



Education, Children & Young People Committee

Children (Care, Care Experience and Services Planning) (Scotland) Bill.

Briefing Note:

Enhanced Role of the Chair of the Children's Panel.

National Convener

Children's Hearings Scotland

11 November 2025

1. Introduction

At the Committee meeting on the 5 November 2025 Members heard evidence from Scottish Government officials and the Minister for Children, Young People and the Promise on Stage 1 of the Children (Care, Care Experience and Services Planning) (Scotland) Bill.

During the evidence session reference was made to the briefing that Children's Hearings Scotland (CHS) provided to the Scottish Government on the Enhanced Role of the Chair of the Children's Panel. As a follow up please find below the briefing to aid the Committees understanding of the proposals. As National Convener, I would be more than happy for me and my team to meet with any of the Committee Members to discuss the briefing, respond to any queries and set out how we would envisage the legislative changes will work in practice. Contact details have been provided to the Clerk of the Committee.

2. Background

The Children (Care, Care Experience and Services Planning) (Scotland) Bill 2025 introduces a new Enhanced Chairing role for the Children's Panel. This reflects the increasing complexity of children's hearings and the demands this places on the Chair. It will help improve outcomes for children by enabling greater levels of consistency, accountability, quality assurance and continuity of decision makers into the system.

The provisions for the enhanced role of the Chair reflect the recommendation from the Hearings for Children report led by Sheriff Mackie in 2023. The enhanced role along with the option of Specialist Panel Members will help achieve the policy recommendations of the Independent Care Review for the Children's Hearing System to shrink and specialise.

The Chair can take procedural decisions alone to free up time for three-person hearings to make substantive decisions and will work with the Children's Reporter in the planning of children's hearings.

3. Rationale

- The legislative responsibilities of the Chairing Member have increased exponentially over the last two decades, and will continue to do so.
- The role will increase consistency, and continuity will help ensure that compulsory measures are implemented, and action taking when they are not.
- The role of the Chair will remove the administrative and procedural components of hearings so that hearings can focus on safeguarding the best interests of each and every child.
- The Chair will ensure that hearings are child-centred, inquisitorial, and put in place safeguards to reduce the risk of drift and delay, and distress or trauma for the child.

4. Role and Remit of the Enhanced Chair

- To convene, plan and chair children's hearings. Approximately 105 Enhanced Chairs will work 3-days per week in the preparation and chairing of hearings.
- To review children's situations, identify and remedy gaps in information with the Children's Reporter so Panels can make life changing decisions with children and their families.
- To guide discussion during a hearing so that it remains focused and relevant, and that every participant is able to contribute as effectively as they can, including fellow Panel Members. Therefore, managing contributions within a hearing in the time available.

- To carry out the specific legal duties already assigned to a Chairing Panel Member as set out in the 2011 Act and 2013 Rules of Procedure which includes specific duties for specific types of hearings, such as grounds hearings, and general duties which relate to all types of hearings.
- Responsible for ensuring that well-evidenced and well-structured written reasons for the hearings decision(s) are prepared, and the decisions, reasons and determinations made by the Panel are recorded in the record of proceedings for each children's hearing.
- To support all Panel Members as equal legal decision-makers in substantive hearings.
- To confirm what the final decision of a hearing is, the hearing's reasons and what that means for the child or young person. The Chair should also check with the child or young person and each relevant person that they understand the decision of the hearing.
- To inform the child, each relevant person and any Safeguarder appointed of the appropriate right to appeal the children's hearing's decision.
- To inform the child and relevant persons of rights to ask for a review, provide feedback or complain.
- To work with the Children's Reporter in the planning of hearings, helping to ensure that reports are provided and legal orders are implemented.
- To ensure the voice of the child is front and centre of the decision making of Children's Panels.
- Undertake training in key areas or practice development such as the requirements of the Children (Care & Justice) Act, to ensure legal compliance with policy developments.
- To undertake decision making as a **Single Panel Member/Chair**, in the following areas;
 - **Functions of a Pre-Hearing Panel:** (As is currently defined in 2011 Act and 2013 Rules of Procedure. The Bill does not contain provisions which amend the 2011 Act to specify the pre-hearing functions which can be carried out by a Chairing member as a single panel member.)
-Those current functions are:
 - The attendance of a child or relevant person. Including attendance by electronic means only.
 - Relevant Person status in relation to a child (whether a particular individual should be deemed to be a relevant person/whether an individual already deemed a relevant person should continue to be deemed).
 - Whether the Panel is likely to consider making a Compulsory Supervision Order (CSO) including a secure care authorisation
 - Participation rights of siblings or others.
 - Whether the Panel consider it is necessary to ask the Reporter to make a referral to the Scottish Legal Aid Board for legal assistance for a child, or relevant person.
 - Can consider appointing a Safeguarder
 - The appointment of Specialist Panel Members and the commissioning of Independent Reports.
 - Making an Interim Compulsory Supervision Order (ICSO) - new S.95A (3) of 2011 Act – First ICSO (urgency test).
 - **Grounds Hearings:**
 - Consideration of the statement of grounds prepared by the Children's Reporter - where the Reporter has assessed agreement may be possible from their meeting with the child and relevant person(s) (new S.69C of 2011 Act, Section 14(5) of Bill). A single panel member/Chair cannot decide whether to put a CSO in place for a child.
 - S.95(2) of 2011 Act (where a child has failed to attend and another grounds hearing is arranged) or new section S.89C (8) of 2011 Act (where a child has not been in attendance and panel have not been satisfied as to whether the grounds have been accepted, or not, so the panel arrange a further grounds hearing).

