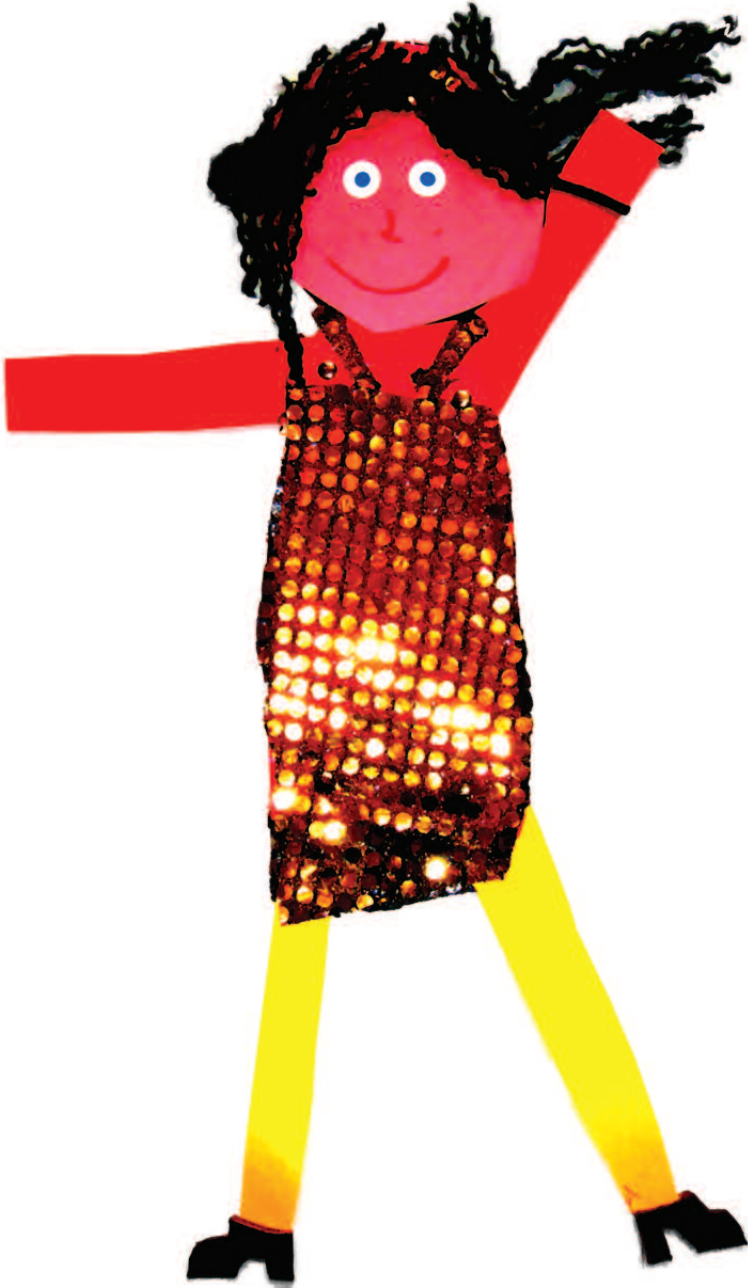


CHILDREN'S HEARINGS REFORM

The views of children



A consultation facilitated by the Children's Parliament
for Scottish Government
February 2010



*"I think I should get
talked to more, it is
called a **Children's**
Hearing."*

Jodie¹, 10

¹ All children's names have been changed to ensure anonymity

INDEX

Fully hyperlinked for easy access.
Click on Index item to go to each page.
Use 'INDEX' link at bottom to return.

INTRODUCTION	1
ABOUT THE CONSULTATION AND THIS REPORT	3
THEME 1: INFORMATION AND UNDERSTANDING	4
THEME 2: THE WAITING ROOM AND HEARINGS ROOM	8
THEME 3: PEOPLE	10
THEME 4: FEELINGS	14
THEME 5: HAVING OUR SAY AND BEING HEARD	18
CONCLUSION	23
FURTHER INFORMATION	24

INTRODUCTION

The Children's Hearings system in Scotland was set up so that if a child or young person is in need of care or protection or is in trouble a Hearing can help decide what is best for them. At the Hearing there are three adults called Panel members who come from the community to hear about the situation of the child. They get advice from the Reporter. Adults who are important in the life of the child are asked to come.

