SCRA response to the consultation

Background

The Children's Hearings System is Scotland’s distinct system of child protection and youth justice. Among its fundamental principles are:

- whether concerns relate to their welfare or behaviour, the needs of children or young people in trouble should be met through a single holistic and integrated system

- a preventative approach, involving early identification and diagnosis of problems, is essential

- the welfare of the child remains at the centre of all decision making and the child’s best interests are paramount throughout

- the child’s engagement and participation is crucial to good decision making

SCRA operates the Reporter service which sits at the heart of the system. SCRA employs Children's Reporters who are located throughout Scotland, working in close partnership with panel members and other professionals such as social work, education, the police, the health service and the courts system.

SCRA’s vision is that vulnerable children and young people in Scotland are safe, protected and offered positive futures. We will seek to achieve this by adhering to the following key values:

- The voice of the child must be heard
- Our hopes and dreams for the children of Scotland are what unite us
- Children and young people’s experiences and opinions guide us
- We are approachable and open
- We bring the best of the past with us into the future to meet new challenges.

Response

SCRA welcomes the revised work on Information Sharing in the light of the Supreme Court Judgement. We should initially point out that many of the situations to which the draft guidance refers will be low level issues which would not involve the reporter in any way. However, this provides an opportunity to ensure all professionals understand their information sharing
responsibilities at all potential stages, including where the children’s hearing system may be involved.

SCRA may become involved is where there are concerns for a child’s wellbeing which may require compulsory measures to address them and the principles outlined in the paper in particular from paragraphs 32 to the end are relevant and helpful as a statement of current legal principles. They should, for instance, be applied in determining whether a child should be referred to the reporter but there is not always evidence of that understanding.

As applying practice requires an understanding of the legal framework we would wonder whether the Code would be more effective by placing the descriptions of the law (pages 5 to 10) at the beginning, before looking at practice.

We would also promote wider references to the legal obligations existing on agencies other than those found in the DPA and the 2014 Act e.g. the Children’s Hearings (Scotland) Act 2011.

Reference is made to the General Data Protection Regulation which comes into force in May 2018. As this may well be before the coming into force of the Code of Practice, we would suggest that the full impact of that regulation be assessed and referenced in the Code to prevent future confusion and need for early revision.

Elsewhere in the draft code we welcome the references to consent and when that should be acquired. We wonder whether this will be sufficient in helping professionals understand when to seek that consent and when consent can be dispensed with. We would suggest that the link to child protection procedures be more robust, in particular in recognition that there will be cases which may not easily categorised.

Over the last few years we have seen significant progress in the development of policies designed to ensure compulsory measures are not applied unless required, through the use of Early Effective Intervention and through the development of child’s plans that can ensure support to a child where the family consent. This can involve professionals from many agencies making judgements about the most appropriate action to take, what information to share and when consent should be sought.

These challenges are not new and will be familiar and understood by many. This provides an opportunity to ensure that understanding on a consistent national basis. Simple to read guidance with practical examples can help but a comprehensive cross agency training programme should underpin this to ensure best practice is built on good understanding.

As an agency we continue to support the aims of Getting It Right For Every Child

SCRA
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