

# Children's Hearing Training Unit

Thursday 9th February 2006



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**Children's Hearing Training Unit**

**DEBATE**

Thursday 9<sup>th</sup> February 2006

**'This house believes that the requirement for a gender balance on hearings is outdated and discriminatory'**

Chairman: Jim Conroy  
Dean of Glasgow University

For the motion: Sally Kuenssberg CBE  
Ex-Chair of SCRA

Seconding: John Anderson MBE  
Chair of Edinburgh City Children's Panel

Against the Motion: Kenneth Norrie  
Professor of Law, University of Strathclyde

Seconding: Kate Vivers  
Chair of Dumfries and Galloway CPAC

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For the motion: Sally Kuenssberg CBE  
Ex-Chair of SCRA

Sally asked the question, why does this matter? She put forward the argument that it is important to recruit the best possible people, but not to have to decide based on the number of male and females that makes up the panel.

1990's 55% female and 45% male    2000's 59% female and 41% male  
Some areas have less than 30% men.

Kilbrandon Report did not insist on a gender balance. It was not clear on the recipe for a 'good panel'. It suggested the best person who has experience and knowledge of dealing with children. It stated that wherever practicable the presence of a woman would be beneficial. This relates back to a time, pre-women's liberation, when men were prevalent in many areas of society and Kilbrandon obviously thought women should be more involved.

Sally suggested that women were not confident in the 1960's and that is why Kilbrandon suggested this. Eventually the Social Work Scotland Act legally prescribed a mixed gender balance at Children's Hearings.

It was conceded that it was not necessary to insist on single gender hearings, but it should not be necessary to insist on mixed gender either. Sometimes you hear that 'men are wanted' and good women are being rejected to ensure there are enough men to satisfy this requirement. This is at odds with equality legislation and current recruitment principles in other walks of life.

Let's ensure we have the best people, and not be forced to take people based on gender.

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Against the Motion: Kenneth Norrie  
Professor of Law, University of Strathclyde

Kenneth used humour to convey his message as well as an insightful argument. Agreed that the gender balance was not enforced by Kilbrandon, but going back in time, the courts were dominated by men, so some positive discrimination is still required.

Does it matter that we have different genders at hearings. Yes, men and women think differently and have a different approach in different situations.

He quoted an author who listed 78 differences between men and women and provided some humorous examples.

The panel need to be a diverse body, with a diversity of decision making. Change would not help.

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Seconding: John Anderson MBE  
For the motion Chair of Edinburgh City Children's Panel

Need to consider equal opportunities and remind ourselves we are open to public scrutiny.

A merit based selection process is required, to ensure we get people with the right experience, competence and expertise, not necessarily men or women to fill gaps. Occasionally, we hear that there are too many men or too many women and that we cannot appoint one or the other because of disparity.

It is more important to appoint a wide representation from the community, including women, disabled, ethnic origin and different ages.

The need to have a gender balance also makes managing the panel rota very difficult and time consuming.

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Seconding: Kate Vivers  
Against the Motion Chair of Dumfries and Galloway CPAC

There is no doubt that children benefit from male and female influences. They come across these influences in all walks of life, and this should be no different in a panel situation.

The definition of men and women and their make-up is completely different and they provide a unique perspective to give a balance to proceedings.

Two examples:-

Child in a house with an abused woman and an abusive man. The man doesn't take any notice of women panel members, but does take heed from the man on the panel.

A girl, repressed by her mother, and therefore has issues with female adults, listens to the male member of the panel.

These situations are only examples, but illustrate the need for mixed gender hearings and obviously, other examples would work equally for the opposite gender.

There is no superiority or inferiority between genders and they think, communicate and question differently which is most important.

It is simply fairer to have mixed gender Children's Hearing.

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There was then an opportunity to cross examine each others argument

Against the Motion: Kenneth Norrie

Cross examination Professor of Law, University of Strathclyde

Equal opportunities are not about treating people differently, but about having and promoting diversity.

Rota Flexibility is not a convincing argument as no-one said it would be easy.

For the motion: Sally Kuenssberg CBE

Cross examination Ex-Chair of SCRA

Men and women are different, but are they really that different?

Reaction of the child is not necessarily due to gender.

The compulsive argument is that the best people should be appointed to the panel, not based on gender, but 'where practicable' have a gender balance.

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Questions / Comments from the audience

e.g.

Have children been consulted on this issue – what would they say?

Is there a danger of panels becoming entirely one gender or the other?

Vote

'This house believes that the requirement for a gender balance on hearings is outdated and discriminatory'

11 for the motion

**Significant majority AGAINST the motion**

This is a personal account by Barry McGugan and should not be regarded as a formal report.