

<i>item:</i>	6
<i>report:</i>	CYP08/07

GETTING IT RIGHT FOR EVERY CHILD - UPDATE

by Bill Alexander & Marj Stewart

Summary

This report provides an update on the 'Getting it Right for Every Child' Pathfinder. It includes proposals for the response to the Scottish Executive on the draft Children's Services (Scotland) Bill.

1. 'Getting it Right for Every Child' Pathfinder

1.1 Significant development continues to take place both locally and nationally with regard to the implementation of 'Getting it Right for Every Child'. A Project Board meeting is being held on Thursday 15 March, and an update from this will be provided at the Joint Committee.

1.2 In the meantime, there are a number of matters worth highlighting:

- As part of phased implementation, the revised Police concern form and practice guidance was launched on 5 March with existing business processes. The forms are being used within the Northern Constabulary on an e-basis, with no double entry, and discussions are taking place on options for sharing with SCRA and Social Work via 'Word' document.
- Health practitioner guidance is now at final draft stage, as is the health record and the pilot is about to commence.
- Details are being finalised for the CareFirst training plan, which will enable synchronisation for the phased implementation within Social Work in Inverness.
- Work continues on the development of education record, and an options paper is being prepared on the e-model. A meeting with all Inverness Secondary Head Teachers is being held on for 20th March

- A voluntary sector reference group has begun to meet, and it has been agreed that a representative should join the GIRFEC Chief Officers Group.
- All current business processes have now been mapped, and the first draft of mapping of the amended business process has also been completed.
- The IT sub-group has been re-constituted under the chairmanship of the Data Sharing Manager, and is finalising a revised project plan.
- A successful inter-authority seminar was held on 6 March, involving colleagues from Ayrshire, East Dunbartonshire, Lanarkshire and Grampian, sharing developments and planning further collaboration.
- A revised workstream plan, risk register and training strategy have been prepared for the Project Board on 15 March.
- A Child Protection Committee Seminar on risk assessment within the 'Getting it Right' framework is taking place in April.

1.3 Consideration is presently being given to extending the secondments of the Project Team till March 2008. This will be decided by the Chief Officer Group.

1.4 Further, given the transitional stage that has been reached in the reorganisation of Council structures, and the need to ensure safe systems during the phased implementation of 'Getting it Right', it may be necessary to deploy the three Integration Managers from their current Area responsibilities, and into roles that provide sufficient management support for the implementation process. Again, this will be confirmed by the Chief Officers Group.

2 Draft Children's Services (Scotland) Bill

2.1 The Draft Children's Services (Scotland) Bill was published on 19 December 2006, and comments have to be submitted by 31 March 2007. The Bill can be accessed at the Executive's consultation web site: www.scotland.gov.uk/Publications/2006/12/18140606/0

2.2 The Bill, like 'Getting it Right for Every Child' more generally, started life in the Review of the Children's Hearings System. As a result, there is still a heavy emphasis on reform of the Hearings System in the proposals.

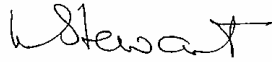
However, the legislation is far more wide ranging than this, and it will affect all agencies working with children.

- 2.3 The Bill is intended to support the implementation of the 'Getting it Right' programme to reform children's services and will place the child at the centre of service provision in Scotland. It will:
- Affect all agencies and services that provide care and support for children and their families;
 - Impact on service to adults who are parents where support for the adult may improve outcomes for children; and
 - Link with the Executive's wider public service reform agenda aiming to co-ordinate services round the needs of service users, strengthen accountability and to improve quality and efficiency.
- 2.4 The legislation places new duties on agencies to co-operate with each other and share information. It also places a new duty on professionals to be alert to the needs of children and take action to meet them. These duties will cover all agencies working with children, including those delivering public services in the private and voluntary sector.
- 2.5 A number of the initial proposals in the previous rounds of consultation on the Children's Hearings Review appear to have been dropped (e.g. proposed power of the Reporter to refer cases to agencies to act on plans and to seek reports on progress and reviews). However, there continue to be a number of issues that will require careful consideration, including with regard to:
- powers of the Children's Hearing and responsibilities of agencies - including proposed interim supervision requirements;
 - frequency of Hearings - a number of provisions, including interim supervisions requirements, may mean children, families and staff having to attend repeat meetings;
 - ability of Children's Hearings to adapt their procedure;
 - evidencing the effectiveness of the Children's Hearings System to victims and communities;
 - modernisation of support arrangements for panel members.
- 2.6 A summary of provisions in the Bill, along with the consultation questions is provided **Appendix 1**. Some initial comment is provided in **Appendix 2**.
- 2.7 A consultation event was held on 6 March, facilitated by Children in Scotland. This involved over 100 staff from across Highland, along with a small number of colleagues from other authorities.
- 2.8 It is intended to take account of the discussion at that event and at the Joint Committee, along with further responses received before 19

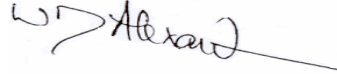
March, to produce a final response. This will be agreed by the Chair and Vice-chair of the Committee with Chief Officers.

