

Hearings for Children: the Report of the Hearings System Working Group

**Scottish Government Response –
December 2023**

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Introduction by Natalie Don MSP, Minister for Children, Young People and Keeping the Promise

The children's hearings system is Scotland's system offering legal protections to children and young people who are in need or at risk, and who need its support.

Through the years since its inception, one of the key strengths of the children's hearings system has been its ability to evolve and adapt to better meet the needs of children and their families.

As we consider the way forward for the children's hearings system, we must underline our gratitude to the volunteers who continue to offer so much time, dedication and care to the children referred to hearings. Panel and Area Support Team volunteers, and the thousands of volunteers who've served before them, have been, and will need to remain, a vital part of Scotland's unique approach to care and justice for children across the country.

Some five decades after it first began operating, and ten years on from the major changes introduced by the Children's Hearings (Scotland) Act 2011, we have another opportunity to reflect on how to further strengthen the important work of the core elements of the system - focusing on the children it serves. This is a chance to consider how the system can again adapt to meet babies', infants', children's and young people's needs for the years to 2030 and beyond; and to be bold and positive. In doing so, the aim must be to build on the work done over recent years by the organisations most closely involved in leading and supporting that system.

While approaching the redesign challenge with resolve and ambition to do better, we must take care to preserve what is good about the hearings system, and to safeguard those strengths for the benefit of the children it exists to serve, and for those working with and for them. Improvements must be made with care and be informed by consultation and solid evidence. Change must be introduced at the right pace, with respect to wider policy and legislative change commitments. We want to ensure that those working within the system have the requisite capacity and confidence to give of their very best to children and families. Our children's hearings system must continue to deliver for children in the here and now, and throughout the months and years during which any change is implemented. We must maintain a resolute focus on serving children, whose needs must remain at the heart of the process.

Following a 20-month review of the children's hearings system, "*Hearings for Children: The report of the Hearings System Working Group*" was published on 25 May 2023. It sets out an ambitious package of recommendations. The report identifies significant potential reforms aiming to ensure that the system; its leaders; policymakers; managers, and practitioners can better support children in need of care and protection.

The work was led by Sheriff David Mackie alongside members of the Hearings System Working Group (HSWG): officers from the Promise Scotland, the Scottish Children's Reporter Administration (SCRA) and Children's Hearings Scotland (CHS). Scottish Government officials were able to act as group observers.

Scottish Ministers are deeply grateful for the work of the Hearings System Working Group, which has generated a detailed and comprehensive set of recommendations. They reach across all aspects of the children's hearings system and beyond. Ministers are also grateful to the young people, families and professionals who gave so generously of their time, their views and their expertise - to ensure that the report reflected both their lived reality of the current system, and their hopes for the future.

We welcome the confirmation from the Hearings System Working Group that the Kilbrandon principles remain vital to Scotland's approach to the welfare and care of children who may need compulsory care to keep them safe. That gives a solid platform on which to build positive change.

Scotland's unique and widely admired children's hearings system has served our children and families for decades, with care and distinction. The change process has now begun and will move forward at pace - but this is an improvement agenda, not a recovery operation. That process will not conclude overnight. We must invest the required time and energy in developing and consulting on proposals for new legislation, progressing the necessary change in partnership with professionals and alongside the children and families we serve.

During that time, the current system must continue to operate to the very best of its ability, and we will support all those working within it to fulfil their vital functions.

A handwritten signature in black ink, appearing to read 'N. Don'.

**Natalie Don MSP,
Minister for Children, Young People and Keeping the Promise**

The development of this response

The vision and ambition of the report broadly aligns with the policy trajectory and longer-term aspirations of the Scottish Government. Since receiving the report in May 2023, officials in policy teams across the Scottish Government have undertaken several stages of analysis of the ‘Hearings for Children’ (*HfC*) report and recommendations, seeking to understand:

- any connections with, gaps in, or conflicts with, existing policy,
- legal and financial implications of any changes – e.g. would a change in law be required to deliver a recommendation?
- any unintended or unforeseen consequences associated with recommended changes
- what would need to happen to make the recommended change possible
- the evidence supporting the proposals, and the potential benefits they would deliver.

As well as the internal analysis activity, policy officials have also worked with statutory delivery partners in the children’s hearings system – learning from those responsible for the system’s day to day running. This has been to identify relevant existing or planned practice, and current improvement programmes already underway, along with assessing the appetite and capacity for change. Officials have also drawn on partners’ professional expertise to identify those HfC recommendations that can be driven forward by practitioners, managers and other leaders without new law or Government action.

This work identified that actions that would deliver against a number of HfC recommendations were already happening, or work was already planned that reflected, at least to some extent, the ambitions of the report.

Officials’ analysis also confirmed that consultation and further in-depth engagement with a broad range of delivery partners, interested parties and stakeholders will help define the necessary detail to deliver wider aspirations in the most appropriate way.

Many of the issues considered by the HfC report cannot progress without changes to primary legislation or significant changes to existing systems or structures, roles and responsibilities. Policy proposals within new legislation must first be subject to full, open public consultation. A significant number of recommendations will require to be subject to this process – that consultation is planned for 2024. This will offer a proper engagement platform to all those likely to be impacted, or who have a stake in the outcome of the consultation.

A number of HfC report recommendations either mapped complex inter-dependencies, or specifically identified the need for further research or exploration before final decisions could be made about the best future course of action. Where we have identified the need for this additional work, we will ensure that it is planned appropriately - to avoid placing undue burden on children, families, or on system actors. We will also seek to avoid unnecessary delay to the process of change.

It is important that in introducing system change it is undertaken at the appropriate pace, avoiding disruption to what is presently working well. It is imperative that the children and young people who are supported by the children's hearings system continue to receive the high level of protection provided by the system throughout the period of change, and that there is no disruption to collective joint working to keep The Promise.

The Context of the Response

The HfC report recognises, as we do, that reducing the number of children and families referred to the Children's Hearings System for potential compulsory supervision demands the wider provision of appropriate, high quality, accessible early help and support for children and their families.

This response recognises the significant systemic, environmental and societal challenges set out in chapter one of the HfC report. Notably, many of these issues are reflected in, or attempts are being made to address those issues through, existing or planned Scottish Government policy.

These policies are underpinned by the following core components:

- A legislative definition for wellbeing with SHANARRI (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included). This provides shared principles and values across agencies and services and is central to **Getting It Right for Every Child (GIRFEC)**.
- **GIRFEC** provides a consistent, co-ordinated way for everyone who works with children, young people and their parents to identify and meet wellbeing and developmental needs.
- **Upholding children's rights** is crucial to improving wellbeing and meeting our commitments to Keep The Promise and reduce child poverty. This is why we are incorporating the United Nations Convention on the Rights of the Child (UNCRC) into Scots law to the maximum effective extent possible within our devolved competence.

