



The Children's Hearings System **Secondary Teaching Pack**



SCOTTISH EXECUTIVE

CHILDREN'S
H E A R I N G S

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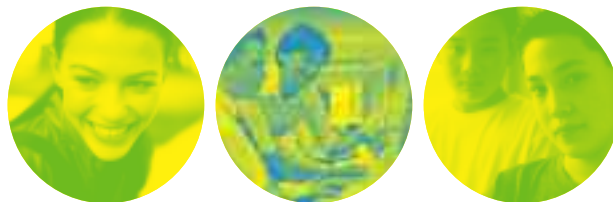
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SCRA's personnel and offices are broken into local authority teams. If you have a query or request of a Reporter or of SCRA's services, you should ask to speak with the Authority Reporter for the relevant area in the first instance. If you are in doubt as to which office to contact you may wish to contact Headquarters (above).

CONTACT LIST OF AUTHORITY REPORTERS

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Angus Tel: 01382-435460 • Argyll and Bute Tel: 01546-606937
Clackmannanshire Tel: 01786-476400 • Dundee Tel: 01382-435460
Dumfries & Galloway Tel: 01387-255734 • East Ayrshire Tel: 01563-534176
East Dunbartonshire Tel: 0141-567 7900 • East Lothian Tel: 01875-613355
East Renfrewshire Tel: 0141-8899171 • Edinburgh Tel: 0131-6679431
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Falkirk Tel: 01324-626996/673920 • Fife Tel: 01592-414919
Glasgow North Tel: 0141-567 7900 • Glasgow North East Tel: 0141-5677900
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Glasgow West Tel: 0141-5677900 • Highland Tel: 01463-245301
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Moray Tel: 01343-550015 • North Ayrshire Tel: 01294-278151
North Lanarkshire Tel: 01698-746771 • Orkney Islands Tel: 01856-873238
Perth and Kinross Tel: 01738-620950 • Renfrewshire Tel: 0141-8899171
Scottish Borders Tel: 01750-20372 • Shetland Islands Tel: 01595-692436
South Ayrshire Tel: 01563-534176
South Lanarkshire Tel: 01355-232145/231914 • Stirling Tel: 01786-476400
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The Children's Hearings System

Teachers' Notes



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Introduction

These materials are intended to support teachers and pupils through their learning about the Children's Hearings system. In preparing these, the aim has been to provide materials for use in the classroom within the PSE, Citizenship and Modern Studies curricula which will provide accurate information about the Hearings system and help pupils to gain a better understanding of the following:

- **the ethos and principles of the Children's Hearings system**
- **the legal framework**
- **why children and young people are referred to the Hearings system**
- **what happens at a Hearing**
- **the decisions that a Hearing can make and what they mean**
- **the roles of the different people involved in the Hearings system.**

As with most curricular materials teachers will want to select from and adapt the materials to suit their own needs.

The Structure of the Materials

Detailed teachers' notes are provided for each topic, and some of the information sheets and activities are provided at two levels, such as 1 and 1A. Sheets marked 'A' are simpler.

Topic 1 An Overview of the Children's Hearings System

This topic may be used as a stand-alone lesson where there is a limited amount of time to introduce pupils to the Children's Hearings system. The quiz and the PowerPoint/OHP presentation provide a comprehensive overview of the system and the information sheets offer a resource for pupils to take away. The topic may also be used as an introduction to the system before studying each step in detail.

Topic 2 The Referral and the Investigation

More detailed information is presented about this stage of the Children's Hearings process. Pupils are introduced to the reasons why children/young people are referred to the Reporter and how he/she decides what should happen next. Pupils are put into the role of the Reporter and asked to make decisions about referrals.



Topic 3 The Hearing and the Outcomes

Information is provided which explains what happens at a Hearing and the decisions that a Hearing can take. Pupils are presented with different scenarios and asked to identify the issues that they would want to discuss as a panel member at the Hearing.

Case Study

A sample set of Hearing papers is provided which contains all of the papers that panel members receive before a Hearing. The case is non-attendance at school and alleged offences. It will provide a basis for group and class discussion of the issues and a context for a mock Hearing.

Complex Lives

A one-act play which tells the story of Lisa and her involvement with the Children's Hearings system.

Additional Material for Senior Pupils

More challenging case scenarios and activities are included in this section. Pupils are asked to make decisions as panel members and to consider what life is like for children in their local community. Truancy is examined, particularly the reasons why young people truant, and information about children's rights and responsibilities is provided.

Curriculum Links

PSE/education for citizenship

The information sheets, activities, case material and play script will support the teacher in the delivery of such topics as *Rights and responsibilities*, *Laws in society*, and *Young people and the law*.

Schools which organise a Citizenship Day/Week will be able to combine a number of the pupil activities to form a Citizenship workshop. For example, Topic 1 Activity 1 – Quiz and Presentation - provides an overview of the Children's Hearings system. Through Topic 2 Activity 3, pupils could assume the role of the Reporter in deciding what should happen following a referral and then, through Activity 4, assume the role of a panel member. Alternatively, the case study provides a good focus for discussion and/or a role play.



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Modern Studies Intermediate 1 and 2

Information, short activities, an investigation and a role play are provided to support pupils who are studying Study Theme 5 *Crime and the law in society*.

A sample set of Children's Hearing papers, which panel members receive before a Hearing, is available for use in a role play exercise.

Advanced Higher Modern Studies

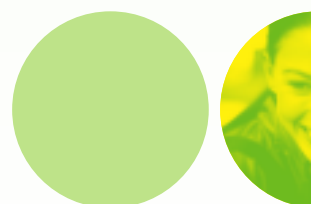
Detailed information about all aspects of the Children's Hearings system is presented together with an introduction to the youth justice systems in England and Wales, Canada and New Zealand. The materials relate specifically to Study Theme 2 *Law and order and research methods*, context C *Responses to crime and public disorder in the UK* and context D *The penal system*. They will also assist pupils who select the Children's Hearings system as a dissertation topic.

A note of caution

In preparing this resource consideration has been given to the sensitive nature of some of the circumstances of the children/young people who come into contact with the Children's Hearings system. Mention has been made, when looking at the reasons why children are referred to the Reporter, of physical, sexual and emotional abuse.

However, these matters are not studied in depth. You may be faced with disclosures from your pupils. This situation needs to be handled sensitively. It may be helpful, for example, to set 'ground rules' at the beginning of the lesson as appropriate.

It can be disconcerting for any teacher when faced with disclosure. The pupil will need reassuring that you are taking what they say seriously and that you are going to help them. Reporting procedures will vary between local authorities. It would be helpful to clarify with the Head Teacher or another member of the Senior Management Team the procedure that should be followed in your school should this situation occur.





An Introduction to the Children's Hearings System

The Children's Hearings system is Scotland's unique system of combining welfare and justice for vulnerable and troubled children/young people from birth to 17 years of age. It has been operating for more than 30 years. Its formation stemmed from the work of Lord Kilbrandon who found that whether young people had offended or been offended against, their needs were the same. He believed that in taking decisions about their future, the best interests of the child/young person must be the prime concern.

In the Children's Hearings system, decisions on what is best for the child are made by members of the children's panel, trained volunteers from the community. The Children's Hearings system helps children/young people who are vulnerable because they are experiencing, or are at risk of, for example:

- **physical, sexual or emotional abuse**
- **parental neglect**
- **being out of control**
- **offending**
- **not going to school**
- **taking drugs or alcohol.**



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It is not just about the Children's Hearing itself, where members of the children's panel meet the child, family and relevant professionals to discuss the issues and decide what is in the best interests of the child/young person. The system as a whole provides the most appropriate and effective intervention for each child/young person.

Principles

There are three 'overarching' principles in law relating to Children's Hearings, which underpin the system:

- **the welfare of the child is paramount**
- **the child's views must be taken into account**
- **no order should be made in relation to a child unless it is better to make an order than not to.**

When considering the welfare of the child/young person and reaching a decision, the Hearing can, where necessary, take into account the protection of the public from serious harm.

Key Stages of the Process

1. The Referral

Something has to happen in a child/young person's life to set the system in motion. This can be one incident or a variety of concerns. For example, their welfare may be at risk or they may have suffered abuse or neglect. They may be the victim of an offence or have committed an offence, or both. Anyone who is concerned about them can refer them to the Children's Reporter. Most referrals are from the police or social work department of the local authority, but any professional or member of the public can refer, or the child/young person can refer him/herself.

2. The Investigation

The Reporter investigates the referral by requesting information from different sources – social work, police, schools, and health and voluntary agencies. This information is evaluated by the Reporter who will make one of the following decisions:

- **not to arrange a Children's Hearing – the Reporter might do this if, for example, it is the first time the child/young person has been referred and the child's circumstances are not a cause for concern. However, the Reporter may take some informal action, which may include, for example, issuing advice or referring the child for a police warning**
- **to refer the child and family for voluntary support from the local authority, usually but not always, via the social work department**
- **to arrange a Children's Hearing, as compulsory measures of supervision are considered to be needed in the child's best interests.**

If the Reporter decides to arrange a Hearing, the decision about what happens to the child/young person rests with the Hearing.

3. The Hearing

The style and setting of Hearings are relatively informal to encourage full and frank discussion of the issues while legal procedures are followed. The purpose of the Hearing is to decide if compulsory supervision is needed for the child/young person. Compulsory supervision involves measures taken for the protection, guidance, treatment or control of the child/young person, and this can be tailored to fit the particular needs of each individual. The key people involved in the Hearing are:

- **the child/young person and the relevant adults in their life (usually their parents and/or carers)**
- **the Reporter**
- **three panel members**
- **a social worker**
- **other relevant professionals such as social work staff, teachers, health workers and educational psychologists.**

A few days before the Hearing, copies of the various reports that have been collated by the Reporter will be sent to the child (if over 12 and in appropriate circumstances), parents/carers and panel members. The child/young person and their parents have the right to agree or disagree with the reasons why the Hearing has been arranged (the 'grounds for referral'). A Children's Hearing is a tribunal and can only go ahead if the grounds for referral are accepted.

