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Our Hearings, Our Voice

Hearings Redesign Consultation Response

The importance of supportive, trusted, skilled, accountable, and consistent adults in children's lives

Children should be offered professionals with time and skills to engage, assess their needs and communicate well

To hear the views of very young children we need skilled professionals with time to spend observing and getting to know them (this could include staff in nurseries or those working with children with additional support needs). Professionals could use play, observation, specialist toys, emoji cards or communication aids.

Some young people worried that observation was not enough as risks could be missed.

Children need consistency of panel members

Children should have consistency of panel members across hearings for these reasons:

- They will know the child and their situation
- Provides familiarity for the child
- Gives the child someone they can connect with and who will follow their journey
- Panel members would have a better overall sense of what is best for the child and their welfare would feel more important for the panel members
- Greater efficiency for the hearings system and less replication for panel members
- Children will not need to keep repeating their story or their past

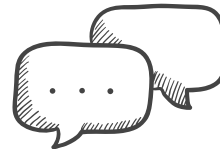


Having the same panel members should be up to the child. The child should, from time to time, be asked privately if they still want the same panel members. The child should have a right to request a change and consistency should not be seen as a rigid idea to stick to at all costs. If there can't be consistency across the whole panel, at least one panel member should remain the same. This person should probably be the chair.

Children should meet the panel chair in advance

Chairs should offer to meet the child and their family before a hearing so the child has a friendly face in the hearing and will be more likely to feel relaxed, safe, and comfortable. This can help the child understand what might happen in the hearing, and who's involved. It would break the ice between the child and the panel, which might help the child to speak up.

Panel chairs need powers to reduce conflict in hearings



Chairs require additional powers to manage conflicts within hearings, lower the number of people present, schedule breaks, and to reinforce the need for confidentiality.

A few people said chairs have the powers they need but may not always use them:

"Competent chairs already take action if there are too many adults present. This should also happen if someone was being unfair or talking over the child. Chairs need more support to understand how to use existing powers and skills to manage hearings"

Children and families need information and Hearings decisions shared in ways that involve them, are easy to understand and are personalised to their needs

Easy to understand and more positive language should be used in grounds



Grounds should be written in a way that is easier to understand, and uses clearer, more positive language about what a child needs. Grounds hearings should feel less stigmatising, blaming, and unsupportive.

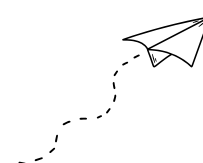
Two young people felt the current language in grounds was correct, saying that it describes what is actually happening for that child and how it is likely to affect them.

We need to think carefully about the use of the SHANARRI indicators in grounds

The SHANARRI wellbeing indicators can be helpful when establishing grounds as they're familiar and make more sense to children and parents, and cover everything a child needs without blame.

Some people weren't enthusiastic about the wellbeing indicators saying they were already over-used and are just another abbreviation by professionals. Some said the wellbeing indicators are too positive and could miss out the risks for children.

Children need more time to consider and understand hearings papers



One week before a Hearing is not enough time to get your paperwork. It should arrive at least two weeks before the Hearing, or longer. This allows children and parents to understand and process the papers, especially if emotions are high. It also gives more time to get help from support staff and ask questions.

Adults must support children to understand papers, in a way chosen by the child



We rely too much on sharing information by writing. Children should have someone to go over the papers with them and talk to them about it. A conversation might be more helpful:

"Sending paperwork should be overhauled entirely. Sending paperwork out to children and their families should be abolished. It should be a conversation rather than paperwork, it would make it easier and more accessible"

Decisions of the hearing should be communicated in the way that works best for the child, such as a chat with a professional or carer they trust, a child friendly letter, a video or voice message, or a phone call.

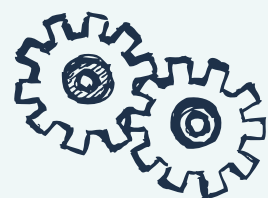
Children and families need more clarity on restrictions made in orders



The hearing needs to be clearer about what kind of restrictions can be put on a child. This will keep the child safe and help them understand what restrictions are on them and why they might have different rules to other children. This should be properly explained by adults, not just written down.

Decisions must be written in child friendly language and shared by a trusted adult

Hearings should be required to provide a summary of decisions in a way that the child and their family can easily understand. This shouldn't just be in writing; it's important that an adult takes responsibility to share the information with the child to make sure they understand



Children need support before, during and after their hearings and much more needs to be done to prepare children for hearings, to understand how they can participate fully, comfortably, and safely, and to enable them to exit the hearings system fully supported and ready to thrive.



Children should be able to meet the reporter in advance of their decision to call a hearing

Children's reporters should offer to meet families to discuss a referral and listen to their views before making a decision on setting up a children's hearing. Children should be allowed to bring someone they trust to this meeting.

The adults arranging hearings must ensure the child's views are heard, as well as exploring how they wish to participate in a hearing

There should be a law in place to make sure the child's views are recorded well before a hearing, we know how the child wants to participate in the hearing, and it's as easy as possible for a child to say how they feel and think.

Some people felt this change could come around through stronger guidance or policy changes. They were concerned that a new law might put pressure on professionals or families, and might not be specific enough.