These components offer a strong basis for the multi-agency work that the Scottish Government is undertaking with our partners to improve wellbeing; to embed children's rights; and better support families.

The Scottish Government is already in discussion with Children's Services Planning Partnerships on how we can reduce the number of children and families referred to the children's hearings system by making further improvements to the help and support available for families.

We will take this work further, including through joint working with COSLA, following their October 2023 response to the Hearings System Working Group report.

In particular, we note COSLA's observation that *"what is required moving forward is a cohesive and joined up approach to improvement, across local and national government and with The Promise Scotland and that existing policy, practice and legislative change do not happen independent from each other, or from the work resulting from the Hearings for Children report."*

Scottish Ministers acknowledge the immense, highly skilled and unique contribution made by social workers to support individuals and families across Scotland. We are aware of current workforce and workload pressures, and are clear that a strong and well supported social work profession is key to delivering the aims set out in The Promise and the HfC report.

We recognise that action needs to be taken to address the current pressures in the system - that is why we are already working to support and invest in the workforce. Developing a strategic approach to these challenges will ensure that the impacts on the workforces supporting children and families is a key factor in considering the development and delivery of legislative, policy and reform initiatives.

'Best Start, Bright Futures', our second tackling child poverty delivery plan, sets out how we will work together to deliver on Scotland's national mission to tackle child poverty. It is not solely a plan for the Scottish Government, it is a plan for all of Scotland, recognising the contribution all parts of society must make to deliver the change needed for children and families.

Our work to tackle child poverty is strongly aligned with our commitment to the outcomes of the Independent Care Review. 'The Promise' recognised that if Scotland is to become the best place in the world to grow up, we need our public services to work for, and with children, young people, and their families. We will look to identify areas of activity where poverty and care experience overlaps, and explore opportunities to connect policy ambitions. This will include making links with relevant elements of future plans to redesign the children's hearings system.

We agree with the HfC report that there must be concerted and coordinated leadership, oversight, investment, and prioritisation of the provision of appropriate, high quality, accessible, early help and support for children and their families. Transforming the delivery of Scotland's public services in a way which delivers services that support individual circumstances is what the Whole Family Wellbeing approach is all about. That will help Scotland to Keep the Promise because it will ultimately support families to thrive by reducing the need for more intensive support when things have gone wrong. The funding will focus on the system changes required to shift investment towards early intervention and prevention activities, to ensure families can access support before they reach crisis point.

We have heard concerns from service leaders, practitioners and representative bodies about sequencing, capacity and overburdening. But we have also heard a real enthusiasm for the children's hearings system's principles and potential. There is broad commitment to sustaining its ongoing success. In developing plans for the redesign of the children's hearings system, the capacity of those working within it and the landscape of other policy and practice change will be central considerations

- alongside the core desire to do our best by children and their families, and to make necessary changes as soon as possible.

The Scottish Government Response

While some HfC recommendations require further work and consideration, including the need for consultation, the Scottish Government intends to progress as many as possible as rapidly as possible, acknowledging the practical and resourcing constraints.

To that end, Ministers' clear view is that a significant number of recommendations can be progressed now, where there is system capacity to do so. We will work with all relevant parties to take this work forward - while remaining mindful of the need to continue to support the safe, high-quality operation of the current system. Careful attention will be paid to the necessary sequencing with other pending and potential changes in the policy and legislative landscape in the years to 2030.

A further group of HfC recommendations - focussed on practice, procedures or data in the system and where new law or significant system change is not required - will be assigned to a new Children's Hearings Redesign Board and other existing strategic partnerships for progression, delivery and oversight.

The HfC report is broad and complex, with many, and interlinked, recommendations. This response aims to properly reflect the intricacy, substance and implications of the report's proposals. Therefore, this Government response cannot be binary if it is to be useful, and must necessarily go beyond 'yes' or 'no' for each recommendation. We have therefore divided our responses to the HfC recommendations into broad categories for either acceptance, consultation, further work or declination, and have assigned them into phased categories for delivery.

- Complex issues mean that competing valid views do arise, but where it has been demonstrated that there is enough information to further develop work on these issues, these will be progressed to public consultation.
- Where a proposal for change has been made, but a full answer to it requires further research or review, the Scottish Government will engage with the relevant and most appropriate parties to progress that in 2024.
- Where Ministers have felt unable to progress a recommendation for legal, policy or other reasons, this will be made clear.

A full list of the recommendations, indicating how they have been categorised can be found below. A detailed list of the recommendations and responses has also been published alongside this response.

We have adopted a numbering system along with a very short explanatory note which gives the summary view of the Scottish Government position in relation to each of the recommendations. This system is intended to offer clarity on which recommendations the Scottish Government is able to support at this stage, and to provide the context for that support.

- 1 – **Accept.** Work can begin without a need for consultation or new legislation. Next steps to implement the proposal will be identified, along with any workforce and funding needs, and provided to Ministers for decision where required.
- 2 – **Accept with conditions.** Support recommendation with a view to public consultation or further consideration.
- 3 – **Explore and consult.** Support in principle, though issues and questions do remain, and have to be subject to further scrutiny and/or consultation.
- 4 – **Do not accept.** Ministers' view is that the recommendation has to be declined.

It is important to note that where a recommendation proposes that an issue has to be considered or explored (such as at 2.3 and 8.6 below), this denotes acceptance of the action to consider the matter in further detail - not at this stage to agree to its being implemented. A final decision will be made, and communicated, once the necessary further work has been done.

Summary of Scottish Government responses to specific HfC recommendations

The following pages itemise the responses to HfC report recommendations and sub-recommendations overall. From these, 63 are accepted, 26 are accepted with conditions, 42 will require consultation or exploration and 7 have been declined.

It is clear there is much emphasis placed on the specific recommendations in relation to paying the system's decision-makers. The central thesis of a salaried chair and remunerated panel members is an anchor point for other recommendations contained within the report. The Scottish Government is of the view that while the case has been made to increase capacity in the hearings system it is not clear that removing the volunteer element entirely and moving to salaried and pensionable fulltime Chairs, along with wholesale children's panel remuneration, is the appropriate route at this time.

Ministers have reached this decision based on a variety of factors.

There is a golden thread within the children's hearings system which has sustained it since its inception. The community links between the panel members, and their motivations for being involved in the system, must not be minimised or diluted. The value of local people making decisions about children who live in their local area, the vast array of experience and expertise brought to the system by ordinary people, offering extraordinary time and energy, should not be underestimated.

