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**REPORT TO: CHILDREN AND YOUNG PEOPLES SERVICES COMMITTEE ON  
7 OCTOBER 2015**

**SUBJECT: CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 – JOINT AREA  
SUPPORT TEAM BETWEEN HIGHLAND COUNCIL AND MORAY  
COUNCIL – ANNUAL REPORT**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

**1. REASON FOR REPORT**

- 1.1 To advise the Committee on progress made in the last 15 months of operation of the joint Highland and Moray Area Support Team (AST).
- 1.2 This report is submitted to the Council in terms of Section III (C) (2) of the Council's Scheme of Administration relating to youth justice functions.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee consider and note the progress made by the Joint AST over the past 11 months.**

**3. BACKGROUND**

- 3.1 The Children's Hearing (Scotland) Act 2011 made major changes to the Children's Hearing system in Scotland. The Act established a national children's panel to replace the existing 32 Scottish local authority children's panels and transferred many of the duties and powers previously held by local authorities and centrally by the Scottish Government to the National Convener of a new body known as Children's Hearings Scotland (CHS).
- 3.2 There are 22 regional Area Support Teams (AST's) in Scotland, made up of volunteers, who carry out functions on behalf of the National Convener to support members of the Children's Panel who sit on childrens hearings in their area.
- 3.3 Our local Highland and Moray AST is managed by an Area Convener, who is accountable to the National Convener. Councillors Gowans and Morton sit as Council representatives on this joint AST as agreed by The Moray Council on 14 November 2012 (paragraph 9 of the Minute refers). Their role is to act as a link between the Childen's Panel and the Council.

- 3.4 The main functions of the AST are to:
- undertake the recruitment of panel members as part of the national recruitment campaign
  - interview, assess and select applicants for recommendation to the National Convener for appointment and make recommendations for panel member reappointment
  - ensure that all volunteers in the Children's Hearings System have had the appropriate checks undertaken in line with the Protecting Vulnerable Groups (PVG) Scheme
  - manage the rota for the Children's Panel within the AST area
  - support panel members on a day to day basis
  - observe and assess panel member practice and ensure panel members are offered continuous learning and development opportunities
  - handle complaints about panel members
  - build and develop effective working relationships with key partners in the local area

- 3.5 Both Highland and Moray Councils are obliged to provide administrative and clerical support to the Highland and Moray AST. There is a legal agreement between both Councils and CHS which lasts until June 2016. Services both Councils provide to CHS to support the local AST include:

- General administrative and secretarial support
- Organising meetings, accommodation, agendas, report and minutes
- Information for performance and monitoring
- Maintain database of panel members, availability and rotas
- Process expenses claims
- Help with recruitment

There are regular discussions between both Councils and the Area Convener on how this support is provided.

- 3.6 A legal agreement is in place between Highland and Moray Councils to regulate how the responsibilities in paragraph 3.5 are shared. Highland acts as the lead authority and has primary responsibility for employing staff. There is an AST Clerk post and 2 clerical assistant posts (including one part time member of staff employed by Moray Council who works within the Council HQ annexe but who is managed from Inverness). The Moray Council makes an annual payment to Highland Council to cover 25% of these staff costs.

- 3.7 A report to the Moray Council on 28 May 2014 gave an update on the first year of operation of the revised AST arrangements (paragraph 9 of the minute refers). The report highlighted some areas of concern:

- Difficulties in harmonising the practices of the joint AST from the 2 previous separate functions.
- Uncertainty over staffing roles and responsibilities
- Uncertainty over which budget (local authority or CHS) certain items of expenditure should come from.

#### **4. PROGRESS SINCE 28 MAY 2014**

4.1 The following wider issues of the AST are highlighted:

- The size of the geographical area of the newly formed AST had initially proved to be tricky to manage but things seem to have settled down.
- There continue to be recruitment problems in finding suitably experienced people (who are volunteers) to join the AST. There is a recruitment drive underway.
- Although young people are only subject to the children's hearing system until the age of 18, local authority support may continue beyond this age.
- Meeting dates of the AST do not always fit in with the Moray Council elected member committee commitments.

4.2 The following issues of admin support for the AST are highlighted:

- There have continued to be some staffing issues in the AST support team. In particular difficulties over roles and responsibilities which have been compounded by the Moray member of the team being managed from Inverness.
- The AST clerk and 1 of the 2 admin assistants resigned in the Spring of this year. Meantime duties are being undertaken by committee services staff at Highland Council who are currently recruiting replacements for these posts and Panel representatives in Highland.

#### **5. SUMMARY OF IMPLICATIONS**

**(a) Moray 2023: A Plan for the Future/Service Plan**

Ambitious and confident children and young people is a priority of the Moray 10 Year Plan and the number of children referred to the Children's Reporter for consideration at the Children's Hearing is a key indicator in this respect.

**(b) Policy and Legal**

The policy objective underpinning the AST changes was the promotion of better outcomes for children in Moray and this must be the guiding objective in decisions made by the Council.

**(c) Financial Implications**

The Council provide support funding to Highland Council who employ the Clerk and one of the two administration staff for the AST. With the recruitment process detailed at paragraph 4.2 there is potential for a modest reduction in this funding support.

**(d) Risk Implications**

If the AST is not adequately supported by the Moray Council, Highland Council and CHS, there is a risk to retention and capacity of panel members. This could negatively impact on the children's hearing process and outcomes for individual children themselves.

**(e) Staffing Implications**

There are no direct staffing implications arising as a result of this report.

**(f) Property**

There are no property implications arising as a result of this report.

**(g) Equalities**

There are no equalities implications arising as a result of this report.

**(h) Consultations**

The Area Convenor, 2 Moray Council Local Authority Representatives, the Head of Integrated Children's Services and the Legal Services Manager (Litigation and Licensing) have been consulted on the terms of this report and their comments reflected in its content.

**6. CONCLUSION**

- 6.1 The Committee are invited to note the issues highlighted at paragraphs 4.1 and 4.2 above and in particular that there is a period of uncertainty in the staffing of administrative support to the Children's Hearing Area Support Team.**

Author of Report: Alasdair McEachan, Acting Head of Legal and Democratic Services

Background Papers:

Ref: