

Practice Briefing 7

Getting it right for every child and the Children's Hearings

This is the seventh of a series of Practice Briefings that have been written to help practitioners and managers put *Getting it right for every child* into practice in their agencies. The Practice Briefings should be read in conjunction with the Scottish Government's *Guide to Getting it right for every child (2008)*, the *Guide to implementing Getting it right for every child (2010)*, and the *Getting it right for every child Evaluation Themed Briefings (2010)*, all of which can be found on the *Getting it right for every child* website. www.scotland.gov.uk/gettingitright

The Guide to *Getting it right for every child (2008)* spells out the Values and Principles of the approach, the key roles, the Core Components and the *National Practice Model*. These practice briefings are designed to provide further information on the roles of the *Named Person* and the *Lead Professional* and more detail on how to use the *National Practice Model*, including when children may be in need of compulsory measures. Further briefings will be added as *Getting it right for every child* becomes embedded and practice examples from across Scotland become available.

The Practice Briefings

Practice Briefing 1. The role of the *Named Person*

Practice Briefing 2. The role of the *Lead Professional*

Practice Briefing 3. Using the *National Practice Model I: Identifying concerns* using the *Well-being Indicators*

Practice Briefing 4. Using the *National Practice Model II: Gathering information* with the *My World Triangle*

Practice Briefing 5. Using the *National Practice Model III: Analysing information* with the *Resilience Matrix*

Practice Briefing 6. Using the *National Practice Model IV: The Child's Plan: one child, one plan*

Practice Briefing 7. The contribution of *Getting it right for every child* to the Children's Hearings System

The context

In 2009/10, 42,532 children in Scotland (representing 4.7% of all children in Scotland) were referred to the Children's Reporter, 35,735 on non-offence (care and protection) grounds and 10,012 on offence grounds.¹ The number of children referred to the reporter has decreased for the third consecutive year and is at its lowest level since 2002/03.

Getting it right for every child

Getting it right for every child is at the heart of the Government's ambitions for children's services in Scotland. It encourages a unified way of working across all agencies that builds on research and practice evidence to help improve outcomes for all children. *Getting it right for every child* threads through every existing policy and practice for all children, including those who are in need of compulsory measures and participate in a Children's Hearing.

The *Getting it right for every child* way of working with children and families

Getting it right for every child starts from the premise that services should be designed in a way to keep the interests of children at the centre. This approach echoes the philosophy of the Kilbrandon Report (1964)², which led to the setting up of the children's hearings system. Kilbrandon recommended a social education approach to helping children and families to 'strengthen, support and supplement' families (Kilbrandon 1964, p.20). Any help, even where compulsory, should be based on persuasion, wherever possible. This philosophy of working with children and families fits very well with the *Getting it right for every child* approach. Children's hearings have been built on the principle that children and families will have the opportunity to put their views to the hearing. The *Getting it right for every child* approach would expect that children and families have been fully involved in preparing any documentation, unless there are reasons relating to children's safety why this should not be done.

¹ See Scottish Children's Reporter Administration (2010) *Annual Report 2009/10 – Changing for Children*..

² Kilbrandon, Lord (Chair), (1964) *Children and Young Persons Scotland (Kilbrandon Report)*, Edinburgh, HMSO.

Children and the possible need for compulsory measures

The *Getting it right for every child National Practice Model* provides a framework for professionals to assess a child's needs and risks, and to construct a plan from that assessment detailing what actions should be taken to improve outcomes for the child. The plan itself, the quality of assessment upon which it is based, the decision-making of the children's hearing and subsequent work undertaken to help children and families, are all critical to achieve successful outcomes for children coming before a children's hearing.

There are several areas where the *Getting it right for every child* approach can inform and support the decision-making of both the reporter and the children's hearing.

Getting it right for every child* and the multi-agency *Child's Plan

One of the key features of *Getting it right for every child* is that any child who needs additional help from more than one agency will have a multi-agency *Child's Plan*³. This plan, whether simple or complex, is put together using the components of the *National Practice Model*. It will incorporate, proportionately, the child's needs in relation to the 8 *Well-being Indicators* and analysis of the information gathered from the *My World Triangle* and any specialist assessments. Because every professional in an area and across the country is using the same information base to inform the plan, this helps to provide a common language and shared understanding of the whole child across all areas involved with additional help. This includes reporters and members of children's panels. The plan can be recorded in a way that addresses all the requirements laid down in legislation, guidance, procedures and protocols.

