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# Experiences of virtual Children's Hearings: A rapid consultation

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**Disclaimer:** the information contained within this report reflects the views, opinions, and experience of people who have experienced some aspect of a virtual Children’s Hearing. We reflect the information that was provided to us by respondents. We make no claims regarding the factual accuracy of any quotes regarding the quality or functionality of the software reported on.

# 1 About the study

## 1.1 Introduction

Children's Hearings are the primary forum in which issues of juvenile justice, care, and protection relating to children and young people are handled in Scotland. Due to restrictions as a result of the Covid-19 pandemic, between the 23<sup>rd</sup> of March and 10th July 2020 no face-to-face Children's Hearings took place. Instead, a reduced number have been taking place virtually using video-conferencing technology (virtual Children's Hearings).

Initially, only Hearings required for the urgent and immediate protection of a child were convened, and these were attended only by reporters and panel members. These Hearings were not attended by other individuals and agencies who would typically be present, such as the child or young person, parents, family, and social work or other agencies.

On the 7<sup>th</sup> of April 2020, the Coronavirus (Scotland) Act 2020 came into force which relaxed several procedural requirements for Hearings, including<sup>1</sup>:

- Removing a requirement for gender balance of Hearing panel members
- Allowing Hearings to proceed with fewer than three panel members
- Removing the obligation for a child or relevant person to attend unless specifically directed by a Children's Hearing
- Removing the second working day review of a Child Protection Order
- Extending deadlines for submitting applications and appeals to court
- Extending the validity of Interim Compulsory Supervision Orders to 44 days
- Preventing the immediate expiry of a compulsory supervision order if a Hearing has not been arranged before its original expiry date
- Allowing the electronic authentication of documents

In the week beginning 20<sup>th</sup> April 2020, Hearings began to be conducted so that all participant groups were included via video-conferencing. These virtual Hearings are convened using Vscene software for video-conferencing, which participants log into from their own homes. Panel papers are shared with all participants in advance of the Hearing using Objective Connect, a secure file-sharing platform. Following an initial testing period, virtual Hearings are now being carried out across Scotland with the opportunity for the participation of children and young people, parents, carers, and a full range of associated professionals from caring and other professions.

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<sup>1</sup> 'Changes to Panel Member Practice –Coronavirus (Scotland) Act 2020' [http://www.chscotland.gov.uk/recent-news/2020/04/changes-to-panel-member-practice-coronavirus-\(scotland\)-act-2020/](http://www.chscotland.gov.uk/recent-news/2020/04/changes-to-panel-member-practice-coronavirus-(scotland)-act-2020/) retrieved May 18 2020.

On Thursday the 21<sup>st</sup> of May, the First Minister for Scotland announced plans for face-to-face Hearings to be resumed, incorporating social distancing measures introduced to prevent the spread of coronavirus.

CELCIS (Centre for Children’s Care and Protection) and CYCJ (Centre for Youth and Criminal Justice) at the University of Strathclyde collaborated to conduct this study in order to strengthen understanding of the experiences of virtual Hearings. The transition to virtual Hearings happened rapidly and flexibly in response to the coronavirus pandemic, with a commitment to ongoing improvement. This study seeks to provide information on experiences, from multiple perspectives, relevant to improving the conduct of virtual Hearings. In addition, given the scale and longevity of the coronavirus pandemic, we recognise that virtual elements are likely to remain a part of Hearings for some time to come, in order to facilitate social distancing measures. Understanding experiences of virtual Hearings is therefore vital to the development of Hearings going forward, both in the immediate and in the longer term. The recent use of virtual Hearings provides an opportunity to learn about how these are experienced, in order to inform any future routine incorporation of virtual technologies within Hearings to facilitate participation by those who cannot, or prefer not to, attend Hearings in person.

## 1.2 Methodology

In consultation with the Scottish Children’s Reporter Administration (SCRA) and Children’s Hearings Scotland (CHS), an online survey was developed to capture the views and experiences of those who had participated, or wanted to participate, in virtual Hearings. Given the timing of the First Minister’s announcement of the resumption of face-to-face Hearings with social distancing measures, we included questions designed to tap into any experiences of Hearings held virtually, or face-to-face with physical distancing requirements in place. We were also aware that it was unlikely that face-to-face would occur frequently within the timeline of the study (due to the need to identify spaces and arrangements that would allow for two metre social distancing during the course of a large meeting).

We chose to use a primarily qualitative approach in order to ensure that the information gathered identified the topics and issues that (potential) participants considered to be important, and in order to gather richer contextual information regarding experiences.

We developed the survey to gather the views and experiences of:

- Young people over the age of 12 years old
- Parents and carers
- Practitioners responsible for administering Children’s Hearings, including reporters and panel members
- Practitioners who routinely attend Children’s Hearings to provide information or support, including social workers, solicitors, advocacy workers, safeguarders, and other practitioners who know the child or family.

Whilst we are committed to gathering the experiences of children and young people below the age of 12, it was not possible to do so within the constraints of the ethical standards researchers must meet, the rapid turnaround of the study, and the emergency measures in place to restrict movement and face-to-face contact between people. We, therefore, decided to limit the study to the inclusion of young people aged 12 and above.

The University Ethics Committee at the University of Strathclyde granted ethical approval for the study. The survey was open for two weeks from the 15<sup>th</sup> to the 28<sup>th</sup> of June 2020.

The opportunity to participate in the research was promoted by a range of organisations, networks, and individuals who support or employ people who would routinely attend Children's Hearings. Email invitations to participate were circulated by organisations, networks, and individuals, that included, but were not limited to: Our Hearings, Our Voice; Who Cares? Scotland; Children 1<sup>st</sup>; Barnardos; Children's Hearings Scotland; Scottish Children's Reporter Administration; Social Work Scotland; Police Scotland; Scottish Legal Aid Board; Adoption and Fostering Alliance. Additionally CYCJ and CELCIS both promoted participation in the survey via circulars and social media such as Twitter and Facebook.

On completion of data collection, we prepared the dataset for analysis. This involved reviewing and excluding incomplete responses that could not be analysed. Responses were determined incomplete where participants answered none of the open questions. We decided to do this because, without this data, it was not possible to contextualise analysis of their responses or to meet the aim of exploring the views and experiences of respondents. This resulted in the removal of 142 incomplete responses. In total, 276 responses were included in the analysis presented in this report. The overwhelming majority of those respondents had direct experiences of virtual Hearings, as outlined in Table 1.

Although no face-to-face Hearings with physical social distancing measures are reported by SCRA or CHS to have taken place prior to, or within, the data collection period, two respondents (a solicitor and a panel member) indicated that they had attended both a virtual Hearing by computer or phone, and a face-to-face Hearing with social distancing measures in place. The panel member did not go on to discuss the physically distanced Hearing, while the solicitor made some comments relating to a 'Hearing in person'. It may be that this respondent was referring to a pre-hearing panel or similar. Given that no full Hearings took place face-to-face with social distancing, these portions of this response have not been included in the analysis.

We analysed the data by undertaking a thematic analysis of responses per cluster of respondents. That is, we looked at the responses of each of the following groups: young people; parents and carers; panel members; reporters; social workers; safeguarders; advocacy workers; solicitors; and respondents who had identified themselves as having 'other' roles within Children's Hearings. 'Other' roles included school nurses, health

visitors, panel practice advisers, and children’s rights workers. We then looked at the thematic analysis across groups to explore if and what differences existed in their views and experiences of virtual Hearings. As the study was exploratory, our presentation of the analysis is primarily descriptive providing an account of the emergent themes relating to: positive and negative experiences of virtual Hearings; views on how justifiable current ways of work are in the context of the emergency measures in response to the pandemic; and areas for improvement.

*Table 1 Respondents per role and Hearings experience during emergency measures*

Respondent cluster	Direct experience of virtual Hearings	No direct experience of virtual Hearings	Total respondents
<b>Young people (aged 12 years and older)</b>	2	3	5
<b>Parents</b>	4	0	4
<b>Other family members</b>	4	0	4
<b>Kinship carers</b>	0	0	0
<b>Foster carers</b>	6	0	6
<b>Residential carers</b>	1	1	2
<b>Panel members</b>	136	9	145
<b>Reporters</b>	11	0	11
<b>Social workers</b>	32	5	37
<b>Safeguarders</b>	14	2	16
<b>Advocacy workers</b>	11	0	11
<b>Solicitors</b>	20	0	20
<b>Other</b>	9	6	15
Total	250	26	276

As with any study, there are limitations to what we can conclude from the information collected. It is important to bear in mind that this report is not an evaluation. We do not enter into any discussion of the relative merits of virtual or face-to-face Hearings, nor present any objective measures of their efficacy. Rather, we aim to present the experiences of participants in virtual Hearings as accurately as possible, and conduct thematic analysis to assess where these views and experiences coincide and differ. The sample of respondents is unlikely to be representative of the population who did, or could have, attended a Children’s Hearing. Rather, it is likely to have reached people keyed into the networks we used to circulate the invite and it is likely that people chose to complete the survey on the basis of experiences that were either unusually positive or negative.

These factors make generalising from the evidence presented here challenging, and relative frequencies of themes should not be taken to reflect the real-world frequency of such occurrences. However, the experiences presented here do indicate key themes that are raised by respondents, and it is important that consideration is given to how these concerns and suggestions can be best addressed. In particular, while examples of poor practice or experiences may not reflect their frequency of occurrence, it is important that

the Hearings continue to work towards a situation where no individual has an experience of poor practice or is hindered in their participation in a Hearing.

### **1.3 Orientation to the study and report**

There was considerable synergy in the views and experiences of all respondents, irrespective of their role. However, we have chosen to report young people's, parents and carers views and experiences separately in order that these foreground our understanding of virtual Hearings, as outlined in Chapter Two. Chapter Three provides an overview of key themes from practitioners relating to positive and negative experiences of virtual Hearings. Chapter Four summarises views on the justifiability of virtual Hearings, and Chapter Five the recommendations for improvement made by respondents. The final Chapter provides concluding observations and recommendations in view of the findings of the research.