If the child/young person or relevant people do not accept the grounds for referral, or the child cannot understand due to age or ability, then the matter is passed to the Sheriff Court. The Sheriff will hear evidence and decide whether or not the grounds exist and, if so, a further Hearing will be arranged to consider and dispose of the case.

In a Hearing, the panel members consider the reports with everyone there. They will discuss all of the issues with the child/young person and their parents/carers and they will listen to information and advice from the professionals who are there, considering all the options available. A decision is made in front of everyone present and the panel members explain why they have reached that decision. Their decision does not have to be unanimous – it can be by a majority.



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4. Outcomes

The Hearing has several decisions it can choose from. The main ones are:

- **to discharge the referral because the panel members feel that compulsory supervision is not needed**
- **to impose a Supervision Requirement on a child/young person with any conditions that they decide are necessary**
- **to continue (defer) the Hearing to a later date to enable further reports to be obtained, or to get more information which is needed to help the panel members to make an informed decision**
- **if the grounds are not accepted, or the child cannot understand due to age or ability, panel members will refer the case to the Sheriff Court (see above).**

Any decision that a Hearing takes is legally binding on the child/young person. If they disagree with the decision, the child/young person and/or their parents may appeal to the Sheriff against the decision.

The most common outcome of a Hearing is a Supervision Requirement. This is a plan of work, support and services to assist the child/young person. Conditions attached may include, for example, where the child/young person is to live, with whom she/he may have contact, or attendance at programmes to address their behaviour. Most children on Supervision Requirements live at home. It is the responsibility of the local authority to implement a Supervision Requirement.

The Supervision Requirement will be in place for as long as it is needed, but must be reviewed within a year. At a review hearing the Supervision Requirement may be altered, extended or discharged, depending on the circumstances at that time.

Emergency Procedures

There will be circumstances in which temporary/emergency measures will be necessary. A Sheriff has the power to grant a Child Protection Order where it is considered that the child is in immediate danger. This is usually reviewed by a Children's Hearing on the second working day after the order has been granted.

A Children's Hearing is able, in certain circumstances, to issue warrants. For example if a child fails to attend a Hearing, a warrant may be issued to secure his or her attendance. If it is necessary to find and keep a child in a "place of safety", a place of safety warrant may be issued. This may last a maximum of 22 days; it can be extended on review by further Children's Hearings for a further 22 day period each, but only up to a total of 66 days, after which the Reporter must apply to the Sheriff for any further periods of 22 days, if that is considered necessary.

Summary

The Children's Hearings system is a child-centred system where the child's views must be considered. It is a welfare-based system where the needs of the child are most important. It is based upon collaboration between trained volunteers of the children's panel and professionals. These are its strengths and the reason why it has been in place for over 30 years.

Glossary of Key Terms

Children's Hearing: a lay tribunal made up of three panel members from the local authority children's panel, at least one of whom must be male and one female. The child must normally attend, along with his/her family ('family' can include carers or anyone responsible for looking after the child) and relevant professionals. The child and parents may take a representative to support them. Discussions are confidential but decisions are made in front of all of those present.

Children's panel: a group of volunteers appointed by Scottish Ministers following extensive vetting and training. Each of Scotland's 32 local authorities has a children's panel, which represents a cross-section of the local community. The panel is the collective name for the group of panel members, and each local authority must keep a list of who is on the panel. Each panel has a panel chair, appointed from among its members.

Disposal: the main decision of the Hearing. The most common disposal is a Supervision Requirement, which means that the child/young person has to do certain things or people have to do certain things to work with them. A Supervision Requirement can have any condition attached that the Hearing thinks will help the child/young person.

Grounds for referral: the legal reason why a child/young person is referred to a Hearing. Grounds for referral are set out in law and cover the general areas of concern. For example, the child may have been abused physically or sexually, played truant from school, offended, been a victim of an offence or bullying, misused drugs or alcohol, or been outwith parental control. The full range of grounds is set down in Section 52 of the Children (Scotland) Act 1995.



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Referral: how a child/young person can be brought to the notice of the Children's Hearings system. The child is referred to the Reporter by anyone, usually the police or social worker but possibly by a neighbour, friend, parent, health worker or a court. Children may also self-refer but this is not common.

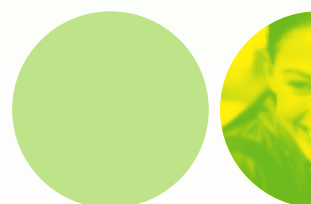
Reporter: a locally based official who works for the Scottish Children's Reporter Administration (SCRA). On receipt of a referral, the Reporter looks into the child's background with information from a number of sources (mainly social workers), and decides whether (a) measures of support are needed and (b) whether any measures need to be imposed by a Children's Hearing. The Reporter also has roles at the Hearing and in court proceedings that form part of the Children's Hearing process. A list of Authority Reporters is provided at the back of this teacher's guide.

Review: a Supervision Requirement must be reviewed within a year, but the panel can set an early date for the review and a social worker can ask for a review at any time. The child/young person or relevant people can ask for a review after three months.

Secure accommodation: locked facilities approved by the Scottish Executive that will meet the social, educational and health needs of young people when their liberty needs to be restricted, either for their own or for public safety.

Supervision: measures taken by the local authority for the protection, guidance, treatment or control of children/young people.

Supervision Requirement: a programme of work, support and services to assist a child/young person. Imposed by a Children's Hearing, the Supervision Requirement must be implemented by the local authority where the child/young person lives.





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TOPIC 1: AN OVERVIEW OF THE CHILDREN'S HEARINGS SYSTEM

Aims: To introduce pupils to the Children's Hearings system and the key stages of the process. To highlight any misperceptions pupils may have about the Children's Hearings system. To provide pupils with accurate information about the Children's Hearings system.

Materials: PowerPoint presentation on the Children's Hearings system provided on the CD-Rom. Two versions of the PowerPoint presentation are provided. Select the most appropriate version for the pupil group with which you are working. Version 1 is less complex. A paper copy is provided from which OHP slides can be made.

There is also a copy for each pupil of:

Activity 1 – How Much Do You Know About the Children's Hearings System? and the Answer sheet.

Information Sheet 1 or 1A – An Overview of the Children's Hearings System.

Information Sheet 2 or 2A – Who Works in the Children's Hearings System?

Information Sheet 3 – The Children's Hearings Process – A Summary.

Method: Divide the pupils into small groups and ask them to complete Activity 1. There are two ways in which you can check the pupils' answers to the quiz. Firstly, you can use the PowerPoint presentation and the notes provided which explain the Children's Hearings system and will answer the quiz questions at the same time.

Alternatively, a detailed answer sheet is provided.

The Teachers' Guide which comes with these materials provides more detailed information which will help you to answer any questions that the pupils might have. The Information Sheets provide material for pupils to take away.



POWERPOINT PRESENTATION (VERSION 1) SLIDE NOTES

Slide 3: What is the Children's Hearings system?

Note: Age range from birth to 16th and in some cases to 18th birthday.

Slide 4: What are the key stages in the Children's Hearings process?

Note: Going to look at each in turn.

Slide 5: Step 1 – The Referral

Note: Victim – abused.
Offended – for example, shoplifting, assault or vandalism. The age of criminal responsibility is eight in Scotland, 12 in England and Wales. Only the very serious offences of under 16s are dealt with in the courts, for example murder.
Non-attendance – give example from own experience.

Slide 6: Step 1 – The Referral

Note: Most referrals made by police and social work. A child/young person can refer themselves but this is very rare.

Slide 7: Step 2 – The Investigation

Note: Reporter has a duty to investigate all referrals and will gather as much information as necessary to make a decision.

Slide 8: Step 2 – The Investigation

Note: No further formal action – informal action may include a police warning, Reporter warning or involvement of the social work department on a voluntary basis. Refer – usually to social work department. Arrange a Hearing if they think that compulsory measures are needed.

Slide 9: Grounds for referral

Note: There are more referrals for care and protection grounds than offending grounds.

Slide 10: Step 3 – The Hearing

Note: Relevant professionals are usually social worker, teacher, sometimes health visitor, educational psychologist.

Slide 11: The Panel

Note: Can become a panel member at 18 and no upper age limits. The pool of panel members should be representative of the local community.

Glasgow has approx 600, Orkney approx 25.

There will be three panel members at a Hearing.

There must always be a mixture of male and female and a balance of age and experience.

Slide 12: What happens at a Hearing?

Note: The Hearing is usually held in the local area. Everyone sits around a large table to encourage discussion.

Slide 13: What happens at a Hearing?

Note: Children's Hearings are tribunals and the child/young person and/or their family have the right to agree or disagree with the grounds for referral. The Sheriff Court will hear evidence to decide if the grounds are established and if so remit it back to another Hearing to deal with. The Hearing is concerned not only with what the child has done but the bigger picture and the long-term well-being of the child/young person.

Slide 14: Role of panel members in Hearings

Note: Everybody (children over 12) gets copies of the reports at least three days in advance of Hearing.
Full and frank discussion with all present. Everyone entitled to have a say.
Decision made in front of family (unanimous or majority).



POWERPOINT PRESENTATION (VERSION 1) SLIDE NOTES

Slide 15: Step 4 – The Outcome

Note: Will discharge if they believe that compulsory measures of care are not needed.

Will continue (defer) usually for additional reports or for a key person to attend.

Will remit to Sheriff if child/young person is unable to understand the grounds after explanation due to age or ability.

Slide 16: Step 4 – The Outcome

Note: The local authority holds the supervision requirement.

Programme of work usually supported by a social worker but schools have a role too.

Conditions are on the child and are only used if necessary.

Programmes used might be to address offending behaviour, anger management, self esteem.

Review – child/young person and/or family can ask for review after three months; the local authority can ask for review at any time. Reviews are called when things go well as well as when things go not so well.

Version 1



The **C**hildren's **H**earings **S**ystem



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The **C**hildren's **H**earings **S**ystem



- **What is the Children's Hearings system?**
- **What does it do?**
- **What are the key stages of the process?**

The Children's Hearings System



What is the Children's Hearings system?