The components of a *Child's Plan* in all circumstances are:

- The views of children and parents/carers
- Demographic details
- Partners to the plan
- Reasons for the plan

³ See Scottish Government (2010) *Practice Briefing 6, Using the Practice Model IV: The Child's Plan*, Edinburgh Scottish Government.

- Chronology
- Assessment of the child's development and circumstances
- Analysis
- Risk assessment and management
- Summary of needs identifying desired outcomes
- Long term aims, medium and short term goals
- What needs to be done and by whom
- Timescales for action and change
- Any contingency plans, if necessary
- Arrangements for reviewing the plan

Using the *Child's Plan* where compulsory measures may be necessary

There are several circumstances when the *Child's Plan* can be used to provide information to inform the possible need for compulsory measures:

1. Emergency action

If emergency action is needed to protect a child, the police and social work can refer the matter to a Sheriff, who has the power to grant a Child Protection order where it is considered the child is in immediate danger. This is usually reviewed by a children's hearing as soon as possible, preferably on the second working day after the order has been granted. The hearing can issue warrants, if needed to protect the child further, such as a Place of Safety Warrant. At this point the information supplied needs to meet any grounds for compulsory action and be as full as possible. If the child is already receiving support, because of known difficulties, from a multi-agency team then there should already be a Child's Plan in place to refer to. This plan can be used to give as much detail as possible as early as possible.

2. Using the *Child's Plan* to inform a referral to a children's reporter

In Highland, prior to the *Getting it right for every child* Pathfinder, there were several documents that could be used as a basis to making a referral to the reporter. These included the request from the reporter for an Initial Enquiry Report. Some of these would lead to no further action but in some cases, further material would be requested in the form of an Initial Report or a Social Background Report. There was, therefore no standardised way of providing evidence in a referral to the reporter. Nor

was there any standard way of providing information to help the children's hearing with their decision-making.

With the implementation of *Getting it right for every child*, the *Child's Plan* has been used as the main mechanism for referring children and young people to the reporter. This has streamlined systems and helped to reduce duplication of information.

The *Child's Plan* provides a consistent way of making a referral to the reporter. Because there are legal requirements for meeting grounds for a referral, the *Child's Plan* has to take account of these. It MUST make explicit within the document the recommendation in respect of the need for compulsory measures.

The grounds are set down in section 52(2) of the Children (Scotland) Act 1995 and include that the child:

- Is beyond the control of parents or carers
- Is at risk of moral danger
- Is or has been the victim of an offence, including physical injury or sexual abuse
- Is likely to suffer serious harm to health or development through lack of care
- Is misusing drugs, alcohol or solvents
- Has committed an offence
- Is not attending school regularly without a reasonable excuse
- Is subject to an antisocial behaviour order and the Sheriff requires the case to be referred to a children's hearing

In Highland, the *Child's Plan*, which is used for referral to the reporter, contains specific information as agreed following consultation with SCRA:

Contents of the *Child's Plan* in a referral to the reporter

- The **reasons for any referral** (bearing in mind the grounds – Section 52 of the Children (Scotland) Act 1995);
- Information about the child and family background, including a **chronology** of significant events derived from the agencies involved records and contributions from the family;
- A thorough and integrated multi-agency assessment of risk and need, including relevant **evidence** in support of any Ground for Referral;
- A clear, realistic action plan for managing identified risks and meeting identified needs, agreed across all relevant agencies, with the lead professional identified;
- A clear, realistic set of **Goals** and **Outcomes**, with clear, realistic **Actions** to achieve them. It must be clear who is responsible for what and when, including the responsibilities identified for the child and parents/carers. The Plan needs to set out a realistic timescale for the achievement of outcomes and what will happen if they are not met;
- A clear assessment of parents/carers/child's ability and/or willingness to engage with services sufficiently to address the identified risks and needs for the child;
 - The child's and parents/carers views of the child's circumstances, plan and progress;
- A clear, evidenced recommendation as to the legal measures required to support the plan. Where it is considered compulsory measures are necessary to address the child's needs, the plan should state clearly what is requested, eg Supervision Requirement, Warrant, and give reasons why these are needed. The plan should identify which actions in the plan require compulsion and recommend any Conditions to be included within the Supervision Requirement. Where it is considered that compulsory measures are not necessary, the plan should identify why not.