## 2 Views and experiences of young people, parents and carers

In this chapter, we provide an overview of the views and experiences shared by young people, parents and carers. Whilst we received relatively few responses from young people, parents and carers, it is important to recognise that these provide fundamentally important insights into the experience of Hearings at this time.

### 2.1 Young people

#### 2.1.1 Experiences of virtual Hearings

Two young people who had experience of attending a virtual Hearing, and three young people who had not attended a virtual Hearing, completed the survey. One respondent who had attended a virtual Hearing reported receiving support from their social worker and their carer, while the other received support from the reporter before the Hearing.

“My social worker explained the procedure and my foster carer sat beside me”

Both young people reported receiving a lack of support during the course of the virtual Hearing, with one reporting that they received no support at all, while the other had a plan for support that was ineffective in the actual Hearing.

“I felt a bit under pressure as I struggle with anxiety and I didn't have the opportunity to ask to speak the panel by myself as my mum and everyone was on the screen. My Social Worker and I had a signal for when I needed her to speak for me but I still felt that I was asked to share my views and be part of discussions that I would usually have been protected from. My address is restricted and I was asked directly why as this is my choice and I was found this difficult, my social worker explained my reasons...but this information was in my report and I did not want to be in this position in front of my mum”

This young person indicated that they received support following the Hearing from their carer and social worker, but said that they thought that it would be beneficial if young people had the opportunity to speak with the panel before the Hearing, to ensure that they are not asked to participate and share information in ways they do not want to.

“For us to have a chance to speak to the panel before hand with our social worker to make sure that these things don't happen”

#### 2.1.2 Experiences of Hearings generally

Three young people who had not experienced a virtual Hearing gave information about their experiences of Hearings more generally, prior to the impact of the pandemic. Two of these young people reported receiving support prior to the Hearing, and one of these also received support during and after the Hearing. The experience of the actual Hearing was described as confusing and difficult.

"I was confused because of the language used, it was also hard to share thoughts on such issues because it was in front of my parent."

"It was only till my last hearing that I was told I got speak to the panel alone. It was a joke honestly"

When asked what they thought would be helpful for a young person joining a virtual Hearing, suggestions tended to emphasise ensuring that the child felt safe, comfortable and prepared for the process ahead.

"They need someone there that they trust and also someone to explain their rights because I think that goes amiss a lot in person and over the phone/computer"

"If a Young person feels uncomfortable either have a breakout room or somewhere they can go chill out. I think professionals go into it thinking "wam, bam thank you ma'am" a hearing can legit change the course of a young person's life, this isn't something you can just skim over"

"Someone to explain the process in detail in a child friendly way. Also someone to be honest about the likelihood of your situation. You have very little knowledge and understanding due to terms used"

Young people also highlighted the importance of always listening to young people, and the need for greater understanding of the needs of young people from minority groups.

"A wider understanding of cultural factors of family breakdowns, as some BME young people face cultural stigma once in care, the push to put children back at home with support can be difficult due to a lack of cultural understanding. More BME training to deal with these cases."

## 2.2 Parents and carers

Sixteen respondents who identified themselves as parents or carers completed the survey. Fifteen had attended a virtual Hearing.

The majority of these respondents reported receiving support prior to the Hearing. This support included help to understand how to join and what was involved, emails with instructions, test calls, and direct help from social workers or reporters.

"I had emails telling me how it worked and how to download the app. I also had a test call before each of my hearings" (parent)

"I have participated in two Hearings via the V Scene app. Information on the app was sent through email along with codes to access the 'room' on the day. Plenty information given in the email and contact details of who to ask if we needed help" (residential carer)

"Had a call from reporters office and talked through how to download app. Then again day before they checked that I could log on" (foster carer)

However, one respondent reported receiving 'very little' support prior to the Hearing

As a Foster carer joining the meeting was a real challenge, no links were sent out then the wrong link was sent out just ahead of the meeting delaying being able to join and then a further wrong link was sent. As a result we were over 20 minutes late joining the meeting" (foster carer)

Some of the parents and carers reported receiving support during the Hearing, in the form of checks and information from other participants in the Hearing. Others reported not receiving, and/or not needing any support.

"Someone asked if I could hear" (parent)

"Chairperson and panel members talking me through what was due to happen" (foster carer)

"The chairperson included me and listened to my views" (foster carer)

"None I had my lawyer join the hearing and he was my support" (parent)

Following the Hearing, one participant reported that they received support from their social worker, one indicated they received support from their solicitor, and seven indicated that they had not received any support following the Hearing.

Parents and carers reported mixed experiences of virtual Hearings. The positives reported included: getting necessary paperwork updated; not having to travel; that everybody was able to take part and be listened to; gaining experience of Children's Hearings; and that it allowed Hearings to continue.

"I needed to get the paperwork updated and that was done." (parent)

"Being able to see everyone taking part" (family member)

"Being able to continue during lockdown" (foster carer)

Conversely some parents and carers were very clear that they did not find the virtual Hearing a positive experience.

"Didn't like it. Wasn't personal. As everyone's voice or chairperson was difficult to make out" (parent)

"The only positive thing about virtual hearing is we were apart so we were all safe from COVID 19" (parent)

"I don't think that there were any positives to attempting to hold hearings in this way" (family member)

"There was absolutely nothing positive about the experience" (foster carer)

Respondents were clear that the most challenging aspect of virtual Hearings related to sound quality, with parents and carers noting that it was difficult to hear or be heard during the Hearing.

"Very disappointed. You would have to raise your voice so people could hear you. Even with headsets" (parent)

"I found the children's hearing very difficult. I had trouble hearing and understanding what everyone was saying" (parent)

"Trying to understand all that was being said as there was a lot of breaking up" (family member)

"Virtual hearing - social work couldn't gain access to hearing due to technical difficulties, they were placed on a speakerphone near to the laptop mic, but the sound quality was terrible, my app threw me out for no reason and when I logged back in there was no sound, I had to log back in again, and naturally when ten people are in a virtual hearing people talk over each other making it very difficult to hear everything" (foster carer)

"Hearing everyone, speaking to everyone, being able to communicate with our legal reps, being able to engage with the panel and all involved at the hearing" (parent)

Alongside the difficulties with sound, there were also comments in which two respondents reported feeling that the Hearing was unfair due to the process or information presented within it. In particular, one family member reported that in a busy hearing, opportunities to speak were not given, or not given fairly, to all attendees, and that this meant that important information was not considered in the decision-making at the Hearing.

"I felt like the virtual hearing was unfair and decisions were made that were very extreme and my opinion is the decision should not have been made during a virtual hearing as it was unfair I feel like the hearing should have been deferred until a face-to-face hearing could take place" (parent)

"The whole hearing was a chaotic jumble with very little direction, most of the important relevant points were unable to be discussed or dealt with...These panels are vitally important to ensure the safety and well-being of children (in this case my grandson) and should be conducted correctly in the hearing room where all points can be made and responded to fairly. It was impossible to do this using this flawed video system which led to a ridiculous decision being made. This was a mockery of the hearings that I have previously attended which have all been in person and run fairly to all, unfortunately this one clearly wasn't" (family member)

Other participants highlighted difficulties with technology, communication within the Hearing, the practicalities of finding a private space to attend a Hearing, the lack of support offered to participants, and the difficulties for children and young people.

"it's very hard doing a hearing by computer or phone" (parent)

"My foster children's mother became upset and it was hard to watch and not be able to comfort" (foster carer)

"Being able to effectively put across a view that was understood" (foster carer)

Parents, family and carers were also asked what they thought would help ensure that children and young people could take part in virtual Hearings. Three respondents reported that they did not think that virtual Hearings were appropriate for children and young people. Respondents' comments included that children and young people did not receive the same opportunities to talk with the panel members as they would during a face-to-face Hearing, and concern that younger children might get upset during the Hearing.

"My son did take part in the virtual hearing and I don't feel like it was suitable for him because he didn't get to speak to the panel members on his own in private like he would get to do at a face to face hearing. I feel like because my son didn't get to do this it was very difficult for him to understand everything that was going on and it was very hard for him to speak his mind when everyone was listening to what he was saying" (parent)

"I don't think it's good for young children to be part of the video call as can be very upsetting but...social workers could spend time with children asking them about how they feel etc. and write a small report based on it. If children are old enough they could possibly be recorded having an interview with panel member" (foster carer)

Suggestions for how participation could be facilitated included minimising the numbers of participants at the Hearings, and ensuring that all parties had access to the appropriate technology to participate.

"I believe that hearings should not be conducted on video unless the numbers are extremely limited as otherwise it is just a chaotic mess with little structure and almost no chance of relevant points being made throughout" (family member)

"To ensure all parties had appropriate access. The fact that [local authority] do not have the software to participate is an outrage" (foster carer)

A residential carer noted that having adequate time to prepare a young person for the virtual Hearing meant the meeting went well. They also noted that some young people

are accustomed to routinely making and receiving video calls and therefore this approach may be less daunting to them than it is to professionals.

"The first of the two Hearings they refused to participate. For the second we had much more time to prepare them for participation and it was a far better Hearing I think" (residential worker)

"The young person was far less nervous about participation than I was and makes/receives numerous calls over video in a day!" (residential worker)

### 3 Practitioners' views and experiences

Professionals who had attended a virtual Hearing provided information on their views and experiences of virtual Hearings. Different respondent groups reported common themes, both in terms of strengths and challenges of virtual Hearings, which we have provided an overview of here.