The Scottish Government is changing part of the law to do with Children's Hearings in Scotland. It wants to make the Hearings work better. The Scottish Government Children's Hearings Reforms Team asked The Children's Parliament to speak with children who had been to a Children's Hearing to find out what that was like and what could be improved.

The Children's Parliament works with children across Scotland to help them understand their human rights and to have their say about important issues.





ABOUT THE CONSULTATION AND THIS REPORT

Children (29 in total: 14 boys and 15 girls) came to workshops organised by The Children's Parliament. The youngest was 7 and the oldest was 15. All the children who came had been to a Children's Hearing.

The children who came to the workshops were from different communities across Scotland; some lived in big cities, some in towns and villages. The children had different abilities. Children found out about the Children's Parliament workshops through Children's or Clients' Rights Officers or because of their involvement with Aberlour or Barnardo's projects.

Six workshops were held. The children had conversations, drew cartoons and made puppets to help them tell their story about being at a Children's Hearing. As well as this report there is a DVD where children talk about their experiences and opinions. The DVD and this report are available at: www.childrensparliament.org.uk

The experiences and opinions that children talked about are reported on under a number of themes. These themes are:

- **Information and understanding**
- **The waiting room and Hearing's room**
- **People**
- **Feelings**
- **Having our say and being heard**

At the end of each section of the report we highlight what needs to happen to improve the way a Children's Hearing works.

We promised the children that what they said could not be traced back to them and for that reason we have not used their real names in the report and identities are protected in the accompanying DVD.

We are extremely grateful to the children for taking part in the consultation and hope that their honesty helps adults make the right changes to the Children's Hearing system so it is better for other children who have to go. We would also like to thank the workers who know the children well and helped us deliver the workshops.

THEME 1 - INFORMATION AND UNDERSTANDING

Most of the children first heard about having to go to the Hearing when the letter came through the post. Some children said the paperwork was late. All of the children talked about there being too much paperwork; both for them and for the adults. While some children said the papers were interesting and easy to read the majority were frustrated by it.

"I got a letter in the post and I found it lying in my bedroom, when I opened it, it said, 'You are coming to a Children's Hearing on a certain day'...I never got told anything else – just that we were going to a big building in Glasgow." Iain, 11

"My letter never came until three days after the Hearing." Natalie, 13

"A big massive bundle was delivered to the house." Ross, 14

"There was far too much to read." Nicole, 11

"There is lots of paper, a big booklet; it tells you what you have done in the past. I hate it." Hamish, 10

"I ripped it up." Robbie, 10

Some children thought Panel members hadn't read all the papers in advance of the Hearing.

"There was far too much to read, it would have helped if the Panel members had read it before the Hearing, we had to wait ages while they read it." Nicole, 11

Most of the children said that adults did not explain what their Hearing was about and that this confusion about what was to happen continues to the Hearing itself. Children said they sometimes left a Hearing not knowing what had been decided.

"I didn't have a clue what it was. I knew it was some kind of panel; I thought it was court or something but it could have been a school meeting for all I knew." Clair, 15

"My social worker never explained anything. I knew nothing about what would happen." Lee, 13

"I don't know what the Reporter does or who the other people are." Andy, 11

"They are like Judge Judy or the judges on the X-Factor. They judge you." "Yeah, judge if you go home or that." Iona, 12 & Una, 11

"I was 8, so I didn't really understand; I just sat there not paying attention agreeing with everything they said. If an 8 year old doesn't understand a word they'll just assume it's something they want to hear." Orla, 12

Children also talked about the information they got after the Hearing. For some of them this was also difficult to understand because of the words used and because it was hand written. Some of the children thought notes about the Hearing were not an accurate picture of what had happened, particularly as they focused on the negative things.