Ministers must also consider the necessary resource issues and the wider services landscape. We must be mindful of the consequences of creating roles which will, by necessity, need the expertise and experience of others already within the system. There are concerns that capacity in other professions and disciplines, critical to the safe operation of children's hearings, may be adversely affected by the creation of new fulltime professional chair roles.

We are grateful for the detailed financial work commissioned by The Promise Scotland and provided following the publication of the report. This work confirms that

the resourcing and financial implications of the report would bring significant new burden to the public purse.

We are clear, however, that there is a need for capacity and continuity issues to be addressed, to develop consistency within the system as well as to improve the support structures around the tribunal. To this end, Ministers will commit to exploring alternative options, including those with a remuneration dimension, with a view to consulting on the best approach for the future composition of the tribunal.

Accept

Recommendation 1.1: All children and families must be able to access the help and support that they need, in the way that they need it, in line with the conclusions of the Independent Care Review.

Status	Accept
	1

Recommendation 1.2: There must be concerted and coordinated leadership, oversight, investment, and prioritisation of the provision of appropriate, high quality, accessible, early help and support for children and their families, and realising the commitment to 5% preventative spend. A national plan must set out how this will happen in Scotland by 2030.

Status	Accept
	1

Recommendation 1.3: Multi-agency partnerships must be supported to be clear and ambitious about developing accessible routes to holistic whole family support and how these are central to the development and delivery of each area's Children's Services Plans. This includes universal access to holistic, whole family support and more intensive support for families that need it.

Status	Accept
	1

Recommendation 1.4: Work should be done to review the impact and effectiveness of help and support for families working voluntarily alongside local authorities, to ensure that there is not a sense of a two- tier system of help and support for children who are on legal orders and children who are not, and to improve outcomes for children and families and uphold their right to help and support.

Status	Accept
	1

Recommendation 1.5: The challenges relating to the recruitment, retention, and resourcing of child and family social work teams must be urgently resolved. This requires sustained investment, developing practice, and implementing the specific conclusion of the Independent Care Review around supporting the workforce so that they alone do not feel the burden and responsibility of statutory involvement in children and families' lives.

Status	Accept
	1

Recommendation 1.6: There must be serious, sustained attention on maintaining and sustaining the children and families' workforce to ensure that they are able to undertake the complex work that is required of them in a way that is characterised by a rights-respecting, trauma-informed approach. This includes the third sector workforce.

Status	Accept
	1

Recommendation 1.8: The implementation of these recommendations must be linked to the national work to reduce poverty and to meet the child poverty targets.

Status	Accept
	1

Recommendation 2.2: There must be a coordinated approach to establishing an appropriate, considered, and non-judgmental language of care in Scotland. A clear plan must be developed for identifying and implementing systemic policy, practice and legislative changes required to ensure consistent use of this language across all 32 local authorities.

Status	Accept
	1

Recommendation 2.4: There must be national oversight by the Scottish Government of the resourcing and provision of training in the impact of trauma, childhood development, neurodiversity and children's rights for everyone involved in the children's hearings system.

Status	Accept
	1

Recommendation 2.5: There must be a clear understanding at all levels of a redesigned children’s hearings system about what children and families’ rights are and how they should be accessed and upheld.

Status	Accept
	1

Recommendation 2.7: There must be a review of the current, respective functions of CHS and SCRA to ensure that the redesigned system operates effectively and efficiently for children and families and adequately supports and resources the discrete legal functions of the National Convener and Principal Reporter. This must be overseen by the Scottish Government as part of the broader work to implement the recommendations in this report and to keep the promise by 2030.

Status	Accept
	1

Recommendation 3.1: Updated national referral guidance must be issued to those working alongside children and families, which encompasses the core aims of the redesign. This must include the particular needs of babies and infants and their developmental milestones and should be clear that referral processes should be rights-based and underpinned by the key principles of proportionality, consistency, and timeliness.

Status	Accept
	1

Recommendation 3.2: The workforce must be supported to work relationally alongside children and families, to ask their views and listen and act on the responses they receive about the help and support that would make the most difference in their lives and to use their judgement about whether a referral to the children’s hearings system is appropriate route for a particular child and their family.

Status	Accept
	1

Recommendation 3.4: All organisations within the children’s hearings system must ensure that they have adequate audit arrangements in place to review and openly report on the quality, consistency and impact of their decision-making and outcomes for children.

Status	Accept
	1

Recommendation 3.5: The role of the Reporter prior to a referral being made to the children’s hearings system must be enhanced. The engagement of the Reporter must routinely be considered during other child protection and care and support meetings and discussions, and there must be a consistent approach to partnership working between agencies and the children’s hearings system.

Status	Accept
	1

Recommendation 3.7: Specialist training must be provided to decision makers within the children’s hearings system and those working as part of the children’s justice system or directly alongside children in conflict with the law so that they know and help children access and understand their rights and the way in which the children’s hearings system interacts with the criminal justice system. This includes for Reporters, Chairs, Panel Members, police officers, social workers (including community justice social workers) and lawyers as a minimum—some of this has already started and must continue.

Status	Accept
	1

Recommendation 3.9: All children and young people up to age 18 who are convicted at Court should have the opportunity of either a remit to the children’s hearing or a request for the advice of the children’s hearing by the Court (an Advice Hearing), in accordance with the terms of the Children (Care and Justice) (Scotland) Bill.

Status	Accept
	1

Recommendation 4.1: There must be changes to the way that advocacy is offered:
4.1.1 If a child does not already have an independent advocacy worker, there should be an immediate offer of advocacy at the point of referral to the Reporter for all children. This must be fully explained to children in ways that they understand so that they are aware of what an advocacy worker is and the role that they can play.
4.1.2 The Promise Scotland’s work to develop a lifelong advocacy service for care experienced children and adults should include the extension of advocacy support beyond the entry point to the children’s hearings system to children working voluntarily alongside local authorities and to parents and carers too.

Status	Accept
	1

Recommendation 4.2: Children should be fully informed of their right to legal representation and there should be an exploration and understanding of whether the current mechanisms for them to access legal aid and their right to legal support is sufficient.

Status	Accept
	1

Recommendation 7.3: CHS and SCRA must be fully supported and resourced to adapt and flex to the changes required by the redesign.

Status	Accept
	1

Recommendation 7.4: The children's hearing must be clearly seen as the principal legal decision-making forum for children after grounds are established. Children and families must understand the role and added value of the children's hearings system and how it correlates to the other inter-related processes and meetings in their lives.