#### 3.1 Ensuring Children's Hearings can take place

A large number of respondents highlighted the fact that Hearings were able to take place at all during the course of the pandemic and the associated emergency measures restricting movement of people, as the most positive aspect of virtual Hearings. Within these responses, the main reason cited by all groups was an acknowledgement that it allowed decisions to be made for children and young people. Some respondents further highlighted that this in turn allowed for: continued participation of children and families; ensuring that protective orders did not lapse<sup>2</sup>; the prevention of drift and delay in planning and decision making for children, young people and families; ensuring that placements were maintained or changed as appropriate; and for ensuring children's rights. Alongside this, a few respondents, more often solicitors, noted that the fact it could take place was the only positive aspect to virtual Hearings.

"Allowing decisions to be made for a child" (solicitor)

"Was good to have video and that a hearing was able to proceed to allow for things to move forward for the children" (safeguarder)

"It enabled us to ensure that vulnerable children were still getting the care, protection and guidance that they required" (panel member)

"That children's best interest could continue to be looked after even although face to face hearings were not possible" (reporter)

"There is very little that is positive about a virtual hearing, beyond the fact that a hearing is actually taking place" (solicitor)

"Ensuring the child's rights were maintained" (panel member)

"It allowed the statutory required review of the child's Interim Compulsory Supervision Order and upheld the parent and child's right for a review of compulsory measures of care during very difficult circumstances" (social worker)

"Ensuring orders didn't lapse" (panel member)

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<sup>2</sup> Coronavirus (Scotland) Act 2020, passed on the 7th April, 2020, prevents a Compulsory Supervision Order from lapsing for up to an additional six months (bringing the total length a supervision order could last without review to 18 months). However, child protection orders (CPOs) still require a grounds hearing to be held on the eighth working day, and interim compulsory supervision orders (ICSOs) require review prior to the 44th day to prevent the order from lapsing.

Respondents from across the different practitioner groups, including solicitors, advocacy workers, safeguarders, social workers, reporters and panel members acknowledged the importance of the inclusion of all people entitled to attend and to contribute to decision-making. In some instances, they contextualised this with reference to the first weeks of emergency restrictions of movement, when Hearings had been limited to reporters and panel members. Many expressed they were pleased to be able to continue their roles through the adoption of virtual Hearings, and the importance of ensuring that children, young people, and parents are able to take part.

“Worried about the number of children and families that haven’t been given a service. I think some hearings could have went ahead using bigger venues and adhering to social distancing with relevant checks, and using technology for vulnerable families or children who preferred using a lap top phone or tablet” (panel member)

“A virtual hearing provided the possibility of greater participation in hearings, which had not been possible in the first few weeks of lockdown” (reporter)

“Making a contribution to decision making” (safeguarder)

“Finally being able to participate and my client being allowed to put their views across. Hearings had taken place under lockdown without parties being present...and there was very little transparency which was concerning given the decisions being made” (solicitor)

### 3.2 Preventing health risks for all involved in Children’s Hearings

Respondents from across the groups reported that they considered the protection of the health of all concerned to have been a strength of the virtual Hearings. They noted the challenges and likely limitations of holding face-to-face Hearings, and made particular mention of the needs of people shielding due to underlying health conditions and of the impact that a requirement to travel would have in increasing risks of coronavirus transmission for anyone attending a Children’s Hearing in person.

“The virtual hearing allowed us to go ahead with a Children's Hearing at a vital time despite current restrictions, and allowed everyone, including people who are shielding at home, to take part” (social worker)

“Being able to attend without leaving home and without having to place myself or other members of my household at risk from Coronavirus” (panel member)

“It was clear that although we were facing challenging circumstances, the wellbeing of our young people was still being put at the centre and everyone was powering through!” (advocacy worker)

### 3.3 Perceived benefits of joining a Hearing from home

Joining a virtual Hearing reduced the time needed to attend, as it removed travel and waiting times at the Hearing centres. Respondents noted their own experience of this as well as noting it as a perceived benefit for children, young people, parents, carers and other family members, some of whom would often be travelling some distance to attend. On the latter point, a few respondents indicated that the option to join virtually may offer the flexibility needed for some families who ordinarily may find it a challenge to travel due to other demands (e.g. time needed, access to transport, child care, work).

“No travel, easier to fit in with my day, less time required” (panel member)

“Also it reduces travel time and can attend more hearings in one day than I could if I had to attend in person across large geographical areas” (safeguarder)

“Enabling family members to join in the meeting even though they live miles away” (social worker)

Many respondents also shared that they observed that joining virtual Hearings could mean that the environment was more comfortable for children, young people, parents and carers. Some noted how children and young people were able to continue with activities at home while staying present in the meeting. Other practitioners noted that being within a familiar home environment could be an advantage for parents and carers as they may feel less anxious than they would attending a Children’s Hearings centre. (See section 3.4.5 for issues around privacy, confidentiality and safety).

“the ability to provide children and relevant persons the opportunity to participate from their own environment” (reporter)

“Young person was more relaxed due to being in their own environment” (throughcare aftercare worker)

“Seeing young people participate on a VH [virtual hearing] – anecdotally they appear more relaxed than face to face” (panel member)

“I think young people might be less overwhelmed by the experience” (safeguarder)

“Families are participating in their own space with the comfort and reassurance of familiar space” (panel member)

“Family in their own home, may encourage them to feel more relaxed and less anxiety about engaging in the hearing” (social worker)

#### 3.3.1 Access to equipment and internet as a prerequisite

Access to equipment and internet is a prerequisite for accessing Children’s Hearings held virtually. No, or limited, access to appropriate equipment, such as PCs, laptops or tablets, were noted as fundamental barriers to actively participating in the decision-

making process, as was access to reliable internet connections. Lack of a compatible device could lead to delay to the Hearing while an appropriate device was located, or a lack of participation entirely. Respondents raised this as an issue for children, young people, parents and carers, as well as for practitioners. They described the barriers encountered by people attempting to use the platforms for accessing paperwork and video-conferencing while using a telephone, as well as barriers encountered by those using older equipment. They also described failed or disrupted connections to the virtual Hearing, due to having no internet access, slow connection speeds, or reliance on telephone data packages. Respondents often raised concern about this for children, young people, parents and carers, but it was also an issue for panel members, social workers, reporters and others.

"The families didn't have access to suitable devices to support virtual hearings"  
(panel member)

"I also had one hearing where a parent had to sit outside a community building to use their broadband as she didn't have her own broadband at home. Whilst it was in a secluded seating area, so privacy wasn't an issue, it was a cold day and the hearing lasted almost two hours" (panel member)

"That some people you would want to participate could not because they did not have the technology or knowledge to do so" (panel member)

"It puts a barrier up for families and children who don't have access to the necessary technology" (safeguarder)

"The mother did not have access to the internet, so I had to go to her house and let her take part on my mobile. The mobile phone was very small for two people, but because she does not have wifi, I could not use my laptop. Her own mobile phone was unable to download the app. This was not ideal for two reasons: using the mobile was hard for us both and every time I tried to mute us and unmute us, we got disconnected" (social worker)

"the fact that no social worker was able to attend due to not having access to the technology" (advocacy worker)

"Children and young people, and parents, do not have access to tablets or laptops impacting capacity to read paperwork, see all attendees and who is speaking, etc" (advocacy worker)

## 3.4 The organisation and conduct of virtual Children's Hearings

### 3.4.1 Supporting paperwork

As noted above, Objective Connect is the platform used to share digital reports and papers for a specific Children's Hearing. Many respondents, most commonly panel members and solicitors, reported experiencing challenges with Objective Connect. In particular, they experienced issues with logging into it, with the ordering of papers once

they had logged in, and with the inability to export or print papers to allow for easier reading and consultation during the hearing.

"Digital papers mean preparation takes at least twice as long, ready on screen, being unable to flip between papers for clarification - frustrating and highly unsatisfactory" (panel member)

"The papers on Objective Connect, all random order ...took hours and hours" (panel member)

"Accessing reports, helping relevant persons to access/understand written information in time to share information with legal representatives or advocacy. Using objective connect challenging to access papers" (advocacy worker)

"In the earlier hearings after virtual hearings were introduced panel papers were unavailable and latterly where access was allowed via objective connect it was impossible to access the papers online." (solicitor)

Some participants reported that the information provided to hearings and/or participants to hearings was not sufficient for the hearing to proceed appropriately. Respondents reported that the information received was limited, was not received sufficiently in advance of the hearing, or was not distributed to relevant participants.

"not having all reports in full" (panel member)

"Access to panel papers has been a real issue. Before SCRA would email papers to our secure email address which worked well; however, the new approach of only allowing limited access to papers on a virtual platform prior to the Hearing has been very problematic. These are not always uploaded in good time; you are unable to keep a note of the report contents for client files and reference later one when advising a client" (solicitor)

"Also, the panel "not having access to all of the information" which was again concerning given the type of decisions they were being asked to make. Prior to the virtual panel, the decisions made no mention of whether the submissions I was asked for in advance were even considered and I had to email the individual reporter to confirm this" (solicitor)

"Papers were not fully available to all" (safeguarder)

"Accessing reports, helping relevant persons to access/understand written information in time to share information with legal representatives or advocacy. Using objective connect challenging to access papers" (advocacy worker)

### 3.4.2 The usability of Vscene

As noted in section 3.2, access to equipment, internet and skills to use new software is a fundamental gateway to ensuring attendance and participation. In addition to the

interface with those issues, many respondents experienced a range of different barriers in using Vscene to join the Children's Hearing and in their experience of the meeting.

Some respondents noted that they were unable to download the software on their work equipment, or on their personal equipment, because it was not widely supported within organisations, or, did not appear to be compatible with their equipment or with speed of their internet connection. It appears that many respondents either directly experienced issues with logging on, or were part of Children's Hearings where others were unable to log on.