"There were lots of big words and I couldn't read the joined-up writing because I was too wee then, but then even my mum couldn't read it, it was really scribbly."

Mandy, 9

"When the Reporter writes down the Minutes you don't get the full story back-it'd like me saying to Eddy Joshua's a really nice guy but he can be annoying at times" and then Eddy just saying to Joshua, 'Clair says you're annoying.' I don't think that's fair."

Clair, 15

Children said it was particularly hard when the Hearing made a decision they didn't want. Sometimes the Panel members or Reporter don't make the time to explain why the decision has been reached.

"It was confusing, not clear at all."

Clair, 15

"It's hard when they agree something you don't agree with. We should have a longer talk. I want it explained to me so I can understand why they agreed it."

Callum, 10

"I didn't get any information about what was happening, just told that the Hearing was over not whether I was going home or getting contact. We don't get to know, we don't know what they're talking about."

Mandy, 9

THEME 1 - INFORMATION AND UNDERSTANDING

WHAT DO WE NEED TO DO?

Children want information and paperwork to get to them, their families and to Panel members with enough time to read it before they go to the Hearing.

Children should have someone who will tell them that they are going to a Hearing, and not find out because a letter arrives.

Every child and family should have someone who can explain what is in the information they get if they don't understand.

Children and families should understand what happens at a Hearing.

Children suggest they could produce a comic book or DVD that everyone is sent before the Hearing. This could be designed by children who have experience of going to a Hearing as they know what a child needs to know.

The information children get after the Hearing must be clearer. Minutes and reports should be clear and printed, not handwritten.

Children should be able to say if the Minutes and records are accurate or not and get them changed if they are not right.

Notes of any meeting should have more of a balance and say the positive things too.

At a Hearing (and then if necessary after the Hearing) children want an adult they know and trust to explain what is happening and what decisions are or have been made. This is especially important when a decision is one that a child does not agree with.



THEME 2 - THE WAITING ROOM AND HEARINGS ROOM

Some children said they liked the waiting room and Hearing's room. They said things like:

"The room looked cool." Andy, 11

"Fancy, big and cool." Lottie, 7

But most children said the rooms were unwelcoming or uncomfortable. Some of the children said the rooms were grubby, damp, grey, stuffy or boring.

"You don't go for excitement but it is boring." Callum, 10

"Colours affect moods. If it's all dull you feel boring – when it's bright, you feel cheery and happy." Clair, 15

The children recognised that a lot of time they were feeling nervous or scared about being at a Hearing but that the rooms didn't help. In the Hearing it can feel intimidating when adults sit in front of you at a big high table. When there were toys or books children thought they were often babyish.

"The way they do them isn't good, the way they sit, big table, chairs – we're sitting down from them. That's not right. The child feels intimidated – they're sitting down from them. They're sitting there in the spotlight." Zoe, 13

"There was stuff there but it was for babies and I'm not a baby." Mandy, 9

"I stay out of the room now, I didn't want to go but I did and I didn't like it – they say things I don't like. I let my older sister talk for me now; I only say my name and age and ask if I can go back out." Una, 11

"It was unwelcoming, it looked very official, it looked like a place for grown-ups. My little sister whispered to me that she was scared."

Toni, 12

THEME 2 - THE WAITING ROOM AND HEARING'S ROOM

WHAT DO WE NEED TO DO?

Children understand what makes the Hearing environment friendly and welcoming or uncomfortable and intimidating. Children should be involved in improving the environment where Hearings are held.

The waiting room and Hearing rooms should be decorated to make them more welcoming and comfortable; they could be made more attractive by using colour.

There should be more things to do while children are in the waiting room: there should be books, games, puzzles or a pool table. There should be music playing in the waiting room.

Going to a Hearing is a serious thing and it makes people feel stressed but having the waiting room and Hearing's room as a place where a child feels more at ease would be helpful.

In the Hearing children do not like Panel members sitting at a big, high table. People should sit closer together and at a table where they feel equal.

