suggested that they
leave the room whilst the decision was explained to the parents or carers.

“They never tell’n me anything”. (Child, aged 7)

“In fact no they never (explained to the child) I mean they did stop every time and ask her if she understood...” (Parent)

“The children are too young so they dinnae explain anything to the children. It was mainly me and the children’s stepdad they explained it tae...and well the social worker and my health visitor an’ that as well. They explained to them.” (Parent)

The decision making process was generally perceived to be transparent. Participants commonly reported the three panel members discussing the decision in the room with all agencies and participants present.

“...because they go through it and each panel member is asked ..you know.. for each part...do you agree with this...do you agree with that...? And then its addressed you know...that is the decision so that’s usually clear. Each panel member says their view and then they say I agree with so and so...or they might say they disagree!” (Kinship carer)

A less common view was that panel members should leave the room to make their decision and then come back into the hearing room. It was suggested that this could give an impression that a considered decision had been made.

**Feelings about the decision**

Feelings about the decision at the hearing were obviously affected by whether the decision was a deemed positive by the children and young people and parents and carers involved. Even when they felt they knew what the decision would be in advance, for example, because of their social worker’s recommendation, there was still a sense of relief amongst parents and carers who were both satisfied at the outcome and at the way it was communicated.

“just felt relieved...took off it...I’ve no to go back...just relieved I dinnae need to go in and wait again” (Young person, aged 16)

“They came to the decision that there were expected to come to so I was quite pleased about it.” (Parent)
Regardless of the outcome, parents and carers and young people usually felt the decisions were fair and that panel members had made their decisions on the basis of reports and having taken into account what lots of different people had said at the hearing.

“..they give their views individually and then collectively they kind of agree with each other so therefore you know what’s happening, so yeah..and usually it’s fair because..there’s no other way it could be.” (Kinship carer)

“To be fair I thought personally they were straight to the point with everything you know it just was’nae like I’ll take the social worker’s side...this side or that side. But she also made a point as well which I quite liked that it does’nae mean my opinion is right. I want to hear what you’s say, I want to hear what you feel you know?” (Young person, aged 14)

Even when the decision had not been necessarily what the participant had been hoping, on reflection they could usually conclude that the decision had nevertheless been fair and it had been what was best at the time.

“I think it was just at the time because I was emotional and I was pregnant as well so obviously I think their decision was right now but at the time I felt it was unfair.” (Parent)

Children, young people and adults also reported being upset about hearing decisions but this was particularly so for younger children. While to the parent or carer, a decision may have seemed fair, to children, who were unclear or did not understand the reasoning behind the decision, it could be seen as unfair and confusing.

“The bad thing? Saying that we can’t....we cannae go doon tae mum’s any more for overnights. We have to go doon once a month and I don’t want to do that... there was no good thing (about decision).” (Child, aged 7)

“Felt sad...because they never let us go to our dad’s house for contact.” (Child, aged 9)

As noted above, participants tended to perceive decision-making to be transparent. Nevertheless, there was some evident unhappiness about the weight of influence social worker views had with this sometimes perceived to have taken priority. One view was that a decision had been made before they had even entered the hearing room. This led to cynicism about participation in the hearing discussion and meant those affected were less
likely to engage in that discussion, feeling that the value of their opinion had been diminished.

“Because they read a bit of paper and they make it (the decision) before you go into the room....before you talk... Aye.....they just talk to you for the hell of it because they’ve already made their decision.” *(Young person, aged 16)*

“I think probably just what’s been written in the report from the social worker and that they probably feel that if they allow that person home and anything happens then they would be responsible for it, so I think that they attempt to take the side of the social worker.” *(Foster carer)*

Some parents, carers and young people felt they were not as involved as they could be, believing the hearing was more concerned to listen to the social worker, both through the pre-hearing report they had written and in the hearing itself.

“Like the social worker can make everything worse..like they write a report but then they make it worse when they’re in the room. panel members have read the bit of paper, they look doon at you because they’ve read that bit of paper.” *(Young person, aged 16)*

“I just feel like I’ve been judged already you know...I’ve tried to say things to people I’ve had comments made back and it’s like well that’s not what the social worker has said or whatever.” *(Parent)*

There was a clear view that the process should be child focused. Where participants felt that the process had been more centred on the views of social work, this had undermined the process and made them annoyed as they felt it had not been in the child’s best interests.

“Depending on reports above listening to the child? Sometimes, I feel some o’ them don’t read the full picture, and they’re very quick to judge than listen to the actual, you know, what the child wants to say, especially if the child’s very frightened to speak, like [the child] was.” *(Parent)*

It is nevertheless important to bear in mind that perceptions of the hearing’s decision could be influenced by unhappiness with the decision.
Appeal process

Participants confirmed that the chairing member had explained to them about the appeal process. An appeal was generally not deemed necessary because the outcome of the hearing had been accepted. However one participant felt there was no point in appealing.

“I think I could do that (appeal) but like ...there’s no point doing that because they’re not going to listen...they’ve already explained why I need to come back.”

(Young person, aged 13)

After the children's hearing

After the decision had been made and participants left the hearing, children and young people were usually taken back to school and/or to enjoy a post-hearing treat. There was sometimes brief discussion with the social worker, but the extent to which this happened varied.

“I think I spoke to the social worker ...probably the health visitor as well. The social worker explained that that would be it unless there had to be a further LAC review after that...but she didn’t know whether there would be or not.” (Parent)

For one family, the decision at the hearing had been incredibly upsetting and had necessitated a chat with the social worker.