Children should be given choice in how they wish to engage and share their views. Skilled, trusted adults with time to do this are crucial

There are lots of ways children's views can be gathered, like writing, talking, drawing etc. These should be personalised to suit the child's needs, preferences, and abilities, and all methods should all be treated as equally important. Involving adults who are trusted, skilled, have the time, and provide them with choice on how they share their views is just as important as the methods used.

Advocacy should be offered to children as soon as they are referred to the Children's Reporter



"They should be offered it as soon as they're referred and at regular intervals, even if they reject it at first. Things can change and you might need advocacy later"

Sheriffs should continue to make decisions on grounds which have not been accepted

We were confused by the proposal of a legal member, who would get involved when grounds aren't accepted by a family. We felt these decisions should be made by a sheriff.

Some people felt the hearing should do this.

A legal member is yet another professional involved in the child's life knowing their private business; we would prefer continuity of relationships. Sheriffs are more experienced and families will feel more assured by an experienced sheriff rather than an unknown legal member. The legal member could slow things down, abuse their power, or make mistakes in communication.

Some young people feel that children and families shouldn't have to go through grounds hearings at all:

"The child should be asked before the hearing whether they accept or not. They should not have to attend a hearing where the adults are disputing the grounds. Everyone feels judged by this"

If grounds haven't been agreed, some people felt there should be a set timescale to review the case in order to protect the safety of the child. Suggestions for the review timescale ranged from 6 weeks to 3 months.

Children should not have to attend their hearings

It should be easier for children to not attend their hearing and they should not be forced. Hearings can be distressing, confusing, scary, embarrassing, retraumatising, and stressful. They can also clash with important things in children's lives like school or exams.

Children should be encouraged and supported to attend their hearings



A small number of us thought it was important for children to attend their hearings to ensure they understand the process and have their views heard.

However, other young people indicated this could all happen, with the right support from adults, even without attendance at the hearing. The situations where a child should attend included: their first and last hearing, any hearing where it's likely that a child may have to move placements, if they have committed an offence, if it is an emergency hearing, or if they are older (over 12 or 14 years).

Some people said it's less important to attend routine hearings. Others were concerned that a parent or carer could say a child does not want to attend, without asking them, or pressure them not to attend.

Children should be offered choices on how to share their views if they do not attend their hearings



If a child doesn't attend their hearing, there are different ways their views could be shared, for example, they could speak to someone they trust, write a letter, or send a voice note, video message, or text. Both before and after the hearing, none of this should be done in a technical way. The importance of direct support from someone the child knows and trusts was repeatedly emphasised.

There should be three panel members at a children's hearing and at least two should agree on the decision made



Most Hearings should probably always be done with three panel members to avoid bias, panel members being judgemental, the single panel member taking the side of an adult over a child, and pressure on that person to make the right decision without support.

There might be some hearings that don't involve serious decisions, where one panel member would be fine.

We should keep the rule that at least two panel members should agree on the decision made.

If one panel member disagrees, their view should be recorded and explained to allow the child and family to have transparency, understand the thought process, and to respect everyone's voice and opinion.

Children should be asked whether they want a break before the hearing decision is announced

Having a break would give the child time to make sure they're ready to hear the decision and gives the child and family a chance to cool off.

Some of us would prefer that the decision was made right away instead of dragging it out, as this could cause anxiety to build.

Young people have divided views on the benefits and pitfalls of recording hearings

Some people were against recording hearings as they were concerned about privacy and breaches of confidentiality. They also said recording could be daunting for children and other people attending the hearing, which might put children off attending. Other concerns raised were about the safety of the child, parent, or panel members if the video was shared, and a lack of ability to consent or refuse by the child

Other people liked the idea of recording hearings so nothing would be missed in notes, and the whole process would be more transparent and accurately recorded.

Recordings could also be used to support the child's understanding. Additionally, recordings could be used to hold professionals accountable to what they have said, provide quality control, and check that hearing protocols were adhered to.

Recording should only happen if a child consents, and should be recorded in a way the child is comfortable with.

If safe, hearings should be delayed allowing for Family Group Decision Making or Restorative Justice resolutions

Hearings should be able to delay their decision so Family Group Decision Making or restorative justice can be offered again, and get a chance to take place. This would allow time to find a resolution without the need for a hearing, but only if it's safe to delay the hearing.

This decision would need to be specific to that child and reflect the severity of the child's circumstances.

Secure care decisions should be reviewed more frequently

Reviews in secure care should be more frequent to protect the child's rights, remain relevant to current circumstances for the child, and be flexible to meet their changing needs.

The recommended timing for reviews varied between young people from two weekly to three monthly.

Children should have clearer exit plans when they leave the hearings system, including ongoing supports available to them and their families

Children and young people should receive a clear exit plan from the children's hearing. Right now there's a lack of support and it's not clear what support young people are entitled to. Along with what's expected of them and their family, the plan should cover information about support for independent living, access to financial support and budgeting skills, education advice, gateways to mental health support, practical support with things like bank accounts and passports, and acknowledgement of their achievements in getting to this point. Exiting the hearing system should be gradual and not feel like falling off a cliff edge of support.