It helps children and young people who are vulnerable because they are, for example:

- being abused
- out of the control of their parents or carers
- offending
- not going to school
- taking drugs or alcohol
- not being looked after properly by their parents



What are the key stages in the Children's Hearings process?

There are four key stages:

- the referral
- the investigation
- the hearing
- the outcomes



Step 1 – The Referral

Something has to happen to start the process.
For example:

- the child/young person
 - may be a victim of crime or have offended
 - may not have been going to school
- someone may be worried that a child is not being looked after properly

The Children's Hearings System



Step 1 – The Referral

The child/young person is referred to the Children's Reporter by:

- the police
- a social worker
- a teacher
- anyone who is worried about the child

The child can even refer him/herself



Step 2 – The Investigation

The Children's Reporter investigates the child/young person's case by asking for information from different people, for example:

- social worker
- police
- teacher
- health worker



Step 2 – The Investigation

The Children's Reporter has three decisions to choose from:

- not to arrange a Children's Hearing
- to refer the child/young person and his/her family for voluntary support from the local authority
- to arrange a Children's Hearing



Grounds for referral

(Ground for referral = reason for referral)

The child/young person:

- is out of the control of their parents or carers
- is not being cared for well enough by their parents
- has been abused
- is not going to school regularly
- is misusing alcohol, drugs or solvents
- has committed one or more offences

The Children's Hearings System



Step 3 – The Hearing

Who is involved?

- the child/young person and his/her family
- the Children's Reporter
- the three panel members
- relevant professionals



The Panel

What/who are panel members?

- they are volunteers from the local community
- they are appointed by Scottish Ministers
- they are carefully selected and trained before they can sit on a Children's Hearing



What happens at a Hearing?

- the style and setting of Hearings is not too formal
- usually everyone sits around the same table
- everyone is encouraged to take part in the discussion
- they are held in private
- they take between 45 minutes and an hour

The Children's Hearings System



What happens at a Hearing?

- the child/young person and their family have the right to agree or disagree with the grounds for referral
- if they disagree, the Sheriff Court decides whether the grounds are correct



Role of panel members in Hearings

The panel members will:

- ask the child/young person and their family about the situation and the issues
- ask the professionals who have written the reports what they think
- make their decision in front of everyone and give reasons why they reached that decision



Step 4 – The Outcome

The Hearing has several decisions to choose from. The main ones are:

- to discharge the referral
- to impose a Supervision Requirement on a child /young person
- to refer the case to the Sheriff Court if the child /young person is unable to understand the grounds for referral because of their age or ability
- to hold the Hearing at a later date



Step 4 – The Outcome

The most common outcome of a Hearing is a Supervision Requirement. What's that?

- a plan of work, support and services to help the child/young person
- it may have conditions attached, for example:
 - where the child/young person is to live
 - who they may have contact with
 - attendance at programmes to help improve their behaviour



Step 4 – The Outcome

- most children or young people on Supervision Requirements stay at home
- the Supervision Requirement lasts as long as it is needed
- it must be reviewed within a year at another Children's Hearing

The Children's Hearings System



Summary

- the Children's Hearings system is a child-centred system where the child/young person's views must be considered
- it is a welfare-based system where the needs of the child are most important
- it is based on the panel members and professionals working together in the best interests of the child/young person



POWERPOINT PRESENTATION (VERSION 2) SLIDE NOTES

Slide 3: What is the Children's Hearings system?

Note: Age range from birth to 16th and in some cases to 18th birthday.

Slide 4: The Children's Hearings system

Note: It is a legal tribunal and its decisions must be implemented.

Slide 5: What are the key stages in the Children's Hearings process?

Note: Going to look at each in turn.

Slide 6: Step 1 – The Referral

Victim – abused.

Offended – for example shoplifting, assault or vandalism. Age of criminal responsibility is eight in Scotland, 12 in England and Wales. Only the very serious offences of under 16s are dealt with in the courts, for example murder. Non-attendance – give example from own experience.

Slide 7: Step 1 – The Referral

Note: Most referrals made by police and social worker. A child/young person can refer themselves, but this is very rare.

Slide 8: Step 2 – The Investigation

Note: Reporter has a duty to investigate all referrals and will gather as much information as necessary to make a decision.

Slide 9: Step 2 – The Investigation

Note: No further formal action – informal action may include a police warning, Reporter warning or involvement of the social work department on a voluntary basis.

Refer – usually to social work department.

Arrange a Hearing if they think that compulsory measures are needed.

Slide 10: Grounds for referral

Note: There are more referrals for care and protection grounds than offending grounds.

Slide 11: Step 3 – The Hearing

Note: Relevant professionals are usually social worker, teacher; sometimes health visitor, educational psychologist.

Slide 12: The Panel

Note: Can become a panel member at 18 and no upper age limits. The pool of panel members should be representative of the local community.

Glasgow has approx 600, Orkney approx 25.

There will be three panel members at a Hearing. There must always be a mixture of male and female and a balance of age and experience.

Slide 13: What happens at a Hearing?

Note: The Hearing is usually held in the local area. Everyone sits around a large table to encourage discussion.

Slide 14: What happens at a Hearing?

Note: Children's Hearings are tribunals and the child/young person and/or their family have the right to agree or disagree with the grounds for referral. The Sheriff Court will hear evidence to decide if the grounds are established and, if so, remit it back to another Hearing to deal with. The Hearing is concerned not only with what the child has done but the bigger picture and the long-term well-being of the child/young person.

Slide 15: Role of panel members in Hearings

Note: Everybody (children over 12) gets copies of the reports at least three days in advance of Hearing.

Full and frank discussion with all present. Everyone entitled to have a say. Decision made in front of family (unanimous or majority).



POWERPOINT PRESENTATION (VERSION 2) SLIDE NOTES

Slide 16: Step 4 – The Outcome

Note: Will discharge if they believe that compulsory measures of care are not needed.

Will continue (defer) usually for additional reports or for a key person to attend.

Will remit to Sheriff if child/young person is unable to understand the grounds after explanation due to age or ability.

Slide 17: Step 4 – The Outcome

Note: The local authority holds the supervision requirement.

Programme of work usually supported by a social worker but schools have a role too. Conditions are on the child and are only used if necessary. Programmes used might be to address offending behaviour, anger management, self esteem.

Review – child/young person and/or family can ask for review after three months; local authority can ask for review at any time. Reviews are called when things go well as well as when things go not so well.

Version 2



The Children's Hearings System



SCOTTISH EXECUTIVE

CHILDREN'S
H E A R I N G S

The **C**hildren's **H**earings **S**ystem



- **What is the Children's Hearings system?**
- **What does it do?**
- **What are the key stages of the process?**



What is the Children's Hearings system?

It helps children and young people who are vulnerable because they are at risk. They may be at risk because of, for example:

- being abused
- being out of the control of their parents or carers
- offending
- not going to school
- taking drugs or alcohol
- not being looked after properly by their parents

The Children's Hearings System



The Children's Hearings system

- **requires** action by law
- takes action **only where justified and only for as long as is necessary**



What are the key stages in the Children's Hearings process?

There are four key stages:

- the referral
- the investigation
- the hearing
- the outcomes



Step 1 – The Referral

Something has to happen to start the process.
For example:

- the child/young person
 - may be a victim of crime or have offended
 - may not have been going to school
- someone may be worried that a child is not being looked after properly

The Children's Hearings System



Step 1 – The Referral

The child/young person is referred to the Children's Reporter by:

- the police
- a social worker
- a teacher
- anyone who is worried about the child

The child can even refer him/herself



Step 2 – The Investigation

The Children's Reporter investigates the child/young person's case by asking for information from different people, for example:

- social worker
- police
- teacher
- health worker
- voluntary organisation worker

The Children's Hearings System



Step 2 – The Investigation

The Children's Reporter has three decisions to choose from:

- not to arrange a Children's Hearing
- to refer the child/young person and his/her family for voluntary support from the local authority
- if they believe that the child/young person needs compulsory measures of care, to arrange a Children's Hearing



Grounds for referral

(Ground for referral = reason for referral)

The child/young person:

- is out of control
- is falling into bad associations or exposed to moral danger
- is suffering unnecessarily due to lack of parental care
- has been abused
- is failing to attend school without reasonable excuse
- is misusing alcohol, drugs or solvents
- has committed one or more offences



Step 3 – The Hearing

Who is involved?

- the child/young person and his/her family
- the Children's Reporter
- the three panel members
- relevant professionals

The Children's Hearings System



The Panel

What/who are panel members?

- they are volunteers from the local community
- they are appointed by Scottish Ministers
- they are carefully selected and trained before they can sit on a Hearing
- they have to attend regular training events while they are a panel member



What happens at a Hearing?

- the style and setting of Hearings is not too formal
- full and frank discussion is encouraged while legal procedures are observed
- they are held in private and usually last between 45 minutes and an hour
- they consider the 'whole' child



What happens at a Hearing?

What if the child/young person doesn't agree with the reason they are there?

- the child/young person and their family have the right to agree or disagree with the grounds for referral
- if they disagree, the Sheriff Court decides whether the grounds are established



Role of panel members in Hearings

Panel members must:

- consider reports with everyone present
- discuss the issues with the child/young person and his/her family and the professionals
- make a decision in front of everyone and give their reasons for that decision



Step 4 – The Outcome

The Hearing has several decisions to choose from. The main ones are:

- to discharge the referral
- to impose a Supervision Requirement on a child/young person
- to refer the case to the Sheriff Court if the child/young person is unable to understand the grounds for referral because of their age or ability
- to continue (defer) the Hearing to a later date



Step 4 – The Outcome

The most common outcome of a Hearing is a Supervision Requirement. What's that?

- a plan of work, support and services to help the child/young person
- it may have conditions attached – for example, where the child/young person is to live, with whom they may have contact or attendance at programmes to address their behaviour
- **MOST** children on Supervision Requirements stay at home
- it will be in place for as long as it is needed but must be reviewed by another Hearing within a year

The Children's Hearings System



Summary

- the Children's Hearings system is a child-centred system where the child/young person's views must be considered
- it is a welfare-based system where the needs of the child are most important
- it is based on collaboration between trained volunteers (panel members) and professionals



ACTIVITY 1: HOW MUCH DO YOU KNOW ABOUT THE CHILDREN'S HEARINGS SYSTEM?