Status	Accept
	1

Recommendation 7.5: There must be a national review of multiple ongoing child protection, care and support processes and meetings, including review meetings, to identify where unnecessary duplication takes place, where drift and delay is introduced, and where information could and should be better shared collaboratively with the Panel or Reporter to better inform decision-making.

Status	Accept
	1

Recommendation 7.6: The discretion of the Principal Reporter to decide whether a Reporter should attend a children's hearing should be retained. Reporters must only attend a Hearing when they have a meaningful contribution to make and, in their view, it is in the best interests of children and their families.

Status	Accept
	1

Recommendation 7.7: Clear measures should be in place to explain the role of the Reporter in a hearing in a way that children and families understand.

Status	Accept
	1

Recommendation 8.1: There must be a more robust preparation phase in advance of a children’s hearing, which must involve children and their families.

Status	Accept
	1

Recommendation 8.3: Local authorities, CHS and SCRA must work together to consider how best to plan and prepare all children and families for optimal support, understanding of, and participation in their children's hearing.

Status	Accept
	1

Recommendation 8.7: The feasibility and potential positive and negative consequences of pre-hearing planning meetings must be explored.

Status	Accept
	1

Recommendation 8.8: In a redesigned children’s hearings system there must be a separation between procedural decisions relating to the hearing itself and the decisions made by the hearing.
 There should be an assessment to understand which procedural decisions a Chair can take without the need to convene a full Panel in advance of a hearing. This should include scrutiny of whether anything needs to change in legislation or procedural rules to better facilitate decision-making and eliminate structural drift and delay in the system.

Status	Accept
	1

Recommendation 8.10: The rights of brothers and sisters to participate and be part of their siblings’ hearing must be upheld.

Status	Accept
	1

Recommendation 8.11: For people who might find it difficult to physically attend a hearing due to emotional or practical concerns there must be ways for information and views to be shared in advance, either through a written report or a recording.

Status	Accept
	1

Recommendation 8.12: The existing obligation for a child to attend must be removed and replaced with a presumption that a child will attend their Hearing, with some limitations. There must be no presumption that babies and infants will attend their Hearing.

Status	Accept
	1

Recommendation 8.13: The existing range of options available to help facilitate children’s attendance within the children’s hearings system should remain in place and expand in accordance with emerging research, evidence and shared learning from other tribunals and ongoing improvement work.

Status	Accept
	1

Recommendation 8.14: If a child does not wish to attend their hearing, then there must be clear mechanisms in place to help the child understand what was discussed at the hearing and what decisions were made.

Status	Accept
	1

Recommendation 8.17: All reports must be shared with plenty of time for Panel Members to review them.

Status	Accept
	1

Recommendation 8.19: A child and ‘relevant person’ must be given appropriate time to read and understand the information that they receive.

Status	Accept
	1

Recommendation 9.2: Children and their families must be helped to understand their choices and rights relating to their participation in their hearing.

Status	Accept
	1

Recommendation 9.4: The provisions in section 3 of the Children (Scotland) Act 2020 with respect to a child being given an opportunity to express their views in a manner they prefer or a manner suitable, must be commenced.

Status	Accept
	1

Recommendation 10.3: Social workers' training must cover the purpose, processes, and structure of the children's hearings system in adequate detail and must support them in developing the reports that decision makers will need to inform their decision-making.

Status	Accept
	1

Recommendation 10.4: Social workers who attend Hearings must have an in-depth understanding of the lives of children and families to whom the Hearing relates.

Status	Accept
	1

Recommendation 11.12: Orders must have a high degree of specificity to ensure safe, loving, mutually supportive relationships are upheld and protected.

Status	Accept
	1

Recommendation 11.14: There must be clear processes for a Hearing to inquire about what is working and what is not working with respect to contact arrangements as part of regular review processes.

Status	Accept
	1

Recommendation 11.16: If families are not engaging in the support that is available, the tribunal must inquire about the circumstances surrounding this and seek to understand what alternative provision may be more appropriate.

Status	Accept
	1

Recommendation 11.19:

11.19.1 There must be sufficient resources and multi- agency planning and collaboration with the Children’s Hearing to ensure the additional, specific needs, of all 16 and 17 year olds are met.

11.19.2 The tribunal must have oversight of the transition plans for children who are nearing their 18th birthday so that there is no ‘cliff edge’ in terms of help and support when they become an adult.

Status	Accept
	1

Recommendation 11.23: The right to appeal must be accessible and understandable to children and families.

To ensure feedback loops play a role in the continuous improvement of Hearings, Sheriffs should request a copy of appeal decisions be included in Hearing papers.

Status	Accept
	1

Recommendation 12.1: The application of compulsion should remain with a child, but there must be a strengthened understanding of the importance of their family and the support they require as part of the link between the order and the Child’s Plan.

Status	Accept
	1

Recommendation 12.7: A Review Hearing should be seen as an opportunity for a full and frank discussion alongside the child and family with the benefit of an independent Chair, and not a place for adversarial proceedings. They should be characterised by curiosity into what has gone wrong and what is needed to change. In an inquisitorial system, the Review Hearing should be the place for an open and honest inquiry into what progress has been made, where the strengths of the family lie, and what challenges there might have been in meeting the terms of the order.

Status	Accept
	1

Accept with conditions

Recommendation 2.1: An overarching principle in primary legislation or procedural rules and a shared set of national standards for the workforce should be made that explicitly describes the children’s hearings system as inquisitorial. This will foster an inquisitorial approach and culture within the children’s hearings system and ensure there is a clear understanding across the entire system of what this means.

Status	Accept with conditions
	2

Recommendation 2.3: Consideration must be given to the specialisation of Sheriffs for involvement in Children’s Hearings Court hearings and other proceedings relating to children and families. Sheriffs must have a clear understanding of trauma, childhood development, neurodiversity and children’s rights and the dynamics of domestic abuse.

Status	Accept with conditions
	2

Recommendation 3.3: Changes to the statutory referral criteria and to updating and modernising the language of ‘protection, guidance, treatment and control’ in section 60(2) of the 2011 Act must be considered.

Status	Accept with conditions
	2

Recommendation 5.5: Interim orders must be in place for a length of time that is in the best interests of the child.

Status	Accept with conditions
	2

Recommendation 5.6: There must be no requirement for young children to agree with the grounds for referral. When all relevant persons agree the grounds and Statement of Facts, this must be sufficient to consider the grounds as agreed, with no need for additional proof proceedings.

Status	Accept with conditions
	2

Recommendation 7.1: The way in which a consistent Chair engages with children and families must change. The Chair of a redesigned children’s hearings system must be at the centre of the decision making model, maintaining the integrity of an inquisitorial Children’s Hearing. The Chair must work relationally alongside children and their families; assess the information provided to the Panel; uphold the rights of children and their families to be involved in decisions that affect them; preside over a robust and clear decision-making process; work collaboratively alongside others; and have clear oversight of the order and the Child’s Plan.

