

Appendix 2

Children’s Hearings Scotland

Agreement with

North Ayrshire Council

1. This Agreement is established between Children’s Hearings Scotland (CHS) and North Ayrshire Council (the Council) under the terms of the Children’s Hearings (Scotland) Act 2011, and relates to the support and administration requirements of the Ayrshire Area Support Team, as defined by the 2011 Act.

Background

2. The 2011 Act makes a number of changes to the children’s hearings system (“the System”) to help ensure that the System is nationally consistent and locally delivered, to ensure that all hearings are child and young person centred and that they make effective, evidence based decisions.
3. The 2011 Act provides for:
 - a new position of National Convener to provide leadership, support and coherence for panel members across Scotland;
 - the establishment of CHS, a new dedicated national body which will provide coherent and consistent support for panel members across Scotland, and support for the National Convener in the exercise of his/her responsibilities;
 - the establishment of a national Children's Panel to replace the existing 32 local Panels;
 - the establishment of Area Support Teams (ASTs) on a collaborative basis between local authorities and CHS to take local responsibility for the recruitment, selection, training, retention, support and deployment of panel members, and the operation of the System in local areas;
 - appointments to ASTs to be made by the National Convener, key among these will be the Area Convener who will provide leadership and direction to the AST and ensure that it fulfils its responsibilities.
4. The Council undertake to support the operation of the Ayrshire AST, panel members and the System as set out in this Agreement.

Purpose of the Agreement

5. The purpose of this Agreement is to record the commitment of CHS and the Council to support:
- the System in Scotland, and the national children’s panel and underpinning framework of standards, in line with the terms of this Agreement
 - administration of the Ayrshire AST by the Council through the provision of the services of an AST clerk, and his or her team, and adequate accommodation, office and administration support required for the effective operation of the Ayrshire AST
 - the national children’s panel within the Ayrshire AST area through the Council providing accommodation, administrative support and resources which will assist the AST and CHS with recruitment and retention of sufficient panel and AST members at the area level.
 - the System in the Ayrshire AST area by CHS providing continuity of funding, effective support to ASTs, partner engagement and consultation, and information, advice and guidance in line with agreed national standards
6. **This Agreement is intended to underpin a shared commitment to the System by establishing a clear, uniform understanding across Scotland of the services to be provided for the support and administration of ASTs, and to clarify the commitment of the parties involved to the provision of these services.**

Duration

7. This Agreement shall commence on the 24 June 2013 **and unless the Parties agree otherwise, shall subsist until 30th June 2017**. The Parties shall review this Agreement annually to agree the services to be provided during the following year.

Principles

8. The System, as revised under the terms of the 2011 Act, is based on well-established principles which place the child at the centre of our concerns, requiring the operation of the System to be fair and responsive and to be administered effectively and efficiently. Eight standards for the operation of the System have been set out in a national standards framework (the National Standards):
1. Children are at the centre of all we do
 2. Panel members are well equipped and supported to perform their role
 3. Hearings are consistent across Scotland
 4. Every Hearing is well managed and fair
 5. Every Hearing makes high quality decisions in the best interests of the child
 6. AST members are well equipped and supported to perform their duties
 7. Communication and feedback is clear, appropriate and timely
 8. Roles and responsibilities are clearly defined and understood within the System

9. It is acknowledged that these standards will only be achieved through a shared commitment by the National Convener, CHS, Ayrshire AST, panel members and local authority partners. The effective operation of the Ayrshire AST is central to the achievement of these standards, and in this regard, the contribution by the Ayrshire AST clerk and his/her team is of critical importance.

Service Commitment

Services to support the Ayrshire AST

10. CHS will provide:

- i) Continuity of funding in relation to
 - a. the recruitment, appointment, training and assessment of Ayrshire panel members
 - b. the recruitment, appointment, training and assessment of Ayrshire AST members
 - c. the advice, guidance and information required to enable Ayrshire AST members to fulfil their responsibilities
 - d. the payment of expenses for all volunteers including panel members, the Area Convener and Ayrshire AST members in accordance with the national scheme of expenses to be prepared and updated from time to time by CHS
 - e. the payment of Protection of Vulnerable Groups (PVG) fees for all panel members and AST members.