"The tech wasn't widely supported so significant challenges for local authorities to join successfully" (social worker)

"the physical joining process...was fine two times out of three but required four attempts the third time, and others had also found it tricky" (safeguarder)

"there were times that relevant persons were unable to connect to hearings and this led to deferrals and delays in decisions being made for children" (reporter)

Some noted the frequency of individual people losing connections altogether or experiencing 'buffering' during the course of the Children's Hearings. Some attributed this to Vscene, judging it as 'unreliable' and prone to 'crashing', particularly when there were a large number of participants taking part in the Hearing, others referred to the internet speeds available to them. Additionally, some reported issues with the quality of video and/or audio throughout the course of a Hearing or at intervals during the Hearing.

"Participants getting cut off part way through. In the first hearing I did, two of the Panel Members, a Social Worker and the young persons solicitor all got cut off at various points and in fact the Social Worker was cut off twice at different points in the hearing" (panel member)

"It [the technology] has improved as the weeks have gone but only last week we had to abandon a Hearing due to major problems with sound which meant not all participants could hear" (panel member)

"I felt very disadvantaged in relation to my only ability to share my views/recommendations was through the reporter's personal phone on loudspeaker within a room of solicitors and professionals that could not hear a lot of the information I needed to share or allow me to hear everything that was being said" (social worker)

"Bad connections on behalf of the panel. It was difficult to hear what was being said/being asked" (solicitor)

"at one point someone dropped away momentarily and while they said that they missed nothing of issue on return, I did not know they had fallen away until it was disclosed by them, which is not ideal, especially if this is a panel member" (solicitor)

Respondents across groups reflected on the implications of these different issues for: the active participation of children and young people; effective communication and discussion between those attending; and for the resultant decision-making. On a practical level, they noted the effect that it had in delaying the start of Hearings and how it contributed to a longer time for running a virtual Children's Hearing. On an emotional level, they reflected on how this may negatively affect the experience of children, young people, parents and carers who are attending a Children's Hearing.

### **3.4.3 Creating an opportunity for child or young person to meet with panel members**

Many participants highlighted that it is not possible to speak with the child or young person individually, away from the rest of the Hearing. This potentially limits the information that panel members might receive from the child or young person, as well as a child or young person's full and effective participation in the Hearing. There were differing views on whether practically the technology could support children and young people to speak to panel members alone, as in face-to-face Hearings. A positive example was given of a child speaking to panel members separately, prior to the virtual Hearing taking place.

"Cannot speak to child or young person on their own" (panel member)

"would be difficult for child to be able to speak to the panel members on their own virtually" (social worker)

"Yes. I have concerns that the voice of the child is lost. Children ordinarily get offered to speak on their own but in a virtual setting a person could just be out with camera view. Making them less likely to be comfortable, which in certain issues could make them fearful" (social worker)

"the child no longer appears to have the option to speak to the Panel on their own" (solicitor)

"I would say that the young people I have supported and also spoken with afterwards what they thought of their hearing is that they found it a good way of participating. They were able to speak to the panel on their own if that's what they wanted and that was important to them" (children's rights officer)

### **3.4.4 Chair's role, skills and confidence in a virtual Hearing**

Chairing a virtual Hearing requires a panel member to adapt their existing knowledge and skills to a virtual environment. Given the technical difficulties experienced, the reduction in access to non-verbal communication (i.e. challenges in monitoring facial expressions and body language, see Section 3.6) and the changes to routine aspects of Hearings (individual meetings with children and young people), many noted that managing a meeting was more complex for panel chairs and for reporters supporting the administration of the Hearing.

Across respondent groups, there were mixed reports about how well Hearings were chaired. Respondents highlighted the importance of ensuring a shared understanding of who was present and who was speaking at any time, to enable appropriate contributions by everyone in attendance. Some observed that the use of a virtual medium had improved the conduct of Hearings, with the environment being less confrontational or adversarial, with people taking turns, and more focused discussions chaired by panel members.

Additional issues that were highlighted by panel members or other participants were the additional difficulty of: knowing when an individual wanted to speak; having less information in the hearing papers; less natural discussion and more formal 'turn-taking'; greater challenge in managing disruptive behaviour; not knowing who was expected to attend and thus if they were present.

"...not conducive to a more natural discussion....had to be very structured which has pros and cons.....more cons than pros in my opinion. Harder to build rapport with attendees" (panel member)

"Chair able to set an agenda which for the most doesn't happen in normal hearings" (social worker)

"As a chairing panel member it is far more difficult to manage and ensure hearing is fully inclusive" (panel member)

"Keeping track of who was talking and who wished to speak" (panel member)

"Difficulty in making it clear to a chair that you would like to speak and being given the opportunity so to do" (solicitor)

"Unable to have coherent discussion as everyone was talking over each other and the chair found it hard to control" (social worker)

"I have repeatedly been prevented from representing my client and speaking on their behalf either because the Chairperson has a different way of conducting the hearing or because when we try to intervene we are ignored. It does not help when participants keep dropping out of the meeting" (solicitor)

### 3.4.5 Duration of virtual Hearings

The duration of virtual Hearings was an issue for many respondents. They indicated that virtual Hearings last longer than face-to-face Hearings. This was attributed to a range of reasons, including the: time needed to prepare for connecting; delays created when difficulties in connecting or staying connected occurred; need for a more structured, turn taking approach to discussion; requirement for people to repeat themselves when sound quality was poor; and the challenges experienced in accessing digital papers and reports during the Hearing.

"Digital papers mean preparation takes at least twice as long, ready on screen, being unable to flip between papers for clarification - frustrating and highly unsatisfactory...Much more time consuming" (panel member)

"Inevitably, discussions take longer and require a level of concentration which is different from a normal hearing, not least as you feel 'detached' to a degree lots of the time!" (safeguarder)

"It (understandably) took much longer than normal, or than it would have done previously" (social worker)

### 3.4.6 Protecting privacy, confidentiality and safety

Some respondents noted the challenge in protecting privacy and confidentiality. Some cited barriers for participants, including access to private spaces within their homes where they will not be heard while joining the Hearing and access to hardware that they can use individually. Some respondents drew attention to instances where children and young people, parents, carers or practitioners may be sharing devices with each other during the course of the hearing.

"[Lack of access to] a private space that may be needed to talk openly to panel members" (panel member).

"If child is at home he/ she will probably be literally sharing a device with parent for the purpose of participating. Requesting to speak to panel on their own could be challenging as nobody has the power to mute, let alone disconnect other participants" (safeguarder).

Additionally, it was not possible for panel members to assess whether people attending were in the company of other people who were not attending while they were connected to the virtual Hearing. Some respondents worried about the potential for covert coercion, not visible to the virtual hearing, or, the safety implications for participants who have shared views and opinions through reports or in the meeting that are heard by others within the home. They were also concerned about the impact of stressful or upsetting decisions for children and young people and their parents while isolated at home.

"concerning as at one of the hearings someone else was in the room and we didn't know until the person started shouting while the social worker was speaking. It was hard to manage" (panel member)

"Additional risks to children who remain at home with parents/carers while decisions are being made that may be distressing to the young person or family, whereas in face-to-face hearings there was an additional layer of safety" (social worker)

### 3.5 Children and young people's participation in virtual Hearings

When asked about children and young people's ability to participate in the Hearing compared to face-to-face hearings, a number of respondents acknowledged it was hard for them to consider the impact of virtual Hearings on participation due to the small number of children, young people and parents in attendance. Children in particular were noted as either refusing to attend, with some suggestion this could be due to a lack of compulsion to appear virtually; a lack of encouragement from supporting adults; or they were excused. The exclusion of children and young people (and others) from attending in the first weeks of the pandemic, alongside the relaxation of the requirement for a child or young person to attend their Hearing, was raised as an issue by a few respondents, with some solicitors questioning the implications of this for their participation rights.

"The understandable relaxation on the duty to attend appears to have had a major effect on their participation" (panel member)

"Given virtual attendance is contained within the 2011 act for relevant persons and young persons to attend and the COVID 19 regulations it's unclear why it took so long. It is difficult to assess why panel members and reporters could sign in but not relevant persons and solicitors. Even more concerning is the system was trial with social workers who do not have an obligation to attend panels, who's ECHR are not being interfered with before solicitors and relevant person" (solicitor)

In keeping with the barriers and issues outlined above, practitioners noted that virtual Hearings may make it more challenging for some children and young people to participate due to issues of access. As outlined in Section 3.3, access to equipment, internet, software and skills in use of technology is a prerequisite for participation. Some practitioners identified additional barriers for younger children and children with additional support needs in particular, as is also often the case for face-to-face Hearings.

"Younger children have found it more difficult and are less likely to take an active part and more likely to be standing in the background" (reporter)

"I'm extremely aware that many children and young people struggle to communicate via technology. Many of my case load will only engage in the face-to-face in-person way. This makes it challenging to ensure their voices are truly being heard and represented in decision making" (advocacy worker)

Others, particularly some panel members, suggested virtual Hearings were less 'child-friendly' and more formal and professionalised, limiting participation and encouraging disengagement. Panel members particularly highlighted the fact that it was challenging or impossible to have the style and depth of interactions with children and young people that they would expect in a face-to-face Hearing. They also emphasised the importance of physical/visual interactions such as body language, eye contact, seeing reactions and

interactions between other participants. This generally was reported to limit the ability for panel members to gather as much information as they would normally expect and use in a hearing. It was harder to build up a rapport or relationship with hearing participants.

"I think virtual hearings are more like business meetings now as we try and ensure that everyone can have their say within a specific time limit ...I suspect for some children or young people... they must feel even more now that it is a meeting for adults - not for them" (panel member)

"Missing being able to see their reactions to discussions means we may miss important clues as to what is really going on with their lives." (Panel Member)

Respondents highlighted increased distractions when participating online, often at home, which may limit children and young people's attention, or require attention from parents/carers.

