

Equality Impact Assessment

Results

Children's Advocacy in Children's Hearings System

Equality Impact Assessment – Results

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| Title of Policy | Children’s Advocacy in Children’s Hearings |
| Summary of aims and desired outcomes of Policy | Provision of an advocacy service for children and young people going to children’s hearings |
| Directorate: Division: Team: | Children and Families Care, Protection and Justice Children’s Hearings Team |

Executive Summary

Section 122(2) of the Children’s Hearings (Scotland) Act 2011 Act places a duty on the chair of every children’s hearing to inform the child about the availability of children’s advocacy services. Anyone can act as an advocate for a child or young person. However, they should only take on the role if they properly understand what advocacy does and does not involve. For most children, parents take on the role of advocate. For others, a friend will support them in this way. Teachers, social workers, youth workers and professional advocates can also provide this support for children and young people.

High quality children's advocacy should always have the same key features, no matter who provides the support. Irrespective of who is providing advocacy to a child, it is crucial that everyone is clear about the boundaries of the role. An advocacy worker must never promote or support any other individual or organisation's needs or wishes (including their own) when they are advocating for a child. To do so would result in a conflict of interest. If an advocacy worker feels unable to support the child because of the above, someone else should be asked to provide advocacy support. The 2011 Act makes it clear that advocacy needs to be independent of local authorities, CHS (Children's Hearings Scotland) and SCRA (Scottish Children's Reporters Administration). Advocacy workers do not make choices for children or offer their own views (or those of their employer). Rather, they support them to express their own opinions.

The policy will have a positive impact on children and young people participating in the Children's Hearings System. Children and young people will be able to present their views, thoughts and wishes to the Panel. This allows for compliance with UNCRC requirements, Article 3 (best interest of the child): the best interests of the child must be a top priority in all decisions and actions that affect children; and Article 12 (respect for the views of the child): Children have the right to an opinion, and for it to be listened to and taken seriously.

Background

Section 122(2) of the Children's Hearings (Scotland) Act 2011 Act places a duty on the chair of every children's hearing to inform the child about the availability of children's advocacy services.

Section 122(4) and 122(5) contain regulation making powers which enable Ministers to make provision for, and enter into arrangements to ensure access to, independent advocacy services for children involved in the hearings system.

Since 2015, officials have worked with relevant partners, including Who Cares? Scotland, Barnardo's, Inspiring Scotland, Your Voice, SCRA and CHS, to consider how advocacy services could be provided in the best interests of children and young people within the modernised hearings system - undertaking various pilots across the country.

In April 2017, Inspiring Scotland were commissioned to identify options for the delivery of a national approach for the provision of advocacy for children's hearings.

Views were again sought from the organisations who undertook the three action research projects initiated in 2015 (Barnardo's, Who Cares? Scotland and Your Voice) as well as Children 1st, Scottish Independent Advocacy Alliance (SIAA), and the Scottish Children's Reporter Administration (SCRA).

The Scope of the EQIA

A variety of sources were used to help understand the likely impact of the introduction of children's advocacy services in the Children's Hearings System. In addition to the continuing close engagement with a wide range

of stakeholders the sources of information which informed the EQIA included:

- Expert Reference Group which consists of key advocacy organisations, both independent and providers of children's other services, Social Work Scotland, children's legal advice organisations, SCRA, CHS, CELCIS and CYCJ, meets regularly. The Group's remit is a strategic role directed at ensuring timely delivery of a high quality service and at the further improvement development work that will be needed after implementation.
- Consultation (informal) with stakeholders during the Bill's parliamentary passage, which has continued as the implementation phases of the 2011 Act have developed.
- Consultation (formal) via a discussion paper on 22 January 2019 to the care and justice sectors.
- Scottish Children's Reporter Administration (SCRA) official statistics.
- Pilots – since 2015 officials worked with relevant partners including Who Cares? Scotland, Barnardo's, Inspiring Scotland, Your Voice, SCRA and CHS, to consider how advocacy services could be provided in the best interests of children and young people within the modernised hearings system, and undertook various pilots across the country.
- Inspiring Scotland were commissioned to identify options for the delivery of a national approach for the provisions of advocacy for children's hearings. Views were again sought from the organisations who undertook the three action research projects initiated in 2015 (Barnardo's, Who Cares? Scotland and Your Voice) as well as Children 1st, Scottish Independent Advocacy Alliance (SIAA), and SCRA.
- Creation of the National Practice Model and associated guidance.

Key Findings

During the EQIA process, the potential impact on each of the protected characteristics was considered. Our assessment identified that the policy was likely to have a direct positive impact on all children and young people with protected characteristics – age; disability; race; gender reassignment; sexual orientation; religion or belief; maternity and pregnancy; and marriage and civil partnership does not have a direct bearing on the conduct of Children's Hearings proceedings.

We did not encounter evidence that children and young people in any of these groups would be disproportionately adversely affected by the introduction of children's advocacy. The introduction of children's advocacy services in Children's Hearings will have a positive impact on all children and young people as it allows their views and opinions to be given due regard in relation to decisions made about them. This demonstrates we are conscious of the need to adhere to the equality duty of eliminating discrimination, promoting equality of opportunity and fostering good relations.

Recommendations and Conclusion

The Scottish Government has concluded that no changes to the policy are necessary as a result of the Equality Impact Assessment as the proposals are intended to apply equally to all children and young people participating in the Children's Hearings System and appear to have no significant differential effect on the basis of the protected characteristics.



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