

Work plan to implement the recommendations of the research ‘The Role of the Solicitor in the Children’s Hearings System.’

Recommendation 1: Seek to establish an agreed ‘ethos’ for children’s hearings that applies to all professions and participants in the system.

CHIP response

The CHIP ‘Vision and Values for the Children’s Hearings System’ adopted by partners in June 2016 offers a clear ethos for all partners, including legal representatives. The Hearings System is founded on a commitment to children and young people’s needs and rights which we believe can only exist in the context of a wider commitment to human rights. The Hearings System relies on a number of highly inter-dependent roles: the Panel Members, the social workers, the legal representatives, Reporters and Safeguarders and a wide range of other professionals. We know that when these individuals work well together – the decisions they make and the future outcomes for children and young people are the best they can be.

The Hearings System is there to meet the needs of children and young people as part of a fair, transparent and lawful process. Decisions have to be made by ensuring a balance is struck between the rights of the child/young person and their family. The best decisions will flow more readily from a respectful process with open and enquiring Hearings that base decisions on well assessed and comprehensive information which has a clear and understood basis. It is vitally important that different views and perspectives are expressed in the decision making process. These are important legitimate and necessary activities which are consistent with our collective values and principles – but they must be conducted at all times with respect and courtesy for each other and ultimately for the children and young people we are there to serve.

Recommendation 2: Clarify the role of solicitors in the hearings system for all stakeholders. In particular, clarifying the manner in which their actions should protect the best interests of the child while representing the wishes of their client, and clarifying the information on which they should base judgements of the best interests of the child.

CHIP response

We intend to develop resources through the emerging Multi Agency Practice Resource – open to all key participants and developed in a manner which acknowledges delineations, points of common concern and areas for potential conflict. We expect this to be completed later in 2016.

Recommendation 3: Work to identify which solicitor training items would have most impact on improving children's hearings. Explore the impact of making some training items compulsory.

CHIP response

Partners will identify existing resources that could be offered or adapted to support law students, trainees and solicitors with their preparation for playing their important roles in children's hearings proceedings. The CHIP Learning and Development workstream, having reviewed their role and priorities over summer 2016, will prioritise this work in the coming year.

Recommendation 4: Promote a framework of continuing professional development (CPD) that is available for solicitors on an on-going basis and that links to wider frameworks of learning for others involved in the hearing system. Specifically, solicitors are likely to benefit from CPD focused on the children's hearings system, covering issues relevant to the child's wellbeing, Such as child development, communicating with children, family functioning, and attachment, as well as the current competencies set out in the SLAB code of practice.

CHIP response

In order to drive ongoing change and improvement in the Children's Hearing system the CHIP has agreed to establish a new national post of Learning and Development Advisor to promote a culture of learning and development across partnerships, leaders, volunteers and practitioners. They will bring together practitioners (panel members, social workers, reporters, Safeguarders, clinicians, solicitors and others) at local level to learn together and develop a clearer understanding of each other's roles and responsibilities and a common goal of improving outcome for children and young people.

Recommendation 5: Work to establish and promote high quality, well-managed, inter-professional training. Such training should ensure that there is mutual understanding of roles and responsibilities in the children's hearings system, and that there is an emphasis on the collaborative, child-centred ethos of the hearing process. This training should foster a culture of mutual respect for all parties. In due course, this training might usefully become part of any compulsory training that is developed, as well as being available on an on-going basis.

CHIP response

SCRA, CHS and Social Work Scotland have already indicated that they would be happy to assist with materials and advice for the further development of practice resources for prospective and serving legal representatives. Partners also felt that it would be important to extend opportunities for learning and shared development into the Sheriffs' Association and the Judicial Institute for Scotland. It is considered that the early introduction of local multidisciplinary groups, driven initially by the Learning and Development Advisor, will facilitate the design and implementation of such training.

Recommendation 6: Work to establish an on-going feedback mechanism to assist in the monitoring of solicitors in the children's hearing process.

CHIP response

With the support of the Scottish Legal Aid Board and the Law Society of Scotland, we intend to seek opportunities in 2017 to investigate proportionate methods of collating feedback for legal representatives and SLAB from system partners. There are already feedback mechanisms for other roles in the system and we will consider these models. In particular, we will focus on the non-legal quality assurance indicators identified in the study:

- Interaction with Child
- Interaction with other professionals
- Adherence to Ethos
- Facilitation of Participation of Child
- Representation of Child's Best Interests
- Representation of What Child Wants

CHIP
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