

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: DRAFT CHILDREN'S HEARINGS (SCOTLAND) BILL - UPDATE	
From: HEAD OF CENTRAL SERVICES			
Date: 15 October 2009	Ref: CA/ASA/RM		

1. Purpose of Report

To provide Committee with an update on the issues influencing the progress of the Draft Children's Hearings (Scotland) Bill.

2. Background

- 2.1. The Committee at its meeting on 27 August 2009 considered a report on the content of the Draft Children's Hearings (Scotland) Bill and its implications for the Council with regard to its role in supporting the Children's Panel Advisory Committee (CPAC) and the Children's Panel in North Lanarkshire.
- 2.2. The Draft Bill envisages the creation of a new national body to undertake many of the duties currently undertaken by local authorities, Children's Panel Advisory Committees (CPACs) and the Scottish Government. The Bill proposed that local authorities should be taken out of the system except for a minor role of promoting the Children's Hearings System as part of Community Planning and proposes, also, the creation of a role of President who will, with the help of a national body, would take on the vast majority of the duties currently undertaken by local authorities and CPACs with regard to Children's Panels in terms of providing administrative support.
- 2.3. The Committee will also recall being advised that the Draft Bill would not now be introduced to Parliament until next year and a Paper would be issued in due course setting out the current thinking with regard to the Draft Bill.

3. Considerations

- 3.1. The Scottish Government has now issued two Newsletters and a detailed Paper responding to initial engagement with stakeholders. The response to the initial engagement has seen a wide range of comments, including a number of concerns about the proposals in the Draft Bill from all parts of Scotland. It is understood that changes to the Draft Bill are already being made in response to the representations and discussions with stakeholders and the Scottish Government has indicated that they wish the constructive dialogue to continue as progress towards finalising the Draft Bill is made.
- 3.2. The fundamental issues which have been raised with the Scottish Government by stakeholders relate to:-
 - the impact of the reforms on the ethos and principles of the system and outcomes for children and young people;
 - changes to the role of the Reporter, including attendance at and taking a note of meetings;
 - transfer of functions/increase in bureaucracy;

- decriminalising children and young people, and
- implementation of Panel decisions.

3.3. The response to the initial engagement with stakeholders summarises the significant number of issues raised and also includes how the Scottish Government will resolve the specific issues raised. The response does not, however, suggest any change to the provisions of the Bill with regard to the role of Local Authorities or CPACs.

4. Conclusion

- 4.1. Concerns remain that the Draft Bill will put into place processes which mirror the Courts, thereby necessarily formalising the Hearing System and making Panels seem indistinguishable from youth courts. This is contrary to the original ethos of the system which is much admired around the world by putting the welfare of the child first.
- 4.2. Concerns remain, also, that the proposals in the Draft Bill will continue to see a departure from the local setting. The Committee previously noted that a key element of the Kilbrandon Report in 1971 was the involvement of local people in the Children's Hearing System. The Report saw considerable merit in a process, particularly recruitment and selection, where local people would recruit and select local people as Panel Members making life-changing decisions about disadvantaged young people within a local authority area. In addition, in North Lanarkshire, the CPAC is aware of the quality of service provided by the Council, particularly the level of partnership working in relation to recruitment and selection and the general business of the CPAC. There is concern that the Draft Bill will continue to ignore these benefits and that the proposals within the Bill will dilute local links considerably and remove the considerable important linkages with the local authority.
- 4.3. There is further concern that the Draft Bill will continue to seek to create an undesirable and unnecessary bureaucracy which gives no assurance of national standards and no audit facility. The national body will take over a significant number of functions currently undertaken by volunteers and will clearly be at a significant additional cost over and above current arrangements set against a background of a challenging financial outlook in the next few years. It is clear that if the Bill remains unaltered in this respect and becomes law, that it will come at a considerable additional cost to the public purse.

5. Recommendation

The Committee is asked to note the update on the progress of the Draft Children's Hearings (Scotland) Bill.


 Head of Central Services

For further information in relation to this report, please contact Alastair Ashley on Ext. 2445.