Are the following statements true or false? Circle your answer.

1. The Children's Hearings system helps children and young people who are vulnerable.

True or False?

2. An official known as the Children's Reporter is the first point of contact in the Children's Hearings system.

True or False?

3. Anyone can contact the Children's Reporter if they are concerned about a child/young person's circumstances.

True or False?

4. The Children's Reporter will always arrange a Children's Hearing for any child/young person they are contacted about.

True or False?

5. A child/young person will only get involved in the Children's Hearings system if they have committed an offence.

True or False?

6. The panel members who make the decision at a Children's Hearing are employed by the local authority.

True or False?

7. Children's Hearings are very formal and take place in court.

True or False?

8. The panel members leave the room to make their decision and return to tell the child/young person and his/her family what they have decided.

True or False?

9. A Supervision Requirement always means that a child/young person cannot stay at home with their family.

True or False?

10. A Supervision Requirement stays in place until the child/young person is 18 years old.

True or False?



ACTIVITY 1:

HOW MUCH DO YOU KNOW ABOUT THE CHILDREN'S HEARINGS SYSTEM?

ANSWER SHEET

1. **True**

The Children's Hearings system is Scotland's unique system of combining welfare and justice for vulnerable and troubled children and young people from birth to 17.

2. **True**

The Children's Reporter is often referred to as the 'gatekeeper' of the system. He/she will investigate any referrals about children and young people that he/she receives and will decide what to do next.

3. **True**

Most referrals to the Children's Reporter are made by the police or social workers, but anyone can speak to the Children's Reporter if they are worried about a child/young person. A child/young person can contact the Children's Reporter themselves, although this rarely happens.

4. **False**

The Children's Reporter investigates the child/young person's case by asking for information from different sources, for example from social workers, police, schools, and health and voluntary organisations. He/she evaluates the information and decides whether to take no further formal action, refer the child/young person and family for voluntary support from the local authority or to arrange a Children's Hearing.

5. **False**

The child/young person may be the victim of a crime, may not have been going to school or someone, for example a neighbour or a relative, may be worried that he/she is not being looked after properly.

6. **False**

The panel members are volunteers from the local community. They come from a variety of backgrounds and most have full-time jobs.

7. **False**

Children's Hearings take place in a local Children's Hearings Centre and the style and setting of the Hearing is relatively informal, with everyone usually sitting around the same table, to encourage everyone to take part in the discussion.



8. **False**

The three panel members make their decision in front of everyone present and they have to explain why they have made that decision. It need not be unanimous.

9. **False**

A Supervision Requirement is a plan of work, support and services to help the child/young person and their family. This means that the child/young person and their family will have to work with professionals such as a social worker. Usually the child/young person remains at home. But the Supervision Requirement can include a condition about where a child/young person can live, if for any reason the panel members think that it is in his/her best interests to live away from home for some time.

10. **False**

A Supervision Requirement will only last for as long as it is needed, but it must be reviewed within a year at another Children's Hearing.



INFORMATION SHEET 1: AN OVERVIEW OF THE CHILDREN'S HEARINGS SYSTEM

What is the Children's Hearings system?

The Children's Hearings system in Scotland is a unique system combining welfare and justice for vulnerable and troubled children and young people from birth to 17.

These children are experiencing, or are at risk of, for example:

- **being abused**
- **being out of the control of their parents or carers**
- **offending**
- **not going to school**
- **taking drugs or alcohol**
- **their parents not looking after them properly.**

How did the Children's Hearings system start?

It started over 30 years ago from the work of Lord Kilbrandon, who found that whether children or young people had offended or been offended against, they all had the same needs. He thought that in taking decisions about their future, the best interests of the child/young person were most important.

The key stages of the Children's Hearings process:

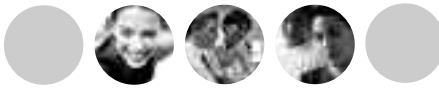
There are four key stages:

- **The Referral**
- **The Investigation**
- **The Hearing**
- **The Outcome.**

The Referral

Something has to happen in the child/young person's life to start the process. This can be one incident or a number of concerns. For example:

- **they may be the victim of a crime**
- **they may have committed a crime**
- **they may not have been going to school**
- **someone may be worried that they are not being looked after properly.**



The police, social work department or education department will usually raise their concerns with the Children's Reporter. This is known as a referral. Anyone can speak to the Children's Reporter if they are worried about a child/young person, and a child/young person can contact the Children's Reporter themselves.

The Investigation

The Children's Reporter investigates the child/young person's case by asking for information from different sources – for example from the social work department, police, schools, or health and voluntary organisations. He/she evaluates the information and decides either:

- **not to arrange a Children's Hearing**
- **to refer the child/young person and family for voluntary support from the local authority**
- **to arrange a Children's Hearing.**

The Hearing

At each Children's Hearing there is the child/young person and his/her family or carer, the Children's Reporter, the three panel members, a social worker and perhaps a teacher.

The setting is not too formal and usually everyone sits around the same table to encourage everyone to take part in the discussion. The Hearing takes place in private and will usually last between 45 minutes and an hour.

The decision that the panel members make must be followed. If the child/young person and his/her family do not agree with the decision, they can appeal against it in the Sheriff Court.

The Outcomes

The Hearing has several decisions it can choose from. The main ones are:

- **to discharge the referral because the panel members feel that compulsory supervision is not needed**
- **to impose a Supervision Requirement on a child/young person, with any conditions the panel members think are necessary**
- **if the grounds for referral are not accepted, or the child cannot understand because of their age or ability, to send the case to the Sheriff Court for the Sheriff to decide if the reasons for the hearing are justified**
- **to continue the Hearing (hold it at a later date) if the Hearing is unable to make a decision. This might be because someone did not turn up or because the Hearing needs more information to make an informed decision.**



The most common decision of a Children's Hearing is to impose a Supervision Requirement. This is a plan of work, support and services to help the child/young person. What is in this plan depends on the reasons why the child/young person is at the Hearing. This means that the child/young person and their family will have to work along with professionals such as a social worker.

The Supervision Requirement will last for as long as it is needed, but it must be reviewed within a year at another Children's Hearing.

Word check

vulnerable = defenceless, may be physically or emotionally hurt

at risk = in a dangerous situation

abused = being hurt by someone in some way

offending = breaking the law

carers = other adults who look after a child/young person instead of their parents

gatekeeper = someone who controls the access to a resource

refer = to ask someone to look into something – in this case to tell the Reporter about a child/young person

incident = something that happens that might have a serious effect

victim = a person who has been harmed in some way by someone else



INFORMATION SHEET 1A: AN OVERVIEW OF THE CHILDREN'S HEARINGS SYSTEM

What is the Children's Hearings system?

The Children's Hearings system helps children and young people under the age of 18 who are vulnerable. They are experiencing, or are at risk of, for example:

- being abused
- being out of the control of their parents or carers
- offending
- not going to school
- taking drugs or alcohol
- their parents not looking after them properly.

Word check

vulnerable = defenceless, may be physically or emotionally hurt

at risk = in a dangerous situation

abused = being hurt by someone in some way

offending = breaking the law

The key stages of the Children's Hearings process:

There are four key stages:

- The Referral
- The Investigation
- The Hearing
- The Outcome.

The Referral

An incident or some concerns in a child/young person's life start the Children's Hearings process:

- they may be a victim of a crime or have offended
- they may not have been going to school for a long time
- someone may be worried that they are not being looked after properly.



The police or social work or education department will usually tell the Children's Reporter what has happened. This is known as a referral. Anyone can speak to the Children's Reporter if they are worried about a child/young person, and a child/young person can contact the Children's Reporter themselves.

Word check

incident = something that happens that might have a serious effect

victim = a person who has been harmed in some way by someone else

The Investigation

Once the Children's Reporter has been told about a child/young person, it is his/her job to decide what should happen next. He/she will ask for information from different people:

- **social worker**
- **schools**
- **police**
- **health worker.**

The Children's Reporter looks at all of the information and has three decisions to choose from:

- **not to arrange a Children's Hearing, although he/she will often warn the child/young person and their family that any other referrals from now on may lead to formal action being taken**
- **refer the child and family for voluntary support from the local authority**
- **arrange a Children's Hearing.**

Word check

investigation = a careful look at everything in detail

health worker = someone who cares for people's health, for example a doctor, nurse or health visitor

formal action = legal action – in this case arranging a Children's Hearing

voluntary = choosing to do something

support = help

local authority = the local council



The Hearing

A Children's Hearing can only take place if the child/young person and their family agree with the reasons why the Children's Reporter has arranged it.

At the Hearing, three people called panel members will make the decision about what should happen next.

Usually everyone sits around the same table to discuss the issues. The Hearing will usually take between 45 minutes and an hour.

The decision that the panel members make has to be followed, but if the child/young person or the family don't agree with it, they can ask a Sheriff to look at it in court to try to change the decision.

Word check

Children's Hearing = a special meeting arranged to discuss the situation and decide what should happen to the child/young person

Sheriff = the name given to the judge in the Sheriff Court



The Outcome

The Hearing has several decisions it can choose from. The main ones are:

- **to discharge the referral because the panel members feel that compulsory supervision is not needed**
- **to put in place a Supervision Requirement on a child/young person, with any conditions that the panel members think are needed**
- **if the child/young person or their family does not agree with the reasons for the Children's Hearing or if the child cannot understand the reasons for the Hearing, the panel members will ask the Sheriff Court to decide whether the reasons are correct**
- **to hold the Hearing at a later date to get more information to help the panel members to make a decision (this is called 'continuing the Hearing').**

The most common decision of a Children's Hearing is a Supervision Requirement. This means that the child/young person will have to co-operate with people whose job it is to help them and their family with their problems.

The Supervision Requirement might have some special rules in it about where the child/young person must live or who they can see. Most children on a Supervision Requirement stay at home.

The Supervision Requirement will last for as long as it is needed but it must be looked at again within a year.