- A devolved power from the National Convener to convene a three-member hearing should it be in the child's best interest to do so, where the Chair considers this appropriate and necessary. Rules and criteria will be established to ensure consistency of this in practice.

5. Recruitment, Skills and Competencies of Chairs

Children's Hearings Scotland (CHS) has a strong track record of recruiting, training and supporting over 2,000 Panel Members and have effectively delivered this core statutory role for over 10 years. CHS's organisational infrastructure, and the planning already in place, provides reassurance that CHS is prepared and skilled in recruiting the new Panel Member roles. The approach to recruit the new cohort of Panel Members will ensure alignment with the principles, and approaches offered to other Tribunals by the Judicial Appointments Board for Scotland to ensure the process is robust and complies with best practice in public appointments.

Additionally, CHS will involve young people with lived experience in the co-design of the role description, recruitment materials and recruitment processes for the new cohort of Chairs. This will ensure that the skills and values required for a Chairing Member reflect the views of people with lived experience. The initial competencies outlined in the role descriptor include:

- Legally competent in children's hearings legislation and practice, but they will not be expected to be practicing lawyers.
- A deep understanding of children's rights and application of the UNCRC in practice.
- Experience of chairing complex statutory meetings.
- A deep understating of child and adolescent development.
- Ability to lead an inquisitorial process, manage conflict and de-escalate adversarial situations.
- Empathy and understanding of the needs of children in the care system.
- Experience and skilled at putting the voice of the child at the centre of a child's hearing.

CHS will develop an accredited learning package that will be externally verified with ongoing requirements for professional development and quality assurance for practicing Chairs.

6. Training and Support

The training priority of Chairs will be co-designed with people with lived experience and will be bespoke based on a skills-based analysis of the new cohort. In addition to the pre-service training that all Panel Members complete, we anticipated the Chair will undertake enhanced training in areas including:

- Practice and policy developments – for example in relation to UNCRC, Age of Criminal Responsibility, Children (Care and Justice) Act, GIRFEC and Children (Care, Care Experience and Services Planning) (Scotland) Bill.
- Listening to the voice of the child.
- Early and effective interventions, restorative justice.
- Enhanced trauma informed practice training.
- Secure care and deprivation of liberty.
- Child and adolescent brain development and mental health services.
- Contextual and statutory safeguarding.
- Child trafficking and the criminal exploitation of children.
- Domestic violence and coercive control.
- Maintaining Important Relationships – Promoting Sibling Contact and Family Time.
- Neurodevelopmental conditions such as Autism.

Every Chair will receive regular 1-1 support. As part of the financial policy memorandum that accompanies the Bill, there is a provision for 5-days per year Continued Professional Development and training built in.

7. Interplay Between Remunerated Chair and Volunteer Panel Members

The new provisions in the Bill for remuneration for the new Chair and Specialist Panel Members will be accompanied by safeguards to ensure equity of decision making and equity in the power dynamics within children's hearings. Currently all volunteer Panel Members work with, and alongside, paid staff in children's hearings, where there is clear separation of roles and responsibilities. The additional safeguards we will put in place will include:

- The Chair, Specialist Panel Members and Ordinary Panel Members will all complete the same pre-service training to ensure there is a shared understanding. This training will ensure roles and decisions making powers are clearly set out by the National Convener. All Panel Members will have opportunities to keep their knowledge and understanding up-to-date, as is relevant to their particular role.
- Whilst the Chair will have additional responsibilities, it will be incumbent on them to ensure that when three-person Panels make substantive decisions, each Panel Members decisions will carry equal weight. The composition of a three-person Panel will ensure the current majority decision making model continues.
- Many existing Panel Members understand that it is unsustainable to be entirely reliant on the goodwill of volunteers to chair increasing complex legal tribunals. Furthermore, it is worth noting that every other legal tribunal in Scotland has remunerated Chairs.
- Continuity and consistency are difficult to achieve within the current model. Panel Members typically volunteer one (1.17) afternoon or morning a month, this new role will have Chairs leading hearings three-days a week. In practice, continuity will more likely be the Chairing Member, and this will be welcomed by many Panel Members who have competing priorities out with their volunteering role.
- By introducing the enhanced role of the Chair, we will sustain the volunteering ethos of the hearing system, by lifting the administrative burden and professional accountability away from volunteers and ensuring the ask of volunteers is reasonable and proportionate.
- Appointments to the remunerated roles will enable diversity, and in particular, provide greater opportunity for those with lived experience. Panel Members understand that the current volunteering model precludes many people who cannot afford to volunteer.
- Practice directives, procedures and routes to recourse already exist and will be amended to ensure that the decision-making powers and the interplay between remunerated panel roles and volunteer roles are understood and adhered to.