Recommendations

The Committee is asked to endorse the actions being taken to implement 'Getting it Right for Every Child' in Highland, and to agree the proposed means of finalising the response to the Scottish executive on the draft Children's (Scotland) Bill.



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Appendix 1

DRAFT CHILDREN'S (SCOTLAND) BILL

The draft Bill is in two main parts: stand-alone provisions (Part 1 of the draft Bill) and amendments to the Children (Scotland) Act 1995 (Part 2 of the draft Bill).

Other more general matters are covered in Part 3 of the draft Bill

Part 1: Over-arching Provisions

- Duties will be placed on support services to make information on children's services more readily available.
- Duties will be placed on agencies to promote the well-being of children and to intervene where this is appropriate.
- Every relevant agency must seek to secure, effective means for ascertaining (and recording) the views of children, and the views of relevant persons in relation to children.
- Duties will be placed on support services for collaborative working. Relevant agencies are to co-operate with each other, and invoke arrangements in the event of any disputes.
- Provisional plans for collaboration between agencies will involve the creation of one joint plan, as well as stipulation for appointing a lead professional to coordinate the work of the agencies, and work as an advocate for the child if necessary.

Part 2: Amendment of the Principal Act - Children (Scotland) Act 1995

Part 2 of the Bill has provision to change the grounds for referral to the Children's Hearings system.

- Panel members are no longer restricted to their own area.
- Duties will be placed ensuring that the Principal Reporter appoints a person to act as the child's legal representative at the hearing (and any continuation of it).
- Stipulations that a children's hearing need not, at any time prior to their disposal of the case of a child, disclose any information about the child, or about the child's case, if disclosure would be significantly against the interests of the child.
- Duties will be placed on all relevant agencies to implement actions agreed at a Hearing.
- Duties will be placed to change the grounds for referral to the Children's Hearing, to reflect 'Getting it Right' principles and processes.

Part 3: Further issues for consideration

In addition, a number of further issues have developed since the publication of the proposals for action in 2005. These are:

Changes arising from the Vulnerable Witnesses (Scotland) Act 2004

- To ensure that in cases where the child witness who is to give evidence is the subject of proceedings or party to the proceedings, the Children's Reporter is the party citing (or intending to cite) the vulnerable witness, the Reporter is able to lodge the child witness notice or vulnerable witness application.
- To ensure that taking evidence by a commissioner is recognised as an integral part of Children's Hearings court proceedings, and that the protections apply to the taking of evidence by a commissioner in Children's Hearings court proceedings.
- To apply restrictions on evidence in certain cases involving sexual abuse to appeals against the decision of a children's hearing or a sheriff.
- For section 68A to apply where evidence is presented to the court in the form of hearsay.
- To ensure the protection offered by section 68A is extended to offence-based referrals.
- To the protection afforded by section 68A is extended to cover the situation in which the child who is the subject of an offence-based application is a witness in the proceedings.

Engaging with young people involved in offending

- To ensure that it is clear that engagement with interventions put in place to change behaviour is not optional. To make this happen, all agencies must ensure their services are of high quality and can respond to a wide range of abilities and needs.
- For the small group of young people who continue to pose a risk to themselves or others, and who cannot or will not engage with services who are working to change their behaviour, further options to compel them to change their behaviour.
- To ensure the gap is filled is for those who continue to cause concern, but refuse to engage with services after their supervision requirement is terminated.

Changes to the Scottish Children's Reporter Administration and procedural changes to the Children's Hearing system

- Removal of the Principal Reporter from the Administration (Board) of the Scottish Children's Reporter Administration.
- Simplification of the different warrant provisions available to Children's Hearings in the Children (Scotland) Act 1995. The current warrant provisions are complex and can be difficult to manage. The draft Bill provides an

opportunity to simplify the structure of the warrant provisions and ensure that no child in need of detention in a place of safety is disadvantaged because of technicalities around which warrant provision the hearing relied upon.