Word check

co-operate = to work together

outcome = what happens as a result of the hearing

Supervision Requirement = a plan of work and support to help the child or young person

discharge the referral = decide not to take things further



INFORMATION SHEET 2: WHO WORKS IN THE CHILDREN'S HEARINGS SYSTEM?

A number of different people, both professionals and volunteers, work in the Children's Hearings system.

The Children's Reporter is the "gatekeeper" of the system. He/she will receive referrals of children and young people who are in trouble and will make investigations. The Reporter will then decide which children/young people should attend a Children's Hearing and will organise the Hearing. There are Children's Reporters in every local authority area of Scotland.



The panel members are volunteers from the local community who are of different ages and have different skills and experience. A Children's Hearing is made up of three panel members (at least one of whom must be male and one female). Their role is to make the decisions at the Children's Hearing that are in the child/young person's best interests. All panel members are chosen by interview and have many months of training which helps them to carry out their role.



A social worker will tell the Children's Reporter about any children or young people that he/she is concerned about and write reports to help the Reporter to decide whether there needs to be a Children's Hearing. They will write a report for the panel members and go to the Hearing to discuss this. If the Hearing decides that compulsory measures of supervision are necessary, it will impose a Supervision Requirement (a plan of work, support and services to help the child/young person). It is the local authority which employs the social worker that is responsible for carrying this out.



A teacher may also contact the Children's Reporter if he/she is concerned about a child/young person. He/she will prepare a school report for the Children's Hearing which will tell the panel members about the child/young person's attendance, how they are doing in different subjects and how they behave in school. A teacher may go to the Children's Hearing to discuss the report and highlight any worries that they may have.



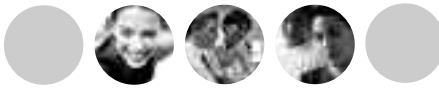


The Children's Hearing might appoint an independent person called a **Safeguarder** to look after the child/young person's interests in the Hearing. He/she will write a report for the Hearing and will be there to represent the child/young person's best interests, although sometimes the child/young person may not agree with what the Safeguarder says.



A solicitor (lawyer) might be appointed by a Hearing to help the child/young person to take part in the Hearing. Also, if the Hearing is discussing whether a young person should be sent to secure accommodation (be temporarily held in locked facilities for their own safety or the safety of others), the solicitor will attend the Hearing. In both these cases the solicitor is called the **Legal Representative**.





INFORMATION SHEET 2A: WHO WORKS IN THE CHILDREN'S HEARINGS SYSTEM?

The Children's Reporter

If a parent or professional, like a teacher, health worker or social worker or a neighbour or friend, is worried about a child/young person, they will get in touch with the Children's Reporter. This may be because they think the child/young person is being neglected or abused or is getting into a lot of trouble. It is the Children's Reporter's job to find out what is happening and decide if a child/young person should go to a Children's Hearing.



The panel members

Panel members live in the local area and volunteer to be panel members. They have a lot of training which helps them to do the job. Before the Hearing, panel members will read all the reports that have been written about a child/young person and think about the questions they would like to ask. Three panel members sit on the Children's Hearing and make the decision about what should happen to the child/young person in the future.



The social worker

The social worker will tell the Children's Reporter about any children or young people that he/she is worried about. He/she will write reports to help the Children's Reporter decide whether there needs to be a Children's Hearing. The social worker will write a report for the panel members and go to the Hearing to discuss this. If the Hearing decides that a Supervision Requirement is needed the social worker will work with the child/young person and their family to try to make things better.



The teacher

A teacher might contact the Children's Reporter if he/she is worried that things are not good for a child/young person at home, or if the child/young person is not coming to school very often, or if when they do they are tired or hungry, or their behaviour is really bad. A teacher will write a report to help the Reporter to decide whether to organise a Children's Hearing. A teacher will also write a report for a Hearing and may go to the Hearing to discuss the report and tell the panel members about any worries that they may have.





The safeguarder

Sometimes, a Children's Hearing might ask a Safeguarder to look after a child/young person's interests in the Hearing. He/she is independent of everyone else involved in the Hearing. Before the Hearing the Safeguarder will meet with the child/young person and family, their teacher and a social worker. This is so that he/she can write a report for the panel members which explains the child/young person's views and what their life is like, and suggest what, in the Safeguarder's view, should happen in the future.



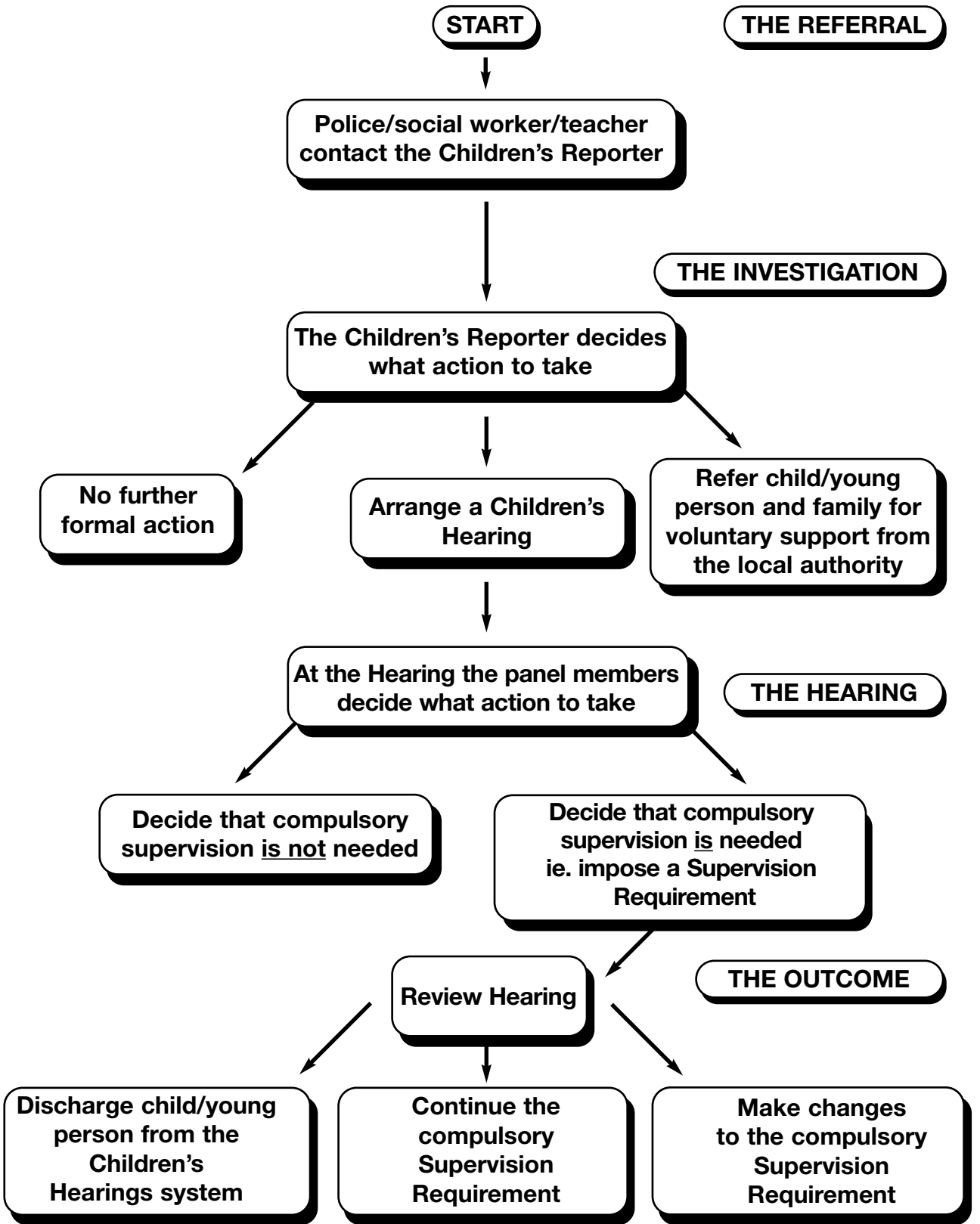
The Legal Representative

A solicitor (lawyer) will sometimes go to Children's Hearings to speak for a child/young person if the case is so complicated it might stop them being able to take part in the Hearing. Also, if the Hearing is talking about whether a young person should be sent to secure accommodation (locked up for their own safety or the safety of others), the solicitor will also go to the Hearing. In both these cases the solicitor is called the 'Legal Representative'.





**INFORMATION SHEET 3:
THE CHILDREN'S HEARINGS PROCESS – A SUMMARY**



Topic 2



The Referral and the Investigation

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Information Sheet 4

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Information Sheet 4A

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Activity 2

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Information Sheet 5

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Information Sheet 6

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Information Sheet 6A

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Activity 3

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Activity 3A

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CHILDREN'S

H E A R I N G S



TOPIC 2 : THE REFERRAL AND THE INVESTIGATION

Aims: To introduce pupils to the reasons ('grounds for referral') why children/young people are referred to the Children's Reporter.
To enable pupils to recognise that most referrals are on care and protection grounds rather than offence grounds.
To enable pupils to understand the role of the Children's Reporter in the decision-making process.
To allow pupils to make decisions as a Children's Reporter.

Materials: A copy for each pupil of:
Information Sheet 4 or 4A – Reasons Why Children/Young People Are Referred to the Children's Reporter
Information Sheet 5 – Children Referred to the Reporter on Offence Grounds (optional)
Information Sheet 6 or 6A - The Investigation and Children's Reporter's Decisions
Activity 2 – Reasons Why Children/Young People Are Referred to the Children's Reporter
Activity 2 – Answers
Activity 3 or 3A – Decision Time for the Children's Reporter and Scenarios (suitable homework activity)

Method: Tell the pupils that they are going to look at the reasons why children/young people can be referred to the Children's Reporter and how he/she makes his/her decision about what should happen next. Tell them that the reasons are called the 'grounds for referral'.

Recap on who can refer a child/young person to the Children's Reporter.

Hand out Information Sheet 4 or 4A and discuss with pupils. Are they surprised at the number that are referred to the Children's Reporter? Do they think it is low or high?

Explain any of the grounds that you think need further explanation.