Status	Accept with conditions
	2

Recommendation 8.6: There must be exploration of the feasibility relating to CHS being the organisation responsible for deciding on a date and location of a children’s hearing. This should be part of the aforementioned review of CHS and SCRA’s respective functions.

Status	Accept with conditions
	2

Recommendation 11.3: Home supervision orders must have the same degree of specificity and urgency as orders that require a child to be looked after away from home.

Status	Accept with conditions
	2

Recommendation 11.10: For children for whom there are clear indications that the circumstances that their families face are too challenging for them to remain at home, there should be earlier review by the hearing, in collaboration with the implementing authority, of what a longer-term plan for their care might look like.

Status	Accept with conditions
	2

Recommendation 11.20: There must be a mechanism for the children’s hearing to identify when a child has been subject to compulsory measures of supervision for longer than two years, after which there should be an in-depth review to determine whether this is in the best interests of the child or whether alternative, longer-term arrangements should be made. This review should include scrutiny of the efficacy of the Child’s Plan.

Status	Accept with conditions
	2

Recommendation 11.21: All children and families and implementation authorities should understand what is expected of them and what needs to happen to 'exit' the children's hearings system.

The concept of a child's 'exit plan' out of the children's hearings system, with clear targets and timescales, should be developed and tested in local areas.

Status	Accept with conditions
	2

Recommendation 12.8: The Reporter should be given the discretion to call for a Review Hearing without the need for new grounds to be investigated and established, where appropriate.

Status	Accept with conditions
	2

Recommendation 13.2: Through the inspection process, the Care Inspectorate should consider how CSOs are supported and prioritised with implementing authority planning processes.

Status	Accept with conditions
	2

Recommendation 13.4: There must be a single point of access for children and families and others who wish to make a complaint about an aspect of the children's hearings system.

Status	Accept with conditions
	2

Explore or consult

Recommendation 1.7: There must be consistent high quality provision of Family Group Decision Making and restorative justice services across Scotland.

Status	Explore or consult
	3

Recommendation 5.2:

5.2.1 A child and families' experience at Court should align as much as possible with the experience at a Hearing in terms of the physical environment and the expected conduct of an inquisitorial approach.

5.2.2 Wherever possible, there should be a consistent Sheriff throughout the process who is specially trained and skilled

Status	Explore or consult
	3

Recommendation 5.3: The appointment of a Safeguarder must be routinely considered during the process to establish grounds.

Status	Explore or consult
	3

Recommendation 5.4: The reasons for structural and systemic delays in establishing grounds must be identified and eliminated. Potential solutions considered must involve the legal profession and must include:

5.4.1 The benefit of a statutory three month set time limit for the determination of grounds, with scope for this to be extended in extreme circumstances, at the discretion of the Sheriff.

5.4.2 Measures to prioritise the developmental needs of infants and babies where systemic delays may impact on their ability to form lasting and consistent relationships.

5.4.3 Understanding whether a flat rate fee structure or changes to legal aid would make a difference in terms of reducing the drawing out the processes.

5.4.4 Sheriffs must use the tools at their disposal for the expeditious determination of disputed grounds for referral.

Status	Explore or consult
	3

Recommendation 7.8: Where possible, a Reporter attending a child’s hearing should be the same Reporter that children and families will have engaged with as part of the referral processes and establishment of grounds.

Status	Explore or consult
	3

Recommendation 8.2: The first information that a child receives about the Hearing must change. After grounds are established, any communication sent to the child and their family relating to the processes and decisions of the hearing should come in the name of the Chair. The mechanisms for this change should be included in the review of CHS and SCRA’s functions referred to earlier.

Status	Explore or consult
	3

Recommendation 8.4: In advance of a hearing taking place, the child or young person and their family should be offered an opportunity to meet the Chair outwith the formal setting of a hearing.

Consideration should be given to the production of a note of the meeting shared, with the permission of the child and their family with everyone who has a right to receive information relating to the children’s hearing by the Chair.

Status	Explore or consult
	3

Recommendation 8.5: Children’s hearings must be planned to the individual needs of each child and their family.

Arbitrary time limits for the length of children’s hearings must be discontinued.

Greater consideration must be given to the flexibility of Hearing times and locations to accommodate the needs and preferences of children and their families. It may be appropriate for hearings to take place later in the afternoon or in the evenings, or perhaps even at the weekend and in places close to them, or where they feel comfortable and safe.

Status	Explore or consult
	3

Recommendation 8.9: The preparation phase prior to a hearing taking place must give particular consideration to the information held by the people who know the child best, including those working closely alongside them, and foster, kinship and adoptive parents. These people must be able to participate appropriately and share their views. Legislative or policy changes may be needed to the definition of ‘relevant person’ status to facilitate these changes.

Status	Explore or consult
	3

Recommendation 8.15: National standards for providing reports to the children’s hearings must be prioritised, including the development of a standardised pro forma report template that works across all 32 local authorities and captures all the relevant information held by the different agencies and organisations to aid robust and evidence-informed decision making by the Panel. This should be operational across the children’s hearings system, recognising different assessments and approaches across Scotland but one that creates a standardised reporting process. This must be led nationally but include multi-agency and local authority representation.

Status	Explore or consult
	3

Recommendation 8.16: The Child’s Plan, accompanied by clear succinct information and recommendations from other multi- agency forums, should form the basis of the information that the Panel receive and how they make their decisions.

Status	Explore or consult
	3

Recommendation 8.18: Children and families must be fully supported when their papers arrive from the hearing. Information shared with children and their families must be proportionate and necessary and steps should be taken to minimise trauma, distress, and misunderstanding.

Status	Explore or consult
	3

Recommendation 9.1: Children and families should be recognised as experts in their own lives and must feel included in the decision-making process and gain a sense of working alongside the Panel to make strong and competent choices and decisions in the best interests of the child.

Status	Explore or consult
	3

Recommendation 9.3: The voices and experiences of babies and infants must be captured and shared with the Panel.

Status	Explore or consult
	3

Recommendation 9.5: There should be a full examination of the potential benefits and consequences of recording hearings. This should include a full assessment of the impact this would have on the rights of children and their families.

Status	Explore or consult
	3

Recommendation 10.2:

10.2.1 There must be active management of the role of Safeguarders as the changes around the children’s hearings system are implemented, with consideration of regionalised approaches if required.

10.2.2 The governance processes must enable highly skilled and qualified Safeguarders and should continue to facilitate excellent oversight and review to ensure the conduct and contribution of Safeguarders matches the ethos of the redesigned children’s hearings system .