In contrast to these views, a small proportion of respondents noted that, in theory at least, the opportunity to participate was the same virtually, as in conventional Hearings. Practitioners considered how virtual Hearings may create conditions conducive to enabling children and young people to participate. On a practical level, not having to physically attend a hearing may minimise the disruption to child's routine and the associated distress that can occur when being taken out of school or home to attend. Some saw advantages for children and young people to being within their own environment, where things are more familiar, they can play or engage in other activities, or go get a drink or food during the course of the meeting and return to the meetings as comfortable for them.

"Easier for them rather than having to travel to a hearing centre - they can remain in a familiar environment" (panel member)

"My children were very young (under four) and therefore were able to go off and play - they weren't much interested and therefore the experience would have had much less impact than going to the hearing rooms. Which is probably good" (social worker)

"I think the virtual aspect assisted this young person. The young person became distressed but due it still being in her home she was able to re-join when able" (social worker)

"Not having to physically enter a children's hearing centre or come face to face with panel or some parents, I think would have been a more positive experience for some young people" (reporter)

"I feel that virtual hearings for children would be a better way in some cases so that they do not have to see perpetrator or if they have anxieties" (social worker)

Many different participants indicated that effective chairing and facilitation was integral to successful participation. With a skilful chair, a virtual Hearing was able to support turn taking, participation, and discussion, often leading to a better atmosphere that was calmer, more relaxed and less adversarial. Some noted that older children and young people were seen to be confident and comfortable participating online, used to social media and familiar with technology and therefore deemed to be able to participate in a virtual Hearing more effectively.

“Many young people are more used to online meetings with friends than many panel members and I don't see virtual hearings as too great a barrier to their participation” (panel member)

“Older children may be more comfortable with virtual attendance than face to face because they are used to video chat and are not in a formal setting...” (reporter)

Some respondents suggested that it would be helpful to retain the option for children and young people to join virtually, so that they have a choice in how they wish to participate.

### **3.6 Communication, discussion and decision-making in virtual Hearings**

As discussed above the chairperson and panel members' approach to managing a meeting, virtual or actual, determines the environment for communication, discussion and decision-making. As above, some respondents reflected on the benefits of a chair facilitating inclusion of all participants and contributions. In addition to this, some respondents experienced video conferencing as influencing everyone to interact in a more structured, turn taking, approach, which brought benefits for listening to all contributions.

“...the most positive thing was the nature of it allowing each individual to have their say in a logical, sequential order. It felt straightforward and logical” (advocacy worker)

“Virtual hearings appear to help everyone maintain a calm turn based approach to having their views heard. There was no scope for heckling, threatening or attempted undermining” (social worker)

“Participants behaved differently than they would have done had the hearing taken place in its usual format. For example, there were no interruptions or people talking across one another. It was less adversarial” (social worker)

“Efficient process as updates needed to be concise and factual. Often in face to face hearings there is a lot of historical information that may not be relevant” (panel member)

Others noted that this it was hard to achieve inclusion and a natural flow to discussion. Many respondents reflected on the challenges inherent to using video-conferencing, such as limitations on reading each other's facial expressions and body language, the level of concentration required to actively listen and stay present, and the ability to track who is speaking at a point in time. Connected to this, a number of issues were raised regarding the practicality of only seeing a limited number of individuals on a screen at any one time. With a large computer screen, this may consist of six people who can be seen clearly, however, with other devices, such as laptops, tablets, or phones, it is impractical to even see six individuals at any one time. Yet, an 'average' Hearing might have ten or more individuals involved (three panel members, a reporter, a child, two parents, a social worker, an advocacy worker and solicitor, for example), which means that it is impossible to see all of these individuals simultaneously in the best scenario that everybody has a large computer screen.

"Not being able to see everyone at the same time" (panel member)

"not being able to see who else was present in the hearing at the same time and hearing voices appear from no where" (reporter)

"...not being able to see all participants at once when over a certain number of people" (social worker)

"I was using my phone and could only see five people at a time including the person speaking" (safeguarder)

"Trying to see everyone at once as this facility was not working properly or able to work at all" (advocacy worker)

"you could not see everyone on screen" (solicitor)

"we couldn't see all the members of the meeting at the same time which was a little confusing for the children" (school nurse)

The limitation on the number of participants seen at any one time, and who these participants were, had a number of 'knock-on' effects for respondents. This was reported to be a significant challenge in understanding how participants feel, what they think, and how they react to information or statements being made by others. Panel members and others noted the absence of this information for developing an understanding of the dynamics and interactions between participants, and for being able to respond or adjust their own communication when someone was becoming upset, confused or wishing to respond to a point.

"Panel members need to be able to see all participants as it is important to understand the dynamics between individuals taking part, and to observe reactions to others' comments" (panel member)

“this made it difficult to intervene if it was necessary for me to express a view as I couldn't rely on body language, I had to actually interrupt the person speaking”  
(reporter)

“I also feel that virtual hearings miss out on some of the observations of face to face hearings, e.g. interaction between parents, body language of children etc”  
(social worker)

Others also noted it made it harder for everyone involved to be aware of who had 'dropped out' of the hearing if it had not been stated. Some noted that these challenges can be reduced or increased dependent upon the quality of video conferencing software for meeting on screen with multiple people.

### **3.7 Legal, practical and emotional support for families joining virtually**

Many respondents reported concern around the support available to children, young people and families, before, during and after the Hearing. This related to different kinds of support to aid children, young people, and parents to realise their rights and to access practical and emotional support as part of the process.

Respondents drew attention to the need for practical support with equipment, internet and use of software. Legal representatives or advocates noted the importance of supporting practical access to papers and to aid appraisal of the implications of these for assessment and decision making prior to the Hearing, and of representation in the Hearing.

“I felt more confident if they had a legal rep who could put their position forward for them. Some Parents can get tongue-tied in a normal settings” (panel member)

“The hearing was able to ensure that most of my parents perspective was take into account due to me writing to the panel setting out their views to ensure that the panel could focus on the relevant points. This was then assisted by my presence at the hearing and ensuring that the parents perspective was included. I have concerns that unrepresented parents, especially vulnerable person's perspective may not be included in the virtual hearing” (solicitor)

Solicitors, safeguarders and advocacy workers also noted that the inability to check in with clients privately during the course of the Hearing undermined the participatory support available to children, young people and parents.

“as a solicitor it is very difficult to assist the client personally and you cannot provide the service that you can provide when you are able to sit next to the client for many people they are not comfortable on the screen for children it is not what they want to do” (solicitor)

"In my (one, so far) virtual hearing, the child chose not to attend. As he had refused to speak to me when told by his solicitor what my recommendation, I was unable to clarify whether he was aware of all options available to enable him to participate" (safeguarder)

"I am also aware of hearings where...the child has clearly felt too intimidated and unsupported to give a view because they are in the same environment as an adult (whether that is a foster/ kinship carer or parent) taking part in the Hearing and no one, such as a Children's Rights Officer, is able to support the child" (solicitor)

"If child has a legal rep or advocate, they cannot silently cue each other to speak because they are not in eye contact" (safeguarder)

"After the end of the hearing when the virtual hearing has ended, the child or relevant person are effectively cut off and have no opportunity to discuss and make sure fully understand what has happened" (reporter)

Reporters and social workers noted concern for the emotional impact of attending a Hearing, and of decisions made within it. It was recognised that many participants were either alone, or in environments where it was not clear that they had access to appropriate emotional support, and that lacking the ability to work with participants directly after a Hearing could produce additional risks. Respondents highlighted that this was particularly concerning in relation to Hearings in which difficult decisions could be made about where a child or young person resides, or issues such as contact.

"The hardest thing, in my opinion, was the distress the mum was in and she was alone in front of her phone" (panel member)

"As a panel member, making the decision to remove a child from their parents immediately, and the family having to cope with hearing that without support. Then, afterwards having the emotional consequences of making such a decision while in my own home, with my own children nearby was tough" (panel member).

"In my examples the parent remained at home with two very young and vulnerable children whilst participating in the Hearing. I feel this could increase risk to the children, in this specific case, due to the parent's lack of emotional regulation and mental health difficulties. When the decision weren't going their way, the parent was clearly very angry and simply cut their connection prior to the end of the hearing. There was no ability to then deescalate or assess their mood further" (social worker).

"Difficult decisions in a Hearing virtually place families at an increased risk as this limits the opportunity for emotional/practical support" (social worker)

## 4 Views on the justifiability of virtual hearings

Despite the many challenges reported by respondents, the overwhelming majority of respondents reported that they considered that this way of working was justifiable in light of the 'lockdown' or social distancing measures in place. Only eight of 255 respondents considered that it was not justifiable. Children, young people, parents and carers were not presented with this question.

*Table 2 Do you consider that this way of working was justifiable in light of the 'lockdown' or social distancing measures?*

Role	Yes	No	Question unanswred	Total
<b>Panel members</b>	142	2	1	145
<b>Reporters</b>	10	1	0	11
<b>Social workers</b>	35	2	0	37
<b>Safeguarders</b>	15	0	1	16
<b>Advocacy workers</b>	11	0	0	11
<b>Solicitors</b>	17	3	0	20
<b>Other roles</b>	7	0	8	15
<b>Total of all roles</b>	237	8	10	255

In response to the questions on what was positive and negative about virtual Children's Hearings, a small number of respondents raised concerns about the fairness or due process being carried out in virtual hearings. This concern had its roots in many of the issues raised above, which combined to cause some respondents to be concerned about the procedural fairness of virtual hearings. Solicitors were particularly clear on this point, though others also raised it.

"As a solicitor, in terms of article 6 rights [ECHR article 6: right to a fair trial] - my client has the right to be able to follow and understand proceedings which in turn means having a direct line of communication with the client. This is difficult if I am not in the same room as them" (solicitor)

"First hearing had no papers so panel members could not prepare, was this fair? Lack of participants (including children and young people themselves) also doubted the fairness of the hearing and whether the child's interests/voice were being heard. However, as a panel member, we tried to ensure the child remained the focus of the hearing" (panel member)

"The first Hearing I attended the software created a significant barrier to fair process" (social worker)

"...It would be interesting to find out how many appeals there have been while running virtual hearings compared to a similar period of face-to-face and I would

anticipate an increase. If there is an appeal then we are potentially putting the child through yet another hearing and therefor more stress" (panel member)

When asked for any additional comments, many respondents reflected on the usage of virtual Hearings during lockdown and beyond. Views were polarised, with some noting that they should be terminated as soon as possible, while others suggesting that there is a potential for either a blended approach, or to retain them as an option going forward.

