

# Consultation Response

## Strengthening for the Future: A consultation on the reform of the Children's Hearings System

From the Shelter policy library

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# Shelter

## Introduction

Shelter Scotland welcomes the opportunity to comment on the proposed reforms to the Children's Hearings system.

Our response focuses on proposals under the theme of housing. Housing is fundamental to the quality of children's lives and the fulfilment of their statutory rights. Children need a home to feel safe, keep warm, stay healthy, and to play and learn. Too often bad housing and homelessness have a profound impact on their physical, social and educational wellbeing. Shelter is working hard to make lasting changes to policy and practice which will protect children from homelessness, as well as mitigate the impact of homelessness and bad housing on children.

Our comments draw upon Shelter's experience of working with families and children through our innovative and tested housing support services, the Families Projects, which are run in Edinburgh, Glasgow, South Lanarkshire and Dumfries. The Families Projects offer intensive practical and emotional support to families coping with homelessness to help them settle in and sustain a stable home. Given the complex problems families may face, we have child support workers who focus on the particular needs of children. They use art, drama and play therapies to help address children's concerns and needs and work to ensure children's wellbeing is at the centre of decisions made by housing and homelessness departments and children's services. On regular occasions our family and child support workers make referrals to Reporters and support children and parents who are in contact with the Children's Hearings system.

We are limiting our written comments here to Questions 2, 3, 10, 13 and 14.

## Questions

### Question 2

**What is your opinion on the proposals for local government's role in the future?**

From Shelter's experience of working with families with children, housing and homelessness departments tend not to be well integrated into children's services. This can lead to gaps in the services provided to children to meet their needs. The Scottish Government and proposed new body therefore needs to ensure local governments include housing and homelessness services as key partners for providing appropriate support and assistance to meet the needs of vulnerable children and their families involved in Children's Hearings.

We welcome the move to make a national body responsible for the training of volunteers if this will lead to a consistently high standard of practice throughout Scotland. We sometimes find that Panel members lack a clear idea of the complex challenges facing families coping with homelessness. It is vital that volunteer and paid Panel members have adequate training and support to ensure they fully understand the causes of homelessness, its potential impact on children and families, the complex support needs these families may have and the importance of linking housing and homeless services in as key partners to meet the needs of vulnerable children.

### **Question 3**

**We invite views on:**

- a) the nature of the new body**
- b) the functions of the new body**
- c) the title of the new body**

See response to question 2.

### **POLICY CHANGES**

### **Question 10**

**What are your views on this proposal?**

Shelter agrees children should be able to share their views / information with the Reporter and the Children's Hearing in the knowledge that it does not have to be shared with their parents. It is important that children are fully aware when sharing information prior to and during the Children's Hearings that information can be withheld from their parents, as well as what information will be shared with their parents.

It is unclear from the consultation however if the child will be involved in deciding what information is or is not shared with their parents, or whether this is solely the decision of the Reporter. In order to make this proposal most effective children must have some control over what information is shared. Furthermore, for consistency of practice it will be necessary to have clear guidance and training on the way information is handled.

### **Question 13**

**Do you agree that the Scottish Government should bring forward such a provision in the draft Bill?**

This is welcomed as long as reports are always made available to children in a format appropriate to the child's abilities, using language they understand. Children must also be able to go through the reports at their own pace and with the support of an adult they trust and respect if they wish.

## **Question 14**

**Are there any other issues which you think might be addressed in the reform programme or proposed legislation?**

### **Accessible information for children and parents**

The formal and legal language used in letters, grounds for referrals and reports related to Children's Hearings and within general discussions during a hearing can be difficult to understand, causing additional and unnecessary confusion and stress for children and their parents.

Shelter's child and family support workers often have to explain to children and parents each part of the hearing process and what they should expect because they have not received clear explanations. This raises the question of who is there to support families who may not have access to such assistance. There is therefore a need for better information and support for children and parents before their hearing to help them understand the process and their rights, along with a commitment to use language that is easily understood but not patronising.

### **Advocacy support for children**

It is of paramount importance that children are able to express their views within the Children's Hearings system process and that their involvement is meaningful rather than tokenistic. One child asked by her child support worker how she thought the hearings system could be made better said she wished 'they had better ways to help kids say what they want to say...last time I wanted to speak and I wasn't able to say what I wanted to, I didn't get a chance to say it'.

Further measures are needed to make sure children have opportunities to express their views, in ways suited to their abilities and experiences, and that adults involved in the process listen to children's views and take them seriously. This also requires that children have access to suitable advocacy support when they want it, that they understand what advocacy support entails and that adults also have a clear understanding of the advocacy support role.

## Conclusion

Shelter welcomes the Scottish Government's attention to the removal of unhelpful bureaucracy to the Children's Hearings System and improvements in the consistency and quality of the system. It is however vital that at the heart of these reforms is children's wellbeing and rights. Shelter believe this is only possible if firstly housing and homeless services are better integrated into the Children's Hearings system, as well as children's services in general, and secondly if children are able to meaningfully participate in their hearings and subsequent decisions about their lives.