Children's rights and information sharing

- To respond to the concerns expressed by volunteers that they need more consistent support while maintaining local links and knowledge of those undertaking the functions of panel members, and children's panel advisory committee members.
- To develop a child's record, through pathfinder projects, that will have the capacity to share information between agencies. The project includes the identification of the core data every agency will need to collect and the data standards for data collection so that information can be shared. Where agencies are working together, there will be a single multi-agency assessment and plan.
- To ensure that for every child who appears at a Hearing, there will be an inter-agency plan.
- Any information sharing provisions would be dependent on the confidence of young people, families and professionals in the use of information, and the impact of any lack of confidence on the willingness to use services.

Appendix 2: Initial (draft) Comment

INTRODUCTION

Highland's Joint Committee on Children and Young People welcomes the proposed new Children's (Scotland) Bill. The Committee recognises that the necessary reforms being taken forward as part of 'Getting it Right for every child' are not dependent on this new legislation, but does regard the proposed Bill as enabling and empowering change.

SCOTTISH EXECUTIVE CONSULTATION QUESTIONS

Q1. Do you think that the concept of well-being in relation to the duties on agencies set out in sections 1 and 2 of the draft Bill is helpful?

It is helpful to use the term 'well-being', rather than the former 'welfare'. It is a broader and more pro-active term. It implies a responsibility to maintain a state of well-being, based on a positive perspective, not a deficit model.

Might the responsibility of every agency 'to promote the well-being of children' not be the very first clause in the new Bill?

Well-being is defined by a set of new parameters. The vision of Scottish Ministers is that children are safe, healthy, achieving, nurtured, active, respected and responsible, and included. Rather than develop new definitions, this should form the definition of well-being.

Q2. Do you feel that the duties on agencies proposed in sections 1 and 2 of the draft Bill will ensure that all relevant agencies can and will act to so that children get the help they need when they need it?

The proposed requirement to be alert to unmet need takes insufficient account of the systemic responsibilities of agencies for children's well-being. The legislation should include the requirement on local partner agencies to have a collaborative process to ensure the management and monitoring of all of the responsibilities in the Bill on an ongoing basis, across agencies. This is necessary at all levels of intervention, including when there is no involvement of the Children's Hearings System.

Q3. In your view, do the proposals in sections 2(5) and 5 of the draft Bill for recording agency decisions and actions and for a multi-agency action plan provide enough of a framework to deliver effective planning across agencies for the child and their family?

As stated above, the legislation should include the requirement on local partner agencies to have a collaborative process to ensure the management and monitoring of all of the responsibilities in the Bill.

The joint, single plan and the lead professional role are key elements of the reform process. Much of the detail associated with these developments will be set out in practice guidance, and it does not addressed in legislation.

Q4. It is the intention that the proposals in sections 4 and 5 of the draft Bill for collaboration of agencies will provide a robust but simple framework for agencies to work together locally. In your opinion, do you think that the framework will enable this to happen?

Once again, the legislation should include the requirement on local partner agencies to have a collaborative process to ensure the management and monitoring of all of the responsibilities in the Bill.

Section 5 (1) might also usefully refer to a requirement to have a collaborative assessment, planning and reviewing process across agencies.

Q5. Are you content with the definition of relevant agencies (including parts of the voluntary sector) in section 7? What characteristics should make an agency a relevant agency?

Yes.

Q6. With regards to section 11, do you agree that the Principal Reporter should not be a member of the Administration (the Board) of the Scottish Children's Reporter Administration? If no, explain why.

Yes

Q7. The new power in section 12 for the Principal Reporter to appoint a representative if certain criteria are met is meant to safeguard the rights of those children who need such representation. Are you content with the introduction of this new power? If no, explain why.

Yes. However, there seems little purpose in making the local authority responsible for the cost of legal representation.

Q8. In section 12 the criteria for legal representation is expanded to include the appointment of a legal representative where a Children's Hearing is likely to make a movement restriction condition. Are you content with the introduction of this new criteria? If no, explain why.

Yes.

Q9. Section 14 introduces new provision to withhold information about the child where disclosure would be significantly against the child's interests. Are you content with this new provision? If no, explain why.

Yes. There are clearly practice issues though, that needs to be fully detailed, to asset the child to understand why the provision cannot be sustained beyond the disposal of the case by the Children's Hearing.

Q10. Are you content with the proposals in section 15 of the draft Bill to change the grounds for referral to the reporter and the Children's Hearing to reflect the needs of a child and the need for compulsion?

