

COSLA's Response to '[Hearings for Children](#)', the Hearing System Working Group's Redesign Report

COSLA is the voice of Local Government in Scotland. We are a cross-party organisation who champions councils' vital work to secure the resources and powers they need. We work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation.

COSLA, and its 32 member councils have committed to Keep The Promise by 2030; we remain steadfast in that commitment. We would like to acknowledge the time, dedication and effort of those involved in the Hearing System Working Group, particularly those from Our Hearings, Our Voice who took time to share their experiences and used those to support the development of the final report and its ninety-plus recommendations.

The development of the report has taken a thorough look through the Children's Hearings System, particularly through the lens of children, young people and families. COSLA were not involved in the working group, however Sheriff David Mackie presented to the Children and Young People Board on two occasions. Social Work Scotland, as the professional leadership body for the social work profession, were also not involved in the working group.

Our response to the Hearing System Working Group report is thematic in nature, rather than responding to each of the report's recommendations. By the report's own admission, some recommendations deal with policy and practice change and others will require legislative change. What is clear from the outset is that a significant number of recommendations require further understanding and scoping; many require substantial changes to the role of social workers within the Hearing System; and many of the recommendations will require long-term and sustained investment.

As the report recognises, there is significant work already underway, either through existing groups, such as the Children's Hearings Improvement Partnership, or through new policy, legislation and practice development. These include, but are not limited to, the introduction of Bairn's Hoose, the updated Child Protection Guidance, GIRFRC refresh, Secure Care Redesign, and the Children's Care and Justice Bill, alongside the proposed National Social Work Agency, amongst others. This individual, and combined, improvement work must be seen in the context of improving systems and practices for and with children, young people, and their families and all will have a positive impact on the children's hearing system, directly or indirectly. What is required moving forward is a cohesive and joined up approach to improvement, across local and national government and with The Promise Scotland and that existing policy, practice and legislative change do not happen independent from each other, or from the work resulting from the Hearings for Children report.

In June 2023 COSLA and the Scottish Government signed the landmark '[Verity House Agreement](#)' outlining three shared priorities; *tackling poverty, including child poverty; transforming our economy through a just transition to deliver net zero and delivering sustainable person-centred public services*; and signalling a new way of working between local and national government.

In light of the 'Hearings for Children' report and in the context of the Verity House Agreement, COSLA and the Scottish Government have agreed the formation of a Children's Hearings Redesign Governance Board to be chaired by senior officers from both organisations. The Board will be responsible for inception, governance and delivery of the workstreams emerging from the Hearings for Children report, content and recommendations.

COSLA hears, loud and clear, the words of Our Hearings, Our Voice, *“Before anything else, the child must be at the centre, be given a voice, and be heard. This is so important and the main thing that needs to change. There needs to be a shift away from speaking about the child, to speaking to the child.”* This is, and should continue to be, our collective ethos when stakeholders in the current Children’s Hearings System seek to redesign.

COSLA is cognisant of the efforts and work of the Children’s Hearings Redesign Group, it has been no small task to produce a report of such breadth and depth, with significant and reaching recommendations.

There is recognition that the intention behind the recommendations is to improve processes, experience and outcomes in and around the children’s hearings system. Feedback from the social work workforce has highlighted that recommendations such as specialised sheriffs and consistent training could be welcomed, but without a solid evidence base to demonstrate improved outcomes, and the voice of social work in further developing recommendations and investment, it is difficult to wholeheartedly support each recommendation at this stage. This does not mean, however, that recommendations should not be explored and developed further, but this work must include all stakeholders.

The report notes, *“There must be no cherry-picking of one or two recommendations that are easier to implement while others are overlooked.”* At this stage, COSLA is not in a position to accept all recommendations without further work to determine the policy, workforce and financial implications; and to understand how connected and contributing policy and legislation will have an impact; for example, the Children’s Care and Justice Bill and the Secure Care Redesign project. We share the view of Social Work Scotland that the sequencing of implementation of any recommendations is crucial, and this must be balanced around the current landscape, existing policy commitments and with shrinking resources and an over-extended workforce.

At this stage COSLA wishes to highlight the following areas.

The Current System

Firstly, we wish to pay tribute to the volunteers who have shown sustained civic commitment for over 50 years in achieving positive outcomes for children and young people in their local communities. The volunteer model is a key pillar of the Kilbrandon Report. Before endorsing a recommendation which seeks to develop a Children’s Hearing System supported by a paid workforce, we would want to understand further how this change would improve the outcomes and experiences for children and young people. Furthermore, this recommendation requires a full and thorough cost analysis to ensure that implementation of such a recommendation is in the best interests of children, young people and their families.

Scotland’s Children’s Panels have been operating with volunteers since they were established in 1971. Currently there is an expectation that Panel Members come from the same Local Authority as the children and young people who attend the Children’s Panel.

There is value in panel members coming from the same local community as the children and young people, which means panel members have local knowledge, if they are not local will they make different decisions due to lack of knowledge of local context and capacity?