“They were..they got took off..they just got taken straight off me...never got a chance to say cheerio and they were ..burst into tears and all that. I sat down with the social worker and we’ve planned like rehabilitation back into the house.” (Parent)

However for others there had been no further contact with social work after the hearing, although this may have been due to supervision being terminated at the hearing.

“Nothing’s happened...I don’t have contact with the social worker or that any more. I’ve finished up with them now, so I’ve just been getting on with things for me and my girls.” (Parent)

Procedural rules require that the Children’s Reporter supplies the child, relevant persons and any appointed safeguarder with a notification of the hearing decision within 5 days of the hearing. Participants usually waited until they had received the letter outlining the decision, and any action to be taken, before making any other decisions, for example about whether to appeal. However, submitting an appeal to the Sheriff was not common amongst
the participants.

Post-hearing action generally involved ongoing weekly contact with a social worker. Some parents and carers reported having meetings with a health visitor and maybe a family/support worker to discuss the hearing and any actions that needed to be taken. In some instances next steps may have necessitated a meeting with the participant’s solicitor.

**Post-hearing letter**

In general, participants were happy with the letter, its contents and the clear and concise way it was communicated. A formal acknowledgement of the proceedings was welcomed. Most participants had received their letter by the time we had interviewed them although on some occasions it was still to arrive.

> “The letter...is just..it feels like a standard letter you know..that just says what was mentioned, the decision and the reasons, the answers to the panel members and that was what was basically said in the letter.” *(Foster carer)*

> “For me personally it’s good because I file all my information...obviously I’ve had to do that to keep myself straight you know..the social work reports and things..So being able to get a decision just to keep yourself kind of up-to-date and keep everything in a kind of dated folder so..everything gets put in there...” *(Parent)*

Some participants mentioned that they were supposed to receive the letter within 3-5 days of the hearing but that this did not always happen\(^\text{10}\). Such delays had an obvious impact on exercising their right to appeal, which is time-bound (discussed further in chapter 7).

Children and young people were less likely to recall receiving the letter. In some cases though, this was due to a parent receiving it on their behalf.

In one case there appeared to be discord between what the social work department had understood to be the decision of the hearing and what the actual decision was. This highlights the importance of the panel members fully checking that everyone understands the decision.

> “there seems to be a lot of crossed wires of what the letter fae the panel – their decision – and what the social work are thinking. I was led to believe that C was to participate in

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\(^\text{10}\) Procedural rules require notification of the hearing decision within 5 days
activities if there was going to be any contact...going to the park...going oot...doing things...and its only happened a couple of times..I was also led to believe that S wanted to have contact but since then I have been told fae a couple of social workers that it’s what C wants. In the timetable that they gave me about the contact it’s what C wishes to do. I thought it was doon to what the weans wanted to dae.” (Parent)

Support after the hearing tended to come from the social work department. Indeed, this contact was often already established.

Young people were less likely to want to talk to anyone after the hearing, but knew they could talk to their social worker. Parents and carers however believed that young children did need support both pre and post-hearing if the process had been traumatic in any way. Some parents and carers expressed disgruntlement with the social worker’s support post-hearing.

“The social worker she came back to see us and again she just reiterated what the panel had said..you know...he was under a supervision order- and then she would see him on a regular basis and if he had any worries or anything that..that we had not to hesitate and contact her.” (Kinship carer)

“I think that somebody should like..if the children are like definitely getting taken off their family and you know what that’s going to happen I think that maybe a couple of days before that somebody coming out and speaking to the kids and the parents.” (Parent)

“..eh....not useful at all. I don’t see her like with now for the past two weeks. I’ve been seeing her recently but like when the kids were taken into their gran’s care..I wasnae talking to her as much and stuff like that..she wasnae phoning me to let me know how the kids were doing .....I’d leave a message and she wouldnae get back to me for about a week...two weeks...” (Parent)
Summary

The decision was rarely a surprise and participants were generally either happy with it or at least understood the hearing’s reasoning. Participants usually felt their thoughts had been taken into account and that the chairing member or other panel members had clearly explained the decision and its implications.

Unsurprisingly, those who were most pleased with the decision tended to be more positive all round about their experience. However, even those who were not pleased with the decision felt that the hearing had been looking out for the best interests of the child and understood why they had come to a particular conclusion.

However some adults, children and young people felt that not enough information had been given on what the decision meant for them and were unhappy that they had not been given an opportunity to ask questions once the decision had been made. Sometimes the decision had not been explained in terms the child or young person could understand.

There were also cases where people did not agree with the decision the hearing had made. Some believed that the hearing had paid disproportionate attention to what the social worker had said or had even that they had made their decision before starting the hearing based on the contents of the reports.

After the hearing participants generally spoke to their social worker about it at some point, some right away but others during their next meeting with them. Some participants did not feel their social worker offered sufficient support or that they had a good relationship with them.

Others did not speak to anyone at all after the hearing – young people in particular were less inclined to want to talk about it.

Participants were generally happy with the content of the letter received post-hearing and some said they liked to have the decision in writing. However, in one case there was some confusion with the letter not matching what social work thought the decision had been.

As with the correspondence before hearings, the letter was often received quite late, in some cases delaying participants’ ability to respond to the decision.
Chapter 7: Knowledge and experience of rights

Background

In the final section of each interview, we asked about participants’ awareness of their rights within the Children’s Hearings System, how they knew about them and their experience of putting them into practice. This was a complex area to explore for a number of reasons.