"I think face to face hearings are preferable when you are making such important decisions - being able to look participants in the eye, ask questions, judge the mood in the room etc. So the key thing would be to focus on reinstating these in a safe way, as soon as possible" (panel member)

"I think there's a real opportunity to look at whether virtual hearings can be continued to some extent post lockdown e.g. for PHPs [Pre-Hearing Panels] or to gain the child's views from a familiar location e.g. school. This is less disruptive for them" (panel member)

"As we move forward, let's take the best of what's happening at the moment forward to modernise hearings... we should allow children and families who have to travel a distance to come to hearings to be on a screen. This could be facilitated by using local social work offices once social distancing is over" (panel member).

"I'd like to think that in the main the use of virtual hearings is an emergency measure for extraordinary circumstances and is time limited. This is by far an ideal situation for children's hearings to be making decisions for our children" (reporter)

"I think it has highlighted some alternative options to face-to-face hearings that we should be able to provide going forward as alternative ways that children and relevant persons could participate in children's hearings in exceptional circumstances not the norm" (reporter).

"The government have allowed face to face and I would like to see plans for this, as there seems to be no progression for this" (social worker).

"I think the system is a very useful and appropriate alternative to in person hearings and may have a role in future service delivery, especially for parents who struggle to attend in person for various reasons" (social worker).

"I think that the more the option is used the more familiar participants will become. This is a useful tool to enable participation by parties and thought should be given to making it a standard choice. It may make some children (or adults) less reluctant to take part" (safeguarder).

"Frankly, get rid of them. If we can't then get a better system" (solicitor).

"I think they should be terminated at the earliest opportunity" (advocacy worker)

## 5 Practitioners' recommendations for improvement

We asked survey respondents to share their thoughts on how to improve virtual Children's Hearings, in general.

### 5.1. General recommendations for improvement

#### 5.1.1 Strengthen the approach to organising virtual Hearings

Increasing the scheduling of Hearings was identified as an area for improvement. This point related to experiences of cancellations or omissions to schedule Hearings within conventional statutory timescales. Some respondents expected an increase in the occurrence of Hearings, with a virtual system now in place, and that Hearings should take place within stricter timescales going forward. In addition to this, a few respondents suggested a need to review the scheduling of Hearings within a session because virtual Hearings take longer due to dealing with software, navigating paperwork, and the additional time needed to ensure all participants were able to take part in the Hearing. Some noted that they can be more tiring, and that the scheduling of back-to-back Hearings for specific panel members or families may be detrimental to the conduct of a Hearing. There were also a few suggestions that continuity of the same panel members for a child's Hearings would be helpful, particularly in cases where children were staying in secure care.

Some respondents requested improvements in the notification, in good time, to all potential attendees of the confirmed time of a Hearing or of any delays or cancellations to it. These suggestions related to experiences of cancellations, of being given very short notice to attend, and to observations of the lack of inclusion of children and young people, relevant persons, or a wider range of professionals who are supporting a child or young person. Solicitors noted that if in attendance that their clients did not need to be. In relation to notifications, some suggested it would be helpful for reporters to contact all attendees to confirm a participation list, that all relevant documents and codes had been received, and that attendees were given the opportunity to participate in a test of software before actually joining the Hearing (See section 5.1.3.4).

"There needs to be consideration about whether is time for more than one hearing to be done because they take longer than a normal hearing and they are time consuming" (panel member)

"Inviting other significant members of the Team Around The Child to the panel have more than one professional to seek views and clarity from." (social worker)

"Better organisation of Hearings and timely and better access to panel" (solicitor)

"Being notified of hearings scheduled. This would allow us to speak with the young people and represent their views at each virtual hearing" (advocacy worker)

### 5.1.2 Address barriers to accessing and reading supporting papers

Respondents noted a need for fuller reports, incorporating information from recent child's plans as well as contemporaneous assessments by social workers, health and education in relation to how a child or young person was doing during 'lockdown'. Gaining access to and being able to easily read and refer back to papers submitted was a critical area for improvement. Some suggested replacing use of an online mechanism with the supply of printed copies of papers to young people, relevant persons, support roles such as solicitors, advocates and others, and to panel members. Others suggested that if using the online platform for the circulation of the supporting paperwork that it would be helpful to have access to the equipment required to view the papers. It was considered untenable to access and read the papers on a phone, and was cited as the only option available to many relevant persons. Some suggested a second device would allow them to have the papers 'in front of them' while interacting on screen with people in attendance at the Hearing, others suggested that being able to save or print the papers from the online platform would help to overcome some of the barriers to taking close account of the content of the papers.

"Reading papers on line is time consuming and can be confusing when large number of reports to read so having hard copies would be helpful" (panel member)

"SCRA need to take the lead in the administrative points, such as how the parents can participate, how they can access the paperwork and should not leave this up to the social worker." (social worker)

"Panel papers should not be communicated to relevant persons over the internet. Even if they can access them they are very often using a mobile phone. Given the panel papers often extend to up to and over 100 pages it is impossible for them to read in this way" (solicitor)

### 5.1.3 Address technological barriers

Perhaps unsurprisingly, many respondents explored the need for closer attention to the technological aspects integral to the success of virtual hearings in relation to equipment, connectivity, software and technical support.

#### 5.1.3.1 Better access to equipment

Better access to equipment for children and young people, and relevant persons, as well as for some professional groups, was identified as a need. This related to identifying issues with relying on smart phones that inhibited participation, such as being able to read paperwork on the platform used to display it, that phone battery power did not easily sustain through a Children's Hearing, and that sound quality appeared to be poorer

for those joining by phone. Therefore, people argued for better access to tablets, laptops or a computer for those who needed it.

“Better access to modern, standardised equipment for panel members to use - the variety and age of personal equipment means that some are excluded and other experience issues of connectivity whilst the panel is taking place - given a poor impression to the family and young person” (panel member)

“Improve the technology used to provide the virtual hearings. I opted out after a frustrating and stressful attempt to join the virtual team. The variety of computer hardware owned by panel members has caused many problems for SCRA and the trainers” (panel member)

“I think we have to ensure easy access for families (good, reliable internet and hardware)” (safeguarder)

“Young people/parent/carer having access to video conferencing on suitable devices. Many mobile phones do not provide a positive experience. Larger screens be they tablets or laptops/PC are more suitable” (advocate)

#### *5.1.3.2 Increased access to reliable internet connections*

Similarly, increased access to broadband or data packages was emphasised as critical to the reliability of meeting participants being able to connect, stay connected, or, actively participate during the course of a Children’s Hearing because this impacted the quality of audio and whether people could either hear, or be heard. One respondent suggested providing access to internet through civic rooms in local areas.

“Everyone needs to have good internet connectivity to avoid delays and repetition” (panel member)

“Participants to be supported with more efficient broadband or whatever is required to improve connectivity and performance” (reporter)

“Ensuring panel members have better internet connections/signal strength and that they are provided with relevant information” (solicitor)

“Faster, more reliable wifi service combined with robust software video platform” (advocacy worker)

#### *5.1.3.3 Improve software platform used for meeting virtually*

There was considerable critique of Vscene, the software platform used for enabling attendees at Hearings to join the virtual meeting, and its need for replacement or improvement. Some respondents reported their usage of Microsoft Teams, Zoom and Whatsapp to be more positive than Vscene, although they also acknowledged that attention to security was important. People wanted a more user-friendly platform. They identified specific improvements to the experience of using the platform, such as a need to be able to see all participants in the meeting simultaneously, and to hear all

participants more clearly which would also enable people to know who was speaking at a given point in time. Respondents also highlighted functionalities that they felt were important to have in virtual Hearings, such as a displayed a participant list, so that reporters and panel members were aware of any disconnections by participants that may require a Hearing to be paused. Further, respondents identified a need for break out meeting rooms to serve a number of purposes (i.e. initial virtual waiting room before a Hearing; for children and young people to meet with panel members without other attendees; and for solicitors to be able to confer with their clients during the course of a meeting).

"Make sure the software is reliable and user friendly" (panel member)

"A virtual waiting room for participants before the hearing to simulate the real life experience. That was a vital part of face-to-face hearings and is totally absent in virtual hearings. In virtual hearing you all simply arrive on screen without any discussions or introductions" (reporter)

"The technology does not support the reporter's function and can hinder the reporter carrying out their full role" (reporter)

"Find a more user friendly virtual portal - I have used a number of different virtual programs and have never before had such difficulty in my attempts to engage with others through virtual media" (social worker)

"The platform/software should show a list of active/connected participants throughout the call (Teams and Zoom do this). Vscene doesn't always show the list of participating members, this when someone drops out you don't know" (safeguarder)

"You need to be able to see and hear everyone at the same time. The current Vscene system does not as I understand matters support this. It would be better if everyone could see everyone else" (solicitor)

"I'm unsure if Vscene platform would allow the child to speak with the panel alone" (advocacy worker)

#### *5.1.3.4 Provide technical guidance, training support*

Respondents identified a number of ways in which training and support regarding the use of software could help to overcome some of the technological barriers experienced. This ranged from providing clearer 'easy read' guidance on what was needed in advance of ever joining a Hearing, such as on requirements for computer specification and broadband, to being able to participate in technical-test before the Hearing in order to resolve any difficulties in connecting or using the software platforms for accessing paperwork or joining the meetings.