- ii) Support and training through
 - a. the development of a national training curriculum and delivery to Ayrshire AST members and panel members
 - b. localised delivery of training including support and funding to the Ayrshire AST training team
 - c. delivery of Panelpal training for the Ayrshire AST Clerk and relevant members of their team
 - d. ensuring the National Convener's duty to provide legal and procedural advice for children's hearings is fulfilled and Ayrshire AST members have the information they require to effectively support the work of panel members
 - e. fielding day-to-day enquiries from Ayrshire AST and providing advice on the role of Ayrshire AST members and on any panel member issues that the AST is unable to deal with.
 - f. guiding and monitoring the day to day work of Ayrshire AST to make sure that it is in accordance with the National Standards.
 - g. creating systems for the exchange of ideas, learning and best practice between ASTs

- iii) The learning and development of ASTs through sharing of good practice and effective performance management including
 - a. supporting the National Convener in annual assessment of ASTs and sharing with the Council any issues arising from the annual reporting process
 - b. providing training, advice and support to AST members in the assessment process
 - c. establishing systems for analysing the activities, performance and impact of ASTs and sharing this information with all relevant partners including the local authority

- iv) Support the clerks and their teams through the AST and CHS networks to be established

- v) Other ad hoc and incidental support as agreed with the Council

11. The Council will provide:

- i) A member of staff who is suitably trained, qualified and experienced, to act as the clerk of the Ayrshire AST and specifically to
 - a. provide general administrative and secretarial support to the Area Convener and the Ayrshire AST
 - b. organise Ayrshire AST meetings, including accommodation, agendas, preparation of reports , including financial reports, and minute taking
 - c. make administrative arrangements enabling the Area Convener to assess Ayrshire AST members
 - d. assist the Area Convener with the preparation of reports to the National Convener and the Ayrshire ST annual report
 - e. ensure the collection, analysis, reporting and return (where required) of information required for performance and monitoring purposes
 - f. maintain a database of panel member workload and allocation to inform local training and recruitment strategies
 - g. provide administrative support to the panel representatives in the preparation of the panel member rota
 - h. liaise closely with the Area Convener and panel representatives to put on place arrangements to manage changes to the rota and procedures to ensure that panel members are available for emergency hearings, out of office hours and at short notice when required
 - i. maintain up to date records of panel member availability
 - j. work with the Area Convener and Ayrshire AST colleagues to ensure the availability of sufficient panel members

- k. check and process claims for the payment of panel member allowances in keeping with the national scheme of expenses
 - l. work with appropriate CHS staff to prepare expenses budgets and make quarterly reports of expenditure in order to reclaim funding from CHS
 - m. respond to telephone and other enquiries in relation to the Ayrshire AST or the national children's panel
 - n. support the panel member recruitment and selection process
- ii) Accommodation and office support and facilities appropriate to support the functions of the Ayrshire AST including
- a. office support for Ayrshire AST meetings
 - b. take all reasonable steps to provide meeting space for Ayrshire AST meetings
 - c. minute taking and secretarial support for Ayrshire AST meetings and events
 - d. take all reasonable steps to provide meeting and seminar facilities for local panel member events organised by the Ayrshire AST, for example training sessions and information evenings for prospective panel members
- iii) Secure IT and office support systems required to allow the clerk and other relevant Council staff to support the proper functioning of the Ayrshire AST
- iv) Other ad hoc and incidental support as agreed in advance with CHS

Structure, Personnel and Administration

12. The names, job titles and contact details of key personnel will be submitted without delay to the National Convener by the clerk.
13. The Area Convener and Ayrshire AST members will determine any sub-committee arrangements with local partners and will ensure relevant parties are aware of such arrangements.
14. The clerk will also provide the National Convener with a specification of the AST sub committee structure once determined.

Disagreements and Conflicts

15. CHS and the Council agree that when disagreements and conflicts arise about the operation of the AST all efforts will be made to achieve resolution as quickly and expeditiously as possible by the Area Convener and senior nominated Council representatives. When an issue arises where resolution is not achieved locally, the matter shall be referred to the National Convener and the Chief Executives of the Council.

General

16. In agreeing to work together to support the System and Ayrshire AST as set out in this Agreement, both CHS and the Council acknowledge and will comply with their respective obligations, including but not limited to the following:
- a. the Freedom of Information (Scotland) Act 2002;
 - b. the Data Protection Act 1998, and
 - c. the Equality Act 2010
17. Neither CHS nor the Council shall disclose to any person any confidential information relating to the other party except in the proper course of its duties.
18. Neither CHS nor the Council shall issue any publicity (including press announcements) relating to or otherwise reveal or make public any financial or other confidential information in connection with the services provided or the terms of this Agreement without the prior written consent of the other. Neither party will knowingly commit or permit any of its employees, agents or subcontractors to commit any act which might prejudice or damage the reputation of the other.
19. Each Party shall have Employers Liability and Public Liability insurance to cover their respective duties under this Agreement. The level of cover shall be in compliance with all relevant statutory requirements.

Signed on behalf of the North Ayrshire Council

Chief Executive

Date

Signed on behalf of Children's Hearings Scotland

National Convener

Date