



The Children's Hearings System

- an information resource for Kinship Carers



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

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Introduction

As a Kinship Carer in Scotland, it is likely that you have a child or young person in your care, because they are subject to a Compulsory Supervision Order, which was put in place by a Children's Hearing.

Sometimes, but not always, children and young people will have already been placed into care with family members or close family friends prior to a Children's Hearing, because there are concerns about that child/young person remaining at home with their immediate family.

There will be a Children's Hearing for the child/young person at least once per year while the Compulsory Supervision Order remains in place.

This guide tells you a bit more about the Children's Hearings System, and is designed to support you, and children/young people in your care when attending a Children's Hearing.

June 2020

What is the Children's Hearings System?

The Children's Hearings System is the care and justice system for Scotland's children and young people up until the age of 16 (for some children, until 18). Children and young people are referred to the Children's Reporter because some aspect of their life is causing concern. This could be for a variety of reasons, including: not attending school or committing offences, but it is primarily because there are significant concerns about a child or young person's safety, health and welfare.

The Hearings System aims to ensure that the best interests of the child or young person are met and that they receive the most appropriate care, intervention and support.

For more details on how the system works and the processes that tend to occur prior to a child or young person being placed in Kinship Care, please see our [website](#), or contact your local Reporter for more details.

Referrals to the Reporter

Typically, referrals to the Reporter are made by social work, the police, health or education, however, anyone can make a referral to the Reporter. If the Reporter receives a referral about a child or young person, the Reporter must decide whether to arrange a Children's Hearing. The Reporter will arrange a Hearing if they think a ground for referral to a Children's Hearing applies and they think the child or young person needs a Compulsory Supervision Order.

The Reporter sets out the statement of grounds for consideration by the Children's Hearing. If the child or young person accepts the grounds and the 'Relevant Persons' for the child (generally the child/young person's parents and sometimes other persons) also accept the grounds, the Children's Hearing will consider the child/young person's circumstances and decide whether to make a Compulsory Supervision Order.

If the grounds are not accepted, the Hearing may refer the grounds to the Sheriff who will decide whether they are established. If they are, the Children's Hearing will then consider the child/young person's circumstances and decide whether to make a Compulsory Supervision Order.

At the Children's Hearing

The Children's Hearing listens to the child/young person's circumstances and then decides whether a Compulsory Supervision Order is required. The Hearing considers written reports and information provided in advance of the Hearing which the child/young person and 'Relevant Persons' will also receive (and the child).

The Hearing may decide that the child/young person should remain at home with their parent(s) with support from other agencies (such as Social Work), or, if there are concerns about a child or young person's safety, it may decide that the child or young person should live somewhere else, for example, with a Kinship Carer or foster carer.

The Hearing will also give consideration to areas such as contact (for example, with parents or siblings), and may make a decision about this (for example, it may decide that contact with a parent must be supervised). If there are decisions made about places of residence or contact, these are called "measures" and they are included in the Compulsory Supervision Order.

A Compulsory Supervision order is a legal order. If a child or young person is placed in your care and you are named as the carer and place of residence for them on that Compulsory Supervision Order, this means that they must stay with you. Any other measures in the Order must also be complied with. It also means that the child or young person will have to see a Social Worker for support, and a Children's Hearing will review the order a minimum of once per year.

People at the Hearing

The Hearing consists of three lay tribunal members, generally linked to the local community, called Panel Members. They give their time freely to sit on Hearings. The Panel Members consider the written information and listen to the child/young person's circumstances, and then decide whether a Compulsory Supervision Order is needed for the child/young person and, if so, what measures should be included in the order.

There are some people who are required by law to attend the Hearing. The child or young person and 'Relevant Persons' must attend unless they have been excused from attending by a Pre-Hearing Panel or a Children's Hearing.

The Reporter must be there to keep a record of the proceedings. A Social Worker should be in attendance and others with a contribution to make may sometimes attend as well (for example, a teacher).

