

Children's Hearing Update

We continue to post all updates from the Sheriff Principal on the GBA website. We continue to post all relevant updates from SCRA and CHS via the GBA website also.

Alison Heron (AH) has been the GBA representative at Glasgow CHIP meetings for some time. During this pandemic, there have been adhoc meetings of senior social work representatives, CHS and senior persons from SCRA. This information is then cascaded to the other partner agencies at Glasgow Chip. We have confirmed with them that these can be then disseminated to GBA members. The first such update was posted last week (attached). SCRA are keen to increase our input in relation to these matters. There is due to be a further meeting this week and Gordon Brechin from SCRA has asked that we feedback anything else that we wish to have brought up. AH is due to speak to him on Thursday morning.

At the start of the pandemic, we had posted initial information from SCRA. On 28th April 2020, we wrote to Glasgow SCRA asking for an update in relation to current procedures. The text of the letter is attached. Gordon Brechin has been our contact there and reverted quickly to us with a response. Again, the text of same is attached. He has also come back to us again with further guidance in relation to how agents should access panel papers etc for virtual hearings. This is attached.

FMcK and AH have also taken part in a call with the Law Society in relation to Children's Hearings. The first telephone call for this was 28th April 2020. This was a telephone conference call with a range of practitioners across the country, the point of which was to gather together information in relation to any issues in relation to children's law, both Hearings and court work. Arising from this, advances will be made to the Sheriff Principal at SSDG and also Glasgow in relation to the producing of reasons by presiding Sheriffs in court hearings. A working group is to be established and both AH and FMcK have volunteered for this.

We will continue to liaise closely with SCRA and others and would invite members to raise any issues/comments.

AH

GLASGOW CHIP UPDATE 24TH APRIL 2020

Folks,

This is the second Glasgow CHIP update. SCRA, CHS and GCHSCP held a conference call to catch up where we are in delivering childrens hearings in Glasgow.

The collective effort has focused on expanding participation within virtual hearings. Virtual Hearings have continued to take place and we are hopeful over the next few weeks we will see greater participation. There has been updated draft guidance issued to panel members in relation to Hearing management issues, in particular around the production of Reasons for Decision at the Hearing. We will update you when this reaches implementation. This has been an ever changing and dynamic period following the implementation of emergency legislation.

I have attached the joint SCRA/CHS update for your information.

In Glasgow, we have

- Continued to send out hearing outcomes and notifications.
- Conducted Virtual Hearings where social workers and legal reps have been able to participate.
- Will begin the electronic transmission of panel papers.
- Advanced remote participation within Court.
- Tested social work participation in virtual hearings.
- Developed guidance for social workers to enable wider participation in virtual hearings.
- Managed the Hearings schedule to allow incremental development with the aim of extended participation.
- Identified single points of contact in health and education.

It should also be noted that Reporters continue to receive referrals and make decisions, and that there has been a steady receipt of reports from social workers. We are working hard to maintain as much business as usual as possible. We seek to normalise extended participation within virtual hearings. Reporters and social workers and legal representatives have maintained regular contact to identify cases that would allow learning and development to take place. As ever we wish to work together as partners in delivering the Hearing system in Glasgow.

There is still much more to do and as partners we are working together to learn from what are new experiences. Our next catch up call is scheduled for Thursday 7th of May. If there are any particular issues you would like to be discussed please let me know.

Best wishes.

Coronavirus Update

We write with reference to the above and thank you for your correspondence to us dated 25th March 2020, which we duly shared with our Membership. We have also been making our Members aware of the national SCRA responses, posted on your organisation's website. We are writing to you directly as you had been good enough to correspond with us previously in relation to matters, and we are keen to maintain an open dialogue with partner agencies in these uncertain times.

We note that a further four weeks have now elapsed since your correspondence and we would appreciate it if you could please provide to us a further up date in relation to matters. It may be that you are not in a position to provide the information requested, and if this is the case, please confirm who we should direct our enquiries to.

Our Members are committed to achieving best outcomes for persons that find themselves involved in the Hearing system, for whatever reason. One of the central ways of achieving that is by participation. We appreciate that Hearings cannot take place in the manner that we are used at this time. We note that at that time of your last communication, it had been envisaged that Virtual hearings would commence as soon as possible.

It is our understanding that the technology is not yet such that legal representatives can participate. Do you have any understanding of when that can be expected? Are social work representatives similarly affected? It would be helpful if you could please indicate if there is a reason for the delay, as we note from SCRA's joint statement with Children's Hearing Scotland on 27th March 2020 that it was hoped that by the week commencing 6th April 2020, a plan would be in place in respect of participation at local level. However, from the Joint Statement of 20th April 2020, we note the timescales attached to same are for the weeks commencing 20th and 27th April, with national rollout in the week commencing 4th May 2020. From your understanding, is it likely that this can be achieved in Glasgow in this timescale?