Divide pupils into pairs or small groups and hand out Activity 2. Ask them to circle the number of referrals that they think were made for each reason. Using the answer sheet, check their figures.

Are they surprised at any of the numbers? Ask them to total the number of referrals for grounds a) – e). This total will be more than the total number of referrals for offence grounds. The Children's Hearings system deals with far more care and protection referrals each year than offence referrals.



If you would like to discuss offending further Information Sheet 5 provides more detail about offence referrals.

Hand out Information Sheet 6 or 6A and discuss what the Children's Reporter does next. Tell the pupils that the Children's Reporter must consider all referrals that are made to him/her, no matter who made the referral. The Reporter's investigation that may follow could take a number of weeks. Look at the Reporter's decision options and ensure that pupils understand these before moving on to Activity 3.

Hand out copies of Activity 3 or 3A and the scenarios. Allow sufficient time for pupils to reach their decision using the process that the Children's Reporter uses. Discuss their decisions and reasons.

NB: There is no right or wrong answer. Each case is dealt with on its own merit, and in assessing risk and need, the Children's Reporter takes into account the assessments of other professionals as well as exercising his/her own professional judgement.



INFORMATION SHEET 4: REASONS WHY CHILDREN/YOUNG PEOPLE ARE REFERRED TO THE CHILDREN'S REPORTER

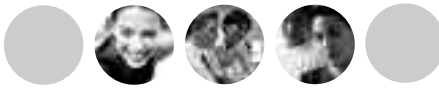
From the 1st April 2003 to the 31st March 2004, 45,793 children/young people were referred to the Children's Reporter.

This is just over 4% of Scotland's children.

The Children's Reporter can be contacted about children and young people for a number of different reasons. These are known as the grounds for referral – the legal reasons which allow the Reporter to go ahead. They include:

- a) the child/young person is outwith parental control (for example running away, staying out late, not doing what his/her parents ask)**
- b) the child/young person is not being cared for well enough by the parents (for example parents misuse drugs or alcohol, the child may not be fed properly)**
- c) the child/young person is not going to school regularly (for example is absent for all or part of the time without a good reason)**
- d) the child/young person has been abused (this can include physical, sexual or emotional abuse)**
- e) the child/young person has misused alcohol, drugs or solvents**
- f) the child/young person has committed one or more offences.**

Reasons a) to e) are known as 'care and protection' reasons.



INFORMATION SHEET 4A: REASONS WHY CHILDREN/YOUNG PEOPLE ARE REFERRED TO THE CHILDREN'S REPORTER

An incident or some concerns in a child/young person's life start the Children's Hearings process:

- **they may be a victim of a crime or have offended**
- **they may not have been going to school for a long time**
- **someone may be worried that they are not being looked after properly.**

The police, social work or education department will usually tell the Children's Reporter what has happened. This is known as a referral. Anyone can speak to the Children's Reporter if they are worried about a child/young person, and a child/young person can contact the Children's Reporter themselves.

These are some reasons why a child/young person can be referred to the Children's Reporter.

- a) the child/young person is out of parental control – for example running away, staying out late**
- b) the child/young person is not being looked after properly by his/her parents – for example parents misuse drugs or alcohol**
- c) the child/young person is not going to school regularly – for example absent every day or some days each week without a good reason**
- d) the child/young person has been abused – this can include physical, sexual or emotional abuse**
- e) the child/young person has misused alcohol, drugs or solvents – for example smoking cannabis, sniffing glue**
- f) the child/young person has offended – for example stealing, vandalism, assault.**



ACTIVITY 2: REASONS WHY CHILDREN/YOUNG PEOPLE ARE REFERRED TO THE CHILDREN'S REPORTER

Circle the number of referrals that you think were made to the Children's Reporter for each reason from the 1st April 2003 to the 31st March 2004.

The child/young person is outwith parental control

Approx: **3,000** **6,000** **7,000**

The child/young person is not being cared for well enough by the parents

Approx: **8,000** **14,000** **18,000**

The child/young person is not going to school

Approx: **1,000** **4,000** **8,000**

The child/young person has been abused

Approx: **2,000** **8,000** **15,000**

The child/young person is misusing alcohol, drugs or solvents

Approx: **1,000** **2,000** **8,000**

The child/young person has committed one or more offences

Approx: **12,000** **25,000** **34,000**



ACTIVITY 2: REASONS WHY CHILDREN/YOUNG PEOPLE ARE REFERRED TO THE CHILDREN'S REPORTER

ANSWER SHEET

The following are the actual number of referrals that were made to the Children's Reporter for each reason from the 1st April 2003 to the 31st March 2004:

a) The child/young person is out of control

5,863

b) The child/young person is not being cared for well enough by the parents

20,991

c) The child/young person is not going to school

3,795

d) The child/young person has been abused

15,539

e) The child/young person is misusing alcohol, drugs or solvents

1,892

f) The child/young person has committed one or more offences

34,266



INFORMATION SHEET 5: CHILDREN REFERRED TO THE CHILDREN'S REPORTER ON OFFENCE GROUNDS

Number of alleged Offences per child	Number of children		
	2002 – 2003	2001 – 2002	2000 – 2001
1 Offence	7,821	8,446	7,560
2 – 3 Offences	3,609	3,897	3,462
4 – 6 Offences	1,491	1,434	1,412
7 – 9 Offences	579	558	504
10 + Offences	904	797	785
Average number of offences per child	3.15	2.86	2.98

Source: SCRA Annual Report 2002-03

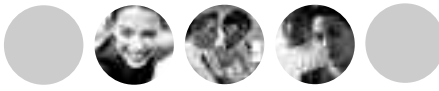
- 14,404 children aged eight years or older were referred to the Children's Reporter on offence grounds in 2002-03 for 45,413 alleged offences. (The minimum age of criminal responsibility in Scotland is eight years old.)
- Girls were referred for 8,495 and boys for 36,891 of the alleged offences.

Look at the breakdown of the number of offence referrals for 2002-03 by age group:

8 – 11 years	1,718
12 – 13 years	3,747
14 – 15 years	8,563
16 – 17 years	376

Why do you think most of the alleged offences are committed by the 14 – 15 years age group?

UPDATE – In 2003/2004 16,470 children were referred to the Children's Reporter on offence grounds for 53,109 alleged offences.



INFORMATION SHEET 6: THE INVESTIGATION AND CHILDREN'S REPORTER'S DECISIONS

The Children's Reporter investigates the child/young person's case by asking for information from different sources, for example:

- **social worker**
- **police**
- **schools**
- **health worker**
- **voluntary organisations.**

The Children's Reporter has three decisions to choose from:

1. Not to arrange a Children's Hearing.

The Reporter might do this if, for example, it is the first referral and there are no other worries. The Reporter will write to the child/young person and their family to tell them why he/she has made this decision. However, the Reporter may still take some informal action, for example, issuing advice or referring the child for a police warning.

2. To refer the child/young person and family for voluntary support from the local authority.

The Children's Reporter is aware of the support that the local authority can give that will help the child/young person and their family. He/she will also know that the child/young person and their family have agreed to work with the local authority.

3. To arrange a Children's Hearing.

The Children's Reporter will do this if he/she thinks that compulsory supervision by the local authority is necessary to help the child/young person and their family.



INFORMATION SHEET 6A: THE INVESTIGATION AND CHILDREN'S REPORTERS' DECISIONS

Once the Children's Reporter has been told about a child/young person, it is his/her job to decide what should happen next. He/she will ask for information from different people, for example:

- **social worker**
- **schools**
- **police**
- **health worker.**

The Children's Reporter can choose one of three decisions. What do they mean?

1. Not to arrange a Children's Hearing.

The Children's Reporter might do this if it is the first referral and there are no other worries. He/she will write to the child and their family to let them know that they have made this decision.

2. To refer the child and family for voluntary support from the local authority.

The Children's Reporter knows what support the local authority can give to a child/young person and the family which will help them. He/she will know that the child and family have agreed to work with a social worker.

3. To arrange a Children's Hearing.

The Children's Reporter will do this if he/she think that a Supervision Requirement is needed to help the child/young person and their family. A meeting needs to be arranged to discuss and decide this.

Word check

investigation = a careful look at everything in detail

health worker = someone who cares for people's health, for example a doctor, nurse or health visitor

formal action = legal action – in this case arranging a Children's Hearing

voluntary = choosing to do something

support = help

local authority = the local council

Children's Hearing = a special meeting arranged to discuss the situation and decide what should happen to the child/young person



ACTIVITY 3: DECISION TIME FOR THE CHILDREN'S REPORTER

1. Read the scenarios that you have been given.
2. Put yourself in the position of the Children's Reporter and choose which decision you would make in each case. The following questions might help you to make your choice:
 - Have I heard about this child/young person before?
 - Is he/she healthy and developing well physically, socially and emotionally?
 - Is he/she going to school, and on time? Are there good relationships at school with teachers and other pupils?
 - Is he/she being looked after well enough? Does he/she have sufficient food and clean clothes?
 - Is he/she being protected from harm? Do the parents provide boundaries and discipline?
 - Is this a first offence? Is there one offence or have there been a number of offences?
 - Will the child/young person and his/her family work voluntarily with the local authority?



ACTIVITY 3A: DECISION TIME FOR THE CHILDREN'S REPORTER

1. Read the scenarios that you have been given.
2. You are the Children's Reporter and you have to decide what to do about this child that you have been told about. In your groups, discuss the information that you have.

Use these questions to help you to decide what to do:

- Have I heard about this child before?
- Is the child healthy and doing well?
- Is the child going to school?
- Is he or she being bullied or bullying someone else?
- Is his/her behaviour in school good or bad?
- Are the parents looking after the child well enough?
- Is this the first time the child has offended?
- Will the child and family work with a social worker voluntarily?

Remember that you have three possible decisions.

- Not to arrange a Children's Hearing
- Voluntary support from the local authority
- Arrange a Children's Hearing



Activity 3/3A: Children's Reporter Decision Time Scenarios

Kelly

Kelly is 14. She has been referred by her guidance teacher. She does not attend school regularly and when she does she falls asleep in the class. Further investigation shows that her father left the family two years ago. Her mother is a drug addict. She falls asleep in class because she is looking after her four-year-old brother and three-year-old sister. She is worried that something will happen to her mum.