10.2.3 At every point of instruction of a Safeguarder, there must be clarity about what is being asked of them and what the focus of their enquiry and contents of the report should be.

10.2.4 Children and their families should be clear what the role of Safeguarders is and how this role aligns with the other people that are attending and contributing to the discussions about their lives.

10.2.5 There must be an understanding that Safeguarders appointed at the stage grounds are established may not require to remain involved at the stage of the children’s hearing, but that their continued involvement may add value and be in the best interests of the child. There should be consideration of the legislative provisions around appointment of Safeguarders to support this approach of active consideration of the need for the Safeguarder as proceedings move from Court to the children’s hearing.

Status	Explore or consult
	3

Recommendation 11.2: There must be a closer relationship between what is in an order and the help and support that a family needs to address the challenges that are in their life. All orders must be specific about the help and support that the child and family require.

Status	Explore or consult
	3

Recommendation 11.4: Panels must be empowered to create space for restorative justice and FGDM processes to take place, by deferring hearings for a sufficient time.

Status	Explore or consult
	3

Recommendation 11.7:

11.7.1 The Hearing must ensure that, wherever possible, children remain with consistent caregivers when it is not possible for them to remain safely at home.

11.7.2 Children’s hearings must question and test the extent to which implementing authorities are fulfilling their legal and policy requirements with respect to providing consistent, safe, protected, and loving homes for children and ensuring that the legal tests that exist in statute are being fully exercised.

11.7.3 Where relationships have broken down, an inquisitorial approach to the children’s hearings system must allow for conversations about how to rebuild these in the best interests of children and their families.

Status	Explore or consult
	3

Recommendation 11.8: There must be closer links between local authority decision-making relating to adoption, permanence and residence orders and the legal tribunal of the children’s hearing. Efforts must be made to streamline aspects of decision-making when a Permanence Order or Adoption Order has been applied for.

Status	Explore or consult
	3

Recommendation 11.9: There should be consideration of a set timescale for the length of time a child can be accommodated in what is intended to be long-term placement before a local authority decides to progress an application for an order which provides legal, permanent, and physical security for the child.

Status	Explore or consult
	3

Recommendation 11.11: National best practice guidance around the issue of ‘contact’ and maintenance, repair and development of safe relationships must be developed.

Status	Explore or consult
	3

Recommendation 11.13: For siblings who each have individual Child’s Plans and orders through the children’s hearings system there needs to be consistency of approach, so that there are not competing orders in place with differing ‘contact’ requirements.

Status	Explore or consult
	3

Recommendation 11.15: The hearing must seek clarity regarding the provision of help and support set out for the family, including foster, kinship, and prospective adoptive families, in the Child’s Plan and must be clear about its expectation of the implementing authority and multi- agency partners. This should include any financial support a family may need to receive to maintain contact arrangements or to mitigate against any changes in income when a child is no longer living at home, including to benefits.

Status	Explore or consult
	3

Recommendation 11.17: The hearing should be made aware of any unintended consequences of a child living apart from their family, including isolation due to the contact restrictions which may prevent a birth parent from having contact with their family or attending community events.

Status	Explore or consult
	3

Recommendation 11.18: Appropriate evidence-based help and support must be available to help families to recover and rebuild their lives after a child has been removed from their care, including with respect to future pregnancies and with an understanding that children may return home once they turn 16.

Status	Explore or consult
	3

Recommendation 11.22: Wherever possible, there must be a consistent Sheriff in the grounds and appeal processes.

Status	Explore or consult
	3

Recommendation 12.2: The hearing must be empowered to maintain oversight of orders and exit plans made by hearings, to consider concerns reported to them regarding implementation, and to take appropriate action in response to those concerns. This will be enacted by putting in place a more immediate and flexible response to concerns that a CSO is changing or might not be being fully or appropriately implemented.

Status	Explore or consult
	3

Recommendation 12.4: There must be a provision that enables the Hearing to make a requirement for the implementing authority to regularly report back to the Hearing on progress.

Status	Explore or consult
	3

Recommendation 12.5: It must be clear that the implementation authority extends beyond social work. There is a duty to collaborate across health, education, justice and other services—and there must be an understanding of the expectation on these other areas and their role in implementing the order.

Status	Explore or consult
	3

Recommendation 12.6: When the hearing is made aware of a concern or a challenge in implementing the order, or that things are working really well and the order should be removed, the Chair must review the information that has been shared and should have the discretion of considering the next steps, and should have a range of options available on how to proceed—informing the child and family about their decision. These may include taking no further action, highlighting the concern to the implementing local authority, or directing that an early Review Hearing is required.

Status	Explore or consult
	3

Recommendation 13.1: The programme for delivery and implementation put in place to oversee the implementation of these recommendations should consider whether there is a role for a new accountability body to ensure ongoing quality assurance, continuous improvement and oversight of a redesigned children’s hearings system.

Status	Explore or consult
	3

Recommendation 13.3: An improved way to effectively and more consistency collect, share and learn from data across the children’s hearings system must be developed:

13.3.1 Local authorities must be supported to hold and provide the data to inform and support national and local understanding of the implementation, impact and outcome of decisions made by the children’s hearings system , to better enable informed and reflective decision making for all partners and improve outcomes for children and families.

13.3.2 Where issues arise due to legislation, for example, GDPR restrictions, all partners should work towards positive solutions. This includes SCRA and CHS fully exploring means of effectively sharing or jointly controlling data in order that the outcomes and impact on the wellbeing of children can be better understood.

13.3.3 The National Convener should seek to share relevant and proportionate information annually with relevant governance structures (for example, Children’s Services Planning Partnerships) to provide local decision makers with relevant, timely reflections on the

Status	Explore or consult
	3

Recommendation 12.3: There must be ways for the child and their family, and the important people in their lives, including those working alongside, them to keep in touch with the Hearing about how things are going.

Status	Explore or consult
	3

Do not accept

Recommendation 3.8: When the Reporter is making a decision about whether to refer a child to a Children’s Hearing on care and protection grounds rather than offence grounds, they must have regard to the longer-term implications of the establishment of grounds for referral on offence grounds and the, albeit limited, reportability or disclosure of this later in life.

Status	Do not accept
	4

Recommendation 11.1: The Hearing should engage in robust scrutiny of a Child’s Plan.

Status	Do not accept
	4

Recommendation 12.9: Mechanisms should be created to enable the Reporter to draw the attention of the Chair to new information that is thought to be relevant to the decision-making of the Hearing, whether or not it reaches the threshold for a new statement of grounds.

