

Coronavirus Practice Guide

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1. Introduction

As we plan for a return to face to face hearings, we know there will still be challenges. As long as social distancing continues it is likely that a mix of virtual hearings and face to face hearings will be with us for some time. We will provide more guidance when it is possible to deliver face to face hearings in a way which keeps all participants safe. For now, this update focusses on what we have learned from your experience of virtual hearings in the last three months. It includes changes in practice to make virtual hearings more effective. Any sections which have been updated are contained within a box like this to ensure you can find the most up to date information. I hope you find this useful and thank you again for your commitment to children and families in these uncertain times.

Children's Hearings Scotland's (CHS) highest priority is to ensure that wherever possible children's hearings take place so that Panel Members can continue making essential decisions to protect and promote the welfare of Scotland's children, whilst ensuring the health and safety of volunteers and staff.

This guidance sets out how to ensure continuing operation of effective children's hearings when government guidance restricts social contact, and requires people to avoid using public transport and public places to slow and minimise the spread of coronavirus in Scotland. This guidance will apply during periods of government restrictions and social distancing.

Stringent restrictions to prevent the spread of coronavirus have impacted upon the availability of Panel Members and other participants. This has affected children's hearings in several ways:

- There may be insufficient Panel Members and/or Children's Reporters available to operate children's hearings.
- Access to hearings centres is not possible.
- Normal notification of hearings may not be possible.
- Local authorities and other agencies may not be able to provide social workers to attend children's hearings or provide background reports.
- Children, young people and families may have to prioritise minimising their exposure to possible coronavirus infection over attendance at a hearing, or participate virtually.
- If hearings cannot take place timeously, orders may expire leaving children unprotected or arrangements unclear.
- Panel Members may want to put orders and measures in place which local authorities are unable to implement due to staff or resource restrictions.

With effect from 23rd March, all CHS and Scottish Children's Reporter's Administration (SCRA) offices are closed to the public. Almost all our staff and volunteers, including Panel Members, are undertaking their roles from home. Despite these unusual circumstances, we need to maintain a children's hearings service and to ensure that existing legal orders do not lapse. During the period of the coronavirus restrictions, SCRA is only scheduling urgent and essential hearings.

The past few weeks have focussed on hearings involving only Panel Members and the Reporter where decisions were required as a matter of urgency. We are now moving into 'participative virtual hearings' which give families and professionals an opportunity to take part in discussions and more information will be provided to Panel Members in advance to allow well-informed decisions to be made.

The change from a traditional children's hearing to a virtual one may make even the most experienced Panel Members nervous. That's understandable. The following guidance will provide you with everything you need to know so that you can carry out your role in a virtual hearing confidently and professionally. This will enable Panel Members continue to do what you do best - make decisions in the best interests of children and young people.

Continue to take care of your safety

We know that Panel Members are committed to carrying out their responsibilities wherever possible, but it is essential that you don't take unnecessary risks with your own health and well-being. Family and work commitments and caring responsibilities may have changed significantly, and that is likely to continue throughout the coronavirus pandemic. If you are unable to sit on hearings at this time, please prioritise your own personal needs and do let your Area Support Team (AST) know so we can ensure appropriate local arrangements are in place.

Virtual hearings mean that many Panel Members are able to undertake their role from home and comply with government rules on social distancing and self-isolation. This situation is ever changing. If you are scheduled to participate in a virtual hearing and you feel unwell or are unable to take part for any reason, you should contact your Rota Manager and/or your Local Authority Clerk as soon as possible. They will organise a suitable replacement.

CHS Area Support and Improvement Partners are working closely with your Area Conveners, Local Authority Clerks, Locality Reporter Managers, Social Work Departments and ASTs to assess the effect of coronavirus on children's hearings in your area. If you have any questions about how things are working in your area, please get in touch with your Area Convener, Lead Panel Representative or your Area Support and Improvement Partner.

Thank you once again for your outstanding commitment to keeping children safe during this crisis. The ability and willingness of the CHS community to test solutions and adapt to continual change over the past few weeks has been incredible to watch.



Elliot Jackson
National Convener



1. Legislation

The UK and Scottish Governments have passed legislation authorising major restrictions on public movement and changes to how public services operate in order to deal with the coronavirus pandemic. On 7th April the [Coronavirus \(Scotland\) Act 2020](#) (“the 2020 Act”) came into force. New emergency powers in the Act are designed to make the best use of limited staff and resources in the hearings system and local authorities, and to enable children’s hearings to continue to take place safely and securely during this period of reduced availability of Panel Members, Children’s Reporters and court staff.

The need for these powers will be reviewed by the Scottish Parliament every six months.

1.1 General principles

These emergency powers should be used in a way which is appropriate and proportionate and in line with the following principles:

- take account of children’s, young people’s and families’ human rights;
- use the powers only when absolutely necessary, in response to clearly identified circumstances;
- they should last for only as long as required; and
- be subject to regular monitoring and reviewed at the earliest opportunity;
- wherever possible and appropriate facilitate effective participation, including legal representation and advocacy for children, young people and family members;
- exercise these powers in partnership with SCRA and other partners in the hearings system.

1.2 Key changes

The following paragraphs set out the key changes which apply to children’s hearings and guidance about changes to Panel Member practice which should be followed from 7th April 2020 until further guidance is provided.

1.2.1 The make-up of children’s hearings and pre-hearing panels ([Schedule 3, para 1](#))

- The 2020 Act relaxes the requirement that pre-hearing panels and children’s hearings must include both male and female Panel Members.
- Pre-hearing panels and children’s hearings can now proceed with less than three Panel Members.
- Panels should only proceed with less than three Panel Members in exceptional circumstances, as explained below.

At the best of times, it can be challenging to find three available Panel Members who fulfil the gender balance requirement to sit on hearings. In the current pandemic it may not be possible to arrange hearings which include three Panel Members of both male and female genders. The 2020 Act amends the legal requirement to have the three Panel Members include at least one male and one female to “so far as it is practicable”.

Selecting Panel Members to sit on children’s hearings is the responsibility of the National Convener. He, and all ASTs acting on his behalf, will continue wherever possible to select

three Panel Members to sit on each children's hearing. But if technology failure or sudden illness means that a Panel Member can no longer participate in a scheduled children's hearing, it will be able to legally proceed with two Panel Members. **CHS policy is still to have three Panel Members if at all possible.**

1.2.2 Attendance at children's hearings ([Schedule 3, para 8](#))

- The Act means that there is no longer any obligation on a child or relevant person to attend a children's hearing in person unless specifically directed to by a children's hearing.

Under the Children's Hearings (Scotland) Act 2011, children and relevant persons have both a right *and* a duty to attend children's hearings. Recognising that physical attendance at a hearing may place individuals at risk, the Coronavirus (Scotland) 2020 Act removes their duty to attend unless specifically directed to attend by a children's hearing. Their rights of attendance are unaffected by the 2020 Act.

This means that a decision to excuse a child and/or relevant person who does not attend the children's hearing in person is no longer required.

Remote attendance at hearings, via video or teleconferencing, is already possible for children, relevant persons and those wishing to be deemed relevant persons. The 2020 Act opens up this option to all participants with a right to attend and also to people whose attendance is at the discretion of the chairing member. This allows Reporters to invite representatives and professionals via videoconferencing to enable more participative hearings.

1.2.3 Child Protection Orders (CPO) ([Schedule 3, para 2](#))

- The Act removes the requirement to have a children's hearing to review a Child Protection Order (CPO) on the second working day after the order is granted.

Such short timescales may not be possible to meet at present. There is now no longer a requirement for a second working day hearing. Under the 2020 Act a Child Protection Order will lapse on the eighth working day. There will still be a grounds hearing arranged for that date unless the Principal Reporter decides to terminate the CPO.