THEME 3 - PEOPLE

"What did you think when you walked in the room?" Facilitator

"I thought, 'who are those people?'" Olly, 10

Children said they were surprised about the numbers of adults who come to their Hearings. They all thought too many adults are there. As well as too many adults, children said they do not always know who people are. In particular children said they often don't know who the people are who are described as 'visitors'. For some children not knowing who people are means you cannot trust them and you don't want to say what is on your mind.

"There were so many people going to my Hearing we filled two waiting rooms. Loads – panel members, reporter, social workers, family. People there to learn how to do the job, they sit behind you." Nicole, 11

"I was really cross because my social worker brought someone and I didn't know who it was. I didn't want to speak about my feelings or talk about not staying at my carers. I wanted to tell the Panel I didn't want to stay there but I didn't know if this person was trustworthy." Lori, 12

With so many people in a Hearing children said they can feel as if adults are ganging up on them.

"They don't need that many. There was at least 10 people in the room. I felt everyone was against me. It was dead uncomfortable, everybody was in your face – when you tried to speak someone else would jump in. And if they didn't agree with you, they told you that. The more there was of them, the more they could gang up on you." Clair, 15

"We think the adults are trying to split up our families. It's not nice; I know your family might not be doing as well as they should, but still." Robbie, 10

The younger children said Panel members can be kind, friendly and helpful. All the children liked it when the adults attending smiled at them and listened to them. However, when it comes to how Panel members and the Reporter behave toward them the experience of the older children was less positive. Children said that Panel members and Reporters need to be better at welcoming children and that this will encourage them to have their say.

"They had a bit of an attitude actually – they were nice to me but the way they spoke to my mum was rude and disrespectful – like they were higher than us. You tell them your side of the story and they just move on, sometimes they don't even note it down." Zoe, 13

"In all of mine, there was only one good Panel member, he just listened then he gave me what I asked for, more contact with my Mum." Paul, 14

"They should have a smile on their face, so when you walk in you feel confident and comfortable telling them what you want." Iona, 12

Children suggested that there should be opportunities to speak with adults out with the Hearing when they felt it was too difficult to speak in the meeting itself.

“You should be able to go off with one person and have your say – rather than sharing it with everyone – someone you trust to feed it back.” Iona, 12

“They could have that room that you go in yourself and you get recorded. It’d be easier for people to express their feelings.” Clair, 15

In general children said that if an adult is invited to be part of the Hearing it should be because they can take action and do things to help the child.

“There should be a person who listens to everything you say and takes it on board, tries to actually do something about it.” Orla, 12.

*"I thought it would only be a few people
but when I saw so many I was ready to
walk back out."*

Jodie, 10

THEME 3 - PEOPLE

WHAT DO WE NEED TO DO?

Children want there to be less people at their Hearing.

If an adult is present at a Hearing a child needs to know who they are and why they are there. It would be best if people are introduced before the meeting as it is difficult to take on board too much new information about strangers while the Hearing is taking place.

Reporters and Panel members need to understand that children can be wary of talking about their experiences and their feelings when some adults are present. This can include parents or carers or professional people they know. The Panel members and Reporter should consider before a Hearing, or indeed during a Hearing, what to do to help children talk more comfortably and openly.

The characteristics which children say a Panel member and Reporter should have are: friendly, kind, comforting, not judging, understanding of your problems, helps with difficult words, respectful and good at listening.

If an adult is invited to be part of the Hearing it should be because they can take action and do things to help the child.



THEME 4 - FEELINGS

Some children feel positive about the Hearing because they are optimistic that it makes things better in some way. Children recognised that many Panel members and Reporters want to help.

"The people want to help you, with contact for instance, get you longer." Gemma, 12

"I'd look forward to a Hearing because I'd like to see my brothers more and I could bring that up, get my points taken on board." Anna, 12

"They are there to help; they try to make you and others safe, they are trying to help you." Eddy, 15

"I like hearing my care plan but the best part is seeing my mum." Robbie, 10

But most children say going to a Hearing is a difficult experience. Children said that they can get upset and they and other people often cry. Sometimes, people shout and get angry. Some children thought that Panel members expect there to be trouble.