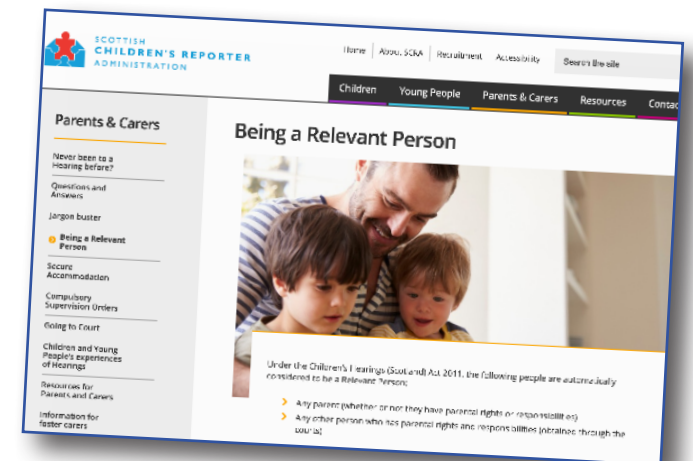
The child or young person has a right to bring a representative with them to assist them in discussing any issues at the Hearing. The child or young person may also bring a lawyer to the Hearing. 'Relevant Persons' for the child or young person have similar rights.

Kinship Carers at a Children's Hearing

If you are a 'Relevant Person', you have the right to attend the Children's Hearing. You can express your views at the Hearing and let the Panel Members know if you have any concerns or worries about the child/young person in your care. You also have a right to provide information for consideration by the Hearing. You should give this information to the Reporter no later than four days before the Hearing. You also have a right to receive the Hearing papers, to attend the Hearing and to appeal against the decision of the Children's Hearing (within 21 days).

Even if you are not a 'Relevant Person', the Children's Hearing may want to hear your views and the chairing Panel Member may allow you to attend. If you have information which you want the Children's Hearing to consider, you can provide this to the Reporter in advance of the Hearing, and the Reporter will include the information in the Hearing papers if the Reporter considers it is relevant to the proceedings.

For more information, visit our '[Being a Relevant Person](#)' section on our website.



How to support the child or young person

Children and young people can sometimes find the idea of coming to a Hearing confusing or frightening. You can help them to prepare for the Hearing by speaking to them about what's going to happen and who is going to be there etc. You might find the films or podcasts available on our website useful for older children. For younger children the '[Chloe and Billy](#)' storybooks are a good way of explaining what will happen at the Hearing.

You can ask the Reporter to arrange a Pre-Hearing visit, which will allow the child/young person to see the Hearing room and become more familiar with the environment. This can help to make the child/young person feel more comfortable.

You could also encourage the child/young person to think about what they may want to say to the Hearing. Depending on the child/young person's circumstances, the Hearing may want to ask them how they feel about where they want to live or who they want to have contact with.

Some children and young people will be happy to talk at the Hearing, but others may prefer to do something in advance. There are lots of options available - they can fill in the All About Me form, but they could also draw a picture about how they feel or write down what they want to happen, and give it to the Panel Members. The best way to do this will depend on the child/young person.

Rights at a Hearing

It is also important that Kinship Carers are aware of children and young people's rights before, during and after a Children's Hearing. This will help children and young people feel more secure and prepared for their Hearing.

Children and young people have the right to:

- To give their views to the Panel Members – and have them taken into account.
- To provide information that they want the Hearing to consider.
- If they are able to understand it, they have the right to be given all the information that the Hearing has.

- They can bring someone with them to help them discuss things in their Hearing. This can be anyone – for example, a friend, relative, or any trusted person.
- They can bring a lawyer (solicitor) as well if they wish.
- To have the number of people attending the Hearing (at the same time) to be kept to as few as possible.
- To appeal against the decision made by the Hearing within 21 days from the date of the Hearing.
- To request another Hearing which can take place 3 months after their last Hearing (if your Hearing made or kept a Compulsory Supervision Order in place).

At the Hearing, children and young people may also:

- Ask the Hearing to stop for a while if they would like to take a break.
- Ask the Hearing to stop until another day (sometimes called ‘continuing the Hearing’) if they feel that the Hearing should not make a decision yet (for example, if they need to get more information to give the Panel Members).

If you have any questions about how best to support a child or young person attending a Hearing, you may contact the Children’s Reporter and he or she will be happy to help.

Remember, you can also ask the Reporter for a Pre-Hearing visit and get a Pre-Hearing information pack. We have a short film which provides more informaton.



Additional information...

For more information, please visit [SCRA's website](http://www.scra.gov.uk). There is a special section for Kinship Carers and lots of information about the Children's Hearings System.

There is also a short film on our website which is aimed at helping to prepare young people who are going to a Hearing for the first time. It is only a few minutes long. Please click on the film to the right to view.

Finally, there is lots of information on the internet about kinship care in Scotland.

Any questions???

If you have an inquiry, you can email: communications@scra.gov.uk or you can contact your local office and speak to the Reporter or Locality Reporter Manager there. Phone numbers and email addresses are in the contact us section of our website.



www.scra.gov.uk