To protect the rights of all involved, those with a right to apply to the Sheriff to vary or terminate the Child Protection Order before the second working day now have the right to do so until the seventh working day. That is the child, a relevant person, anyone who would meet the relevant person test, the person who applied for the Child Protection Order and/or the person who is required to produce the child under the order.

This means that a children's hearing will no longer review the Child Protection Order before the grounds hearing but it can still be reviewed, varied and terminated by the Sheriff if necessary.

1.2.4 Grounds Hearings ([Schedule 3, para 7](#))

- Reporters now have 14 days to lodge an application for Proof with the court.

At a grounds hearing, if Panel Members direct the Children's Reporter to make an application for Proof, the Reporter now has 14 days to lodge the application with the court, rather than 7 days. This does not affect Panel Members' decision making. It simply gives the Reporter more time to make an application if staff shortages impact upon normal timescales.

1.2.5 Interim Compulsory Supervision Orders (ICSOs) and interim variations ([Schedule 3, para 4](#))

- Interim Compulsory Supervision Orders and interim variations of Compulsory Supervision Orders will now last up to 44 days.

Arranging additional hearings to prevent short-term orders from lapsing may not be possible if there are not enough Panel Members or Reporters available. To prevent this, the 2020 Act has increased the relevant period for Interim Compulsory Supervision Orders and interim variations of a Compulsory Supervision Order from a maximum of 22 days to 44 days. Panel Members may specify that an interim order should last for less than 44 days but if they do not do so, the duration of the order will be 44 days. Children's hearings can still make up to three Interim Compulsory Supervision Orders before grounds are established or proven. There is no maximum limit on the number of interim orders which can be made after grounds are established.

1.2.6 Compulsory Supervision Orders (CSO) ([Schedule 3, para 3](#))

- If it has not been possible to arrange a review hearing before its original expiry date, the 2020 Act prevents a Compulsory Supervision Order from expiring immediately.

The Principal Reporter will arrange a children's hearing before the order expires whenever possible. If a hearing cannot be arranged before the order expires, the 2020 Act automatically extends the duration of the order for up to a further six months or up to the child's eighteenth birthday, whichever is earlier.

Review rights are unaffected and a child, relevant person or local authority can still request a review at any time before the extension period expires. SCRA will arrange a review hearing before the end of the six month extension period.

1.2.7 Appeal rights ([Schedule 3, para 7](#))

- The 2020 Act extends the time limits for the making, disposal or determination of appeals or the making or lodging of applications for appeal from 21 days to 42 days or, in relation to certain appeals, from seven days to 21 days.

The 2020 Act extends the timescales for applying and dealing with appeals to ensure that children and families continue to have effective means of challenging decisions and that appeal timescales can still be met so that orders do not expire potentially placing children at risk. The chairing Panel Member must tell any person with appeal rights attending a hearing of the new timescales at the end of the hearing. There are no changes to review rights.

Appeal Against	Those with a right to appeal	Time in which to appeal
<ul style="list-style-type: none"> • Make, Vary, Continue, Continue and Vary or Terminate a CSO • Discharge a referral 	Child Relevant Person Appointed Safeguarder	42 days
<ul style="list-style-type: none"> • Make a CSO with secure authorisation or a movement restriction condition • Make an Interim Compulsory Supervision Order (ICSO) • Make an interim variation of the CSO • Make a Medical Examination Order • Issue a warrant to secure attendance 	Child Relevant Person Appointed Safeguarder	42 days – the Sheriff must decide on the appeal within 7 days although the order will no longer lapse if this is not possible
<ul style="list-style-type: none"> • A relevant person determination 	Child Relevant Person The individual that the determination relates to	21 days – the Sheriff must decide on the appeal within 7 days
<ul style="list-style-type: none"> • Contact direction review 	An individual with a contact order or permanence order in force who is not a relevant person	42 days – the Sheriff must decide on the appeal within 7 days
<ul style="list-style-type: none"> • To implement or not implement a secure authorisation • To remove a child from secure care 	Child Relevant Person	42 days – the Sheriff must decide on the appeal within 7 days

2. Virtual hearings

Whilst restrictions on public movement are in place and hearings centres are closed, children's hearings will take place with all participants contributing from a remote location. SCRA are making arrangements for hearings to be conducted using video conferencing wherever possible. Seeing other participants helps make people feel like they are fully present in the meeting, that they can take part more effectively and can concentrate on the content. The method by which the participants communicate, and carry out certain tasks may be different but the roles and tasks of the Panel Members, the chairing Panel Member and the Reporter have not changed.

The technology which is used by the children's hearings system is Vscene; a secure, browser-based video conferencing tool to enable participants to be visible to each other. Vscene can also be downloaded as an app for use on tablets and mobile phones

Over recent weeks, over 900 Panel Members have been trained in using Vscene. They have taken part in hundreds of virtual hearings, including hearings with only the Reporter present and mock participative hearings. The learning from these experiences has shaped the guidance which follows. We are confident that this technology and the arrangements made by SCRA and CHS provide a practical solution for virtual participative hearings to keep children safe during the coronavirus pandemic.

There is limited capacity to print and post hearing paperwork to Panel Members or other participants whilst SCRA offices and hearings centres are closed. It is also possible that postal services will be disrupted over coming weeks.

Panel papers may vary in content and length during this period. Many local authorities and other agencies may not have staff available or the capacity to produce fully comprehensive reports for children's hearings.

You will already know that digital 'hearing information packs' (HIP) comprising all information and reports for children's hearings are being developed within the CHS digital programme. These will be available to Panel Members in the new digital systems being rolled out later this year. The current emergency situation has meant that CHS and SCRA need to find alternative ways to share reports and other papers for hearings digitally. To ensure virtual hearings are fully informed, reports and written information will be provided to Panel Members digitally, through a secure website, Objective Connect.

Please note that digital papers available during this emergency period are **not** in the same format as the digital HIP in development for launch later this year.

Key differences are:

- You will be able to highlight and annotate digital papers on the HIP in.
- Future hearing papers will be available via the Community Hub; they will not require you to access the separate website, Objective Connect.
- There will be no watermark on the HIP.

2.1 An introduction to Vscene

Vscene is available to all participants in a hearing including Panel Members, families and social workers. You can access Vscene either by downloading the Vscene app for i-OS or Android, or via a browser link on a computer, laptop, tablet or mobile phone. VScene enables participants to access hearings from anywhere provided there is access to the internet.

Some Panel Members have been able to conduct children’s hearings using the mobile phone app. However it is difficult to see participants clearly on such a small screen, and you will not be able to see as many participants at once. As the number of participants increases with participative hearings, the mobile phone app’s functionality presents some limitations. This may make a hearing more difficult to follow, particularly when there are three Panel Members, a Reporter, the child and family members and a social worker all appearing on screen at different times.

To prevent or minimise difficulties with connection to Vscene, before attempting to enter a Vscene meeting Panel Members should make sure that they have closed any other application or computer programme on their device which has the potential to use the device’s camera or webcam. Vscene may not work on a device if, for example, Skype, Teams or Zoom is running in the background, even if the application or programme is inactive.

You will find it easier to conduct a hearing on either a laptop or desktop computer. To use VScene with a laptop or desktop please ensure you have one of the following browsers downloaded. For the best functionality please ensure that you have the most up-to-date browser version:

Windows: Google Chrome  or **new** Microsoft Edge  **Mac:** Firefox 

The Reporter will set up the meeting and send an invitation to all participants. The invitation will include a URL link, a room number and a four digit pin number to access the virtual hearing. There will be one link with access to a Pre-hearing Discussion room and another link for the Children’s Hearing room.

Laptops: Click on the link at the allocated start time and use the pin number to enter.

Tablets and mobile phones: Open the Vscene app at the allocated start time and enter the room number and pin number.

You will be asked to input your name which will be visible to all other participants. Meetings are easier to chair when everyone can be identified on screen without referring to handwritten notes. Please use your full name and your role; for example, *Helen Swanson – Panel Member* or *Francis James – Reporter*. This makes clear to every participant who is talking and what their function is in the hearing. Knowing this will help everyone understand what is happening more easily.

