



ar n-èisteachdan, ar guth
our hearings, **our voice**

Returning to face to face Children's Hearings

Consultation Response – June 2020




Background Information:

Due to COVID-19 lockdown restrictions that came into place at the end of March 2020, all Children's Hearings moved to being held virtually, using Vscene video conferencing technology.

On the 28th of May, the First Minister announced that Scotland would move to Phase 1 of easing lockdown restrictions and stated that Children's Hearings would return to face to face within this phase. Both the Scottish Children's Reporter Administration (SCRA) and Children's Hearings Scotland (CHS) agreed they would only return to face to face Hearings when they had all necessary social distancing/PPE measures in place and it was safe to do so.

SCRA has responsibility for all the Hearings Centres in Scotland and Lisa Bennett - Head of Organisational Development approached Our Hearings, Our Voice to ask if we could help. They were looking for OHOV to advise on what they need to do to make it comfortable and safe for children, young people and families as they begin to run to face to face Hearings again. SCRA provided us with 7 key points for discussion.

The consultation took place over a two week period (9th – 23rd June) and used two methods of gathering Board Members and Advisors views/ideas.

-  Small group call/video-conferencing calls via our BAND platform

-  Completion of a survey via [surveymonkey.com](https://www.surveymonkey.com)

In total, we consulted with 10 young people, aged between 13-19 who live in both urban and rural locations across Scotland.

The following report details the young people's responses and recommendations on what they consider is important as face to face Hearings begin to resume.

Questions for Discussion:

1. How would you feel about going back into a hearing room with social distancing (1b - and protective masks if necessary)?

We asked the Board Members and Advisors to consider this question from their own perspective and to think about it for other infants, children and young people - including little brothers and sisters. We have separated the part of the question around protective face masks, as there was lots of discussion around this. You will find the responses re masks in section 1b.

There was an almost equal split between those who felt okay about returning to Hearings Centres and those who weren't comfortable with this idea.

Those who were comfortable with returning with social distancing measures in place, often followed up by saying the number of people attending would be a really important factor. In addition, one Board Member said they actually preferred the idea of social distancing (regardless of the risks of virus transmission) as they found too many people in the Hearings made them anxious.

"It would be okay depending on how many people were there."

[OHOV Board Member]

"I'd definitely feel okay. It's better with social distancing as I can get shy when people come too close to me, especially when I go up in the lift with other people... I get really uncomfortable. I think the social distancing will make some children and young people a bit less anxious."

[OHOV Board Member]

One Board Member, with experience of virtual Hearings had a clear preference for face to face Hearings and highlighted some of the challenges with the technology that is currently being used.

"It would be better to be [at a Hearing] in person at a safe distance. Virtually hardly ever works. We've used it for our Hearings when the solicitors can't make it so they come on [Vscene] but they couldn't really hear everybody."

[OHOV Board Member]

A number of young people and Advisors felt that face to face Hearings provided more opportunities to get their views across, resulting in them having more power in their participation rights under Article 12 of the United Nations Convention on the Rights of the Child (UNCRC).

The main reasons that Board Members/Advisors talked about not feeling comfortable to attend Hearings Centres were as follows:

- 👤 risk of virus transmission, especially to family members/carers etc. who are in the shielding categories.
- 👤 people adhering to social distancing rules.
- 👤 ensuring personal hygiene and cleaning routines within the Hearings Centres (expanded on later in report)
- 👤 The use of PPE/protective face masks being frightening.
- 👤 social distancing measures making it difficult to have private conversations with Advocacy Worker/Solicitor/Support person at the meeting.
- 👤 use of public transport (expanded on later in report).

“I would be worried about how it would be for my Carer, as they masks are really scary for them.”

[OHOV Board Member]

“I think the Hearing Centre I go to is quite small and there’s usually 12+ people at mine. I’d be a bit put off it as I’d probably worry about what I am putting towards my household if I came in contact with too many people/someone with the virus.”

[OHOV Advisor]

“Probably not, probably don’t want to get anything and there’s so much stress with school, that is just adding to it.”

[OHOV Board Member]

“I’d feel uneasy, not because of the virus but because it’ll be strange”

[OHOV Board Member]

In all four of the group discussions, the subject of little children not understanding social distancing and finding it very difficult (maybe

impossible) to stay 2 meters apart from people, came up. The Board Members and Advisors were very concerned about the impact of this on infants and children who would attend Hearings.

