



Language in the Hearing Room



children's
hearings
scotland

We recruit, train and support
Panel Members across Scotland

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'The language I hear, positive or negative, affects me at the time but some of it stays with me for life.'

Ciara Waugh, Our Hearings, Our Voice Board Member

Introduction

We have designed this guide as an aide to help you consider the language you use in a hearing room and whether it could be more effective, personalised to a child or young person and help them to feel included.



Consultations with people who have lived experience of children's hearings, most recently the work of the [Care Inspectorate](#) and the [Hearings System Working Group](#), have consistently highlighted that there needs to be a change in the way we speak with children and young people.

The words we use in a hearing can have a powerful effect, but can also leave someone feeling labelled and stigmatised and create barriers to understanding. This is also a consistent theme we hear through our feedback and complaints team. This guide is part of our response to ensure language in a children's hearing is child centred and trauma informed.

This guide has been aligned with SCRA guidance, to promote a consistent approach to language in the hearing room from Reporters and Panel Members alike. Young people from the Board of Our Hearings, Our Voice (OHOV) have reviewed this guide, and we are grateful to them for their feedback and suggestions which have been incorporated throughout.

Specific guidance on factors such as neurodiversity, racial and cultural differences, working with interpreters, gender and sexual identity can be found in the [Practice and Procedure Manual](#), Part 2 Chapter 7 (pages 279 – 304) and are not duplicated in this guide.

Language is constantly evolving and changing. This guide is a ‘first edition’ that we encourage you to read, reflect on and give us feedback on by emailing practiceandpolicy@chs.gov.scot.

We will regularly review this guide, incorporating feedback from you, Area Support Teams and children and young people who attend hearings.

Language Leaders

Language Leaders is a collaborative group made up of young adults with lived experience of hearings, and professionals from across the hearings system (including Children’s Hearings Scotland (CHS), Scottish Children’s Reporter Administration (SCRA), social work, advocacy and children’s Rights). CHS has been working with the group since November 2022.



The aim of the group is that:

“Everyone involved will recognise the power of language and use words, tone and body language in a way which supports children to feel **safe, included** and at the **centre** of their children’s hearing.”

Language Leaders developed the following **principles** to try to help all participants in the Children’s Hearings System to focus on language and work together to achieve this aim.



A child’s hearing must be a space where participants feel supported and able to contribute effectively and do not feel discriminated or marginalised. By

applying the Language Leaders principles when communicating with children, young people and their families, you can make a real difference.

Let's explore these principles in the context of a hearing and the role of a Panel Member.

Personalised

Every child is unique. Every family circumstance is unique. By personalising language to each child's views, preferences and circumstances, you can help ensure they feel like they are the most important person at their hearing.

A fundamental way in which your communication can remain personalised is by **referring to everyone in the hearing by their name**, not their role in the child's life or their job title.



Constantly referring to 'your social worker' in discussions may well confuse a child when they know this person as Kirsty or Edward. Using specific names avoids confusion, directly engages with every participant in the room and can create an inclusive and welcoming atmosphere to encourage views to be given.

Language should always **be tailored to the age and maturity of the child**, but there are many other ways in which personalising language to a child's individual circumstances can ensure everyone understands what is being discussed and feels able to contribute. Below are some questions to consider when preparing for a hearing that may help you personalise your language:

Who does the child regard as their 'parents'? If I ask the child about their Mum or Dad, will the child assume I am referring to their biological parent, or does this child view a foster carer or kinship carer as this person in their life?

Who does the child regard as their immediate 'family'? If I use the word 'family' during the hearing, who might the child automatically assume I mean? - biological parents, foster carers, older brothers or sisters, Aunts, Uncles, or other people they live with?

Where does the child regard as 'home'? If I ask the question 'how do you feel things are going at home?,' will the child automatically think I mean where they currently reside, or do they consider home to be where their biological parent(s) lives if this is not where they are currently residing?

Are there any other factors in the child's life that might influence the way in which I communicate and the words I use?

Several recent projects have consulted extensively with people who have lived experience of the hearings system including the Independent Care Review, the Hearings System Working Group and Language Leaders.

In each case, what worked for one child didn't necessarily work for another. For example, some were comfortable discussing 'contact,' whereas some preferred 'family time.' The key here is **to listen to a child's preference**, whether it be written in a report received beforehand, or the words a child chooses to use in the hearing itself.

If it's not clear, it is acceptable to ask a child what they prefer and this may help them to positively engage with you and your fellow Panel Members.

Balanced

Hearings should be inquisitorial spaces where the strengths and positive features in a child's life are discussed in a balanced way alongside risks. If something is going well in a child's life, acknowledging this can show a child that you're focused on all aspects of their life, not just the negative and has the possibility of positively changing the whole hearing experience for a child or young person.

Non-stigmatising

Labelling a person with a particular behaviour or a particular circumstance has been identified as a consistent theme in the hearings system. Categorising or labelling someone can lead to stigmatisation and risk unfair judgement and demoralisation, which undermines all the principles discussed in this guide.