What to expect

We have prepared a video of a mock virtual children's hearing to prepare you for what to expect in a participative children's hearing. You are encouraged to read this guidance document and then watch the mock hearing to see what happens in practice. The guidance and the training video are available in the Hearings in Lockdown module on CHS Learning Academy online.

If you are using a laptop or desktop, choose the 'gallery view' option in the top right of your browser. This will let you see more people on screen at once. On a mobile device such as an iPad, swipe to the side and you will see multiple participants at once. If there are more participants than it is possible to view at one time, those who have spoken most recently will be on screen.

The view of a children's hearing using a laptop:



The moderator role in Vscene

The Reporter now has some additional functions in Vscene. These include **muting** a participant whose behaviour is preventing the hearing from proper consideration of a child's case, or **disconnecting** someone who has been excluded from the hearing. The Reporter will also be able to **extend a Vscene session** if required.

The moderator role enables the Reporter

- To see the name of **every participant** who is **connected** to the hearing whether by video or by telephone
- Extend the time for which the meeting space is available.
- To mute the microphone of an individual participant
- To mute the microphones of all participants
- Disable or enable the camera of individuals
- Disable or enable the camera of all participants
- Disconnect an individual from the meeting

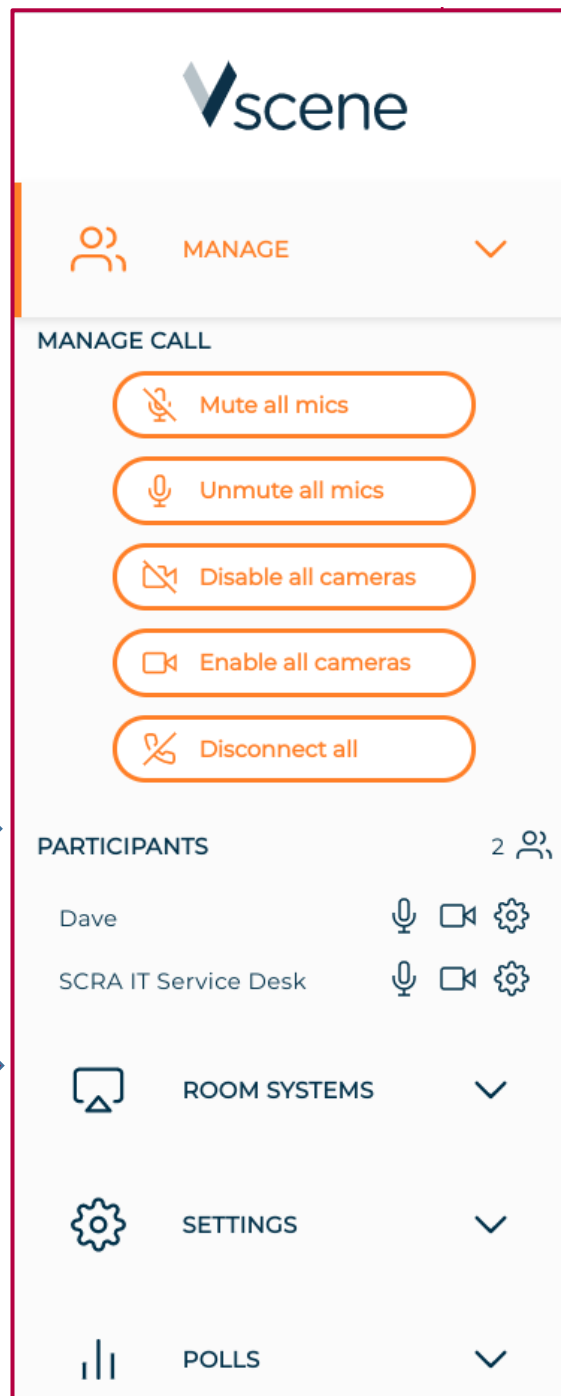
- Disconnect all participants

This allows greater flexibility in the management of hearings. These additional functions will enable effective management of communication particularly if a participant is frequently interrupting or disrupting discussion during a children’s hearing. While the Reporter is the hearing moderator, it will be the chair who authorises the use of these functions. More information is in section 4.6.

During the hearing Reporters will see a range of options that are only available to Moderators. You can see an example of what the Reporter will see on their screen during a virtual hearing here:

When the Reporter clicks on the microphone and camera icons next to the participant’s name they will be able to manage that individual’s settings.

In the settings tab the Reporter can extend the meeting time if the hearing seems likely to continue beyond the scheduled end time.



2.2 An introduction to Objective Connect

When there are hearing papers for you to view, the Reporter will send you an email invitation with a link to a secure website, **Objective Connect**. The papers will be securely stored here to allow you to read them on your device. Clicking the link in the email will take you to your hearing papers. Objective Connect is also available as an app.

The first time you access Objective Connect, you will be asked to register and create a password. Your password will be required every time you access the website so make it something you will find easy to remember!

Objective Connect is simply a website, albeit with stringent security features. This means hearing papers can be accessed via any device with a web browser including desktop computers, laptops, tablets and mobile phones. If you are using a device with a smaller screen such as a tablet or mobile phone, use the 'plus' and 'minus' options to magnify the document until you can read it clearly.

Children's hearing papers contain significant amounts of sensitive personal information, so two factor authentication is required. That means that when you click on the document you wish to read, an authentication code will be emailed to you. Inputting this code will provide you access to the documents. If you are inactive in the document for a while, for example if you take a phone call or make a cup of tea, you will be locked out of the document and will need to access it again. This is a necessary security feature. Clicking the document again will send you a **new** authentication code to enter.

3. Preparing for virtual hearings

Virtual hearings are not the same experience as face to face children's hearings. Hearings will take longer and, depending on your device and the number of people in the hearing, you may not be able to see all of the participants at once. You will not be able to access your hearing papers once the hearing begins. The concentration which a virtual meeting requires can also be tiring.

Preparation in advance is key – but your preparation will also be different to traditional hearings. The following guidance will take you through practical preparations for virtual hearings, including how best to prepare your notes using digital hearing papers, and explain how pre-hearing discussions will take place.

3.1 Reading digital papers

Preparing for a hearing using digital papers may take longer, particularly to start off with, so Panel Members should allocate sufficient time for this. The written reports and information available from different local authorities and different social workers will vary according to staffing levels and resources affected by the coronavirus pandemic. Some children's hearings will have full written information in advance and others may have only a more limited update. Be prepared for either scenario.

Mind-set can be a tricky barrier that we face when we read on screen. Many of the things that we usually look at online are short, or in a variety of formats. We are all familiar with using our digital devices to read news articles, engage with social media posts and read emails. These require short bursts of attention. They don't require our brains to retain detailed information. When using digital hearing papers you will be reading and taking on board a lot more information.

Some useful tips for managing this:

- As with any hearing, you should consider the **purpose** of the hearing carefully. By keeping focused on the type of hearing during your preparation you will be better able to keep your notes focussed and cover the information that is necessary.
- Break the reading down into shorter sections and re-read the content more than once. That can help us to take on information more effectively from a digital source.
- Taking notes and writing down key words is an effective way to assimilate information when reading from a screen.
- Keep the document to a consistent size on screen.
- Our brains can struggle to engage effectively with information that is moving. Keep digital documents as still as possible on screen. Try to limit how much you scroll up and down on your screen to what is absolutely necessary. That will help minimise 'screen fatigue'. It will also be more effective in helping you read and remember the information you are looking at.
- Reading information from a screen can be tiring. Preparing in smaller chunks may help our brains to absorb the information from the digital hearing papers. When you feel tired make sure to take a break; this will help you to absorb information more effectively. Remember you will need a new authentication code to access Objective Connect after any break.