3. Using the *Child's Plan* to provide information for the children's hearing

If the reporter decides there are sufficient grounds for referral to the children's hearing, the *Child's Plan* can be accepted as the local authority's report for the hearing, provided it meets all the requirements for evidence. It may be the reporter also requests specific further information to inform the children's hearing.

Alongside, the details and evidence in the *Child's Plan* that have been used for the purposes of referral, the *Child's Plan* for the hearing will need to include the specific compulsory measures that are requested, for example, a Supervision Requirement or a Warrant, and give reasons why these are needed. The plan should identify which actions in the plan require compulsion and recommend Conditions to be included within the Supervision Requirement. Where it is considered that compulsory measures are not necessary, the plan should identify why not.

Three very specific items should be included in the *Child's Plan*:

- Information regarding any proposed placement
- Flagging of a request for non-disclosure of the child's address
- The statement of the author if the *Child's Plan* regarding its disclosure to the child

4. Using the *Child's Plan* for the Review Hearing

When a Supervision Requirement is being reviewed by the Review Hearing, an updated *Child's Plan* is a clear and concise tool by which changes can be detailed and it can be seen whether progress has been made and outcomes achieved or not. This provides a standardised way to measure progress. If appropriate, this plan will need to include specific evidence about why compulsory measures should remain and what they should be.

Making sure information gets to a hearing ahead of time

Effective hearings can only take place on the basis of good information received in good time. Families and children need time to consider the reports upon them if they are to participate in hearings, and so as to seek support if necessary. Panel

members need time to prepare for hearings on the basis of good, up-to-date information and recommendations.

Rule 5 of the Children's Hearing (Scotland) Rules 1996 sets out the legislative timescales for ensuring that all children's hearings benefit from reports and other information provided to all parties in good time. To ensure that all involved have adequate time to prepare for such an important event, SCRA in Highland sends out the papers six days before any hearing.

What is the added value of using a *Getting it right for every child Child's Plan* within the children's hearings?

The experience of the Highland Pathfinder has shown that using the *Child's Plan* to provide evidence has had several benefits:

Streamlining processes

First, inappropriate referrals to the reporter have been screened out early on. The Highland evaluation found that the numbers of referrals of non-offence concerns about children by the police had reduced by between 70% and 75% over a two-year period. Social work, schools and health have had to produce fewer reports for the children's reporter.⁴ This means that the referrals that are made are more evidenced and focused. The more appropriate referrals have led to an increase in Supervision Requirements but these seem entirely appropriate. In other words, reporters and children's hearings have been able to act more quickly and spend more time on children who are likely to need compulsory measures. Consequently, the process of providing support through compulsory measures has been speeded up.⁵ In short, processes of referral to the reporter and preparation of reports to the children's hearings are streamlined, more efficient and effective because they use the *Child's Plan* and the *National Practice Model*.

⁴ See MacNeil, M. and Stradling, B. (2010) *Evaluation Themed Briefing 6, Green Shoots of Progress*, Edinburgh, Scottish Government.

⁵ See, for example, Stradling, B. and MacNeil, M. (2010) *Evaluation Themed Briefing 5, Outcomes for Children and Young People*, Edinburgh Scottish Government.

The value of shared principles and a common language

For all practitioners, *Getting it right for every child* means that in respect of the need for compulsory measures, they put the child at the centre. For reporters and panel members, it reinforces the welfare philosophy of the children's hearings. Using common tools and processes, and considering the child or young person as a whole, promotes a shared understanding when working with other agencies. It means that reporters and children's panel members have clear evidence about a child's needs and risks on which to base their decisions.

Reinforcing the principles of including children and families in decision-making

For children, young people and their families, the *Getting it right for every child* approach of putting children and families at the centre extends to their experience of the hearings system, even in the most complex and difficult circumstances. It affirms the ethos of the children's hearing and the rights of children. The experience of the Highland pathfinder has shown the benefits for children and families in many different circumstances, including their experiences of children's hearings are:

- They feel confident about the help they are getting
- They understand what is happening and why
- They have been listened to carefully
- They are appropriately involved in discussions and decisions that affect them
- They can rely on appropriate help being available as soon as possible.
- They will have experienced a more streamlined and co-ordinated response from practitioners.

Getting it right for every child team

Scottish Government

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