“Wee kids, like brothers and sisters, at such a young age don’t understand the social distancing thing so it could raise anxieties.”

[OHOV Board Member]

“It’s like 2 of my sisters (aged 5 & 9) started going to the school hub and they are really struggling with social distancing. They have so much going on in their lives that isn’t normal for them anymore. Kids need lots of hugging and reassurance as it’s such a stressful environment.”

[OHOV Advisor]

The final point that came up in this part of the discussion was around the impact of social distancing on a child/young person’s ability to communicate more privately with their Advocacy Worker, Solicitor or support person during a Hearing.

“I’m moving, so if I’m still on an order then I’m not going to know the new Hearings Centre, so going in with the 2 metre thing would make it more stressful and you can’t have private conversations as you can’t get close.”

[OHOV Board Member]

“It can be an intimidating space and environment already and now having to have your Advocacy Worker/support person sit far away from you – you don’t have the same opportunity to have a private conversation like you used to. So how can that form of communication be maintained e.g. via text or passing notes to each other? Also, how is a young person going to be able to speak to the Panel Members on their own if some people are joined virtually?”

[OHOV Advisor]

It is important that this is considered to ensure that those attending their Hearings still have the level of communications they need to fully participate and/or be represented.

1b. Protective Masks:

The topic of protective masks was one that generated lots of discussion in all groups. Again, the Board Members and Advisors thought both about themselves and others when considering the impact of mask wearing.

Everyone understood the reasons for PPE use however there was a general sense that masks could be frightening. Initially the discussions focused around infants and small children, however it was highlighted by one of the Board Members that masks could also be scary for adults. Anyone could have a fear of face masks if they've had a previous negative experience of them.

“Protective masks could be scary. They hide people’s facial expressions which is an important part of being able to read what a person is thinking.”

[OHOV Board Member]

“My little brother wouldn’t like them as he had to go to hospital and was kept in so he still hates masks.”

[OHOV Board Member]

“Masks are more intimidating for younger children as they take away the sense of identity and they might be less engaged or motivated to participate in their Hearing.”

[OHOV Advisor]

“Younger children or like maybe if they had learning difficulties and stuff...they’re missing normality and with things lifting...with the changes that are happening, it’s been quite hard, and facemasks could be quite terrifying.”

[OHOV Board Member]

“It’s uncomfortable as it is!”

[OHOV Board Member]

“They make me nervous just now at 18, so I can’t imagine it as a 12 year old, I’d be terrified.”

[OHOV Advisor]

“I’m quite used to masks from going to the dentist and orthodontist so I’m okay with them.”

[OHOV Board Member]

Recommendations & Suggestions:

Board Members and Advisors came up with the following recommendations and suggestions in relation to protective masks:

“They should be free for everyone.”

“Have them available for free for everybody, so like when you come in you can pick one up and wear it.”

“Panel Members/people could draw different designs on them to make them less scary.”

“Everyone could put their names on the PPE – making them more personal.”

“Or get some fancy/child friendly ones like they have in the children’s wards in hospital.”

“Wear nice/funny masks – like one of my teachers was saying she was going to get a mask with a moustache on it. So the teaching staff are choosing their own.”

“Maybe they could have profiles (like the panel member profiles) for everyone that’s attending the Hearing. But they would need to be somewhere really obvious and pointed out to everyone.”

It’s also important to note that one Board Member said that if masks were seen as a fashion accessory it might make it easier for people to get used to them.

“My wee sister (age 7) likes masks as a fashion accessory, she’s always wanted to wear a mask so she will like that...but it could be scary for some children and young people.”

With regards to returning to face to face Hearings, the Board Members and Advisors recognise **“it’s a really complex situation with lots of different issues with it”** and there’s no one size fits all, **“but it depends on what feels comfortable for everyone.”**

2. What would be good about it? What would you worry about?

A couple of the young people felt that returning to face to face Hearings was an indication that ***“life would start to feel normal again”*** and ***“it was better to see people in person rather than on a screen, seeing actual people again!”***

The overarching themes to emerge in answer to what would be good, were:

- 👤 A strong sense that infants, children, young people and families were better able to take part and have their views listened to in face to face Hearings.
- 👤 More privacy and less distractions in face to face Hearings.
- 👤 Reduces difficulties associated with using technology to take part.