First, the rights which people have vary in terms of their basis e.g. some are legal or procedural rights while others are requests which can be made to the hearing. Second, the rights of participants vary. Adult participants do not necessarily have the same rights as children and young people and the rights they do have vary according to their status, i.e. whether they are recognised as relevant persons or not. Third, the Children’s Hearings (Scotland) Act 2011 introduced some new rights, particularly in relation to Pre Hearing Panels and Relevant Person status.

Children and young people attending hearings have a range of legal rights to ensure that they are prepared and able to participate in the hearing. These include the right to:

- Bring a representative to the hearing with them. This could be a friend or family member, a lawyer, an advocate or someone else.
- Appeal against the decision of the hearing within 21 days from the hearing.
- Request a review hearing after 3 months.
- Complain if they are not happy with how they have been treated by SCRA staff or panel members.
- Ask for a pre-hearing panel in advance to consider if they should attend the hearing or if someone they know should have relevant person status.
- Send in a report to be considered by the panel members.

Children and young people may also make certain requests in relation to their hearing. However, the decision on whether these requests are met lies with the hearing. For example, they may:

- Ask to speak to the panel members on their own.
- Ask for the hearing to stop for a while.
- Ask for the hearing to be continued to another date if they need more information or time to prepare.
As indicated above, the rights of parents and carers are not the same as those of children and young people and may vary according to whether they have Relevant Person status (not all carers do)\(^\text{11}\). Other than being able to ask to speak to panel members on their own, Relevant Persons have the same rights as children and young people, thus including those outlined above. In addition, parents, carers and other Relevant Persons can, for example, appeal the decision to put in place an Interim Compulsory Supervision Order, or a Compulsory Supervision Order, or the decision of a Pre-Hearing Panel about an individual being a Relevant Person.

It is important to highlight that part way through fieldwork the Children’s Hearings (Scotland) Act 2011 entered into force (24\(^{\text{th}}\) June 2013). However, the rights referred to in this chapter, particularly those of children and young people, did not substantially change.

**Challenges**

In addition to the above complexities, there were several other challenges related to gathering this data. First, for children and young people especially, the language and concepts were hard to understand. Even when simplified, it was difficult for these groups to comprehend the concept of having ‘a right’ or what the basis for that right might be. Children and young people generally gave brief answers to these questions so we have tended to draw on quotes from adults. Even for the adults, language could be a problem. For example, across all age groups there were participants who did not know what an advocate was.

Even where people were aware they had rights, it wasn’t always clear how that knowledge had been acquired. Awareness couldn’t necessarily be attributed to Children’s Reporters or panel members.

Responses to these questions could also be vague. In some cases, this was due to lack of recall but in others it was clear the participant was guessing. At other times the participant’s response appeared to be influenced by whether or not he or she thought a particular right was appropriate, or was something they would want to do, rather than whether they actually had a right to or could do. For example, one person’s response on being asked about bringing a friend:

“I don’t know with that one. I would, I would say no ‘cause a lot of the things are personal

\(^\text{11}\) The Children’s Hearings (Scotland) Act 2011 introduced a range of changes to the criteria for meeting Relevant Person status. Under the 1995 Act not all parents were relevant persons, but under the 2011 Act they are. The test for recognising other carers has changed too. .
you know what I mean, it’s personal business and well depends on the friend, if the friend was really close, I suppose.” (Kinship carer)

Perceptions and awareness

Request for children’s hearing deferral

Children, young people and some adults attending a hearing can ask the panel members for the hearing to be deferred to another date if they need more information or time to prepare. The decision is then for the hearing to make in the child’s best interests while ensuring fairness to the child and relevant persons involved in the hearing.

There was some evidence that this request wasn’t made because of a lack of awareness on the part of those attending. Unclear that they were able to have this request considered, participants could feel it was inappropriate to ask.

Participants did discuss situations in which they might have asked for the hearing to be deferred to another date if they had known this was permitted, for example, because reports had arrived late or not at all. Panel members are required to check that the child (if of an age to receive papers) and relevant persons in the hearing have received reports before the hearing. However, even when this was checked and reports were found to have arrived late (or not at all), panel members had not always asked whether participants felt prepared enough to continue with the hearing. This meant participants felt they had to continue taking part in a hearing they did not feel prepared for as they were unaware of being able to ask for deferral.

Request for break in hearing proceedings

Children, young people and some adults can ask for a hearing to stop for a while if they need to. Few people were aware of this. One kinship carer had asked for a hearing to be stopped as she felt the way a relevant person was behaving in the room was not appropriate and it was detrimental to the child in her care. This was agreed and a break was taken.

In some cases people were aware that they could request a break because they had asked for one for a practical reason, for example, because of illness or to attend to a baby.

Bringing someone to a hearing

All children, young people and relevant persons have the right to either bring a friend or family member, advocate or other representative to the hearing. In fact, the recent change
in legislation has strengthened this right so that if someone also wishes to bring a lawyer, they may do so along with a friend, advocate or other representative thus bringing two people with them.

However, awareness of this right appeared mixed. For example, some relevant persons did not know they had the right to bring someone with them to a hearing.

“I did’nae know that either” (Parent)

Interviewer: Did you know you could bring a lawyer to the hearing with you?
Participant: I kind of guessed when [X]. turned up with his lawyer (Parent)

Some adult participants commented they would have exercised this right if they had been aware suggesting they may have brought a friend or considered bringing a lawyer. It is worth noting that this entitlement is set out in the letter notifying relevant persons of the hearing.

Participants discussed examples of relevant persons bringing a friend or family member for support and this being perceived as having a negative impact on the child or young person. In such cases, neither the carer nor the child necessarily felt empowered to raise this with panel members.

