

Who Cares? Scotland

Education and Skills Committee

Children's Hearings System – Additional Information

7th April 2017



Who Cares? Scotland [WC?S] is an independent advocacy and campaigning organisation working with care experienced people. We provide direct advocacy to care experienced young people, as well as opportunities for national and local participation. WC?S aims to provide looked-after young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At WC?S we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

Thank You

We would like to take this opportunity to thank the Committee for their ongoing support and commitment to Scotland's care experienced children and young people. The group felt that their views and opinions were listened to with interest and respect at the informal evidence session last week, 29th March 2017.

If this committee can set the precedent for the level of care, respect and dignity that Scotland shows it's care experienced individuals through both the '1000 Voices' programme of work and through the care review, we know that exceptional change can happen.

The following information provides a summary of the key messages communicated to the Committee, by the group of young people during the informal evidence session.

Independent Advocacy

The young people you spoke to all had experience of independent advocacy and were delighted that the Committee members understood the importance of the relationship which should underpin this.

All looked after young people and care leavers across Scotland should have a right to **independent, professional, relationship based advocacy**. The role of an advocate is to support and empower young people to be able to express their views and assist them in making rights informed decisions on matters which affect their lives.

- The **independent** element of advocacy is crucial; those delivering independent advocacy should not also deliver other types of service support to young people, particularly if any conflict of interest could arise, as is specified by Principle 3 of the Principles and Standards of Independent Advocacy¹.
- Successful independent advocacy is **relationship** based, this means that young people are introduced to their advocacy worker at an early stage to build a trusting and positive relationship. If looked after children and young people do not feel prepared or do not develop a trusting relationship with their advocate before and after the hearing, then the benefit of advocacy to the child or young person will never fully be realised.

¹ SIAA. 2008. The Principles and Standards for Independent Advocacy. Page 28. Edinburgh.

- Independent advocacy must be **professional**; it should be provided by skilled workers that understand and can appropriately respond to the needs of care experienced individuals. An effective independent advocate builds a positive relationship with a young person by being consistent, trustworthy and available. The young person's needs, wishes and opinions direct the work of an advocate.

One young person spoke passionately to you about the relationship she has held with independent advocacy workers. She was keen to communicate this again to you in her own words.

"I would like to reiterate some of the main points I believe are important around independent advocacy and tell you what receiving advocacy has meant to me. This time two years ago, I would never have imagined being in the place I am in today, but my independent advocate, Beth, did. Beth would come meet me and talk about what was going on in my personal life. She supported me to go along to Children's Hearings and LAAC reviews, but she also supported me with the phone calls, emails and preparation needed before and after meetings like this. She helped me articulate what I wanted to say without me getting angry or upset and she listened and cared about my views and opinions. She would tell me all the possible outcomes that I might face and help me work out what I want to do. She would make sure I understood what was happening and that I was okay afterwards.

I had really poor mental health back then and no self-belief, but Beth believed I could achieve anything and over time she helped me realise this was true. She helped me voice my views when I couldn't and slowly taught me how to do this myself when I was ready. Beth is one of the most positive people in my life and I think that this is because she took the time to get to know me and build my trust. It took a lot of visits and time to be able to trust her, this was because loads of people had come in and out of my life before and I thought that it was going to be the same with Beth. Now I am confident that she will not leave me, I know she will always be there for me to speak to if I have a question or even just for a cup of tea and a chat. I know that if I had just met Beth as my independent advocate right before a meeting, she would have tried her best for me but the advocacy relationship wouldn't have worked. I do not think that the outcomes of my meetings would have been the same because I wouldn't have been able to trust her and I wouldn't have talked to her in any depth. I think that every child in care deserves a Beth."

The majority of Scotland's care experienced children and young people have no knowledge of, or access to independent advocacy support and WC?S agrees that a solution to the lack of provision needs to be found. We believe that a broader perspective requires to be taken on the need for adequate advocacy provision to ensure that it is available for care experienced children and young people during their whole care journey, rather than events like Children's Hearings. We would have concern about any short notice model of advocacy, given young people's views on this and their need to develop trust in their advocate.

Accessible Reports and Paperwork

The care experienced individuals you spoke to highlighted that the paperwork they receive prior to a Hearing is often too long, complicated and distressing for them to engage with. Often children and young people are not fully supported to read and understand the paperwork and therefore can stop attempting to read it altogether.

WC?S believes that children and young people should always be encouraged to participate as fully as possible and to do so adults should recognise how they can support this. It was suggested by the group that simpler versions, in easy-read language, should accompany paperwork. Providing both allows the child or young person to choose and engage with the one which is most suitable for them at the time.

It also gives them the opportunity to keep the full paperwork in their own records should they wish to do so. The ability to have two sets of paperwork was articulated strongly by the group you spoke to.

Solicitors

WC?S recognises that there is a wide range of support integral to safeguarding the rights of vulnerable children and young people. However, it was suggested that solicitors can sometimes, unintentionally, be an intimidating presence during a Children's Hearing. Children and young people might not always understand the role of a solicitor in their hearing, especially if they are representing their parents. Our practice tells us that the presence of a solicitor in the Hearing, who is representing the views of the parent, can often swamp the child's voice or render those in the room, unable to hear it. Legal representation within a Hearing should never impact on the ability for the child or young person to be heard.

Technology

The group you spoke to identified the need to be sensitive to a child's ability to attend a Hearing, the emotional impact this can have and the consequences it can have on education. The use of advocacy or technology was discussed as being able to represent the child or young person's views in a fair and unbiased way. This could not only be advantageous for children and young people who do not want to attend Hearings but could also reduce the amount of school missed due to travelling time and attending a full Hearing.

WC?S believes that effective participation in Hearings is vital and while there are some effective and important methods of enhancing participation within Children's Hearing the adoption of techniques is inconsistent across Scotland. We know that some children and young people find it extremely difficult to engage in their Hearings and that physically attending can negatively impact on their wellbeing. In such cases and as the Children's Hearings Scotland Practice and Procedure Manual states, some children will not want, or be able, to share their opinion and alternative methods of engagement should be utilised.

One additional message that was put forward by the group during the informal session included the potential use of technology to involve family members or professionals without their physical attendance. It was discussed that having some family members in attendance can be distressing for the child, but equally there was an understanding that they may need to be involved. Using video conferencing methods was discussed as a potential solution to this.

Multi Agency Training

During the informal session, the Committee watched an excellent performance by one member of the group of drama that is used as part of the training for new panel members. This in addition to the case study exercise is effective in helping to remind panel members to look past the paperwork and see the child or young person as an individual.

The involvement of care experienced young people in training and recruiting panel members is crucial in ensuring that individuals understand early on how they should engage with young people and that young people should be at the centre of everything they do. It was suggested during the formal Committee session that the training panel members receive from care experienced young people only makes up a small proportion of the overall package and could be increased. It was also suggested that similar training from care experienced individuals would be beneficial for all professionals involved in Children's Hearings.

If you would like any more information, please get in touch:

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