“There’s more opportunity for engagement at a physical Hearing as it’s a two way system, and it’s easier to talk to people face to face rather than thinking ‘I’ve just said that on a laptop.’ There can be certain difficulties with using the tech [Vscene App] and people end up worrying about how to use the tech and not being able to concentrate on the meeting.” [OHOV Advisor]





“Probably some things like if a Hearing has to go ahead, if you don’t use a video call, as you can’t see certain things on a video call. You can’t see people’s body language, how they’re acting or have more of a sense of how someone is doing.” [OHOV Board Member]

“I find it easier to speak my mind in person, and that might be the same for some other people. But it might be easier for other children or young people to speak their mind if they are on a screen.” [OHOV Board Member]

“It minimises distractions with like stuff in the background, noise, not having a private space, other people in the house and any tech issues. People might be more able to participate in person.” [OHOV Board Member]

2b. What would you worry about?

Again across all groups there were similar key themes raised by the Board Members and Advisors. These were:

-  Using public transport to travel to and from Hearings.
-  People's personal hygiene and building cleaning routines.
-  People adhering to social distancing rules/guidance.
-  Children being afraid and Hearings being deferred.

There was an understandable level of anxiety expressed amongst some of the young people as we discussed the use of public transport to travel to and from Hearings.

“Not a lot of people have cars and public transport isn’t a good idea, especially for anyone that’s shielding. My carer wouldn’t come as they’re shielding, and then I wouldn’t want to come without them.”

[OHOV Board Member]

Equally there was concern about how SCRA would ensure that people followed good hygiene when attending Hearings Centres, and one Board Member asked **“how will they ensure that people are using the toilets safely?”** **“Especially wee ones or maybe secondary kids won’t be so good at that.”**

“They have to clean everything every time and that would worry me. It’s one of the top worries I think. Also, They’d need to have a system for people coming in and out of the Hearings Centres, like coming in one door and out of another.”

[OHOV Board Member]

“The toilets sometimes weren’t that clean before the virus, I never use them.”

[OHOV Board Member]

One young person talked about worrying about people keeping the 2 metre distance and the fact that their Social Worker would **“still try to sit right next to me.”** One final point in this section was **“People wearing PPE could be frightening. Young children could be frightened/stressed and won’t be saying what they need, then there’s a risk or fear of a Hearing being deferred.”**

3. Can you think of anything we could do to design it in a way that would feel safe but not scary? What would you expect to see in there to make it feel better?

The key themes from this question were:

- 👤 Reducing the numbers of people attending Hearings in person.
- 👤 The environment of the Hearings Centres/Rooms.
- 👤 Providing good quality information and guidance to families about the changes and what to expect when visiting Hearings Centres.

Board Members and Advisors felt very strongly about this and agreed on the need to reduce the number of people attending Hearings. They considered the pandemic and need for social distancing to have created an opportunity for this to happen.

“Reduce the number of people in the space – so only the essential people (Child/young person/family, Reporter, Panel Members, CYP representative, Social Worker) with everyone else attending virtually.”

[OHOV Advisor]

“Only have the important people in the room –the child/young person/family, Panel Members and the Reporter. So reduce the number of people attending and have lawyers, schools, health etc. video in.”

[OHOV Board Member]

There was also a call to ensure children and young people still have the right to speak to Panel Members on their own, even if they, or others are attending via video link.

Moving on to discuss the environment of the Hearings Centres and how to prepare families for the changes, the young people came up with some brilliant recommendations and suggestions:

Recommendations and Suggestions:

“SCRA need to look at their premises/spaces. It’s the simple things that matter so it’s even more important to make the spaces feel more comfortable and more homely at this time. Doing things that will help to increase infants, children, young people and families engagement.

You could have things like bean bags to sit on.”

[OHOV Board Member]

“Make sure that all the Hearings Centres have good lighting and calming colours that aren’t distracting.”

[OHOV Board Member]

“Lots of younger children love playing Minecraft [and Roblox etc], could these be available in Hearing Centres?”

[OHOV Advisor]

“Reduce hard surfaces in Hearing Rooms by taking away any of the big tables (that are left) as it stops people touching things and risks the spread of the virus, it also creates more space for social distancing.”

[OHOV Board Member]

“All the Hearings Centres are different but you should make sure the seats are socially distanced, so that they are far enough apart and you could use those perspex screens that they have in the supermarkets too.”