What help does this young person need?

What is your decision?

Why have you made this decision?



Ross

Ross is 18 months old. He is in hospital with a broken arm. He was in the care of his parents at the time. There is no proof as to what happened. Ross was referred by the doctor at the hospital to the social work department, which has contacted you. The medical records show that Ross has suffered a number of cuts and bruises over his body in recent months without any good reason.

What help does this child need?

What is your decision?

Why have you made this decision?

Andrew

Andrew is 11 and has been charged with shoplifting. This is his first offence. His mum and dad are angry and upset about what he has done. They have now grounded Andrew. His behaviour is good at home and school, and his parents are at a loss to know why he did it.

What help does this child need?



What is your decision?

Why have you made this decision?

John

John is 14. He has been charged with assaulting another 14 year old boy and fracturing his jaw. The police have referred him to you. This is the first time that you have heard about John. Further investigation shows that John has been going out with a group of older teenagers and drinking. He is very sorry for what he did. His parents are having problems controlling him.

What help does this young person need?

What is your decision?

Why have you made this decision?

Topic 3

The Hearing and the Outcomes

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Information Sheet 7

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Information Sheet 7A

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Information Sheet 8

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Information Sheet 8A

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Information Sheet 9

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Information Sheet 9A

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Activity 4

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Case Study

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TOPIC 3: THE HEARING AND THE OUTCOMES

Aims: To help pupils understand who the key people are at the Hearing and understand the process of the Hearing itself.
To introduce pupils to the role of panel members in the Hearing.
To enable pupils to become familiar with the decisions that a Children's Hearing can make.
To increase pupils' knowledge and understanding of what a Supervision Requirement is.

Materials: A copy for each pupil of:
Information Sheet 7 or 7A – People Who Attend the Children's Hearing
Information Sheet 8 or 8A – What Happens at a Children's Hearing
Information Sheet 9 – Hearing Decisions and Outcomes
Activity 4 – Panel Member Questions Scenarios (suitable homework activity)

Method: Ask pupils who they think might be at the Hearing (this information was provided in Topic 1).
Note down their answers on a board or large sheet of paper.

Hand out Information Sheet 7 and look at the list of key people.
Ask pupils why they think that they are the key people. Emphasise that the child is the most important person at the Hearing.

The Children's Reporter has to keep a record of the time and place of the Hearing, who is there, the age of the child, etc. He/she can also clarify procedural issues or the range of options available to the Hearing.
The Reporter does not present the case to the Hearing or support a particular outcome. The social worker and the teacher will have information to give. Recap on the role of the Safeguarder and Legal Representative. (You might ask if they think that children/young people should be legally represented at every Hearing. Why?)

Hand out Information Sheet 8. Ask the pupils to read this and consider the questions. This could take place in pairs or small groups.
Discuss their answers.

Information Sheet 9 explains the decisions that the Hearing can make.
Tell the pupils that the child/young person and/or their family may ask the Reporter to arrange a Children's Hearing to review the decision after three months from the date of the Hearing. The local authority can ask for one at any time following the Hearing. A Review Hearing might be requested because the child/young person's situation has either improved or deteriorated. Make sure that the pupils understand these decision options before moving on to Activity 4. Divide pupils into pairs or small groups.
Hand out copies of Activity 4 and one or more of the scenarios.
Allow sufficient time for pupils to frame their questions and then discuss their ideas as a class.



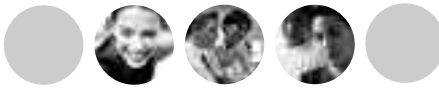
INFORMATION SHEET 7: PEOPLE WHO ATTEND THE CHILDREN'S HEARING

The key people at the Children's Hearing are:

- **the child/young person and his/her family or carers**
- **the Children's Reporter**
- **the three panel members (one must be male and one female)**
- **a social worker.**

Other people may also attend the Hearing:

- the child/young person and his/her family may bring a representative to help them take part in the Hearing. This may be a friend or relative or a solicitor.
- other professionals who have some expertise that might be useful to the Hearing, such as a teacher, an educational psychologist or a health visitor may be there.
- if the panel has appointed a Safeguarder or a Legal Representative for the child or young person he/she will also attend.



INFORMATION SHEET 7A: PEOPLE WHO ATTEND THE CHILDREN'S HEARING

The key people at the Children's Hearing are:

The child/young person and their family or carers

They will talk with the panel and answer questions. Sometimes there will be other people at the Hearing to help the child/young person. They can take a **representative** – someone to support them in the Hearing. This might be a friend or relative or their solicitor.

The Children's Reporter

He/she invites all the people to the Hearing and makes sure that they have copies of the reports. He/she will keep a note of what happens at the Hearing and will send it to the child and their family after the Hearing. He/she can give advice to the panel members if they ask for it, for example on what options are available.

The three panel members

They will ask questions, listen to what is said and make a decision about what should happen next.

A social worker

The social worker will tell the panel members what he/she knows about the child's situation and suggest what could be done to make it better.

If the panel has asked a **Safeguarder** to write a report for them, the Safeguarder will also be there.

A **Legal Representative** is sometimes asked by a Hearing to help the child/young person to take part in the Hearing.

Word check

Safeguarder = an independent person asked by the panel to look after the child/young person's interests

Legal Representative = a solicitor/lawyer who speaks for the child or young person



INFORMATION SHEET 8: WHAT HAPPENS AT A CHILDREN'S HEARING

Purpose

The purpose of a Children's Hearing is to decide whether compulsory supervision is needed for the child/young person.

Before the Hearing

The Children's Reporter asks for reports for the panel members about the child/young person and their situation. These are usually provided by a social worker, a teacher and, if the child is very young, a health visitor.

A few days before the Hearing the panel members, the family and usually the child, if he/she is over 12, will receive copies of these reports.

Consider

*Why should a child over 12 see a copy of any reports written about them?
Can you think of any circumstances when this might not be a good idea?*

In the Hearing

The style and setting of the Hearing is very different from courtrooms in Scotland. The setting is not too formal, and usually everyone sits around the same table. The Hearing takes place in private and usually lasts between 45 minutes and an hour.

The panel members will ask the child/young person and their family about the situation and the issues, and what their views are about what is going on. They will also ask the professionals who have written the reports what they think. The panel members will make their decision in front of everyone and give the reasons why they reached that decision.

Throughout the Hearing, the Children's Reporter will have kept a record of who was present. He/she can give advice to the panel members if they ask for it, for example on a procedure or the range of options available. The Reporter cannot try to influence the panel members' decisions.

Consider

*Why is it good that everyone gets together and discusses the case before the panel members make a decision?
What are the advantages and disadvantages to the panel members of having to reach their decision in front of everyone at the Hearing?*

After the Hearing

Once the child/young person and his/her family have left the room, the panel members will write down the Hearing's decision and the reasons for the decision. The Children's Reporter will arrange for a copy of these to be sent to the child/young person and his/her family.

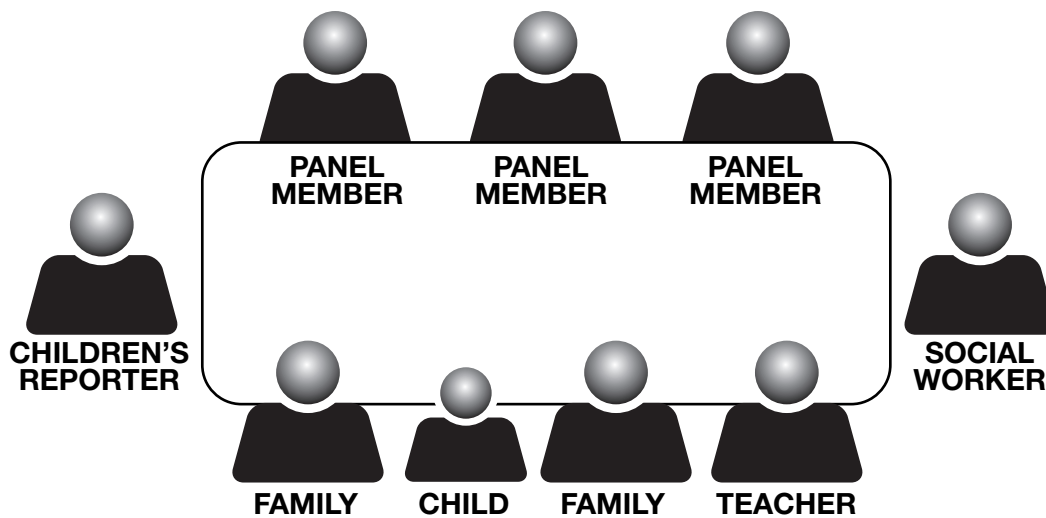
Consider

Why should the child/young person and his/her family be sent a copy of the decision and reasons after the Hearing?



INFORMATION SHEET 8A: WHAT HAPPENS AT A CHILDREN'S HEARING

The style and setting of the Hearing is very different from courtrooms in Scotland. The setting is not too formal, and usually everyone sits around the same table. The Hearing takes place in private and usually lasts between 45 minutes and an hour.



There are usually toys for young children to play with while the Hearing is taking place. The panel members will be told about all of the things going on in the child/young person's life. They will talk to the child and the family and ask questions to find out more information.

The child/young person's views are very important and the panel members will ask for his/her opinion. They will ask the social worker and the teacher what they think. The panel members will then make their decision in front of everyone and give the reasons why they have reached that decision.

Throughout the Hearing, the Children's Reporter keeps a record of who was present. He/she can give advice to the panel members if they ask for it, for example on a procedure or the range of options available. The Reporter does not tell the panel members what decision they should make.



INFORMATION SHEET 9: DECISIONS THAT THE HEARING CAN MAKE

The Hearing has several decisions to choose from. The main ones are:

- **to discharge the referral because the panel members feel that compulsory supervision is not needed**
- **to impose a Supervision Requirement on a child/young person, with any conditions that the panel members think are necessary**
- **if the grounds for referral are not accepted, or the child cannot understand due to their age or ability, the panel members will send the case to the Sheriff Court for the Sheriff to decide if the reasons for the Hearing are correct**
- **to hold the Hearing at a later date if the Hearing is unable to make a decision. This might be because someone did not turn up or because the Hearing needs more information to make an informed decision. This is called continuing the hearing.**

Any decision that a Hearing takes is legally binding on the child/young person.