We note from the update posted on SCRA's website on 20th April 2020, that letters will be issued to children, young people and relevant persons with instructions in relation to how to attend a virtual hearing. Please confirm if the issuing of such letters has commenced in Glasgow. Given that the technology is not operating to the extent of social workers and legal representatives being able to participate, could you please advise when it is envisaged that the first hearing to include these participants is likely to take place in Glasgow? It would also be helpful if you could please advise as to whether it is envisaged that all hearings which are taking place at this time, will be able to take place by way of a virtual Hearing.

Central to the issue of participation is ensuring that those persons engaged in a Hearing have all the appropriate information available to them. Could you please confirm whether Panel Members have been receiving their sets of panel papers the required three days in advance of all Hearings that have taken place in Glasgow, since SCRA was unable to conduct direct Hearings? We note that in lieu of the ability of children, young persons and relevant person to be in virtual attendance, it has been encouraged that legal representatives as well as parties themselves, can make written submissions to be placed before the Hearing. We would welcome confirmation that such written submissions are being placed before Panel Members for their consideration, in full, in advance of the Hearing. Please also confirm that a full set of panel papers can be made available to legal representatives, with the required secure email system, if requested.

We would welcome any other assistance and information that you are able to provide and we look forward to continuing working alongside yourself and your colleagues.

Yours sincerely

The Executive Committee of the Glasgow Bar Association

RESPONSE FROM SCRA – 28TH APRIL 2020-05-04

Hi Moira,

Hope you are well. I am more than happy to respond to all points raised in your letter. For information there was another GCHIP catch up on last Wednesday which was circulated to Alison on Friday. I am not sure if that has been sent out.

Legal Representatives are key in the safe expansion of Virtual Hearings and we are keen to engage with the profession and receive feedback from you about what is a new and challenging world. Following the catch up last week I felt something more bespoke was required for Legal Representatives in Glasgow and am keen to hear how we can improve communication through what will be a challenging and changing environment.

If can respond to the points you raise.

- The only Hearing that will take place will be Virtual Hearings for the foreseeable future.
- We have been sending out Hearing notification and outcome letters.
- We now have had Virtual Hearings that have taken place that have included social work and legal representatives. I would not pretend all has been a total success but I do think we are on the right road and learning.
- Social Work in Glasgow have been very proactive in their approach to participating in Virtual Hearings. They have produced guidance for their staff that hopefully will enable as wide base of their staff to participate.
- Panel members are now receiving papers electronically. In some cases this has extended to legal reps and children. We obviously wish everyone to have papers. This is the latest part of the roll out and this week should tell us how well this has went.
- It should be noted that papers are not 'full' in the traditional sense. They contain typically the last Hearings decision, order and any updated information that is available.
- We hope to identify cases where extended participation can take place, thus reducing the need for written submissions as the only form of participation.

In addition

- Emergency legislation is now in force. This has allowed orders to be extended by six months. The benefit of this is that provides capacity to expand participation in virtual Hearings. I must emphasise that this does not mean these orders will simply be allowed to sit with no further action. They are simply parked at the moment but are under regular review with the intention they are put before a Hearing at some point.
- Children and families will be asked as to whether they wish the virtual Hearing to take place.

- We are actively trying to identify which cases require a Hearing, but extended participation is a central factor in such decisions.
- SCRA has made progress in ensuring there is data available for children and families to participate without any additional financial burden.
- We need the support of legal reps more than ever. The reasons are numerous but we need to expand participation in Hearings. That means solicitors prepared to participate in testing and supporting clients in what will be an unfamiliar process.
- More than anything I would ask your members to let us know the good and the bad. To date they have demonstrated considerable patience and understanding and that has been most appreciated. Their engagement with Reporters has been essential.
- The partnership model in Glasgow remains the Glasgow Childrens Hearing Improvement Partnership (GCHIP). We have always believed legal representatives are key stakeholders in the delivery of the Hearing system in Glasgow. To date there has been two GCHIP telephone catch ups involving myself, CHS and a Head of Service from Social Work. Our intention is to catch up every two weeks and provide updates across the GCHIP membership. I am keen to hear how we can build in the voice of legal reps as part of this process.

I do hope this has addressed the points you raised, but if there are further matters please let me know.

My very best wishes.

Gordon Brechin.

RE OBJECTIVE CONNECT GUIDANCE

Email from Gordon Brechin – 30th April

Hi Moira,

I have attached guidance on the process on how legal representatives can gain access to panel papers when they are participating in Virtual Hearings.

I would be grateful if this could be distributed to your members for their information. In addition, if they are aware they are due to participate in such Hearings could they get in touch with us as soon as possible. This would allow testing to take place in advance of the Hearing and less pressure on the day of the Hearing itself. One final ask is we would really appreciate if solicitors who do not have a secure email accounts via Cjsm.net could they please register. Secure emails are not required for participation in virtual hearings but would allow easier transmission of information from Reporters to agents.

If you require any clarification on any of the above please let me know.

Best wishes.

Gordon