[OHOV Board Member]

“If we can’t have toys and things in the waiting rooms any more then have things that won’t spread the virus (like colouring in/origami/playdoh etc) that children and young people can take away with them and maybe TV screens showing programmes, so they still have things to help them feel calmer.”

[OHOV Board Member]

“Make something more positive out of the masks. So get Panel Members and Reporters etc to show a bit of their personality on them where they might draw on them, and then introduce their masks to the children/young people e.g. “on my mask you can see It’s the little things that can make a real difference.”

[OHOV Advisor]

“Have clear hand washing stations as you come in. Make it mandatory on the wall.” [OHOV Board Member]

“Send letters to the child/young person/family telling them who is going to be in the Hearing Centre and who is going to be attending via video link.” [OHOV Board Member]

“Letting people who are a bit nervous, letting them see and maybe having something like an introduction session for the younger kids.” [OHOV Board Member]

“Make children/young people and families aware of the changes. Maybe a leaflet or a film that actually walks you through what it’s going to be like. Explaining this isn’t forever and we will get back to normal once the risk passes.” [OHOV Board Member]

4. If you were due to go to a hearing and had the choice - would you go to a hearings centre with social distancing, a virtual hearing or go somewhere else (with social distancing) and link in?

“I’d prefer to go from School as I live far away from the Hearing Centre and have rubbish internet connection where I live. So I’d go to school and video in.” [OHOV Board Member]

“I’d go in person if I could, as long as they limited the people there but I’d want my Advocacy Worker with me.” [OHOV Board Member]

“I’d go to the Hearing Centre because you’re going to have to go back one day. The Wi-Fi at home/other places can be bad and would keep cutting out.” [OHOV Board Member]

“I’d rather do it in the Hearings Centre with social distancing” [OHOV Board Member]

“I’d rather do it from home with a video link. That would be better for my Carer.” [OHOV Board Member]

“Hearings Centre with social distancing.” [OHOV Board Member]

“I’d chose a virtual hearing cause you can play with your laptop as a distraction but you can still hear them. It feels safer and less stressful at home and I can get a hug from my Grandma straight away cause when you’re in the Hearing room I need to wait till everyone has left the room before I can get a hug.”

[OHOV Board Member]

“Go to a Hearing Centre.”

[OHOV Board Member]

5. Where else would you prefer to go to connect with the hearings e.g. school building, health centre?

“Schools and community campuses as they usually have a meeting room that you could use and I’ve used that room sometimes for my Hearings, as long as it’s private.”

[OHOV Board Member]

“Schools meeting room – they’re fine because I’ve done that for the last year and everyone has just come there.”

[OHOV Board Member]

“Schools – it’s quite comfortable there and maybe like a social work office. It’s important that the place is somewhere that feels safe.”

[OHOV Board Member]

“Council Buildings and Social Work offices, it needs to be somewhere private and needs to have a good amount of space.”

[OHOV Advisor]

“Health Centres – no way! They’re too small and too public.”

[OHOV Board Member]

“Absolutely not! [*Health Centres*] – people who go there are sick, so they are full of sick people! We need them to be used for the function they are for, not for Hearings!”

[OHOV Board Member]

Community Centres and Libraries with a private room/space.

[OHOV Advisor]

One Board Member suggested Church and I suggested Church Halls or other faith based buildings, but some young people suggested that these types of buildings ***“were too cold and might be culturally offensive to some people.”***

6. Is there anything that would help you to participate in the hearing – either physical or virtual.... any other thoughts?

The Board Members and Advisors recognise that having the option of both face to face Hearings and virtual Hearings (or a combination of both) gives children, young people and families more options of how to take part in their Hearing, in a way that's best for them. This could be one of the positive outcomes from the pandemic and something that the Children's Hearings System can build on to improve people's experience. The young people came up with the following recommendations:

“Children, young people and families need more support before, during and after their Hearing - especially when it's a virtual Hearing.”

[OHOV Advisor]

“Safeguarders and Advocacy Workers should be there to speak for a child/young person who isn't attending.”

[OHOV Board Member]

“Having less people in the room.”

[OHOV Board Member]

“With Hearings taking place both in person and with people connecting virtually, it's vital that a child or young person's representative (Advocacy Workers, Solicitors/Lawyers or a support person) is considered as one of the essential people to attend in person.”