Yes, the three conditions are fundamental to implementation of 'Getting it Right for Every Child'. We have two small caveats: might the reference to unmet need be more specific, in terms of it being a significant level of unmet need; might a better phrase be found for 'situational condition' – perhaps just relevant 'circumstances'?

Q11. The relevant situations in section 15 are intended to improve on the existing conditions in section 52(2) of the 1995 Act and to address possible gaps such as self-harm by a child and exposure to domestic abuse. Do you feel that the relevant situations are appropriate?

Yes.

Q12. In your opinion, do the provisions in section 16 of the draft Bill to expedite the establishment of the situational condition where the relevant person accepts the condition but the child has not understood or is not able to understand provide adequate and appropriate protection for the rights of the child? Do you have any additional comments on these changes?

Yes.

Q13. In your opinion, do you feel that the proposals in section 17 for interim supervision requirements provide an appropriate additional option to a Children's Hearing when they are unable to dispose of a case? Do you have any additional comments on the interim supervision requirements?

The purpose and need for the interim supervision requirement is not fully addressed in the explanatory notes. There may be advantages where 'proof' is being sought, but action still requires to be taken to protect a child. However, we should not introduce new tiers of bureaucracy where these are not necessary. Rather than have repeated Hearings every 22 days, might there be a prompt means of appeal?, Further though, we should not introduce mechanisms that detract from the responsibility of agencies to allocate services timeously and appropriately, and there may be this danger in this provision.

Q14. In relation to section 18, it is intended that any agency which is taking, or is expected to take, action in accordance with a supervision requirement should have a duty to take such action. It is also intended that a Children's Hearing may impose specific duties on an agency. A formal enforcement process will apply to breach of duties as is currently the case in relation to duties imposed on a local authority. The provisions in relation to duties set out in section 18, together with existing duties of a local authority, are intended to adequately and appropriately provide for duties to act

in relation to a child subject to a supervision requirement. Do you think that they do so?

Yes.

Q15. In relation to section 20 on warrants, it is intended that section 66 will apply where there is an application to the sheriff under section 65. It is intended that section 69 will apply where the situational condition is accepted/established (and there is no current section 65 application). Section 45 and section 63 will continue to apply in their own particular circumstances. Further refinement to ensure this effect is intended. In your opinion or in the opinion of your organisation, will such an approach simplify warrant procedures? Do you have any additional comments on the simplification of warrant procedures?

Issues for Consideration

Q16. The consultation document sets out a number of proposed changes to the Children (Scotland) Act 1995 arising from the Vulnerable Witnesses (Scotland) Act 2004. Are you content with these proposals?

Q17. For the small group of young people who continue to pose a risk to themselves or others, and who cannot or will not engage with services who are working to change their behaviour, we wish to explore further options to compel them to change their behaviour. To secure continued support and intervention for young people involved in offending we would like to hear your opinions on:

- How we can best ensure that children's services continue to support young people who offend to cease offending and make a successful transition into positive adulthood?
- How we could formalise systems to ensure that this happens?
- How we might respond to the concerns of our communities in the best way to deal with the problem of persistent offending by young people?
- What, if any, legislative requirements do you believe would be required to deliver this?

Q18. The Scottish Executive is committed to promoting and supporting the rights of children and to reflecting the provisions of the UN Convention on the Rights of the Child in the development of policy and legislation. To ensure that we are effectively promoting and supporting the rights of children we would like your views on the following:

- The Bill as drafted is intended to improve children's rights in Scotland. Do you feel it will do so effectively?
- Should we also consider a general duty on agencies working to meet the needs of children to also promote and support the rights of children?

Q19. The Scottish Executive is committed to equality of opportunity for all regardless of race, religion or belief, disability, sexual orientation, age or gender, language,

social origin or political opinion. Do you have any views on whether anything in the draft Bill will have a differential impact on equality communities? If yes, explain why you think this might be the case.

Q20. We would be grateful for views on what further legislative provision for information sharing beyond that proposed in the Protection for Vulnerable Groups (Scotland) Bill may be necessary to deliver the Getting it right for every child agenda.

Q21. Would amending the definition of a child 'in need' in the Children (Scotland) Act 1995 be helpful to the aims of Getting it right for every child without causing unwanted consequences?

Q22. We would be grateful for informed comment on any or all of the matters discussed in the partial Regulatory Impact Assessment including views on any matters arising from the draft Bill which may (in your view) have cost implications.

Q23. We are interested in any other views you have on both the content of the draft Bill consultation and on ways which we could make this type of exercise more accessible to a wider range of people in the future.