"I felt sad – adults crying, me crying." Mandy,9

"It was horrible, everybody shouting over the top of each other." Nicole,11

"Why do they have their hands under the table? We know it's the buzzer – they expect trouble." Ross, 14

Children say the Hearing can be intimidating. They feel nervous.

"There were toys in the waiting room but I didn't feel like playing with them, you're not happy when you go; just worried... I always feel sick when I go – I feel like being sick all over the people." Hamish,10

"I was too nervous; I just sat beside my mum playing with her rings." Anna, 12

For some children the fear of the wrong decision being made is very powerful.

"I was greetin'. You don't know what is going to happen, you can get put into care; get put with people you don't like; people who bully you." Ross, 14

When adults take notes while children are speaking this makes children anxious.

"Every time you speak they write it down, it makes you feel anxious – you don't have any privacy, if you cough or rub your eyes it goes down, I feel annoyed because I don't get to see what the reporter is writing." Eddy, 15

It can be confusing trying to understand why you are allowed to be in the Hearing room sometimes and not at other times.

"It's weird because they want you to be there but you're only in the room for 2 minutes and then they ask you to leave....so I don't really see the point of us being there." Hamish, 10

Some children said that the Hearing doesn't feel like it's about them and so it is better to just agree with what adults say. Some children describe the experience as boring. Some children feel that the Panel members have made their decisions before the Hearing starts so they feel like it's not worth bothering to engage.

"The whole thing was boring – boooooooring." Olly, 10

"I wasn't listening." Orla, 12

"Just lots of adults jabbering away." Hamish, 10

"Sometimes I say I understand when I don't, just for them to be quiet. It takes ages." Gemma, 12

"I know it's not for excitement but it is boring, if it was more interesting kids would talk more, tell you what they think...I don't like the fact strangers who don't know you make decisions and have all these bits of paper about your life....I think they know what's going to happen before you come in, they've made their decision before they talk to the kids, they've decided by the papers; they're just listening to me to get paid." Callum, 10

"It's not about adults, not about anything else, it's about us."

Mandy, 9

THEME 4 - FEELINGS

WHAT DO WE NEED TO DO?

Children's feelings about going to a Hearing and feelings experienced in the Hearing itself are complicated and often difficult to cope with. All the adults who are part of the Hearing need to understand how a child is feeling so that they can support them through the Hearing process.

Reporters and Panel members must do their best to keep Hearings calm and stop adults shouting and being threatening.

The Hearing must be about what the child needs. Children need to believe that the Hearing is about them, and not about adults getting what they want.

Children need to understand what notes are taken in a Hearing and why, and then what happens to these notes. Note taking should be kept to a minimum. Adults should pay attention when a child is speaking.

If a child is not allowed to be part of the Hearing they need to be told why.

If a child feels that the Panel has made a decision before the Hearing begins they are less likely to have their say, feel listened to and trust that the decision is the best one for them.



THEME 5 - HAVING OUR SAY AND BEING HEARD

Some children said that at the Hearing they had their say and the adults listened.

"I went with the intention of getting my point over; I talked a lot in order to do so." Jake, 10

"I felt they kind of listened." Lottie, 7

"They looked at me and that made me know they were listening." Andy, 9

Some children, particularly older children, had a different view. They said that the Hearing sometimes felt rushed, that they were interrupted and that adults were given more time to speak. It felt like professional people were given more importance than them.

"Sometimes they butt in when you're talking and you get confused, you don't know who's talking to who. It passes so quickly it doesn't feel like a real Hearing and sometimes its rushed because there's another Hearing coming in." Lori, 12.