[OHOV Board Member]

“If a child or young person is attending a virtual Hearing it might be good if they come into the (virtual) room first and then everyone is invited in after that, so that introductions can be done to help the child/young person/family.” [OHOV Board Member]

“When you need to be in a different room then let someone from your family be in there with you, it’s unsettling and makes you feel safer when someone from your family is with you.”

[OHOV Board Member]

“Make sure wee ones have the option to stay in the room for the whole Hearing.”

[OHOV Board Member]

As virtual Hearings will continue (in some capacity) for the foreseeable future, our Advisors and Board Members highlighted a real need to address any digital exclusion experienced by children, young people and families who attend Hearings. Families living in poverty are more likely to suffer from digital exclusion and not have the devices/data and possibly the knowledge to access/use digital ways to take part in a Hearing.

“You should provide devices if these are needed by children, young people and families to take part.”

[OHOV Board Member]

“Provide data for people to attend virtual Hearings.”

[OHOV Board Member]

OHOV would suggest that to improve families right to a fair Hearing, more needs to be done beyond providing data and testing support from the Virtual Hearings Team. We recommend providing access to loaned devices where needed (with data) along with appropriate support (possibly from Social Work - who could also consider privacy issues of virtual Hearings within homes) to ensure families have the resources, support and confidence to meet their duty to attend the Hearing and their rights to participate fulfilled.

The Hearings System also needs to ensure it has the most accessible, stable and safe technology to run Hearings as smoothly as possible, with as minimal disruptions as possible for children, young people and families.

“Check up and make sure I’m doing okay.”

[OHOV Board Member]

“Yes definitely, I’d want someone to talk to me before the meeting and ask me what would make me uncomfortable so they don’t make mistakes and don’t take me out of my comfort zone. As sometimes I’m even shaking when they take me out of my comfort zone. So I’d want someone to help me feel comfortable. Before, during and after it.”

[OHOV Board Member]

As we have said at various points in this report, little things can often make a big difference. **Every infant, child, young person and family should be supported to participate fully in their Hearing, taking account of their unique needs before, during and after their Hearing.**

As we draw this report to a close, we leave you with some important general messages from our Board Members and Advisors which were expressed when asked if they had any final comments.

“Remember that the backlog of ‘non-emergency’ cases might be feeling like emergencies to the families and how these impact on infants, children, young people and families if they are mainly at home 24/7.”

[OHOV Advisor]

“I wouldn’t feel comfortable with people talking about me when I’m not there.”

[OHOV Board Member]

“Yeah, it’s not really a children’s hearing without the children.”

[OHOV Board Member]

Thank you for reading our report and we trust that our views, recommendations and suggestions will influence how the Children’s Hearings System changes as it moves forward during the next stages of the pandemic. Our ask of you is that you feedback to us and keep us informed of the changes you make from the recommendations and suggestions we have made. We look forward to hearing from you.

The OHOV Board Members and Advisors.

Report compiled by Jacqui Dunbar (Project Lead) on behalf of OHOV Board Members & Advisors. 21/06/20

The ideas so far... We have been working on some possible examples of how hearings could be held and really want to hear your thoughts about our ideas, or your own ideas and anything else that we need to be thinking about in our planning.

Some of our ideas are:

1. Children, families, Reporter and Panel chair in the SCRA building – either in one of the meeting rooms or the hearing room, with all other people connecting virtually e.g. social worker, solicitor, other two panel members

“The people who should attend face to face Hearings are the child/young person, parents/carers, the CYP’s representative, the Reporter, Panel Members, Social Worker, so only essential people and everyone else video links in.” [OHOV Board Member]

“Children and young people must have the choice to have their representative (Advocacy worker, supportive person or Lawyer) attend any face to face Hearings with them.” [OHOV Board Member]

“This is the best option as long as the tech/video conferencing is good enough to make sure everyone can connect in, so everyone knows who would be there.” [OHOV Advisor]

2. Reporter, panel members, and maybe others in SCRA building with Children and families, Social worker, advocacy, maybe others in e.g. Education Hub
3. All in one very big room to allow social distancing
4. All in one very big room with ability to link in virtually if needed

“Doing it from school so that’s good Wi-Fi connectivity.” [OHOV Board Member]

“I would want to have everyone in one very big room with the ability to video link in virtually if needed.” [OHOV Board Member]