

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 21 September 2011

Subject: Children's Hearings Scotland: Consultation on Proposals for the Establishment of Area Support Teams

1. Purpose

- 1.1** To inform Members of changes to the Children's Hearings System resulting from the Children's Hearings (Scotland) Act 2011 and seeking permission to respond to the National Convener of Children's Hearings Scotland's proposals for the future support of the system in West Dunbartonshire in appropriate terms.

2. Background

- 2.1** The Children's Hearings System is presently supported in each local authority area in Scotland by a Children's Panel Advisory Committee (CPAC) which are responsible for recommending the appointment and re-appointment of Children's Panel members to the Scottish Government, monitoring panel members' performance at children's hearings and advising the Scottish Government on matters concerning the Children's Hearings System.
- 2.2** The Children's Hearings (Scotland) Act 2011 requires the newly-appointed National Convener of Children's Hearings Scotland to establish Area Support Teams (ASTs), in collaboration with local authorities, to replace the CPACs.
- 2.3** The National Convener issued her proposals for the establishment of ASTs on 29 July 2011 and has proposed that 17 ASTs should be established across Scotland, one of which would be comprised of East Dunbartonshire and West Dunbartonshire. The relevant extract from the National Convener's proposals is attached as Appendix 1.
- 2.4** The National Convener is required to reach agreement with each constituent local authority of the proposed AST and has requested that responses to her proposals be provided by 21 October 2011.

3. Main Issues

- 3.1** The West Dunbartonshire CPAC met on 5 September 2011 to consider its response to the National Convener's proposals and this is attached as Appendix 2.

- 3.2** The West Dunbartonshire CPAC is content for an AST to be established comprising of East Dunbartonshire and West Dunbartonshire but has proposed that a sub-committee should be established for each local authority area and that each sub-committee should separately have responsibility for the recruitment, reappointment and monitoring of panel members in its area. While the new legislation makes it clear that ASTs will have the power to form sub-committees, it does not specify the level of delegation permitted to such sub-committees. It is therefore recommended that this issue be addressed in the regulations which will support the implementation of the new legislation.
- 3.3** The West Dunbartonshire CPAC has a membership of 7, 5 of whom are appointed by Scottish Ministers and 2 who are appointed by West Dunbartonshire Council. The National Convener will invite current ministerially-appointed CPAC members to transfer to the ASTs when they are established. The two Council positions on the CPAC are presently vacant. The National Convener's proposal would allow each constituent local authority to appoint one member to the AST. However, there is provision in the Children's Hearings (Scotland) Act 2011 for a local authority to nominate additional persons to the AST, at the discretion of the National Convener and subject to the number of persons nominated by local authorities constituting no more than one third of an AST's membership.

4. People Implications

- 4.1** The Sub-Committee model, which the local CPAC supports, will require more officer time and support than the single Area Support Team (AST) model as proposed by the National Convener. However, if both local authorities agree to support the clerking of their respective sub-committees and share the administration of the full AST on a rotational basis then the staffing implications on each authority would be reduced. The National Convener will discuss this with both local authorities once the outcome of the consultation is published.

5. Financial Implications

- 5.1** It is the intention of the National Convener to negotiate service level agreements with local authority chief executives to transfer the role and functions currently carried out by CPAC clerks to the Area Support Teams. Where an AST is made up of more than one local authority the National Convener will discuss with each constituent authority the arrangements for the provision of the clerk functions, which may require a contribution from each local authority for the provision of a full-time clerk to an AST. Clearly, the costs associated with administering the Sub-Committee model proposed by the CPAC will be higher than the single AST proposed by the National Convener.

6. Risk Analysis

- 6.1** The success of the Area Support Team model is dependent on local authorities agreeing to provide the same level of administrative support as is currently provided to CPACs. If agreement cannot be reached between this Council and East Dunbartonshire Council on how the proposed new AST will be clerked and how costs will be apportioned then the proposal by the National Convener could falter. Not only would this be detrimental to panel members who will be keen to have some stability returned to the Hearings System after this prolonged period of change, but there is also the risk of reputational damage to the Council.

7. Equalities, Health & Humans Rights Impact Assessment (EIA)

- 7.1** The issues raised within this report will not have an adverse impact on any equality group.

8. Strategic Assessment

- 8.1** The successful implementation of the Children's Hearings (Scotland) Act 2011 and establishment of an effective Area Support Team to serve the Hearings System within West Dunbartonshire fits well with the Council's strategic priorities. It is essential that the new Area Support Team is given the resources and support it needs to fulfil its duties to recruit and train members of the Children's Panel who have the responsibility for protecting young people from harm and dealing with those young people who participate in anti-social behaviour and crime.

9. Conclusions and Recommendations

- 9.1** The Committee is asked to support the response to the consultation paper by the West Dunbartonshire CPAC, as appended to this report, subject to clarification on the delegation of powers to Sub-Committees as referred to in paragraph 3.2 above.

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Date: 7 September 2011

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Appendices:

1. Extract from the National Convener of Children's Hearings Scotland's consultation paper 'Proposals for the Establishment of Area Support Teams', concerning the proposed AST for East Dunbartonshire and West Dunbartonshire.

2. Response to Consultation on Proposals for the Establishment of Area Support Teams by West Dunbartonshire CPAC.

Wards Affected:

All wards