Such experiences led to a view that the system should be changed to allow children and young people to routinely see the panel members alone (or with a trusted adult) before the hearing, especially when there are a large number of adults attending. It was felt that this would encourage the voice of the child to be better heard.

“How do I think it could be improved? Well I think just once again having the child in separately and listening to what’s being said. And that way he doesn’t feel as though he’s feeling intimidated you in in front of everybody and feeling they’re having to say what they think the parents want the child to say in order to be loyal to the parents.”
(Foster carer)

Excusing a child from hearing attendance
Children, young people and relevant persons can ask in advance if they or the child or young person can be excused from attending a hearing. The request is made to the Children’s Reporter who then decides whether to arrange a meeting of panel members before the
children’s hearing to consider whether the child should attend the hearing. There appeared to be little awareness of this.

“I did not know about that one and that one I’ll be using in future... That was a biggy that I didn’t know.” (Parent)

In one of the few cases where a relevant person was aware of this right, they had only found out after several hearings.

“Yeah I didn’t find that out until I’d been to about 4 meetings or something... Well at the point that, at that point I was kind of jumping up and down saying I don’t want to bring my son to this anymore, it’s really getting beyond a joke here eh and it was if I recall correctly it was at that point that somebody said to me well you can appeal for him not to have to come” (Parent)

Some parents or carers said that if they had been aware they could ask for a pre-hearing panel to be arranged to consider excusing the child from the hearing, they would have done so.

“I wish I’d known that from the onset because there would have been times when I would have asked” (Parent)

This was the case in several situations where carers had not believed it was in the best interest of the child or young person to attend, for example, because of who else was going to be attending or because they perceived the environment would be detrimental to the child’s wellbeing.

**Child or young person speaking to panel members on their own**

Children and young people have the right to ask to speak to panel members on their own. Awareness of this right was very limited. It was evident that some children and young people would like to have spoken to the panel members on their own if they had been aware of this option.

“They never mention to the kids either do you know what I mean that they’re allowed to talk themselves... Never mentioned! We’ve been to at least 50 panels, at least!” (Young person, aged 16)
Right to appeal

Children, young people and relevant persons have the right to appeal the hearing decision to a Sheriff. There has to be a reason in law for the basis of any appeal.

Any appeal requires to be submitted, in writing, to the Sheriff Court and must be made within 21 days of the decision unless they are appealing against a decision about a relevant person in which case this must be made within 7 days. If someone disagrees with the decision of a hearing, they are advised that they can consult a solicitor.

Participants (including young people and adults) were generally aware of their right to appeal. In many cases, participants remembered being told this by the chairing member at the end of the hearing or on the letter they received.

“They always tell you that at the end.” (Kinship carer)

Examples were provided of young people having been given the incorrect timescale to appeal, but it is possible they may have forgotten or misunderstood this rather than having been misinformed.

However, there was a gap in people’s knowledge of how they could actually appeal.

“They said to me you can appeal within 28 days something like that but they don’t tell you how you do it.” (Young person, aged 16)

One mother was made aware of her right to appeal in 21 days and decided to pursue this but explained that the information provided was not adequate on several accounts.

“They don’t always explain the system; that the appeal has to go through the court. It just doesn’t come back to the office, you know? – the Children’s Panel itself. If you put an appeal, or want to appeal it, you have to land up going to a lawyer, going to court, sitting out, it gets drawn out, and by the time you find out if the .. you’re at the next meeting stage before you even realise that if you want to go through the appeal.” (Parent)

Other participants reported that their right to appeal had been hampered due to their post-hearing letter not arriving in time.
“...at times I’ve actually had to wait a fortnight before I get the meeting, er the minutes.... as far as I’m concerned the minutes should be coming through within like two, three days after it.” (Parent)

**How do people know their rights?**

Where parents and carers were aware of some of these rights, this was commonly related to having attended a number of hearings over time.

There were examples given where people had learned of a right either through the notification letter, from their social worker and/or from speaking to the Children’s Reporter.

“And it was also in the letter as well. When you get a letter in, it tells you that you can bring somebody .. er .. to the panel a representative.. you know, somebody that will speak on your behalf, if you want” (Kinship carer)

[On bringing an advocate] “I’ve spoken to children’s ehm rights officer before and they’ve mentioned it” (Foster carer)

There were also examples of people learning of rights through being told by someone outside of the hearing system.

“my mum actually has an advocacy worker and she kind of said try and see if you can get one....so I managed to get one.” (Parent)

There were few examples offered of panel members or the Children’s Reporter letting participants know their rights or suggesting they could exercise them. The one exception was the right of appeal which participants were informed of verbally at the end of the hearing. In addition, participants offered few examples of knowing about rights from accessing printed material, with the exception of notification letters. For example, leaflets left in waiting rooms in hearing centres and information on the SCRA and CHS websites were rarely mentioned as sources of this type of information.
Summary

Knowledge of rights and requests that can be made to a hearing amongst adults, young people and children was extremely patchy. Where individuals were aware of their rights, this information had usually been obtained via their experience of the system and attending hearings over time and not through printed materials or websites.

Some examples were given where information on rights had been received from SCRA or CHS, for example – via the notification letter, the hearing itself or by speaking to the Children’s Reporter. Social workers and other professionals like health workers, solicitors or advocacy workers had also been sources of this information on rights. The one exception to this was the right to appeal which nearly all participants were aware of and which was routinely mentioned at the end of hearings.

