

## Children's Hearings (Scotland) Act 2011

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Education, Children and Families

21 June 2011

### 1 Purpose of report

- 1.1 This report seeks to inform the Committee of the main provisions of the Children's Hearings (Scotland) Act 2011.

### 2 Summary

- 2.1 The report sets out the intention behind the act, its main provisions, and the implications for the Council.

### 3 Main report

- 3.1 The Act was granted Royal Assent in January 2011. The main driver behind it was to rationalise and centralise 32 locally accountable panels into one national Non Departmental Public Body, Children's Hearings Scotland, to be responsible for the recruitment, training and support of Children's Panel members. Bernadette Monaghan was subsequently appointed as National Convener of the newly established body and Craig Spence has been appointed as the Chair of Children's Hearings Scotland.
- 3.2 Full implementation is expected in the summer of 2012, subject to secondary legislation being in place. The National Convener will be responsible for setting up local Area Support Teams, on which local authorities will be represented. The number, size and exact remit of these will be determined following a three month consultation period, beginning with the publication of a consultation paper by the National Convener at the end of June. A proposal has been submitted by the current Edinburgh Panel chair that Edinburgh should have a stand alone Area Support Team.
- 3.3 Further provisions legislate for; 'Feedback Loops, whereby local authorities will be required to give the Convener data about the implementation of supervision requirements; 'enforcement', which will empower Children's Hearings to direct the Convener to make application to a Sheriff for an order directing a local authority to implement the conditions of a supervision requirement; the establishment of a national panel of Safeguarders.

3.4 While the Act is primarily concerned with the administration of the Children's Hearing system, the Scottish Parliament took the opportunity to bring the legislation into line with human rights legislation. A number of changes are introduced, the more significant being:

- A new ground of referral relating to domestic violence.
- Provision to enable child to speak in confidence to a Children's Hearing.
- Secondary legislation to ensure the proper legal representation of all relevant people.
- A new provision for interim supervision requirements, replacing place of safety warrants.
- The entitlement for young people to appeal against the imposition of a condition of secure accommodation.
- Provision to ensure that young people referred on offence grounds are fully appraised of the implications of accepting the grounds
- A requirement that a Children's Hearing always satisfies itself that the views of a child have been sought and represented.
- The establishment of an advocacy service.

#### **4 Financial Implications**

4.1 There are no financial implications.

#### **5 Equalities Impact**

5.1 There is no relationship to the public sector general equality duty to the matters described in this report and no direct equalities impact arising from this report.

#### **6 Environmental Impact**

6.1 There are no environmental impacts arising from this report.

#### **7 Recommendations**

7.1 It is recommended to Committee that it welcomes the changes brought in by this legislation, placing the child at the centre of the Children's Hearing system in accordance with the European Convention on Human Rights.

7.2 It is recommended to the Committee that it supports the proposal that Edinburgh should have a stand alone Area Support Team.

Appendices	None.
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Wards affected	All
Single Outcome Agreement	
Background Papers	None