- Hearings will feel and look different to what you are used to. That can dent the confidence of even the most experienced Panel Member. You might worry that a hearing may feel more difficult if you won't be able to quickly refer to the papers during the hearing. Before reading the papers, it is good practice to check the type of hearing it will be and then read the relevant section of the [Practice and Procedure Manual](#) to confirm all the options available to the hearing. If you are using a desktop, laptop or tablet to participate in the pre-hearing discussion, you can have the Practice and Procedure Manual at your fingertips by downloading it onto your mobile phone and keeping it nearby.

3.2 Taking notes with digital papers

For traditional hearings you should normally prepare a single page of notes to enable your participation in the hearing without having to refer to your full hearing papers. However, if need be, your papers would be available to reference. SCRA would also provide the Panel with a written list of attendees. That will not be possible in a virtual hearing. This means your notes need to be extra effective.

Written information may be more limited than usual. The verbal discussion in a virtual hearing may be your main source of information. When preparing for the virtual hearing Panel Members should be clear in advance what questions they want to ask to obtain the information they need to be able to make a decision which safeguards and promotes the welfare of the child throughout their childhood. They should write these questions down.

You will not be able to hand your notes to the Reporter for secure disposal after the hearing. You **must** dispose of these securely by using a cross-cutting shredder or burning, or keep your notes safe and secure at home until hearing centres re-open and they can be securely shredded by SCRA. If you do this, please take all retained notes with you the first time you attend a face to face hearing.

Disposing of sensitive information such as names and dates of birth in your household waste bin or recycling would be a data breach which CHS must report to the Information Commissioner's Office.

Example of notes for a virtual hearing

Hearing One – 9.30am

Annual review – CSO expires 20/4/20

Child: Taylor A (3)
 Mother: Katie A (19)
 Father: Gary A (32)
 Foster Carers: Yvonne & Derek J
 Social worker: Lily Paterson

Key points: Alcohol/drugs. Foster care 18 months – going well. Katie's drug use is ongoing and not engaging with supports. Attends 90% contact, loses focus quickly, leaves early. Gary recently released from prison – drug dealing and assault. Hasn't seen Taylor in 2 years.

Current Order: CSO (lapses in 7 days)

- reside with foster carers
- contact 1 x per month with mother

Recommendation: Remove measure of contact to allow it to be reduced slowly as not meeting Taylor's needs. Rehabilitation home with mum not possible (continued heroin use, unable to accept risks posed by Gary, non-engagement with all workers).

Questions needing explored: What is the long term plan for Taylor?
What is the status of Katie and Gary's relationship?
Contact with Gary/Katie? What is the purpose?

3.3 Practical preparations

Participating in a virtual hearing will also look and feel very different to participating in a traditional hearing. In addition to preparing notes for the hearing, you need to take essential precautions to minimise any potential disruptions during the hearing.

If participating in a hearing from home, Panel Members must make sure that **no one else can see or hear the hearing** taking place.

- Ensure that you are familiar with the device and browser you will be using.
- Well in advance of any hearing please make sure you have downloaded the Vscene app on your device, and/or that you have ensured the correct browser is installed on your device.
- Using video conferencing technology quickly drains battery life on devices, even if they are fully charged. Make sure your device is plugged in to avoid your battery running out in the middle of a hearing.
- Please don't drink tea, coffee or soft drinks during the hearing; this can be off-putting for other participants and appear too informal. Remember the virtual hearing is still a legal tribunal. Have a glass of water next to you in case of a dry throat or cough.
- Make sure that you have a pen and your hearing notes to hand to write down any necessary notes during the hearing. Try to keep note taking and referring to your notes to a minimum. You will be visible on screen and other participants will be able to see whether you are focusing on the person speaking or looking away from the screen at something else.
- Ensure that notifications are turned off to prevent messages and emails interrupting the hearing. If on a mobile phone, you may need to enable 'do not disturb' to prevent phone calls interrupting the hearing. Instructions for doing this on devices can be found here: [Android](#), [Apple](#).
- Be aware of what can be seen in the background of your video. Remove any personal photographs or items.
- Please keep all pets out of the room in which you are sitting.
- If you live with other people, ensure they know you cannot be disturbed. If you have them, use headphones to ensure confidentiality. Virtual assistants on any device

such as Alexa must be turned off or moved out of the room as they may interrupt in response to audio, and can record audible conversations.

- Don't sit with a window directly behind you; this will mean you can't be seen clearly by other participants.
- Wherever possible, have your device at eye level so that you can look directly at the screen and camera.
- If using a mobile device, place it securely on a stand or upright on a table to prevent it and your visible image moving about.

3.4 Pre-hearing planning meeting

In addition to setting up a virtual hearing room via Vscene, SCRA will also send you an email to invite you to a private Pre-hearing Discussion meeting. Only the three Panel Members will have access to this meeting room. This meeting will be open 30 minutes before the start of the hearing and will stay open throughout the session and for 30 minutes after the end of the last hearing. After the hearing has ended, Panel Members can return to this private meeting space to discuss the completion of the Record of Proceedings by re-clicking the URL link to the Pre-hearing Discussion meeting room.

Please go into your private meeting space as early as you can when it opens. This will give Panel Members an opportunity to get comfortable using VScene, including how to turn your microphone on and off. You can check that you know how to select the 'gallery view' mentioned above. Using the pre-hearing discussion to identify all options and set a clear agenda will be more important than ever to keep a virtual hearing running smoothly.

If a child or family member or professionals and other participants are invited to a virtual hearing there will be a maximum of two hearings per session. The private meeting space for Panel Members allows you to have a private pre-hearing discussion if there any time between the two hearings. However you should ensure that you discuss the planning for both cases at the start of the session. If there is spare time between hearings, it will be useful to use it to get up, stretch and move around for a few minutes, look away from your screen, go to the toilet or get yourself a drink. Virtual hearings require a lot of focus and concentration and can be very tiring.

4. During the hearing

4.1 Entering the hearing room

Panel Members should join the Vscene children's hearing room **only at the designated start time and not before**. There should be no contact or discussion between Panel Members and participants before the hearing begins. This is particularly important as individuals will join the meeting at separate times.

The Reporter will attempt to join the virtual hearing room at least 5 minutes before the start of the hearing to welcome participants. The Reporter will have a record of who was invited and is able to view a list of participants present in the hearing. If any participant loses connection during the hearing, the Reporter will inform Panel Members.

When Panel Members join the hearing, the Reporter will inform the chair of the following:

- who is in attendance,
- anyone who is expected to join but has not done so yet, and
- if anyone has been in contact to raise that they are having technical difficulties joining Vscene.
-

4.2 Connection problems

In advance of a hearing

If it becomes clear that for any reason a Panel Member is unable to attend their virtual hearing before the hearing is timed to take place, just as they would if they were unable to attend a face to face hearing, they should contact their rota manager to arrange a substitute Panel Member. The rota manager will identify a substitute Panel Member and contact the Reporter to arrange that the substitute Panel Member receive access to the papers via Objective Connect. In these circumstances the substitute Panel Member may be of any gender.

At the start of the hearing

If a children's hearing is about to start and a Panel Member scheduled to attend is unable to connect to Vscene the following action should be taken.

- The chair of the hearing, or another Panel Member if the chair is unable to connect, should inform the other participants that one of the Panel is having connection issues and that you will delay the start of the hearing for 5 minutes to allow them to connect. The Reporter can be asked to mute all microphones during the wait.
- If the Panel Member is still unable to connect after a couple of minutes, they should join the hearing via teleconferencing, rather than videoconferencing. The telephone number to dial to join the hearing is **141 0300 201 0142**. Please save this number in case it is needed. To join the hearing, enter the **room number** you were provided, followed by #. Then enter the **PIN number** followed by #.

It is important to include 141 in the telephone number as this ensures your telephone number is not visible to any participants.