Participants were generally unaware that they could ask for a hearing to be deferred to another date if they needed more time to prepare. Those who had not received the reports on time said this would have been useful. Participants also were generally unaware that they could ask for a hearing to be stopped briefly if needed.

Relevant persons, children and young people appeared generally unaware that they could bring a representative with them to a hearing.

There was particularly low awareness of the ability to ask the Children’s Reporter to arrange a meeting to decide whether the child or young person in question needed to attend the forthcoming hearing.

Likewise few knew about the right of a child to request to speak to a panel member on their own.

There appeared to be a far more systematic process for informing people of their right to appeal. However, participants often lacked information on how to do this and did not know, for example, that the appeal went to a Sheriff rather than a hearing.
Chapter 8: Conclusions

The key messages from this research generally support the encouraging picture provided by the 2012/13 survey findings and suggest that progress has been made in relation to lessons for policy and practice from previous research. They also offer a number of pointers for further improvements which could enhance the experiences of children, young people and adults attending children’s hearings.

Panel members

The views and experiences of participants in this research suggest that panel members have many of the qualities contained in the competency framework for panel members. Participants reinforced the messages from previous research about the importance of those qualities, for example effective communication skills. Two particular findings are worth highlighting further.

First, those attending hearings need to feel they are listened to and benefit from clearly understanding that they have been listened to, even where reports or decisions are not favourable. So listening, and demonstrating listening, are of critical importance. A hearing being rushed can create an impression that people have not been listened to even if this is not the case and this can create a damaging impression.

Second, because children’s hearings are dynamic and sometimes highly charged occasions, the ability of chairing members in particular to manage difficult situations and respond assertively where tensions arise is perceived by those attending to be very important.

Practical considerations

The research highlights a number of practical issues which can hamper the preparation and participation of those attending and create a negative impact. These include delays in correspondence, papers arriving late and reports being long and difficult to read. While the complexity of cases inevitably creates challenges, the research underlines the importance of age appropriate and accessible materials and papers and of ensuring the implications of decisions are properly communicated both inside and outside the hearing.

Inadequate notification of those attending the hearing appears to be something which can have a detrimental effect on the experiences of those attending. This is not surprising given the tensions at play within individual cases. However, improving practice in this area could
have a positive impact.

Children’s hearings are necessarily formal in many respects and those attending are realistic about the constraint that creates. However, this research reinforces the messages from previous studies that taking steps to ensure that the hearing environment is as child and young person friendly as possible is potentially beneficial.

**Knowledge of rights and requests**

Perhaps the most challenging aspect of these findings lies in the final chapter on knowledge and experiences of the rights of those attending and the requests they can make of the hearing. As the report explains it was also the most difficult area on which to elicit the views of participants. However, this suggests that there is the potential to improve practice in ways that could significantly enhance the experiences of those attending.

This is particularly the case because the frequently limited ability of those attending to make requests or exercise some of the rights - about which knowledge appears patchy - prevents them overcoming some of the other practical difficulties, highlighted above, which will inevitably occur from time to time. So for example, frustration with late or seemingly inaccessible paperwork can be compounded if those attending are unaware that there are able to ask for a break or for a hearing to be deferred to another date.

Two key issues arise here. First, regardless of where the right emanates from (statute or practice), it is essential that all those attending understand what their rights are and as far as possible how they vary from those of others. This is particularly important to ensuring that children and young people are at the centre of the hearing. Second, while online and printed materials have their place, explaining people’s rights to them verbally and in situ appears likely to have the most impact.
### Appendix A: Interview topic guides

## Interviews with children and young people

**Aim of the interview:**
The aim of the project is to understand the views and experiences of children, young people, parents and carers who have been to a Children’s Hearing. Children’s Hearings Scotland (CHS) would like to expand their understanding of the experiences of children, young people, parents and carers to:

- inform the training provided to panel members
- share their perspectives with panel members
- work with partners to ensure information provided to children, young people, parents and carers is as clear and useful as possible
- establish a baseline against which to measure future improvements

CHS would like to explore their views of participation in a hearing, whether their rights were upheld and respected, how they felt about the behaviours of panel members, how they felt about the way the panel members came to their decisions and how these decisions were explained.

In-depth face to face interviews will be carried out with 12 children (aged 5-11 years) and 12 young people (aged 12-17 years).

**The topic guide:**
This guide sets out a number of topics and questions that will be covered during interviews. The guide does not contain follow-up probes and questions like ‘why’, ‘when’, and ‘how’, etc. although participants’ contributions will be explored in this way, as far as is feasible, during the interview. Questions will be pitched appropriately for the age and ability level of the participant.

The interview will last for **approximately 30-40 minutes. Breaks are to be offered and the interviewer will judge when a participant has had enough.**

A card system will be used: Yellow for ‘I don’t want to answer that question’ Red for ‘Stop the interview’.

1. **Introductions – 5 mins**
   - Introduce yourself and ScotCen Social Research and Children’s Hearings Scotland (who are responsible for recruiting, appointing, training and supporting panel members in Scotland) **Interviewer should be prepared for fuller explanation as awareness likely to be low.**

   - Introduce the study:
     - Research into how children, young people parents and carers experience Children’s Hearings (also known as the Children’s Panel)
     - Commissioned by Children’s Hearings Scotland (who are responsible for the recruitment and training of panel members)
We are independent but findings will be shared with CHS and SCRA (Scottish Children’s Reporter Administration – their role in the Children’s Hearings System is explained in the attached info)

Overall project aims:
- To understand what it’s like for children and young people to experience a Children’s Hearing
- To see what’s working well, specifically with panel members
- To see what’s not working so well and ways it could be made better
- Particular focus on panel members and their behaviours, how they facilitate participation, ensure the rights of children and young people are upheld and how they come to and explain their decisions.