Consider the underlying implications of the following words and how you would feel if someone used these to describe you or your family situation:

Accused,
offender or
perpetrator

Non-engaging

Vulnerable

Looked after
child or LAC

Service user

'LAC is a demeaning term.'

Ciara Waugh, OHOV Board Member

'Looked after child: this term needs removed altogether. All children should be looked after.'

Abbie, OHOV Board Member

Now consider the impact of using an alternative way to refer to this person or their behaviour:

- **Looked after child or LAC**

Someone who is, or has, received care from their local council authority.

Consider using the term care experienced and referring to the child by their name, not their status.

- **Vulnerable**

Someone who is unsafe at times and could benefit from being given care, guidance and support.

- **Non-engaging**

Someone who hasn't accepted the support offered so far or doesn't agree that support is needed.

- **The accused, offender or perpetrator**

This is a key area where personalising to every child is crucial. The child may wish for the person to be referred to as one of these if they have caused harm to the child directly. The child might find it difficult to hear the person's name spoken. Consider discussing this with the child and personalising it.

- **Service user**

This term should be avoided wherever possible. Everyone who attends a hearing is a unique individual with a name. They have specific characteristics and should not be defined by the services they receive. The simple and personalised alternative is to refer to everyone by their name.

The Kilbrandon principles stress that the Children's Hearings System should be focused on the needs of the child, seeing their behaviour in the context of their wider circumstances and experiences. When discussing behaviours or traits, try to include a description and speak about them openly within their context. For example:

- In what situations does a child's behaviour change?
- Is their behaviour a reaction to a particular situation or person that causes them distress?

Identifying a trait and discussing it in context is far more inclusive and informative for all involved and avoids labelling a child as being violent, aggressive, or displaying challenging behaviour.

Some other factors to consider:

- **Perspective:** we are all influenced by our own life experiences. What we deem 'normal' may be very different from what others in the room consider 'normal.' What does the child and family consider 'normal'?
- **Risk:** again, we are all influenced by our own life experiences in terms of our adversity to risk. What you may consider as 'risky behaviour' may be very different from a child or family's definition.

In both examples, labelling behaviour or circumstance as 'normal' or 'risky' does not guarantee that everyone in the room interprets this the same way. However, by including context and explaining why a particular behaviour has placed a young person at risk, you can help ensure your reasoning is clear and understood by all.

Involved

It is crucial that children and young people feel involved in their hearing. Complex terminology, jargon and abbreviations are just a few examples of ways in which the language in a hearing room can be difficult to understand and leave some feeling excluded.



As Panel Members, you have undergone extensive training and are familiar with terms such as compulsory supervision, relevant person, measures and permanence, but would you have understood if someone referred to these on your first day of pre-service training?

Equally, you will understand the acronyms CSO, CPCC, and ICSO, but would you have understood these if you were an observer at a hearing before you became a Panel Member? Now consider how excluded a child might feel if all the adults in the room are speaking in acronyms.

'Abbreviations suit professionals more than children.'

Zodie, OHOV Board Member

Put simply, if language is kept easy to understand, barriers to understanding and participation will be minimised for all involved.

However, a children's hearing is a legal tribunal and as such, there are times when you may feel you have no choice but to use a particular word or phrase. In these situations, it is always advisable to check with the child and family that they have understood what has been said. Be prepared to explain what a specific term means and try to give examples wherever possible e.g. a set of grounds are the reasons why a hearing has been called.

Don't be fearful about getting language wrong; this happens to everyone. If you do get it wrong, apologise and try to understand what language the child or young person would prefer.

Virtual Language Bin

The Language Leaders launched a [Virtual Language Bin](#) to help inform the four principles we've discussed above. Children were asked to identify words that confuse or upset them and put them in the bin.

The following list shows the words most put in the bin, along with a suggestion of how to explain this or an alternative phrase to consider using.

Absconding

Running away or leaving somewhere you must stay without permission.

Unit

Where you are currently staying. Consider what the child or young person refers to this as.

Case Worker

Nobody should feel they are a case that needs work. The person supporting the child or young person will have a name and this should always be used during any discussions.

Childish

Everyone under the age of eighteen is a child. Generalising how someone acts is not helpful. Describe specific behaviours or traits and try to include a description, speaking about them openly within their context.

Maternal

Your Mum and your Mum's family. If the child doesn't consider their birth parent as their Mum, then use a person's name to avoid confusion.

Siblings

The child's brothers, sisters or people they have had this type of relationship with – consider referring to people by their names rather than labelling them and their relationship with the child or young person.

Respite

A short time spent staying somewhere else. Consider using words such as a break to relax and be supported, a weekend away, or a change of scenery. Respite should never be described as something to give a carer a break as this could make the child feel like they are difficult or unpleasant to care for.

'I always felt respite was being used as a break for the carers, not me.'