- As soon as the Reporter sees that the Panel Member has connected to the hearing, the Reporter should unmute all participants and the hearing can proceed.

During the hearing

Every attempt must be made to start all children’s hearings with three Panel Members. However, there may be occasions when a hearing is already underway and the Reporter identifies that a Panel Member has lost connection to the Vscene meeting. The following steps should be followed:

- In the first instance the Panel Member who has lost connection should re-join the hearing using Vscene’s teleconferencing facility, as detailed above. The hearing will be adjourned while awaiting the Panel Member to re-join.
- In the event the Panel Member cannot re-join the meeting, the hearing can continue, and the remaining Panel Members have all decision options open to them.
- All parties may have a view on whether to proceed but the decision is that of the two remaining Panel Members.
- If the Panel Member re-joins the hearing after discussions have continued, a summary of what has been missed should be given. If the Panel Member has missed a significant amount of pertinent discussion, it may be fairer on all parties for the decision-making to proceed with only two Panel Members.

If the hearing decides to proceed with fewer than three Panel Members, the National Convener **must be informed of this**. Children’s Hearings Scotland has a responsibility to provide information to the Scottish Government on use of emergency powers under the Coronavirus (Scotland) Act 2020 to enable the Scottish Parliament to monitor the effect and impact of the legislation. All chairing Panel Members are asked to report on this via a survey at the end of every hearing.

4.3 Chairing a virtual hearing

Chairing will be different to traditional hearings therefore the chair will be allocated in advance of the session to ensure chairing members are as prepared as possible. This is common practice in many areas already but will be standard practice for virtual hearings.

Introductions

The chair should have taken a note of who is in the virtual hearing from the information provided by the Reporter. The chair should invite participants to introduce themselves in a structured way. Rather than asking everyone to introduce themselves or asking open questions, the chair will have to be clear who they are talking to at all times, and who is expected to speak next.

For example:

- “I am Ian Winters, I will be chairing Taylor’s hearing today. Can I ask the other Panel Members, Sarah and Jack, to introduce themselves first and then the Reporter.”....
- “Katie, would you be able to introduce yourself?”
- “Can you let me know if you received notification of the hearing a week ago and that you were provided Lily’s social work report?”

- “ And have had a chance to read it?” ...
- “I believe we also have Lily here and one of Taylor’s foster carers. Lily could you please introduce yourself?”
- “Taylor’s foster carer, could you introduce yourself as well?”

The chairing Panel Member should then seek assurance from all participants that no other person can access or hear the proceedings without the knowledge of the chair and other participants.

Key points for the chair to emphasise

Before proceeding with the remaining procedural elements at the start of the hearing, the chair should ask all participants to follow some simple meeting rules and explain why they are necessary to enable the hearing to run smoothly:

Turn all microphones off unless you are talking - this is very important: Background noise can make it difficult to hear discussions so all microphones should be off unless you are talking. Vscene also moves the participants around the screen according to who is making audible noise. If someone coughs or moves a piece of paper with their microphone on, the new noise means they will be moved to the top of the screen. It can be very distracting when images of each participant are moving around unnecessarily. Turning the microphone off if you are not speaking allows everyone to pay attention to the person speaking and giving their contribution without distraction. Participants may need to be reminded to turn microphones off throughout the hearing. The chair should also keep an eye out for people who can be seen talking but have forgotten they are on mute and are not audible.

Make sure faces are visible: Video conferences are more effective when people can see each other’s facial expressions and body language. It is easier to see how someone responds to information or if they are wanting to speak. Ask individuals to sit close to their camera or webcam to help them be clearly visible and improve the effectiveness of the virtual meeting. This can help mirror the atmosphere of a face to face meeting.

Only one person should talk at a time: It will be impossible to hear and follow a discussion if more than one person is talking at the same time. The chairing Panel Member should reassure everyone that they will have the opportunity to contribute but that all verbal contributions must go through the chair, and that all microphones should be switched off if one person is already speaking. It will not be possible for people to have a separate conversation with each other, as can sometimes happen in a face to face situation. The chair should say that you will be watching to identify people who wish to speak. However if you miss their cues, tell participants that they can, of course, ask to respond. Raising a hand on screen may be sufficient to signal to the chair or Reporter that someone wishes to speak. As everyone will have the opportunity to contribute, participants can also be encouraged to note any questions or comments down during the hearing which they would like to raise when the chair asks for their views.

Give people space to speak: There is sometimes a short time delay in both video and telephone conferencing. Ask everyone to pause before responding to what someone is saying or doing. This will allow them to finish and the facility to catch up, so that you don’t miss anything important.

Be honest if you can't hear: Internet connections may weaken or drop out from time to time. If you don't catch everything someone said, Panel Members should let the chair know and ask them to summarise what you missed. Everyone should hear everything that is said and feel confident that they can ask for something to be repeated if it is not clear.

Children's hearings are private: More information is provided further in this document but the chair can remind all participants that children's hearings are private meetings and they should never be recorded without the permission of the chairing Panel Member.

Attendance

There is now no duty for the child or relevant person to attend the hearing in person. Those who are not in attendance do **not** need to be formally excused. Nevertheless, it is always good practice to check they knew about the hearing and if they have any views to provide to the hearing. For example, "Katie, do you know if Gary was planning to come to the hearing?"

Agenda and summary

Setting a clear agenda for the hearing is more important than ever. All participants need to know what is going to be discussed, and when it will be discussed, both to minimise interruptions, and to reassure everyone they will have an opportunity to contribute. For example:

"This is an annual review for Taylor who just turned 3 a few weeks ago. Since the last hearing, a parenting assessment has been completed which has concluded that there would be too much risk for Taylor to return home as Katie is still dependent on drugs and alcohol. Taylor's father was also released from prison recently. The recommendation from the local authority is to continue the order as is but without a measure of contact between Taylor and Katie as they would like to reduce contact gradually.

"I'm going to find out how Taylor is doing first of all, then we'll talk about the parenting assessment and its recommendation with Katie and Lily. After that, we can look at contact for both Katie and Gary.

"Katie, is there anything else you would like the hearing to consider?....
Lily?...
Yvonne?"

As a general rule, asking people to speak up if they disagree with something is more effective than asking everyone to give an opinion. For example, asking "Does everyone agree?" would require everyone to turn on their microphone to respond and say yes or no at the same time which then becomes hard to hear and manage.

4.4 Grounds

Access to the statement of grounds for referral are essential when new grounds are to be put to the child and relevant persons. However at present there are different options for

access to information about the statement of grounds for referral during a virtual hearing. These vary depending on whether grounds are available to Panel Members digitally or in hard copy. If you are taking part in a grounds hearing, one of the following options will apply.

- All hearings and information paperwork will be provided to Panel Members via Objective Connect as usual. In addition, a paper copy of new grounds will be posted to all Panel Members. This will allow the chair to read and explain the grounds to the child and all relevant persons present in a grounds hearing.
- If the chair does not have a hard copy of the grounds, they may instruct the Reporter to read out the statement of grounds to the child and relevant persons. The Reporter will read out as instructed by the chair e.g. if the chair wants to go through each supporting fact individually the chair can instruct this. All the functions of the chair remain with the chair – the Reporter does no more than read out the statement. The chair should then explain in plain and simple English to the child and relevant person what the grounds mean and ask the child and each relevant person whether they accept or do not accept the grounds.

It is possible for the chair to access both Objective Connect and VScene at the same time to read the grounds from digital hearing papers. This requires the chairing member to use two separate devices during the hearing, one to view the grounds and one to participate in the Vscene meeting. This may place significant additional demands on the chairing member and CHS will not require our volunteers to try this.

4.5 Tips for managing a virtual discussion

Participating in, and chairing, a virtual hearing requires different skills than chairing a face to face meeting. The following tips are for all Panel Members to follow during the hearing to ensure that all the participants can have a participative experience that is as positive as possible.

