

## STATEMENT ON CORONAVIRUS AND THE CHILDREN'S HEARINGS SYSTEM FROM CHILDREN'S HEARINGS SCOTLAND AND THE SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

Like every public service, the children's hearings system is significantly affected by the coronavirus pandemic. This is a summary of the current arrangements that exist at the date of this statement.

All SCRA and CHS offices are closed to the public. Almost all our staff and volunteers including our Panel Members are undertaking their roles from home. We need to maintain a service and to ensure that existing legal orders do not lapse. The following is a summary of our plans with immediate effect:

- Only those hearings required for the urgent and immediate protection of a child will be able to take place. All non-essential hearings have been cancelled and will be rescheduled at a later date where necessary. Some hearings still require to proceed either to protect an existing order, or for reasons of urgency to protect the welfare of a child.
- Children's hearings cannot take place in a hearings centre or other location under the current Government direction. Therefore for at least the next 4 weeks there will not be any hearings taking place in our Hearing Centres.
- We are now operating hearings remotely using [VScene](#) technology. Until we can perfect use of this technology interim arrangements are being made to protect children by maintaining the legal status quo. Currently this involves scheduling virtual hearings with three Panel Members only, supported by the Reporter. These virtual hearings have access to limited information.
- Our ambition is to begin to improve this arrangement in relation to the provision of information, the notification of children, families and professionals, and ultimately to enable their participation.
- We are working at great speed to test out and roll out the necessary technology to enable meaningful hearings to take place. We hope that by the week beginning 6<sup>th</sup> April we will have plan that sets out locally how we may be able to enable the participation of some professionals, e.g. Social Workers, children's advocacy, legal representatives and Safeguarders, and how these professionals support the participation of families and children. We anticipate that not all Health and Social Care Partnerships and local authorities will be able to provide Social Workers to participate within that timescale.
- We are developing infrastructure that will allow a number of participants to remotely and virtually take part in a virtual hearing including the participation of children and families and will work with partners to promote and facilitate this.
- We aim to improve the information provided to hearings. We are testing an encryption tool that will be secure enough to allow us to send papers to Panel Members, children and families and others. Again we will keep an open dialogue

with colleagues about the capacity and possibility of improving the information available for hearings.

We understand the circumstances that all our partners and participants are currently experiencing and wish to acknowledge this and to indicate that we will be understanding, supportive and as flexible as it is possible to be.

## **CONTACT ARRANGEMENTS**

CHS and SCRA know that Health and Social Care Partnerships and local authorities have concerns about the potential legal consequences of not complying with contact directions in Compulsory Supervision Orders during the current Government restrictions imposed on movement. We respect the rights of children in care to maintain contact with their family. We also appreciate that arrangements for contact between children in care and people important to them may be impossible to deliver as directed in Compulsory Supervision Orders. Contact obligations in these orders may breach essential requirements on social distancing and there are simply not the staff or premises to support them. It is not possible for the hearings system, including our local authority partners, to manage and service the many hundreds of additional hearings which would be needed to review contact directions which cannot now be implemented. We understand that the existing protocol on implementation of contact directions between local authorities and the children's hearings system is not sustainable; its operation is therefore now suspended.

In the current emergency only those hearings which are necessary for the urgent and immediate protection of children are able to proceed. These are hearings where legal orders are about to expire, Child Protection Orders have been issued or hearings considering restriction of liberty. All of these hearings are now happening remotely. This statement sets out how the children's hearing system will respond in relation to the suspension of contact arrangements which have been included in a Compulsory Supervision Order.

The children's hearings system partners are committed to working together to support children's and families rights whilst balancing the need to ensure their safety and reduce their exposure to infection and risk of infection to others. We have agreed to support the following arrangements in respect of contact:-

- Where alternative, interim arrangements for face to face contact between family members can be made safely, those should happen.
- Where no face to face contact is possible, some form of contact using whatever technology is available to the child or young person should be arranged, provided that can be managed safely.<sup>1</sup>
- If a local authority is unable to comply with a contact direction in a Compulsory Supervision Order as a result of factors related to coronavirus and any interruption in contact is likely to be temporary, they should make safe interim alternative

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<sup>1</sup> Discussions are underway between COSLA, Local Government Digital Office, CHS, SCRA, SWS and other partners to identify suitable, secure options.

arrangements and advise the child and relevant family members of their right to request that the Reporter arrange a review hearing.

- If the local authority is unable to restore usual contact arrangements within a reasonable period, the local authority must notify the Children's Reporter under s.131(2) of the Children's Hearings (Scotland) Act 2011 and seek a review hearing.
- If the Children's Reporter receives a review request from the local authority or the child or relevant family member they will arrange a review when practicably possible, given the restrictions of hearings to those only required for the urgent and immediate protection of children during the period of movement restriction. This is likely to mean that most reviews will not take place until the situation on the ground improves significantly, although each review request will be considered carefully.
- Any hearing convened during the lockdown period which includes consideration of contact must consider the need to ensure protection of the public from serious harm in relation to these decisions in the current pandemic situation, and consider pragmatic and practical solutions.

CHS and SCRA are preparing guidance for Panel Members and Reporters about the purpose and conduct of children's hearings during this period. Panel Members must be satisfied that contact arrangements in a contact direction are practical and safe for all parties involved, including babies, infants, children and young people, family members and carers and social work staff.

**For further information please contact:-**

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