"Ensure everyone knows how to access the virtual hearing room. This may require technical support and advice beforehand." (panel member)

“Improvement in technology and making sure all family members are fully aware of how to participate in virtual hearings to feel confident in participating.”  
(reporter)

“Training is required so that key stakeholders are both familiar and able to participate.” (social worker)

#### **5.1.4 Strengthen panel members skills in chairing and facilitating a virtual Hearing**

Respondents suggested that there is a need to strengthen panel members’ confidence and skills in chairing and facilitating virtual meetings, in order to enhance participation of everyone within the Hearing. Some suggested there is a need for panel members to include an initial check in with young people at the outset of the Hearing, and if possible before other attendees join. Some people emphasised the need for panel chairs to orient everyone to each other and the Hearing by ensuring introductions of all present, establishing ground rules for the virtual Hearing, and taking an active role in managing the Hearing.

Different respondents named actions that panel chairs could take to help the flow, discussion, and due process. A few noted the value of encouraging the use of the mute function when not speaking to maximise sound quality. It was suggested that naming the intended approach to turn taking, listening, and opportunity to respond would be helpful. For example, the chair inviting contributions turn by turn, and others using the ‘hand up to speak button’ to make the chair aware that they would like to speak outwith any turn taking approach. In the context of the perceived limitations of Vscene, they suggested that it would be helpful for participants to state their name or role when speaking because the software does not make that immediately apparent. Others noted the fundamental importance of chairs being aware of who was present in the Hearing, when people drop out, and the implications this may have for information shared and decisions made.

In addition to such context specific recommendations, some respondents noted the need for panel members to treat all attendees equally, to ensure they did not make any assumptions about the nature of contributions made, and the ability to intervene in challenging dynamics between attendees (e.g. between solicitor and social worker, between family members).

“Better up front training and a better insight to the complications of holding the meetings, internet drops out, not all people can be seen, you cannot mute, you sit in silence waiting, you cannot right up decision collaboratively” (panel member)

“Chair should have ability to mute microphones to cut down unnecessary background noise and help manage hearings better or SCRA or CHS should provide guidelines to all participants in advance of the hearing” (panel member)

"Having each person come in one at a time to give their views then everyone back at the end to hear decisions" (social worker)

"Allowing parties to respond to comment made by participants at the time issues are raised. Offering each party a chance to respond at the time instead of later in the process when things may be forgotten or not fully responded to by parties" (solicitor)

"Just like a typical hearing before covid-19, the panel members could offer the young person to the opportunity to speak with them first... It could be a matter of minutes - just enough time for the panel members to introduce themselves to the young person first and also offer the young person the chance to speak with them, ask any questions about the nature of the hearing or state any preference for the order in which they'd like individuals to contribute" (advocacy worker)

### 5.1.5 Ensure access to active practical and emotional support for families

Ensuring access to active practical and emotional support for families before, during and after a hearing was identified as an area for improvement. Respondents reflected on the emotional and potentially distressing nature of a referral to the reporter, attending a Hearing, and the resulting decisions by a Hearing. Some examples were given of parents being visibly and audibly distressed during the course of a Hearing and concern about their isolation at home with social restrictions in place.

"I think families should be accompanied (if at all possible) by a friend/relative or professional. I understand that is not allowed just now, but from a well-being point of view I am concerned about the detrimental affect these hearings can have on vulnerable families" (panel member)

"One issue that did concern us recently was support for very vulnerable parents. We had a hearing where mum was present, the decision was not in her favour and she was visibly upset. She appeared to be on her own due to Covid restrictions and her history suggested very poor mental health. I appreciate we're here as panel members to consider the needs of the child but also think collectively, at this particular time, agencies who work with families attending hearings should have a support plan in place to check on their clients" (panel member)

"Virtual hearings do not allow for the customer care aspect of a face to face one - for example, distress and upset cannot be managed virtually either before, during or after the hearing, which is part of my role as a Reporter. A small but significant illustration of is the box of tissues in every hearing room which is a recognition of how emotional hearings can be. There is no box of tissues in a virtual hearing" (reporter).

"This family were devastated around the decision. Under normal circumstances there would be the opportunity for time to be spent with the family following this" (social worker)

“It is difficult to reassure families over a camera” (social worker)

“Addressing the issues around the support gap for children and relevant persons by ensuring that professionals supporting these groups have the required access to papers and are invited to Hearings” (solicitor)

## 5.2 Improvements to enable key roles to be fulfilled

In addition to the general question on improvements, we also asked respondents to identify changes that they thought would help people to fulfil the role specific to the one that they themselves held. We have outlined their recommendations with reference to the specific roles of reporters, panel members, safeguarders, social workers, solicitors, advocacy workers, and other respondents.

### 5.2.1 Reporters

Reporters noted the following needs:

- Access to laptops or computers that make it easier to connect than using a telephone. The recent supply of Chrome books to facilitate Hearings was valued.
- Access to a virtual waiting room to facilitate the introduction of children, young people and families to the Hearing.
- Being able to see all participants in order to be able to maintain an overview of a Hearing.
- Use of moderator functions within the software to help reporters monitor who is online, and to manage any abusive communication, during the Hearing.
- Technical support from the virtual Hearings team and more consistent testing and preparation by participants.

### 5.2.2 Panel members

Panel members noted the following needs:

- Ensuring child or young person, family members, are included in Hearings.
- Easier access to papers. Some preferred access to hard copies, while others appreciated the change to digital papers. The key issue related to how user friendly the current software (Objective Connect) is, and that panel members could not easily view or annotate papers during the course of the Hearing.
- Assessments and supporting papers to include more information on what is happening for a child during 'lockdown'.
- Access to equipment and improved internet connections.
- Improved video conference software (i.e. ability to see all attendees during the course, access to moderator functions such as being able to mute others mics).
- Ongoing training regarding virtual Hearing facilitation skills, especially for those taking up role of chairperson.

- The technical capacity and time to ensure that a panel routinely meets with the child or young person, with their support person, prior to the Hearing beginning.
- Easy access to technical support during the course of a Hearing to manage any issues for people connecting, staying connected, or in their use of the software.
- Attendees respecting the right of others to be heard.
- Returning to conduct of face-to-face Hearings as soon as it is safe to do so.

### 5.2.3 Social workers

Social workers noted the following needs:

- SCRA dealing with administrative support to families, such as ensuring they have access to papers and can connect to the Hearing.
- Use of better software to host the meeting to overcome barriers to participation (e.g. being able to see and hear everyone), and ensure the Hearing runs more smoothly. A suggestion that it would be helpful for the ordering on screen to mean that panel members are visible together to help the child or young person, and relevant persons, know who they are.
- Strengthening panel members' skills in chairing and working with challenging dynamics between family members, and in their confidence and ability to interact with and manage solicitors' interruptions during a Hearing.
- Panel members taking decisions to defer a Hearing if a social worker is unable to join due to technical issues.
- A return to face-to-face Hearings as soon as possible, due to the significance of decisions for children and young people, and their parents, and the importance of supporting them through a distressing experience.

### 5.2.4 Safeguarders

Safeguarders noted the following needs:

- Clear information on the timescales for a report, in order that safeguarders have the opportunity to meet deadlines in good time.
- Being able to meet with a child in person and with a child together with her/his parents, as part of their assessment process.
- Access to a virtual waiting room prior to the formal meeting.
- The opportunity to have time to put forward recommendations to the panel.
- Updated guidance on their role from Children 1<sup>st</sup>

### 5.2.5 Solicitors

Solicitors noted the following needs:

- Easier ways to contact clients, who are children and young people in secure care.

- Easier and timely access to papers, by email or post, or, to be able to download them from the online platform to save or print so that they can refer to them and support their client to access and read them.
- Change timescales for submission of relevant persons views, which are currently required four days in advance of the hearing.
- Panel chairpersons inviting solicitors to begin with their client's views, rather than beginning with social work report.
- Panel chairpersons ensuring sufficient time for solicitor and client to express views.
- Regular updates from local SCRA offices on recent developments regarding conduct of children's Hearings and assistance to trouble shoot when issues arise.
- Mechanism to allow solicitor and client to chat privately during the Hearing.
- Mechanism to ensure that panel members and attendees can see everyone who is on the call together.
- Panel members being better informed on emergency measures.
- A return to face-to face Hearings, with appropriate arrangements for social distancing.

### 5.2.6 Advocacy workers

Advocacy workers noted the following needs:

- Continued recognition of the importance of access to advocacy for children and young people, and relevant persons.
- Better notification of Hearings scheduled or having a clear point of contact at SCRA to be able to request an invitation to attend with or on behalf of a child or young person.
- Permission to access the supporting papers, on behalf of the person who they are supporting, in order to assist them in accessing and reading the papers.
- Submission of views prior to the Hearings is helpful to fulfilling the advocacy role in helping a child or young person to feel heard.
- The ability to see all attendees during the course of the meeting, and, essentially, to be able to see child or young person while advocating on their behalf. Suggestion that it would be helpful for ordering of participants on screen to include advocate appearing alongside child or young person.
- Panel chairperson invites child or young person's views first, or, works to an order of contributions that is the preference of the child or young person.
- Ability to ask questions of the reporter, on behalf of the child or young person, noted as helpful.
- Increased consistency in approach across local areas as regards decisions to schedule or postpone hearings, and increased consistency across public bodies in the video conferencing software in use.

### 5.2.7 Other roles

The group of respondents who held different kinds of roles, primarily in support of children and young people or relevant persons, noted the following needs:

- Clarify for all how the process of a virtual Hearing works so that there is a shared understanding of this.
- Panel chairperson begins with the child or young person's contribution, because it can be intimidating to offer it midway through the Hearing.
- Ensure children and young people have access to toys or activities during the Hearing so that they can relax more easily while it is occurring.

## 6 Concluding observations

In this Chapter, we offer some general observations informed by the experiences that people shared with us. We then highlight some recommendations for practical improvements to virtual Hearings based upon the research findings.