- Discussions need to be tightly managed; each Panel Member should specifically direct their questions to individuals rather than ‘everyone’.
- If someone is participating by telephone or their video is unavailable and they are not visible on screen, be sensitive to the tone of voice you are using and also the tone you hear them using; they and you will lack behavioural cues when they cannot be seen on screen.
- Observe visible body language carefully – both your own and other people’s – so that you can be alert to distress or anger. It is not possible to speak to a child or young person on their own. Although participants might agree to exit the virtual meeting space, it is not possible to ask them to return once you have finished speaking to the child. It is also impossible to ensure the child is really alone. The child’s views will need to be sought throughout the hearing from the child themselves, or other participants.
- The Reporter will have direct access to the full hearing case papers and will be able to provide clarification if required. If a Panel Member has a question about the

content of any written information provided to them before the hearing, they should ask the Reporter to refer to their papers for this information. **The hearing should be paused and all microphones muted while the Reporter locates the information and answers the question.** Furthermore, if there is information lacking which would normally be available to Panel Members, the Reporter may be able to provide this, if required. For example, what was the reason given in an earlier hearing for Panel Members' decision about contact with the parents?

- Don't be afraid to tackle tough issues: although it may feel awkward or uncomfortable to raise sensitive or contentious issues, especially if you cannot see the other person, hearings must focus on the personal or family problems which have brought the child or young person before the hearing.
- Names are important. Virtual hearings can already feel quite impersonal; avoid referring to individuals as 'mum' or 'social work'. Write down everyone's name on your notes and look at the names on screen. Use people's names at all times.
- Timekeeping is crucial. There will be a maximum of two hearings scheduled in a session when other participants are invited. If a hearing is anticipated to be particularly complex, it will be the only hearing scheduled in the session. All hearings will therefore be allocated a longer time but Panel Members must also make sure hearings run to time. If one hearing is running over, there is no way to let the next participants know without the Reporter leaving the current hearing to inform the next hearing that the start time will be delayed. If this cannot be avoided, there should be no discussion while the Reporter leaves the hearing. All microphones should be muted. On the Reporter's return, the chair should clarify that no discussion took place in their absence.

4.6 When to authorise use of moderator functions

Management of communication – muting

The moderator function allows the Reporter to mute participants if directed to do so by the chair of the hearing. It is the chairing Panel Member's decision to authorise use of any of the moderator functions. This should be considered carefully. These additional functions do not replace the skilled, empathetic chairing needed to manage stressful discussions or enable constructive contribution by participants who are upset or angry. Muting and disconnecting should be used sparingly, and only where the person's behaviour is preventing the hearing from conducting its business. Decisions to mute or disconnect will be recorded by the Reporter on the Record of Proceedings.

Once the Reporter has muted the microphone of a participant, that person will not be able to unmute their own microphone. This means that, if the hearing wish to hear from the participant again, then the chair must ask the Reporter to unmute them. Re-muting an individual is possible if they have not calmed sufficiently.

- Before asking the Reporter to **mute** a participant, the chair should attempt to de-escalate the situation by listening to and responding to the individual's views or explaining that they will have an opportunity to participate fully but there are some procedural steps which need to be addressed first.

- If that is not successful, the chair should consider whether a short adjournment would help. This might allow the individual a few minutes to walk away from the hearing and calm down. The Reporter can be asked to mute all microphones for 3-5 minutes and turn them all on again once that time has elapsed. This ensures there can be no discussions during the short adjournment.
- If that does not work, or the chair does not think that would be effective, the chair should tell the individual that the Reporter will be asked to mute their microphone if they continue to disrupt the hearing and prevent discussion and decisions taking place. The chair must give the participant a clear forewarning before using the mute function.

An individual should only be muted as long as necessary. They may still be asked for their view about key questions. If necessary, they can be re-muted.

4.7 Exclusion of relevant person or representative

There are valid reasons why a relevant person or representative may be excluded from a children's hearing:

- The hearing is satisfied that the presence of the individual is preventing the hearing from obtaining the views of the child;
- The presence of the person is causing, or is likely to cause significant distress to the child;
- The hearing is considering a non-disclosure request in respect of that person;
- The chair is satisfied that the presence of a relevant person is preventing the hearing from obtaining the acceptance or denial of a ground from the child or another relevant person.

In these instances muting a participant will not be suffice or appropriate, and the hearing may need to consider disconnecting the participant. If the person being disconnected is a relevant person or their representative, any decision to exclude them from the virtual hearing must meet the legal test for exclusion of a person with an automatic right to attend the hearing. The chairing member should tell the individual that they are being disconnected and why. The decision to exclude a relevant person or their representative and the reason why must be recorded in the Record of Proceedings.

If the hearing decides to disconnect an individual for one of the reasons outlined above, **it is not guaranteed that they will be able to re-connect**. Unlike in a face to face hearing, the Reporter cannot simply ask them to return to the hearing room although the Reporter may be able to contact the individual to let them know when to re-join. The individual could also reconnect themselves after an agreed timeframe, for example 5 minutes, to allow the hearing to proceed.

4.7 Recording virtual hearings

Unlike other online meeting tools, such as Teams or Zoom, there is **no option to record** meetings on Vscene. This significantly reduces the possibility of any virtual hearings being

recorded. However as with any face to face hearing, it is impossible to guarantee that a recording is not taking place.

Panel Members may be apprehensive about the possibility of being recorded, no matter how remote. The [Practice and Procedure Manual](#) includes a section on pages 221-224 about why a person may wish to record a hearing and how to address this openly and fairly. While it is unlikely to be required, reading this section in advance will help you prepare for the eventuality with confidence should the situation arise.

It remains a criminal offence under [section 182](#) of the Children's Hearings (Scotland) Act 2011 for anyone to **publish protected information** if the publication is intended to, or is likely to, identify a child or an address or school of the child. Publish means putting the information online or publishing in print or on the television or radio. Protected information would be anything related to the children's hearing or associated court proceedings or investigations.

If it becomes known that someone has recorded a children's hearing without the knowledge and consent of the hearing, SCRA will report this to the police. If details of a children's hearing are published online or elsewhere, CHS and SCRA will take steps to have this removed.

5. The end of the hearing

Before inviting Panel Members to make their decision, all participants should be offered a final chance to contribute. This should be done in a structured way to ensure everyone has an opportunity to speak without speaking over each other:

- “Before we make our decisions, I will ask every participant in turn if there is anything you would like to add to the discussion or if there anything you think we haven’t covered?”

[Single out each participant in turn starting with the child, family and then any professionals. Leave a gap after each name to allow them to respond.]

- “Finally, I’m going to ask the Panel Members if they have any final questions they would like to ask?”

Firstly, Jen do you have any last questions?

Neale?”

5.1 Making decisions

It is essential that the chairing Panel Member takes a careful note of the decisions and reasons as each Panel Member is delivering their decision. Another Panel Member should record the verbal decision and reasons of the chair. This should be agreed as part of pre-hearing planning. This will ensure an accurate record is kept and will help speed up the completion of the Record of Proceedings.

Before asking Panel Members for their decision and reasons, the chair should inform participants that you will all take a minute to note your individual decisions and reasons. This is an opportunity to focus on the key issues and to ensure that each decision you make has a justified reason.

As always, each Panel Member must make an individual decision and give their reasons. However, there is no need for Panel Members to repeat a decision if it exactly mirrors the decision of one of their colleagues who has spoken first.

It is acceptable for a Panel Member to simply say “My decision and reasons are the same as Neale’s.” It is also acceptable to say “My decision and reasons are the same as Neale’s except that I was also persuaded to terminate contact due to Taylor’s evident distress and unusual behaviours after the last three contact sessions with Katie.”

In addition to there being no requirement to excuse the attendance of children and relevant persons, there is also no need to record your reasons for **not appointing** a Safeguarder. If it is the hearing’s decision not to appoint a Safeguarder, the Reporter will not add this as a separate decision on the Record of Proceedings.