Status	Do not accept
	4

Varied responses to sub-recommendations

Recommendation 2.6: There must be changes to the way a Child’s Plan is put in place:

2.6.1 Every child who comes to a Children’s Hearing must have a Child’s Plan, or a clear timeframe for when their Child’s Plan will be in place.

2.6.2 There must be national template for a Child’s Plan.

2.6.3 The Scottish Government update of the GIRFEC guidance on the Child’s Plan must align with the conclusions of the Independent Care Review and the conclusions of this report. In particular, the Child’s Plan must include further consideration of the support needs of the family.

Status	Do not accept – 2.6.1	Explore or consult - 2.6.2	Accept with conditions - 2.6.3
	4	3	2

Recommendation 3.6: There must be changes to the way that the Children’s Hearings System engages with a family before a child is born:

3.6.1 When it is considered that compulsory measures may be required immediately upon a child’s birth, the Reporter must be engaged in multi-agency processes and decision making and must be empowered to undertake an investigation and prepare draft grounds for referral before a baby is born.

3.6.2 Wherever possible, the Reporter’s investigation prior to a baby being born must involve seeking the voice of expectant parents.

3.6.3 Expectant parents must be offered the support of an advocacy worker and a lawyer at the same time or prior to the Reporter’s involvement. Changes may be required to the legal aid rules to facilitate this.

Status	Accept with conditions – 3.6.1; 3.6.2	Do not accept – 3.6.3
	2	4

Recommendation 4.3: Once a referral has been received, the Reporter must work more closely alongside children and families, where possible. This should include:

4.3.1 Ensuring the voices, views and experiences of children and their families are routinely part of the Reporter’s investigation (and there must be consideration of a statutory duty on the Reporter to seek the views of the child and family if they wish to share them).

4.3.2 Making connections between other simultaneous child care and protection processes, and removing duplication, confusion and overwhelm where possible;

4.3.3 Reviewing the Child’s Plan (if there is one) as an integral part of understanding the help and support that has been put in place for children and for their families.

Status	Accept - 4.3.1; 4.3.2	Explore or consult – 4.3.3
	1	3

Recommendation 4.4: The following measures should be considered with a view to reducing the number of ‘repeat referrals’ and increasing coordination between the children’s hearings system and the other parts of the ‘care system’:

4.4.1 The potential value of a ‘closure report’ sent from the implementing authority to the Reporter should be explored.

4.4.2 There must be an option for the Reporter to produce a more specific and detailed written report to the local authority with more of an analysis of the investigation process, particularly if children and families are more involved in discussions alongside the Reporter, where appropriate.

4.4.3 Where appropriate help and support for children and families has not been provided, there should be further collaboration between the Reporter and the local authority, and the potential use of the measure contained within s.68(5) should be explored.

4.4.4 Re-referrals of children to the Reporter within a specific timeframe should be considered as part of a continuation of the previous concern, rather than new circumstances, and wherever possible should be considered by the same Reporter.

4.4.5 There must be improved mechanisms to better capture data to understand the impact of voluntary measures and why children are re-referred to the Reporter.

Status	Accept – 4.4.2; 4.4.3; 4.4.5	Explore or consult – 4.4.1; 4.4.4
	1	3

Recommendation 5.1: The process of establishing grounds must change:

5.1.1 The drafting of grounds and the Statement of Facts should be reframed to take a rights-based approach to help families to better understand why grounds are being established and recognise themselves in the drafting.

5.1.2 Where relevant and appropriate, the Statement of Facts should include strengths and positive elements of a child’s care in addition to the challenges in their lives.

5.1.3 Grounds must be established in a separate process before a child and their family attend a Children’s Hearing. There must be no more Grounds Hearings.

5.1.4 A more relational way of working to agree grounds and confirm the Statement of Facts should be encouraged, where the Reporter exercises professional judgement to determine when children and families might be able to discuss grounds.

Status	Accept – 5.1.1	Do not accept – 5.1.2	Accept with conditions – 5.1.3; 5.1.4
	1	4	2

Recommendation 6.1: A Children’s Hearing must operate explicitly as an inquisitorial, non-adversarial tribunal where the sole objective is to arrive at decisions that are in the best interests of the child. This includes:

6.1.1 The existing Rules governing a Children’s Hearing must be sufficiently robust to ensure that the Chair is able to manage the dynamics and conduct of an

inquisitorial approach to a Children’s Hearing. This includes determining who is present at each stage of a Children’s Hearing, whilst effectively balancing rights of attendance and participation, and having the flexibility to change the speaking order and arrangements and the authority to ask contributors to the meeting to leave the room after they have spoken, if that is in the best interests of the child.

6.1.2 The decision-making model must consist of a salaried, consistent and highly qualified professional Chair accompanied by two Panel Members, remunerated at a daily rate.

6.1.3 As far as possible the Chair must be the same Chair each time a child and their family attend a Hearing. This should also apply to Panel Members where possible and desirable.

Status	Accept – 6.1.1	Do not accept – 6.1.2	Explore or consult – 6.1.3
	1	4	3

Recommendation 6.2:

6.2.1 The decision-making model must consist of three distinct phases: (1) a robust preparatory phase; (2) the Children’s Hearing followed by a pause in proceedings; (3) sharing the decision with a child and their family verbally and in writing.

6.2.2 The final decision will be a majority decision. If there is a dissenting view from a Panel Member, the Chair must reflect that in the written decision.

6.2.3 The Chair must provide the decision within a reasonable time limit.

6.2.4 A framework must be developed for how written decisions should be approached by the Chair.

6.2.5 A summary of the decision made by the Hearing in plain language and in a format appropriate to the age and stage of the child must be shared alongside the full decision.

There must be consideration given to whether this would also be appropriate for family members.

Status	Accept – 6.2.2; 6.2.3; 6.2.4	Accept with conditions – 6.2.1; 6.2.5
	1	2

Recommendation 7.2: Changes must be made to the recruitment and training of Panel Members:

7.2.1 The competency-based recruitment framework currently used to recruit Panel Members must be updated and developed. For the Chair this must include personal qualities, tribunal skills, and legal competence. For Panel Members this must be based on criteria that focuses more on their personal qualities.

7.2.2 Where possible, Panel Members should be local to the community that the child and family are from, but there should be a focus on matching Panel Members to children and families to whom they can relate and who are empathetic to their experiences, challenges and circumstances.

7.2.3 The training of Panel Members must meet the needs of an inquisitorial children’s hearings system and must include an understanding of the broader ‘care

system'. All Panel Members must receive opportunities to continuously develop their skills and reflect on the way that they engage with children and families, and their role.