The Report suggests that local connection would still be preferable but appears to place less significance on this: “Where possible, Panel Members should be local to the community that the child and family are from, but there should be a focus on matching Panel Members

to children and families to whom they can relate and who are empathetic to their experiences, challenges and circumstances.”

The Local Government Workforce

A key consideration for COSLA, when drawing conclusions on the recommendations, is the impact on and implications for our workforce.

The local authority social work workforce is the only part of the system that remains with the child before, during and after a Hearing. They provide early help as well as being the implementation authority and they deliver on wider responsibilities and duties they have to children and families. They are a critical part of a system which cannot operate without them.

Given the final report is not accompanied by financial analysis or memorandum, further work is required to understand how implementation of the recommendations will affect the workforce, and what resource is required to ensure that children, young people and families experience the support that the report requires.

To ensure this we need a workforce that is well supported and has consistent and well-resourced training opportunities. There may be opportunities through a proposed National Social Work Agency and COSLA remains fully engaged in this process, both politically and at officer level. It is also worth noting that the Hearings for Children report begins by stating that none of the recommendations are realistic if poverty and social work recruitment and retention issues are not resolved in the first instance.

Many of the recommendations in the report will have a direct impact on our workforce, not only in expectation of their roles and practice but on their current and future workload, and in oversight and scrutiny of their work. To protect and support our current and future workforce it is important that we discuss this with professional associations and trade unions, to understand how recommendations will fundamentally change practice and relationships, with the panel and chair, but more importantly with children, young people and families. We must do a full analysis of how the recommendations as they currently stand could impact on relationships, as we must be certain of no detriment.

Resourcing

The report says that there needs to be “Detailed work to ensure the changes are fully and sustainably resourced. The recommendations cannot be implemented within the resources currently available. Significant investment must be made.” The report does recognise that public finances are facing significant challenge.

However, it is disappointing that the report does not provide any estimate on what funding will be required to implement the significant changes recommended.

It is COSLA’s view that a financial analysis and costing exercise must be undertaken as a matter of priority to understand how the recommendations will be fully resourced.

Scrutiny and Regulation

The report states that: “There must be a single point of access for children and families and others who wish to make a complaint about an aspect of the Children’s Hearings System.”

No organisation is identified to carry out this role. Local and national processes are currently in place for citizens to raise complaints, directly with a local authority or through the Scottish Public Services Ombudsman.

Social work is a registered profession and protected title. Regulation of the workforce is undertaken by SSSC, and registered staff must meet specific CPD requirements to retain registration. Registration must be renewed every three years.

In addition, many services provided or commissioned by the local authority are registered with and inspected by the Care Inspectorate, services which are often part of implementation of orders from the Panel. Care inspectorate have specific scrutiny and oversight functions for registered services as well as for strategic inspections such as inspection of integrated children's services and child protection provision.

Within the local authority delivery of children's services, there is a statutory duty to review children's plans. This is primarily undertaken within a multi-agency meeting chaired by a semi-independent reviewing officer with a quality assurance role.

There is currently an independently chaired Review of Inspection, Scrutiny and Regulation, Chaired by Dame Sue Bruce, which published its report with recommendations to Ministers on 27th September. The Children’s Hearings Redesign Governance Board should consider this report when considering how to respond to this recommendation.

Local Decision Making

There are some concerns regarding the wording in the report that the new salaried chair will have a greater role in directing and reviewing actions taken by social work staff who are employees of local authorities: “The Chair will have clear oversight of the order and the Child’s Plan.” COSLA agrees that decisions taken by Children’s Panels should be implemented and that social work services should keep the panel informed on actions and support being provided. However, the social work workforce are accountable to their employers, not panel chairs.

On several occasions the report mentions ‘standardisation’, including templates and reporting. Again, further work is required to discover how this can work in practice, and if consistency is the driver that will result in better and improved outcomes for children and families experiencing the children’s hearings system.

The report also mentions consistent and high-quality provision of Family Group Decision Making; and while some local authorities currently offer this specific programme, others have chosen to develop local programmes and practice, while others will use alternative national programmes. We must think carefully and be considerate about an expectation that every local authority should, by default, use the same provision, and be cautious about highlighting one model which has costs and fidelity associated with it.

Whilst national solutions may be the answer to solve one or many challenges, local authorities, as key stakeholders with statutory responsibilities must think carefully about the need to balance local need, systems and practices with and against national directives and expectations.

Conclusion

COSLA is entirely committed to keeping The Promise by 2030. We acknowledge that Plan 21 – 24 stated that “The Children’s Hearing System will have gone through a redesign process”.

As stated throughout this document, significant further work will need to take place, with The Promise Scotland and through The Children’s Hearings Redesign Board, to fully understand the cost and workforce implications of the recommendations. While this work is underway COSLA will continue to lead and support work through the Redesign Board; and in the connected policy areas which we are fully committed to, such as the implementation of UNCRC, the Children’s Care and Justice Bill and the Whole Family Wellbeing Fund, amongst others.

We look forward to continued engagement with The Promise Scotland and partners on the redesign of the children’s hearings system.