The following paragraphs details additional considerations which Panel Members should take into account when making decisions during the coronavirus crisis.

Reducing unnecessary hearings

In the present emergency situation the children’s hearings system must actively minimise the need for additional hearings so that only essential hearings take place.

We all have a part to play to achieve this. Our aim is to help Panel Members ensure a focus only on essential hearings so that we maximise limited resources during this period and continue to keep children safe. **Decisions that require additional hearings to be arranged should only be made where absolutely necessary.**

Varying Compulsory Supervision Orders (CSOs)

When a Compulsory Supervision Order is reviewed, it is possible to vary the order without also continuing the order. Best practice is always for Compulsory Supervision Orders to last for one year unless there is good reason to believe compulsory measures of supervision will not be required for a full 12 months. This is even more important just now as shorter orders will require a review hearing to be convened at an earlier stage.

Early reviews

The role of the hearing is not to monitor whether something happens or whether something is working well. If the situation has changed or if something is not working or not happened as planned, the Local Authority have power and a responsibility to request a review at any time. The child and any relevant person may request a review of the Compulsory Supervision Order after three months. There may be exceptional circumstances where an early review is necessary. These will always be the exception, not the rule. Once a substantive decision has been made, the role of the hearing comes to an end.

Interim Compulsory Supervision Orders

An Interim Compulsory Supervision Order (ICSO) is a significant decision to impose state involvement in a family's life and particularly so before the grounds for referral have been proven or accepted. As such, the test for an ICSO is that the order is **necessary as a matter of urgency** for the child's protection, treatment, guidance or control. This is also the test for an interim variation of a Compulsory Supervision Order.

If the Local Authority has not assessed the child to be at sufficient risk to justify an application for a Child Protection Order, and the child has been residing at home before the grounds hearing without incident, **Panel Members should consider carefully whether the situation meets the high legal test for an ICSO or interim variation of a compulsory supervision order before grounds have been established.**

Deferred hearings

The highest priority for Panel Members should be to ensure that, wherever possible, decisions are made to protect and promote the welfare of Scotland's children. Although the circumstances in which virtual hearings are taking place may be different from traditional hearings, Panel Members' paramount consideration when making decisions is still the need to safeguard and promote the welfare of the child throughout their childhood.

Any decision to defer making a substantive decision should be weighed against the benefits to the child of proceeding with the hearing. For those cases where proceeding with a decision may have a negative impact on any person directly affected, they still have the right to appeal the decision of the hearing. Appeals are not to be feared. The test for any decision is whether the decision of the hearing is justified. In the current circumstances, you should be clear why deferring a decision and re-convening another hearing is in this child's best interests.

Attendance - During this period many hearings' participants may not be able to attend a scheduled children's hearing. Virtual attendance will increase the opportunity to do so but it may not be possible for all participants to join a remote children's hearing due to illness or technological barriers. Deferring a hearing for the attendance of individuals will mean a further hearing must be arranged, even if their attendance remains unlikely.

Information - Substantive decisions are possible with stand-in Panel Members, limited reports and lack of legal representation provided Panel Members have sufficient information to make a substantive decision. Panel Members will be provided with as much information as the Reporter and the local authority have been able to gather in the current circumstances. This will include the views of the child and relevant persons where possible. Deferring a hearing for more information may not result in more information being made available.

Appointment of a Safeguarder - Every children's hearing must consider whether a Safeguarder should be appointed for the child (unless one has already been appointed). This continues to apply in the current circumstances and Safeguarders continue to accept allocations. The decision to appoint a Safeguarder will support Panel Members in making a substantive decision. Safeguarders will continue to address specific questions posed by the children's hearing and are being creative in gathering information for reports. Some Safeguarders are using video technology and telephone and others are meeting directly with children, young people and families in accordance with Scottish Government guidance around restrictions.

Decisions with two Panel Members

If a decision is made by two Panel Members, it is possible that two incompatible decisions could be made. A key tenet of the Children's Hearing System is that all Panel Members are independent decision-makers and must come to their own clear, justifiable decision, even if this does not create a majority, or unanimous, decision.

As with a split decision between three Panel Members, an open discussion should take place to attempt to reach agreement. Discussions should continue until a unanimous decision is made between the two Panel Members or is deemed to be impossible. If one Panel Member changes their decision, reasons should be given justifying their new decision.

If a split decision is still made, the hearing should be deferred to allow a future Panel to re-consider the circumstances of the child's case. An interim decision may be required to ensure the child's safety until a deferred hearing can be arranged.

If the hearing which reaches a split decision must make a decision in the best interests of the child and cannot simply defer, such as when an interim order is due to lapse, further discussions must take place until Panel Members are able to agree on an interim decision.

Contact directions

We respect the rights of children in care to maintain contact with their family. We also appreciate that arrangements for contact between children in care and people important to them may currently be impossible to deliver as directed in Compulsory Supervision Orders. Contact arrangements in these orders may breach essential requirements on social distancing and there are simply not the staff or premises to support them.

It is not possible for the children's hearings system, including our local authority partners, to manage and service the many hundreds of additional hearings which would be needed to review contact directions which cannot now be implemented. Once the coronavirus restrictions are lifted, it is expected that the contact directions contained within Compulsory Supervision Orders will be complied with or brought to a children's hearing to review. This does not impact a child or relevant person's right to request a review.

For now, CHS, SCRA and local authorities have agreed to support the following arrangements to deal with a child's case where contact arrangements which have been included in a Compulsory Supervision Order cannot take place due to the coronavirus emergency:

- Where alternative, interim arrangements for face to face contact between family members can be made safely, those should happen.
- Where no face to face contact is possible, some form of contact using whatever technology is available to the child or young person should be arranged, provided that can be managed safely. Discussions are underway between COSLA, the Local Government Digital Office, CHS, SCRA, Social Work Scotland and other partners to identify and roll out suitable, secure options.
- If a local authority is unable to comply with a contact direction in a Compulsory Supervision Order as a result of factors related to coronavirus and any interruption in contact is likely to be temporary, they should make safe interim alternative arrangements and advise the child and relevant family members of their right to request that the Reporter arrange a review hearing.

It is competent for Panel Members to make decisions which both address the need for a pragmatic approach to contact at present with the future expectations of contact. For example, "While the government is enforcing lockdown and social distancing, contact should be at least once per week through digital means such as FaceTime or Zoom. Once restrictions are lifted, contact is expected to return to face to face contact once per week for one hour."

If contact requires regulation by a children's hearing, it is not appropriate to make a measure which leaves the arrangements for contact to the discretion of the local authority. A contact direction must be clear so that all parties leave the hearing with the same expectations of contact, for example, when and with whom contact should take place, how often or whether this requires to be supervised. If contact is being successfully arranged by agreement and without special arrangements, no measure is required.

5.2 Closing the hearing

Particular care should be taken to avoid abruptly ending the call after Panel Members have made their decisions and explained the right of review and appeal. The child and relevant persons should understand how they will receive the written decisions and reasons and when this is likely. Reporters will be able to provide information on how and when this will happen. Each locality may face different staffing, technological or geographical issues and tackle this in different ways.

When all legal requirements have been met and the chairing member has thanked the participants and signalled the hearing will now close, the Reporter will end the video or conference call.

Panel Members should now re-enter the VScene meeting room which was set up for the Pre-hearing Discussion. This will provide a secure setting that no other participants may enter, to prepare the written reasons in the Record of Proceedings.

5.3 Completing the Record of Proceedings – option 1: using Objective Connect

In virtual hearings, the Reporter and chairing Panel Member will not be in same location. The same website facility used to access hearing papers, Objective Connect, will also be used to allow the chairing member to complete the Record of Proceedings. Objective Connect allows multiple individuals to edit one document without being able to download it with the security risk that entails.