8. Integration of Enhanced Chairs into ONE CHS Culture

- CHS will have a single inclusive and collaborative organisational culture that includes our volunteers, our Enhanced Chairs (who are remunerated) and our staff.
- All three Panel Members will retain the duty/right to make individual decisions for infants, children, and young people in Children's Hearings.
- There will be clear pathways for volunteers, and for those with care experience, to be recruited into Enhanced Chair and specialist roles.
- There will be a structured development programme for existing volunteers to undertake that will lead to becoming an Enhanced Chair to ensure that we attract and retain sufficient talent.
- The purpose and outcome of the Enhanced Chair and the ordinary Panel Members remain the same. The Enhanced Chair role means that they will be present in more Hearings.
- The role, recognition, and contribution of Panel Members in improving the lives of those infants, children and young people who need the Hearings system most, will continue to be acknowledged and celebrated.
- Quality Assurance mechanisms for all Panel Members will remain the same, with additional requirements and levels of accountability added for Enhanced Chairs.

9. Reducing Drift and Delay and the Interplay Between the Children's Reporter and Chair

Currently once the Children's Reporter has received a referral and formally reviewed and decided on how to proceed with the referral, the Reporter plans and schedules the first hearing, and any Pre-Hearing Panel which is deemed necessary before the first hearing. The new provisions present an opportunity to upstream this process for the Chair to work collaboratively with the Children's Reporter to get it right the first time and avoid unnecessary, procedural, deferred or inconsequential hearings that can be frustrating for all parties involved. The Chair will have the time and expertise to work with the Children's Reporter in influencing the planning of hearings, therefore reducing the likelihood of deferrals, drift and delay and ultimately improve the experience and outcomes for children. The situations where this will be most impactful in reducing drift and delay include:

- Appointment of Safeguarder, where it is clear that the appointment of a Safeguarder to produce a report would be beneficial, the Chair could initiate the process and therefore avoid the time it takes to scheduled and convene a three-person Panel to make this decision.
- Appointment of a Specialist Panel Member, where it is apparent that additional expertise is required, because of the specific needs of the child, the Chair will have the opportunity to work with the Reporter to identify this need and will initiate the process of appointing a Specialist to assist with the decision making.
- Where Continuity has been requested the Chair can initiate the process, and the increased capacity of Chairing Members will reduce the current logistical challenges of identifying an available volunteer Panel Member that participated in the child's previous hearing.
- Statutory reports, where it is clear that statutory reports from social work/health/education are missing, incomplete or out-of-date the Chair can work with the Reporter to rectify the situation, to avoid the scenario where a forthcoming hearing has to be deferred due to missing information.
- Commissioning of Independent Reports, where it clear that a report from an independent professional such as a psychologist will be beneficial the commissioning process can be initiated without the need of convening a full hearing.
- Reasonable adjustments, where is clear that the needs of the participants will require adjustments to comply with an equality need, or to make the hearing trauma sensitive, the Chair and the Reporter can work together to address this.
- Attendance and participation of Children or relevant persons, where decisions are being made to facilitate or limit involvement of a child or Relevant Person this can be done collaboratively between the Chair and the Reporter.
- Where it is apparent that a referral should be made to SLAB for a child or relevant person to have legal representation, the Chair can raise this with the Reporter at the earliest opportunity to avoid further delay.
- Consideration of the statement of grounds prepared by the Children's Reporter in new section S.69C, where the Reporter has assessed that agreement of the grounds may be possible, and to avoid further delay.
- Making an ICSO for the first time if it is clear that the urgency test is met, the Chair can make this decision and avoid having to wait to convene a full three-person hearing.
- Where it becomes apparent that measures within an Order are not being delivered in a timely way the Chair and the Reporter can convene a hearing to rectify the situation.

In order for these provisions to have optimal impact we will need to establish clear Rules of Procedures, timescales and practice protocols for the interplay between the Panel and the reporter and a programme of activity is being initiated to progress this with the Scottish Government, SCRA and CHS.



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