We will be talking to a range of parents, children and young people who have all been through a Hearing.

- Digital recording (instead of taking notes and to remember what’s being said) – check OK, and reassure re: confidentiality
- Data kept securely in accordance with Data Protection Act
- However, if at any point they let us know that they have or are going to cause harm to themselves or someone else then we will have to pass this information on. In such cases contact Amy Homes or contact Sara Brodie at CHS.
- How we’ll report findings
- Reminder of interview length – 30 minutes. Check OK
- Any questions/concerns?

Have a yellow card for ‘I don’t want to answer that’ and red card for ‘stop the interview’.

1. Aim: Feelings about hearing, understanding of process and roles – 15 mins

Photo prompt – (picture of hearing room) Fully probe throughout for how things could have been improved/made better.

- What was the room like when you went in?
- What could have made the room better?
- How did you feel going into the room? Who was there? What did they do? What were they like? [Focus on the panel members]
- What were they there to do?
- Was there anyone who didn’t need to be there who was? Was there anyone who wasn’t there who needed to be? Why?
- Had you met any of them before? Why? What for? Did that matter?
- Did the chair of the panel introduce everyone in the room?
  - Did they explain the purpose of the hearing?
  - Did they check everyone had received the reports and understood them?
  - Did they check with you that the reports reflected your views?
• So, who spoke the most? The least?

• Did you know why you were there? How did you find this out? From whom?

• Did you know what was going to happen? How?

*Show them the appropriate age relevant ‘All About Me’ leaflet.*

• Have you seen this leaflet? Where? Did you complete it? If not, why not?
  o What do you think of the leaflet? The way it looks? What it says? How could it be improved?

• So, how did you feel before the hearing?

• And what happened after the panel made their decision? [Probe: How did they feel? If they were not there for the decision for some reason ask what they think happened? When/how did they find out the decision?]

• How did the panel make their decision? [Probe for: information took into account? Who do you think they listened to most?]

• How did they explain the decision / outcome to you? Did they? How could this have been improved?

• At the end of the hearing, did the chair check that you understood the decision?

• Did the Chair explain how to appeal the decision?

*If it sounds like a Compulsory Supervision Order/Supervision Requirement was made by the hearing:*

• Did the chair explain that you could ask for a review in three months time?

*FOR ALL*

• What do you think this decision will mean for you/what has this meant for you? How do you feel about that?

• Did you speak to anyone about what had happened at the hearing? Who?

• Is there anyone you would have liked to have talked to after the hearing about the decision who you did not get to talk to?

• Is there anything you would like to be done differently if you had to do it again? [Probe for: Panel members behaviour, body language, language, how they explained their decisions]
2. Aim: Desirable attributes of panel members – 10 mins

*Photo sorting – (pictures of different types of people). Fully probe throughout for how things could have been improved.*

Put these cards into two groups

- Who would you like or not like as a panel member? Why?
- What were your panel members like? [If struggle, ask them to come up with words they would use to describe their panel members]
- How did they talk to you?
- Did they listen to what you had to say?
- What did they do that was good or bad?
- How did they make you feel?
- What would you have liked them to do/be like?
- How easy or difficult did you find it to understand them?
- How did they explain the decision to you? If not good, How should they have done this?
- If you had one thing to say to your panel members what would it be? For example, could they have been more/less friendly? Smiled more or less? What could they have done to make you more comfortable?

3. Aim: The dynamics of a hearing – ONLY ASK IF NOT ENGAGED WITH SECTION 1 OR TOO YOUNG FOR SECTION 1.

*Get them to draw a girl or a boy. Then say: A girl/boy has had to go to a hearing with their X because [they have been missing school / they can’t live at home anymore / they have been staying out and drinking/taking drugs].*

Tell me what you think will happen at this hearing?

- Who will listen to [the child] at the hearing?
- Who speaks the most?
Views and experiences of the Children’s Hearing System

- Does everyone get a fair turn?
- Has [the child] been sent/filled out ‘All about me’? Why/not?
- Will they take into account what [the child says] when they make their decision or not?
- How will [the child] feel about the decision?
- Will they explain the decision / outcome to [the child]? How should they do this?
- How can they do it so [the child] will understand what they said?
- Normally [the child] would be told the decision on the day and then sent out a letter. Does this need to be made better? How?
- What will happen/change after?
- What does [the child] want to happen/be different next time?

4. Aim: Knowledge of rights — 10 mins

**Use the four blank A4 sheets in your pack for this exercise, with the relevant pictures or statements which are attached. Ask the child/yp to stick either the pictures (for children) or the statements (for both) to the relevant bit of paper.**

**Paper 1: What/who can you bring to the hearing**
- You can bring a lawyer to the hearing with you
- You can bring an advocate to the hearing with you
- You can bring a friend to the hearing with you.
- Other relevant statements or pictures depending on whether child/yp.

**Paper 2: Things you can ask at the hearing**
- You can ask to speak to the panel members on your own.
- You can ask for the hearing to stop for a while.
- You can ask for the hearing to be continued to another date if you need more information or time to prepare.
- Other relevant statements or pictures depending on whether child/yp.

**Paper 3: Things you can do after the hearing**
For some decisions, it is possible to ask for a change in the decision within 21 days from your hearing.

You can call another Children’s Hearing for 3 months time

You can complain if you are not happy with how you have been treated.