For each hearing the Record of Proceedings will be held in a separate Objective Connect workspace from the other hearings' papers. In this separate workspace the Reporter and chairing member will each have the ability to edit the Record of Proceedings. The other Panel Members will be able to view, but not edit, the Record of Proceedings and can view the completed document once the chairing member has completed the reasons. All Panel Members can look at the Record of Proceedings in Objective Connect, and you will be able to continue discussions with each other as long as the browser tab with the VScene meeting is not closed.

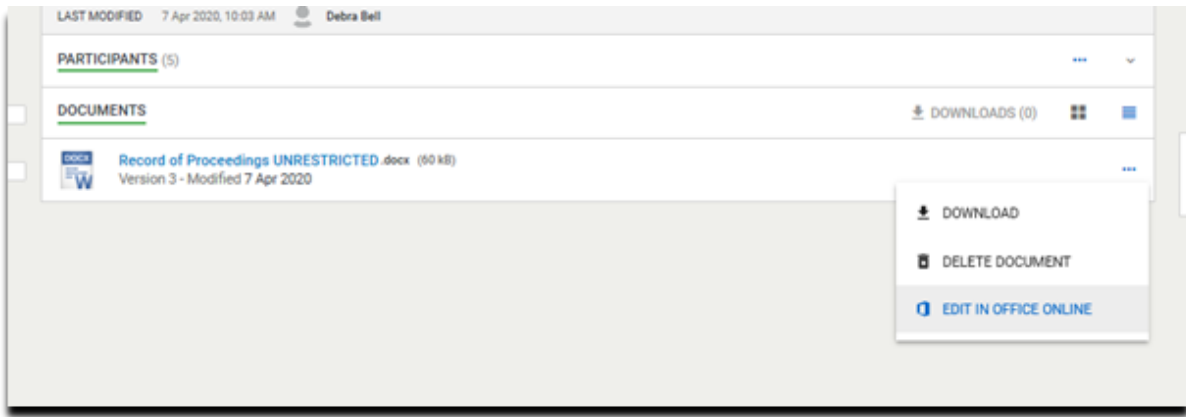
This will allow all Panel Members to contribute to the compilation of the reasons and ensure that they accurately represent what was said verbally in the hearing.

The Reporter's role

The Reporter will record each decision taken by the children's hearing as usual. They will do this using the edit function on Objective Connect. That will save and update the version available online automatically. The Reporter will then have no further input into the completion of the Record of Proceedings.

The chairing member's role

The chair should log in to Objective Connect and select the document entitled 'Record of Proceedings'. To edit the documents, select the ellipsis (the three dots) shown below. That will give you the option to edit online via Office 365.



The reasons for each decision can be added, using the notes taken during the verbal reasons as the basis for each decision. As each reason is completed, it should be read out to all Panel Members for agreement.

Finally, the chair should authenticate the Record of Proceedings by typing their name and date into the spaces provided at the bottom of the document. Spell check is also available on Word online under Review.

Once finished, the new browser can be closed and the Record of Proceedings will be automatically saved and updated in Objective Connect. All Panel Members can now view the completed form and can review it individually for content, readability and spelling and typing errors.

If necessary, the above process can be followed again if there are mistakes in the document which require amending.

The Reporter will have access to the editing workspace and will be able to see that the Record of Proceedings has been completed. However you should e-mail the Reporter to confirm that the Record of Proceedings is complete.

5.4 Completing the Record of Proceedings – option 2: by e-mail

If for any reason it is not possible for the chairing member to complete the written reasons using Objective Connect, the Reporter will complete the decisions of the hearing and will then forward an email with each decision in the body of the e-mail to the chairing Panel Member at their secure @chscotland.scot email address.

The chairing member should complete written reasons as soon as possible after each hearing or at the end of the hearing session. This can be done whilst the Panel Members remain in the Vscene meeting space. The chairing member can minimise the browser or Vscene page and enter their @chsscotland.scot mail account in the CHS Community Hub. On receipt of the e-mail from the Reporter which contains the decisions they should prepare the text for each written reason in discussion and agreement with the other Panel Members inserting this after each decision in the body of the e-mail.

When all Panel Members are satisfied that the reasons accurately reflect the verbal reasons given, the chair should send on the email to the Reporter. Panel Members must not save any of the text into a separate document.

To **meet information governance requirements**, the chairing member should refer to the child and participants only by their initials. No names or other identifying details such as the name of a school or an address should be included. The Reporter will insert any names required once the completed reasons are returned to them. **The chair must immediately delete the email from the Reporter and their email from their Sent items folder and Deleted folder.** If anyone needs help to do this, please contact the National Team. The Information Governance Team at CHS will conduct spot checks to ensure emails are being deleted promptly and no information about the hearing and the reasons remains in Panel Members' mail accounts.

As the Reporter can now also authenticate documents, they will sign any orders or warrants on behalf of the hearing. These will not be sent to Panel Members electronically.

After each hearing, the chair will be sent a short compulsory questionnaire. This is to allow CHS to report on the use of the emergency powers in the legislation, particularly whether the hearing took place with fewer than three Panel Members or if all were of one gender. We sincerely thank you all for taking the time to do this.

Chairing Checklist

1. Introductions

Ask each person by name to introduce themselves, one by one. Ask that everyone make sure no one else can listen to the hearing. Confirm the child's age and that the child and relevant persons received the paperwork for the hearing.

2. Key points to tell participants to make a hearing run smoothly

- **Turn all microphones off unless you are talking:** this prevents movement of the images onscreen. It makes it easier to hear the person talking. You may need to remind participants to mute their microphones during the hearing.
- **Make sure your face is visible onscreen:** ask people to sit close enough to their camera or webcam to be clearly visible.
- **Only one person should talk at a time:** reassure everyone that they will have the opportunity to contribute.
- **Give people space to speak:** ask everyone to pause briefly before responding to what someone is saying. This enables the technology to catch up, so that you don't miss anything important.
- **Be honest if you can't hear:** everyone should hear everything that is said and feel confident that they can ask for something to be repeated if it is not clear.
- **Children's hearings are private:** they should not be recorded without the permission of the chair.

3. Attendance, Agenda and Summary

There is no need to excuse any child or relevant person/s who do not attend. Share the agenda for the hearing at the start so all participants know what will be discussed and when. Ask if anyone wants to add to the agenda.

4. Discussion

Proactively manage and direct discussion to keep the hearing focussed. Remember:

- If the child is present, begin discussions with the child and their views.
- Call on people one by one, using people's names, not their relationship or job title.
- Keep to the planned agenda and cover each topic in turn.
- Watch carefully for signals from body language – someone may want to speak, may react visibly to what has been said or may be becoming upset
- Ensure everyone has had the opportunity to contribute fully.

5. Decisions

Write down **each Panel Member's** verbal decisions and reasons to help create an accurate Record of Proceedings. Ask one of your colleagues to write down yours. Confirm the overall decision of the hearing.

6. Giving information about rights to appeal and to ask for a review hearing - examples

- **Compulsory Supervision Orders** - You have the right to appeal against this order within 42 days direct to the Sheriff clerk. If you do appeal, you can ask the Reporter to arrange a hearing to consider suspending today's decision until the appeal is heard. The order will last for up to 12 months; you can request a review after 3 months; local authority can request a review at any time.
- **Interim orders** - You have the right to appeal against this order within 42 days. The Sheriff will make a decision on the appeal within 7 days. The order will last for 44 days and a review hearing will be arranged before this date.

Thank all participants for attending.

Switching off checklist

- ♥ Take a moment to think about the hearing.
- ♥ Acknowledge one thing that was difficult – maybe the discussion or the technology.
- ♥ Consider three things that went well.
- ♥ Check on your fellow Panel Members before you switch off – is everyone feeling okay?
- ♥ Are you okay? If not, your Area Support Team are here to support you.
- ♥ Now turn your attention to home and switch off.

Thank you,