7.2.4 The potential value of specialist Panels or Panel Members with specialist training should be considered.

7.2.5 The recruitment and training of Panel Members and maintenance of standards should continue to be undertaken by the National Convener.

Status	Accept with conditions - 7.2.1; 7.2.2	Accept – 7.2.3; 7.2.4; 7.2.5
	2	1

Recommendation 10.1: The conduct of lawyers representing children and relevant persons throughout the children’s hearings system must be in line with the ambition for children’s hearings to be inquisitorial rather than adversarial:

10.1.1 There must be a review of the pre-existing Code of Practice that lawyers are required to adhere to and of the processes with respect to the register of solicitors eligible to provide legal assistance to children, maintained by the Scottish Legal Aid Board.

10.1.2 There must be mechanisms to review practice and to ensure that lawyers are held to the standard expected of them at children’s hearings.

10.1.3 There must be consideration of the development of rights of audience so that lawyers should demonstrate certain skills and attributes before being able to appear on behalf of children and relevant people at a hearing.

Status	Accept – 10.1; 10.1.1	Accept with conditions – 10.1.2; 10.1.3
	1	2

Recommendation 11.5:

11.5.1 Where alternative options to Secure Care are not available in local areas, this should form part of the hearing’s contribution to the data collection and information shared with the National Convener so that a national picture for improvement can be gathered as part of the ongoing redesign of Secure Care and the ask of the Independent Care Review to ensure community-based alternatives are available.

11.5.2 The Panel must place expectations on the implementing authority with regard to helping children who are living in Secure Care to maintain relationships that are important to them and connections to their family and community, where it is safe to do so.

11.5.3 The timescales for children living in Secure Care must be reviewed to ensure that they are appropriate and in their best interests. There must be no expectation or understanding that children should be living for long periods of time in Secure Care, but rather the presumption should be that it is a temporary measure.

11.5.4 An exit plan must be put in place which helps children to understand that a Secure Care arrangement is temporary and when they can expect to move home or to another place of safety, what needs to happen in advance of that, and how they can be involved in that decision-making.

Status	Accept – 11.5.2; 11.5.4	Explore or consult – 11.5.1; 11.5.3
	1	3

Recommendation 11.6:

11.6.1 The processes and support available for families where multiple children are engaged with child protection, and care and support processes including the children’s hearings system must be streamlined and connected.

11.6.2 Wherever possible and appropriate, the same Chair should be present at each separate child’s hearing for the same family (brothers and sisters).

Status	Explore or consult – 11.6.1	Accept with conditions - 11.6.2
	3	2

A Timeframe for Redesign

Building on the significant work of the Hearings System Working Group, the process of system redesign has already begun. Plans will be developed in partnership with key statutory organisations and we will move forward with an approach grounded in transparency and inclusion. Importantly, the year ahead will see many opportunities for interested parties to be actively involved in the process of redesign and change.

2024 – 2025 will see:

- the establishment of governance and delivery structures – both internal to the hearings system, and more broadly with reference to children’s services, justice, health, social justice and other strategic improvement programmes and leadership networks
- engagement with, and reporting to, the care community and hearings-experienced young people
- the continuation under the new Children’s Hearings Redesign Board of improvements already planned and the synthesis of the agreed HfC recommendations into an action plan
- a focus on consultation and engagement with a view to policy development across 2024 – generating policy proposals on areas that need new legislation
- a suitable primary legislative vehicle this Parliamentary term, subject to Cabinet and Parliamentary agreement
- research and testing will be commissioned where appropriate and proposals will be explored, developed and assessed.
- close monitoring on stability and capacity of current system , and assessment as to where further targeted investment in core systems and services could unlock capacity, confidence and more child-centred, trauma-informed ways of learning and working

2026 - 2030 will see:

- the commencement and phased implementation of new of primary legislation, including the adopted changes to roles, structures, procedures and responsibilities
- the embedding of system, function and role changes
- training and development across all relevant professions and disciplines to facilitate change and improvement,
- ongoing linkages to major public policy, strategic and environmental efforts that go beyond improvements to the children’s hearings system itself
- evaluation and post-implementation review to assess, measure and demonstrate success.

A Focus on Delivery and Participation

To deliver the recommendations for change, a [Children's Hearings Redesign Board](#) ("the Board") is being established. The Board will be jointly chaired by the Scottish Government and the Convention of Scottish Local Authorities (COSLA), and includes membership from the senior leadership of key statutory partners responsible for the delivery of the children's hearings system. This means one member each from the Scottish Children's Reporter Administration, Children's Hearings Scotland and Social Work Scotland. This tightly focused membership of statutory and key partners is designed to ensure immediacy of accountability and real pace in delivery and change. The Board will maintain close links with the wider strategic community of the Children's Hearings Improvement Partnership (CHIP), as well as commissioning members and groups of members to deliver on identified relevant workstreams.

The Board will oversee delivery of change to the children's hearings system, ensuring that any changes made are underpinned by clear and compelling evidence - with demonstrable benefits to children and their families. Central to the effective operation of the Board will be core principles of collaboration, co-operation, inclusion, respect and transparency.

As well as their own organisations, the Board members will be accountable to Scottish Ministers and COSLA leaders, and will provide progress updates to other connected strategic boards and groups, including CHIP, as well as to the Promise Scotland and care experienced young people.

Building on the successful and trusting partnerships created and nurtured by Sheriff David Mackie, we will work with children and young people to identify ways for them to enrich the work of the Board and the process of reform and redesign. This is a critical feature of the programme of redesign, but this will happen on terms best suited to the young people. They will be supported to introduce ideas, raise concerns and hold others to account for the work that is taking place.

Conclusion

This response signals the beginning of the next chapter of this exciting programme of work, seeking to bring together all those who care about Scotland's infants, children and young people who may be in need or at risk and require the protection of a redesigned hearings system – a system in which each child's experience reliably reflects its fine principles and intentions.

Scottish Ministers are grateful to Sheriff Mackie, the Promise Scotland the Hearings System Working Group and the children, families and system practitioners who participated for taking the transformational and courageous first steps on the path to the redesign of the children's hearings system - through their prospectus for positive change, their determination to deliver only the very best to Scotland's children, and their challenge to long-held orthodoxies and assumptions.

In extending that challenge to system leaders, practitioners and policymakers to work collaboratively with us, drawing on each other's skills and expertise and the voices of those with care experience, Ministers commit to working with system leaders and partners to ensure that we move forward positively, at pace.

The babies, infants, children and young people of Scotland are counting on us to deliver a redesigned hearings system that is inquisitorial in nature – and is experienced by Scotland's children, at each stage, as a reliable humane, empathetic, agile, problem-solving, confident and robust legal system of child care and justice.



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Edinburgh
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