### 6.1 Observations

#### 6.1.1 Conflicting perceptions

Looking across the experiences and views reported by respondents, we can see that there is no uniform view shared by all respondents. In Chapter Three we report that some respondents have not found virtual Hearings to be a positive experience, and look forward to a return to face-to-face Hearings. Conversely, others consider that virtual Hearings have brought advantages and benefits different to those realised in face-to-face Hearings, and look to a future with blended or optional virtual Hearings.

Research of this nature helps us to recognise that people have a range of experiences and expectations of Hearings - experiences and expectations that virtual Hearings may sometimes match, and may at other times fall short of. All views matter. Respecting and considering all the differing experiences and views can direct us towards strengths of virtual Hearings that could be realised more frequently or more effectively, as well as elements that do not, or are at risk of not, meeting the high standards essential to Children's Hearings.

#### 6.1.2 Interdependence of the themes presented

Looking across the themes raised in people's experiences, it is clear that these often interact together. While themes arise somewhat independently on, for example, technology, participation, and the chairing and facilitation of Hearings, each of these contributes to, and is interdependent upon, the others. The availability and accessibility of high quality, functioning technology is a pre-requisite for full and effective inclusion of all in virtual Hearings. In turn, effective technology and inclusion of all allow for effective chairing and facilitation, and together these lead to better, more informed and involved, decision-making.

The connectedness of these different themes presents both a challenge and an opportunity for the improvement of virtual Hearings. While it may be possible to significantly improve some experiences of Hearings with one or two (relatively) focused improvements or interventions, the prevention of the negative experiences presented in this report will require significant action on a range of different factors that affect virtual Hearings. At their core, (virtual) Hearings are a system of interactions between a group of individuals, each with their own perspectives, needs, desires and objectives. Creating improvements in such a system requires a holistic approach which looks at and addresses the context and environment that shapes those experiences. In virtual

hearings, the challenge is that much greater, as it is harder to control the environment in which each person takes part in the Hearing.

### **6.1.3 Participation**

Throughout the responses, it is clear that participation is one of the key elements impacted by virtual Hearings. While some respondents felt that virtual Hearings facilitated effective participation of young people in particular, many reported experiences point to the challenges of participation in virtual Hearings. This goes to the core of the purpose and ethos of Children's Hearings, which are founded on the idea of an open, discursive approach that involves all of the relevant people in decision-making. Participation also contributes to fulfilment of ECHR Article 6 rights to a fair trial, and provides the opportunity to fulfil the right under UNCRC Article 12 for a child to express their views and have them heard in decisions that affect them.

The challenges to child and young person participation in virtual Hearings are multiple. They range from material challenges, such as having appropriate equipment and internet access to participate, a safe place to participate that will protect the privacy and confidentiality of the proceeding, through to practice elements of enabling preparation for a Hearing, supporting active participation during the course of it, and aiding any need for clarification about what was discussed and decided in it. Other dimensions include attention to when, how, and in front of who else participants are asked to contribute to a virtual Hearing, and safeguarding elements such as who else might be influencing participation out of view of the video, and the degree to which support can be provided to participants who may become upset at the process or outcome of virtual Hearings.

It is not possible to separate these challenges from wider societal challenges including poverty and the digital divide, and there are no simple answers. However, it is possible to approach these challenges within Hearings in a way that includes and values the contribution and views of all participants, and is sympathetic to the differing and complex circumstances which informs both their actions and perceptions.

### **6.1.4 Fairness and due process**

Some respondents highlighted experiences or expressed concerns linked to the fulfilment of due process obligations within (and outwith) Hearings. These concerns are raised throughout the responses from different groups, and relate primarily to information provision and participation in Hearings. We discuss participation above, but some respondents, notably solicitors and advocates, raise additional concerns about their ability to facilitate the effective participation of their clients. This is related to their (in)ability to communicate with their client prior to a Hearing due to social distancing, and privately during a Hearing due to the lack of access to private communication channels or break-out rooms on the Vscene platform. The reported lack of ability for the child or young person to speak with the panel privately is also seen as a challenge to a young person's ability to participate fully.

Respondents also raised issues with information. It is reported that social work reports are much shorter than would normally be expected for a Hearing, and do not contain the same range of information. Clearly, there are significant challenges to social workers completing assessments and reports during lockdown and social distancing, some respondents felt that this meant that panels were not in a position to make an appropriately informed decision for the child or young person.

Respondents also gave examples of panel papers being sent out at very short notice, or not at all to some attendees of the Hearing. This was felt to compromise the ability for everyone to take part effectively in the decision-making process.

Finally, some respondents reported that they felt that they were impeded from providing information to the panel during a Hearing, due to a number of factors such as the technology, challenges in finding appropriate points to put forward their view or information in the virtual environment, or, due to choices made by the chairperson to begin with or give more emphasis to the information and participation of other people.

### **6.1.5 Application beyond virtual hearings**

Many of the challenges raised in relation to the effective participation of all those who attend Hearings, but particularly children, young people, parents and families, also apply to face-to-face hearings. Ensuring full and appropriate information is provided to a hearing, providing emotional and practical support to participants, and integrating the complex and varying roles of different professionals to promote open and clear discussion is a challenge that those involved in Hearings address on a daily basis. The knowledge generated by insights into participants experiences may also prove helpful for finding partial solutions to challenges that go beyond the adoption and use of virtual Hearings. For example, some of the ideas and suggestions regarding Hearing facilitation, emotional and practical support for participants, enabling full and effective participation of children and young people, which go to the heart of making Hearings accessible, inclusive, open, and fair arenas that promote, and make decisions in, the best interests of children and young people.

## **6.2 Recommendations**

Here we highlight seven actions or changes that could be implemented in the short to medium term to address some of the challenges presented in this report. These are actions that the research team have selected as likely to be both achievable, and to have a positive impact. These are based on the experiences and recommendations given by respondents which are presented in this report, and are not presented in any specific order.

### **6.2.1 Enable children and young people to speak to the panel on their own**

This was a point raised by many respondents, and which has implications for the participation of children and young people, information provided to the Hearing, and the (perceived) fairness of the hearing. Allowing the child or young person to join the Hearing in advance of other participants, or introducing a break-out room for this to happen during the Hearing, would enable a process which many report as being common in face-to-face Hearings, and important to the decision-making of panels.

### **6.2.2 Ensure equitable access for all**

The equal participation of all within a hearing is a key element of Hearings. At present, the experiences reported in this report indicate that this is not being consistently achieved within virtual Hearings. This appears to be linked to the unequal distribution of appropriate physical equipment and high quality internet access available to participants. Provision of hardware and effective internet access to all those who require it to access Hearings (which may include children, young people, parents and carers, social workers, panel members and others) is an essential step to safeguarding equal access, attendance and participation in the Hearings process. This may require the provision of appropriate computers, pre-paid 'dongles' to facilitate internet access or more systemic solutions to internet access, providing locations where high quality hardware and internet can be accessed in private, and support to use these technologies effectively.

### **6.2.3 Make emotional support easily available to those affected by hearings**

Hearings can be very emotional settings, where decisions which have a significant impact on the lives of children, young people, parents, and families are taken. As such, it is critical that they have access to emotional support. Ideally this support would be available before, during and after a hearing, but it is particularly important that support is available in the period immediately following a hearing, when people may be at their most vulnerable. In some circumstances it may be appropriate to provide proactive outreach to those affected by hearing decisions.

### **6.2.4 Strengthen panel chairing and facilitation**

Facilitation of a Hearing by the chairing member and the panel as a whole is a critical element of face-to-face Hearings, and appears to have an even more prominent role in virtual Hearings. The importance of ensuring that all attendees are given the opportunity to present their views is undiminished, with the additional challenge of facilitating those who wish to respond to others' contribution in an appropriate manner. Many of these issues are addressed in the Children's Hearings Scotland Coronavirus Practice Guide (2020), however the experiences reported in this research indicate that greater attention is needed to ensure that all participants are facilitated to engage constructively and effectively within virtual Hearings, and that practical issues (such as participant 'drop-out') are managed appropriately.

### **6.2.5 Provide a participant list**

Many respondents noted the lack of a visibility of participant list. It was felt that such a list would help all participants to understand who was contributing to the Hearing, as well as help to ensure that individuals were not 'missed' due to being quiet. Additionally, a participant list available to at least the panel alongside the reporter may help ensure that where individuals 'drop out' due to technical problems, their absence is noted and dealt with appropriately.

### **6.2.6 Ensure accessible, appropriate and timely distribution of panel papers**

Ensuring that papers are available to all who are entitled to view them in a timely manner is of critical importance to the fair process of a Hearing. While in some cases (both face-to-face and virtual) hearings will receive 'last minute' reports which are necessarily made available only at short notice, instances of some participants receiving access to papers in advance of others, or others not receiving them at all, should be eliminated in the interests of ensuring that a fully informed discussion can take place when the Hearing is convened.

Many respondents highlighted their desire to have the panel papers to hand during the Hearing. To date in face-to-face hearings, physical copies of papers have been sent out to all entitled participants. Resuming the sending of physical copies (which would minimise imbalances in access to printing facilities), or allowing the printing of papers by participants, mimics the established process for face-to-face hearings as closely as possible, and could eliminate one of the reported negative elements of virtual Hearings.

### **6.2.7 Enable private communication between participants**

Enabling private communication between particular participants during a Hearing appears critical to the role of some professionals. Solicitors and advocates in particular, but children's rights officers, personal representatives and others, may require the ability to communicate privately with their client, service user, or represented person during the course of the Hearing. While this may happen through a quick look or quiet whisper in a face-to-face Hearing, in virtual Hearings a clear communication channel or method is required. If individual private channels are not manageable, a clear process for requesting time to speak privately without missing substantive portions of the Hearing (and the circumstances in which it will and will not be granted by panel members) should be developed and made clearly and freely available.

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