"I don't feel they listened to me at all! Everything I said they were speaking over me, or speaking to the social workers about everything...there were so many adults there, they all got spoke to then I got spoke to last. It was "So Clair, what do you think of this?" Clair, 15,

"Often they're talking to your key worker, not us – they should be talking to us." Eddy, 15

Some young people thought that having and expressing an opinion was not welcome and that when children are not listened to then the Hearing can make the wrong decision. For some children saying what they think and want feels like a waste of time as it makes no difference to decisions.

"I spoke once all the adults had been sent out of the room but they didn't do anything about what I had to say." Nicole, 11

"If you are an outspoken child, they don't like it, if you know what you are talking about they feel intimidated by it – the fact you say 'I've had enough of this – I want to do this...' their faces just drop. If you can't speak up for yourself then they don't make an effort to hear you. I feel the Panel sometimes make the wrong decisions because they haven't properly heard the child." Zoe, 13

Children said that it can be difficult to say what you want to say when an adult you want to talk about is in the room; this means children constantly check or edit what they say.

"It was quite tense; you didn't want to say things about your foster carers with them sitting there right next to you. You didn't want to say anything bad in case they thought it was offensive. You had to be quite careful." Anna, 12

Children said that sometimes, when they don't understand the words Panel members or the Reporter use then mistakes can be made.

"There was a certain word they said that I didn't understand at all but I didn't say at the time – it had to go to appeal because I didn't understand that word. They should know they're dealing with children and explain or not use the words in the first place." Clair, 15

Some children said that before a Hearing the Panel members should get to know the child. This would mean that when they are at the Hearing they understand the child and can help them have their say.

"The Panel should come to the children first and ask how things are for her/him. Then they could ask for other people's opinions." Zoe, 13

Children said that they need to understand what decisions are made at the Hearing so that they can say they agree or not. If they don't agree the child should be able to ask the Hearing to think again.

"I'd like the chance to say "I don't like that decision, can you think of something else please." Mandy, 9

*"What's the point of us suggesting things? –
It's not going to get listened to anyway."*

Joshua, 13

*"I don't like talking about this stuff but it's
important we do – to make it better for
other children that have to go."*

Robbie, 10

THEME 5 - HAVING OUR SAY AND BEING HEARD

WHAT DO WE NEED TO DO?

The focus of every Hearing should be to listen to children and understand things from their perspective.

Panel members must get to know the child. They can't do this by just reading papers. It would be best if this was done before the Hearing by meeting children.

At a Hearing discussion and decisions should not be rushed.

Children should have their say and time should be given to make sure this happens.

The language adults use must be clear and when necessary things should be explained. It is particularly important to explain decisions that are made and make sure everyone has understood.

When children disagree with adult views this should not be seen as them being challenging or awkward, rather it's what they think and feel. The Hearing should recognise children's views and feeling as a part of the Hearing process.



"I didn't think I was listened to. You go to the Panel for change and then you go back home and everything's the same – nothing's changed, it's meant to be what's best for us not what's best for the adults."

Hamish, 10

CONCLUSION

The children who came to the Children's Parliament workshops have shared their experiences of the Children's Hearing system and they expect the adults who can make changes to improve the way it works to do so.

The children expect that the system should be working in their best interests, should provide them with a place to have their say and be heard, and should work in ways that makes sure they get information and are treated with respect. This is already what the Children's Hearings are supposed to be about.

Children's views should influence current reforms and how we do things after the Children's Hearing reforms are agreed.



FURTHER INFORMATION

Children's Hearings

More about the Hearings for children:

Web: www.childrens-hearings.co.uk/children.asp

More about the Hearings for adults:

Web: www.childrens-hearings.co.uk

ChildLine

You can contact ChildLine with any question or worry. It is free and confidential.

Telephone: 0800 1111

Web: www.childline.org.uk

You can find out more about the Children's Hearings reforms from:

Children's Hearings Reform Team

Scottish Government

Email: chbillteam@scotland.gsi.gov.uk

You can find out more about the Children's Parliament from:

Vicki Burns

Projects and Consultations Manager

The Children's Parliament

Email: vicki@childrensparliament.org.uk

Telephone: 0131 558 9030

Web: www.childrensparliament.org.uk