Other relevant statements or pictures depending on whether child/yp.

**Paper 4: Things that should/could have happened before the hearing – TRUE FALSE**

(print out ticks and crosses to be stuck next to statements)

- **For children under 12:** You have received a letter to tell you the date, time and place of the hearing. You can also ask for the same papers the panel members will be given (background information) – although you may not be allowed to see all of these.

- **For children 12 and over:** You have received a letter to tell you the date, time and place of the hearing. You should also receive the same papers as the panel members received (unless they decided there is some which you should not see).

- Someone has spoken to you before the hearing – either a social worker, a teacher, advocate, parent or in some cases the reporter to explain what is happening.

- You can give information to the hearing in advance or on the day of the hearing [Probe for ‘All About Me’ leaflet]

[Interviewers might need to be prepared to offer explanations for some – e.g. what ‘appeal’ means, what ‘continued’ means, what it means to be ‘briefed’ for younger children.]

**True or false / Right or wrong – Fully probe throughout for how things could have been improved.**

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5. **Close**

**Aim: Make participant safe**

*Choose your favourite picture and tell me why you like it.*

*Ask if there’s anything they wish to retract at end.*

*Next steps: we speak to more children, young people and parents, gather all their opinions together and then make it into a report for CHS.*
Introductions – 5 mins

- Introduce yourself and ScotCen Social Research and Children’s Hearings Scotland (who are responsible for recruiting, appointing, training and supporting panel members in Scotland)

**Interviewer should be prepared for fuller explanation as awareness likely to be low.**

- Introduce the study:
  - Research into how children, young people parents and carers experience Children’s Hearings (also known as the Children’s Panel)
  - Commissioned by Children’s Hearings Scotland (who are responsible for the recruitment and training of panel members)
  - We are independent but findings will be shared with CHS and SCRA (Scottish Children’s Reporter Administration – their role in the Children’s Hearings System is explained in the attached info)
  - Overall project aims:
    - To understand what it’s like for children and young people to experience a Children’s Hearing
    - To see what’s working well, specifically with panel members
    - To see what’s not working so well and ways it could be made better
    - Particular focus on panel members and their behaviours, how they facilitate participation, ensure the rights of children and young people are upheld and how they come to and explain their decisions.
  - We will be talking to a range of parents, children and young people who have all been through a Hearing.
• Digital recording (instead of taking notes and to remember what’s being said) – check OK, and reassure re: confidentiality
• Data kept securely in accordance with Data Protection Act
• However, if at any point they let us know that they have or are going to cause harm to themselves or someone else then we will have to pass this information on. In such cases contact Amy Homes in the first instance on 07812075020 or contact Sara Brodie at CHS on 0131 244 4742 or 07780 492 413.
• How we’ll report findings
• Reminder of interview length – 30 minutes. Check OK
• Any questions/concerns?

1. Aim: Feelings about hearing, understanding of process and roles – 15 mins

Fully probe throughout for how things could have been improved

Before the hearing

• So was this your first time at a children’s hearing?
• When was the most recent hearing you attended? Please focus on this hearing throughout
• Did your hearing start on time? If not, how long did you wait for it to start?
• If appropriate: Why did you attend the most recent hearing?
• How prepared did you feel for the most recent hearing?
  o Did you know what it was about?
  o Did you know what the process would involve?
    o How had you found this out? [Probe for: Letter received at home? Social Work? Advocate?]
• What would be the best way to let you know about what the hearing process involves? [Probe around the letter. Suitable way? Better way? Why/why not?]
• What else would you have liked information on or help with?
  (If child lived with them pre hearing)
• What age is your child / the child who the hearing was for?
• How was the child you are responsible for prepared for the hearing? Did anyone help them? Were they given any information?
• Was the reason for the hearing explained to you?
• What, if anything, did you explain to the child before the hearing?
• What other support/preparation do you think they would have wanted?

**During the hearing**

• What was the room like when you went in?

• How could the room have been better?
  o How did you feel going into the room?

• Who was there? What did they do? What were they like? Where did everyone sit? **Get them to point this out on the picture if appropriate**

• Was there anyone there who shouldn’t have been? Anyone not there who should have been? Why?
  o [Prompt – Was the child’s teacher there? How did you feel about that?]

• Did you know who the panel chair was in the room?

• Did the chair of the panel introduce everyone in the room? [If not chair, probe for panel member]
  o Did they explain the purpose of the hearing?
  o Did they check everyone had received the reports and understood them?
  o Did they confirm with the child/young person that the reports reflected their views?

• How involved did you feel in the process? How involved was the child? Why?
  o What could be better?
  o What could the panel members have done to make this better?
  o What do you see as the role of the panel members?

• Were people listening to each other? Did everyone get a chance to get their point of view across?

• Did you get chance to say what you wanted? How much did you feel the panel members listened to you?

• Could anything have been different to have improved the experience for you/made you feel more comfortable?

**The decision**

• How was the decision explained to you? Who by? [Probe for: Panel Chair? Another Panel member?]
• How did the panel come to their decision?

• Did the panel members provide clear reasons for their decisions?

• How do you think the decision was made? Was this explained to you?

• Did you understand what this meant for you?
  o Did the chair check that you understood the decision?
  o Did they check the child/young person understood the decision?

• Did you know something like this would be the decision of this hearing?

• How fair do you think the process and decision was?
  o What information did the panel use to make their decision?
  o Whose views did the panel listen to?
  o How do you think the panel came to their decision?

• Could the decision have been communicated better by the chair? How? [Probe for: How easy was it to understand the language they used?]

• Did the Chair explain how to appeal the decision?

If it sounds like a Compulsory Supervision Order/Supervision Requirement was made by the hearing:

• If relevant: Did the chair explain that the child/young person/relevant person could ask for a review in three months time?

After the hearing

• What action was taken after the hearing?

• Did you know this was going to happen? How?

• Have you received a letter detailing the decision that was made?
  o Did it outline the reasons behind the decision as well?
  o How did you feel about the letter? [Probe: good/bad to receive? Why?]

• Have you spoken to anyone involved in the hearing since it took place? Who? What for? Have they helped you?
[Prompt – What support did you get from your social worker? How useful have they been?]
• What effect did you hope the hearing would have?
• What effect has the outcome had on you and your family?

2. Aim: Desirable attributes of panel members and other contributors – 10 mins

Thinking about when you were in the Hearing:
• What were your panel members like? What was the chair like?

NB to researcher – try to probe each for panel members and panel chair to assess whether there was any difference in behaviour

• Had you met them before? Did that matter?
• What did they do that was good or bad? [Probe for how they acted? Their behaviour? Whether they listened to adults view? Did they make them feel uncomfortable or put them at ease?]?
• How did they interact with the child? [Probe: did they try to make them feel comfortable? How relaxed were they?]?
• What would you have liked them to do/be like?
• Did you understand the words they were using? What they were saying?
• Did you feel they listened to you and others at the meeting? [Probe – how did they show this? How did it make you feel?]?
• Panel members are trained volunteers. What do you think their training should include?
• Did the panel members seem prepared? Did they seem to know the information in the reports?
• Who was the most helpful person in the whole process? Why?
• What one thing could have been better about the whole process? (if they say the outcome, prompt ‘apart from that’)
• What were you most satisfied with/least satisfied with?
3. **Aim: Knowledge of rights – 5 mins**

*We want to understand how much adults like you know about the Hearing process and the rights that you have. I am going to read out a list of possible rights that you may have and I will ask you (for each):*

- *Did* you consider this? Why/Why not?
- *If yes:* How did you know this?
- *If no:* If you had known this, would you have done anything differently?

**Rights – Use the grid provided to record responses**

1. You can bring a representative to the hearing with you
2. You can bring a lawyer to the hearing with you
3. You can bring an advocate to the hearing with you
4. You can bring a friend to the hearing with you.
5. An advocate can help you prepare for the hearing (they can also submit information to the hearing in advance)
6. You can ask to speak to the Panel Members on your own.
7. You can ask for the hearing to stop for a while.
8. You can ask for the hearing to be continued to another date if you need more information or time to prepare. Do you know how you would do this?
9. You can appeal against the decision of the hearing within 21 days from your Hearing. Do you know how you would do this?
10. You can call another hearing after 3 months. Do you know how you would do this?
11. You can complain if you are not happy with how you have been treated. Do you know how you would do this?
12. You can ask the reporter to arrange a pre-hearing panel in advance to consider if your child should attend the children’s hearing.

4. **Making the system better for adults – 10 mins**

A key aim of this research is to make the system better for adults, children and young people.

- In general, how did you find the hearing process?
- Is there anything you would have like to know that you didn’t before the hearing?
• What is it important for people to be prepared for before the hearing?
• What was the actual hearing like?
• What do you think the panel members could have done to make it better for you? The child/young person?
• What advice would you give CHS? If necessary, reiterate role of CHS

If necessary, throughout, manage expectations and ensure they are reporting for changes which are plausible for CHS

5. Close
• If there’s one thing you’d like CHS to know about your experience of going to a children’s hearing what would it be?
• What one thing would you like to be made better?

Thanks to your help CHS will hopefully be able to make the system as good as possible for carers like you in the future.

Ask if there’s anything they wish to retract at end

Next steps: we speak to more children, young people and carers, gather all their opinions together and then make it into a report for CHS
Appendix B: Consent forms for children and young people

Consent form for children aged 5 to 11

ScotCen
Social Research that works for society

We want to talk to lots of children about their panel.
We will then tell the people who make decisions what you and the others think about children’s panels.

• We will not tell anyone your name.
• Nobody will know who said what.

We want to learn what was good and bad about it so we can help make panels better for other children like you.

This work is being done by ScotCen. We are doing it for Children’s Hearings Scotland.

At ScotCen we do research. This means we meet people like you and ask questions. For any questions please phone 0131 228 2167.

Then we tell people who make decisions what you think. We do not go to children’s panels so need you to tell us what they are like.
I will come to see you where you live or somewhere else you like.
I will ask you some questions about going to the panel and your feelings.

When we meet, you do not have to answer all my questions.
You can stop talking to me at any time.

Are you happy to talk to me?

- When?
- Where?
- Interviewer name:
Consent form for young people aged 12 and over

ScotCen
Social Research that works for society

We want to talk to lots of young people about their panel.

We will then tell the people who make decisions what you and the others think about children’s panels.

- We will not tell anyone your name.
- Nobody will know who said what.

We want to learn what was good and bad about it so we can help make panels better for other young people like you.

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I will come to see you where you live or somewhere else you like.

I will ask you some questions about going to the panel and your feelings.

When we meet, you do not have to answer all my questions.

You can stop talking to me at any time.

Name:
I agree that I have been given information about the project and am happy to take part

Are you happy to talk to me?

When?
Where?
Intervener name:
Views and experiences of the Children’s Hearing System

Amy Homes, Susan Solomon, Annie Wild, Chris Creegan and Paul Bradshaw.

ScotCen Social Research

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