Ciara Waugh, OHOV Board Member



If you'd like to see more information about the Virtual Language Bin, visit [Language in the Children's Hearings System - Our Hearings, Our Voice \(ohov.co.uk\)](https://www.ohov.co.uk/language-in-the-childrens-hearings-system-our-hearings-our-voice).

Further suggestions

The following section suggests ways in which other common phrases used in hearings can be discussed and explained in a simple and inclusive way. It is not exhaustive and is designed to support you. Whilst the following table gives suggested definitions and alternatives, we encourage you to always consider the Language Leaders principles and ensure that all communication is:

Personalised

Balanced

Non-Stigmatising

Inclusive

Adjournment

A short break during the hearing.

Child's plan

The report which explains what support will be given to the child to meet their needs.

Child Protection Order

A legal order made by a Sheriff in an emergency. It means the child will be kept in a place of safety away from home.

Compulsory Supervision Order (CSO)

A legal document which lists certain things that must happen to make sure a child is cared for and supported. What is listed in a Compulsory Supervision Order is decided by the Panel at a hearing.

Contact

Spending time with people e.g. spending time with grandparents, meeting up with brothers and sisters, going to visit people who are important in the child's life.

Deferral

Where the hearing decides to delay making a decision to another day.

Excused

The person doesn't have to be at the hearing.

Grounds

The reasons, written down, why the Reporter decided that a hearing should be called.

Implementation authority

The local council responsible for giving care and support to the child and making sure the decisions made in the hearing happen. Consider using the name of responsible local authority directly to avoid any misunderstanding.

Interim Compulsory Supervision Order (ICSO)

A short-term decision that only lasts for 22 days. This is only made when the Panel Members don't have all the information they need to be able to make a decision that could last up to a year.

Measures

Something in a Compulsory Supervision Order (the legal document that a Panel can decide to put in place) that must happen to help care for and support the child.

Non-disclosure request

When someone asks the hearing to keep some information from someone. There must be very good reasons.

Panel

The three people who make the decisions in the hearing.

Permanence order

An order made by the Sheriff giving rights to the local authority which allow them to decide where a child lives until they are sixteen.

Procurator Fiscal

The person who decides if someone can be accused in court of committing a crime in Scotland.

Proof

The Sheriff will read reports and consider evidence to decide if the examples in the statements of fact are true or false.

Relevant period

The length of time an order will last.

Relevant person

People who undertake a parental-type role in a child's life and their birth parents.

Residence

Where you must stay – consider whether the child views this as their home, or just somewhere temporary.

Safeguarder

Someone who is independent. They can read the reports and speak to the child and any important people to make sure decisions are being made in the child's best interests.

Section 25

When a child lives away from home with family, friends, foster carers or in a children's home because of their parent's agreement, not because of the decision of a children's hearing or court.

Secure authorisation

The decision of a hearing which allows a child to be placed in secure accommodation.

Secure accommodation

A form of residential care which limits the freedom of children who stay there while providing them with intensive support.

Substance misuse

Using anything which affects the way you think and act and has a negative effect on your health. This can be alcohol, illegal drugs, prescription drugs or solvents.

Substantive decision

If the hearing has all the information they need, they can make a decision which can last up to a year.

Supporting facts

The examples that the Reporter has listed to show why they believe the ground applies (the reasons, written down, why the Reporter decided that a hearing should be called).

Terminate

To end an order because it is not needed anymore.

Warrant to secure attendance

An order issued by a hearing to enable the police to search for a child, keep them somewhere safe and bring them to the next children's hearing.

This list is not exhaustive. If there are phrases you feel should be included, please contact the Practice and Policy Team at practiceandpolicy@chs.gov.scotcot.

"I am a young person, not a case nor a problem
I have the right to be heard, I deserve a seat at the table
I may not attend hearings, but that does not define me
I'm not broken, I'm not unworthy of love
I have worth
I will not be quiet! I will be seen
I deserve respect
I'm not anyone's mistake
Speak to me, not about me
I have thoughts, a heart and a voice."

Poem by Achilles – Our Hearings, Our Voice Board Member

Final thoughts

The term language is used throughout this guide to refer to the words we speak and write when interacting with children and families. The words we choose can hugely impact on a person's perspective and willingness to engage, with no two people being the same.

This guide is not designed to give Panel Members a rigid list of rules about what should or shouldn't be said. It is designed to be a tool to inform and influence your thinking around language and the impact it can have.

Every child in the Children's Hearings System is unique. Every child has had unique experiences and has found their own way to understand, process and live within their unique circumstances.

We hope this guide will help you to use verbal and written language to make every hearing as positive as possible and as unique to a child as they are. If you have any feedback or would like to discuss anything please contact the Practice and Policy Team at practiceandpolicy@chs.gov.scot.

Further reading

[Language Leaders | Children's Hearings Improvement Partnership](#)

[The Toolkit | Each & Every Child](#)

[Our Hearings, Our Voice \(OHOV\) - 40 Calls to Action](#)

[Stigmatising Labels | OHOV Feedback Project](#)

[includem Language Guide](#)

[TACT - Language That Cares](#)