What is a Supervision Requirement?

The most common outcome of a Hearing is a Supervision Requirement. This is a plan of work, support and services to help the child/young person. What is in the plan depends on the reasons why the child/young person is at the Hearing and on his/her circumstances. Each plan is designed to meet each individual's needs.

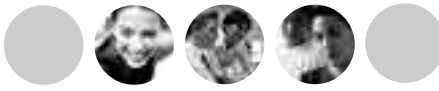
The Supervision Requirement might include conditions about:

- **where the child/young person is to live**
- **who he/she may or may not have contact with, and when**
- **attendance at a programme which focuses on his/her behaviour and works to improve it.**

Most children on Supervision Requirements stay at home.

The Supervision Requirement will last as long as it is needed but it must be reviewed within a year at another Children's Hearing.

If the child/young person and/or his/her family do not agree with the decision of the Children's Hearing, they can appeal to the Sheriff Court.



INFORMATION SHEET 9A: DECISIONS THAT THE HEARING CAN MAKE

The Hearing has several decisions it can choose from. The main ones are:

- **to discharge the referral because the panel members feel that compulsory supervision is not needed**
- **to put in place a Supervision Requirement on a child/young person with any conditions that the panel members think are needed**
- **if the child/young person or their family does not agree with the reasons for the Children's Hearing, or if the child cannot understand the reasons for the Hearing, the panel members will ask the Sheriff Court to decide whether the reasons are correct**
- **to hold the Hearing at a later date to get more information to help the panel members to make a decision (this is called 'continuing the Hearing').**

The most common decision of a Children's Hearing is a Supervision Requirement. This means that the child/young person will have to co-operate with people whose job it is to help them and their family with their problems.

The Supervision Requirement might have some special rules in it about where the child/young person must live or who they can see. Most children on a Supervision Requirement stay at home. The Supervision Requirement will last for as long as it is needed but it must be looked at again within a year.

Word check

co-operate = to work together

outcome = what happens as a result of the Hearing

Supervision Requirement = a plan of work and support to help the child/young person



ACTIVITY 4: PANEL MEMBER QUESTIONS

The three panel members receive copies of the reports for the Children's Hearing a few days before it takes place.

As part of their preparation for the Hearing they will think about what questions they would like to ask the child/young person, his/her family and the professionals (the social worker, teacher, health visitor, etc).

1. Look at the case study that you have been given.
2. What are the issues that you as a panel member would like to discuss?
3. Write down one or two questions that you would like to ask each person at the Hearing.



ACTIVITY 4: PANEL MEMBER QUESTIONS – SCENARIO 1

Rhys is nine years old and his sister Amy is six. They live with their mum and dad. The police and social work department referred them to the Reporter. Their parents have a long history of drug addiction. It seems that for much of the time the children are left to look after themselves, and Rhys sometimes looks after his parents.

There are no other family members in the local area and the social worker is concerned about the condition of the house and the children's welfare. He thinks they would do well in foster care. The Head Teacher of the primary school, in her report, says that Rhys and Amy attend school every day but are often tired and hungry.

The social worker asked that the children be excused from attending the Hearing as there are some difficult issues to discuss which they might find upsetting.

Who do you expect to be at the Hearing?

What are the issues that need to be considered?

Write down one or two questions to ask each person at the Hearing.



ACTIVITY 4: PANEL MEMBER QUESTIONS – SCENARIO 2

JOHN

John is 12 years old and lives with his mum and his younger brother Andrew, who is 10. His father left the family home a year ago and lives 100 miles away, so John rarely sees him. Six months ago the Children's Reporter asked the social work department to work with the family after John had been caught shoplifting. He has been arrested again for shoplifting so the Reporter has decided to arrange a Hearing.

In her report, the social worker says that John's behaviour at home is very difficult. He swears and shouts at his mum and will not obey her rules. He comes home late most nights and will not say where he has been, who he has been with or what he has been doing. Recently, he did not return home until the early hours of the morning. She is concerned at the effect this is having on Andrew, who shares a bedroom with John.

John says that he did steal the things but does not think that it is wrong because "everybody does it".

In his report John's guidance teacher says that John started S1 very well, but that this term his behaviour has deteriorated. He is very rude to some of his teachers and is not handing in his homework on time. He is spending time in the Support Base during French and Maths as he has had to be removed from the class so many times. Because of his bad behaviour he has been excluded for two days. In the last month he has been disappearing from school, sometimes after registration and on other days at lunch time. Neither the school nor his mum know where he is, but they think that he is with older boys.

Who do you expect to be at the Hearing?

What are the issues that need to be considered?

Write down one or two questions to ask each person at the Hearing.



ACTIVITY 4: PANEL MEMBER QUESTIONS – SCENARIO 3

KIRSTY

Kirsty is 15 years old. The Children's Reporter has arranged a Hearing because she has been absent from school for a large number of days this term without a good reason.

The social work report tells you that Kirsty lives with her mum and dad and her granny. She has no brothers or sisters. Her dad owns a business and her mum works for him full-time in the office until 5.30pm. They live in a three-bedroom house in an estate just outside of the town.

Since her granny came to stay after her grand-dad died, things have been difficult in the house. Her mum and her granny don't get on. Kirsty had her appendix out three months ago and had a month off school because of this. Since then her granny has encouraged her to stay off school or leave early if she feels too tired, and to invite her friends who might also not be at school to come around to keep her company. The social worker thinks that Kirsty's granny is lonely and it suits her to have Kirsty and her friends at home. Kirsty's mum and dad are angry about this as they had no idea what was happening until the school informed them. There is a lot of tension at home.

The guidance teacher is concerned that Kirsty is missing a lot of important work and will not do as well as she could in her Standard Grades. There are some folio pieces outstanding for English and Art. Kirsty says that she is not bothered about going to school.

Who do you expect to be at the Hearing?

What are the issues that need to be considered?

Write down one or two questions to ask each person at the Hearing.



CASE STUDY – KIRSTEN ANDERSON

The case study which follows provides pupils with a set of case papers that panel members would receive before the Hearing.

The grounds for referral as prepared by the Reporter are followed by the Social Background Report and school report.

This case study may be used as an extension to Activity 4: Panel Member Questions, where pupils are asked to 'prepare' for a Hearing, highlighting the areas that they wish to discuss with the different people at the Hearing, such as Kirsten, Mr and Mrs Anderson, the social worker and the teacher.

It may also be used as the basis for a mock Hearing.



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

The Children's Reporter has referred the case of Kirsten Anderson, 5 Ash Grove, Summertown to a Children's Hearing for Craigton Council on the following grounds:

That in terms of Section 52(2) (h) of the Children (Scotland) Act 1995, she has failed to attend regularly without reasonable excuse.

Statement of Facts

In support of the above it is stated

1. That Kirsten Anderson was born on 1st August..... (Age 13), and is and was at all material times a child of school age and a pupil enrolled at Summertown Grammar School.
2. Between 18th August and 6th November she had 46 absences out of a possible 83 attendances.
3. During these times she was required to attend school regularly and did not have an excuse to offer for the majority of her absences.

and

that in terms of section 52(2) (i) of the Children (Scotland) Act 1995 she has committed the offence of shoplifting as specified below.

In support of the above it is stated

1. That she did on or around 22nd September..... while acting along with another person in the shop premises owned by the Boots Co. Ltd at 12 High Street, Summertown, steal 2 bottles of nail polish, 3 lipsticks and a hair slide, this being an offence of theft.

Date _____

Reporter _____



**CRAIGTON COUNCIL
SOCIAL WORK DIVISION**

SOCIAL BACKGROUND REPORT
(Social Worker's Report for Children's Hearing)

THIS FORM PREFACES CCSWD 1

*Delete as necessary

ACCESS TO INFORMATION

This is a report which covers events to the present time.
This report will exclude information from third parties unless they have specifically agreed to its inclusion.
The report will also, on occasion, exclude information which the writer believes could lead to significant harm to the child or other persons.

*Delete as necessary

*Report for Children's Hearing about (child/young person's name) on **Hearing Date**
This copy released to (Recipient's name and relationship to child)

On (date) _____ Recipient's signature (Whenever possible) _____*

CHILD/YOUNG PERSON DETAILS

Forenames	Kirsten	Family Name	Anderson
(Also known as)			
Date of Birth	1/8 (age 13)	Gender	Female
Home Address		Present Address	
5 Ash Grove, Summertown			
SCHOOL	Summertown G.S.	School contact person	J. Fogarty

HEARING DETAILS

Date	24th January	Place	62 William Street, Summertown
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GROUND(S) FOR REFERRAL/*REASON FOR HEARING and BASIS OF REPORT
Non-attendance and alleged shoplifting

SOCIAL WORKER DETAILS

Name <i>(including title)</i>	A. Wood	Designation	Social Worker
Workplace Address	Summertown Area S.W. Centre 1 Wilson Place Craigton	Date Report Written	15th January
Tel	01967 522311		
Fax	01967 522322		

OTHER PROFESSIONALS/AGENCIES INVOLVED

Title	Full Name	Designation	Agency	Address

FAMILY/HOUSEHOLD AND OTHER INVOLVED PERSONS

(List nuclear family – ‘parents and siblings’ – first)

Title	Full Name	Relationship to Child	Age/DOB	Relevant person?	Address (if different from Child/YP)
Mr	Richard Anderson	Father			15 Clark Street Summertown
Mrs	Mary Anderson	Mother		Yes	5 Ash Grove Summertown
	Jamie Anderson	Brother	10 yrs		
	Kirsten Anderson (subject)		13 yrs		



Family History

Kirsten is the eldest child of Richard and Mary Anderson, who have been married for 15 years. They met when they both worked for the same company. Since having the children, Mrs Anderson has worked part time around school hours. Both parents state that they have a good relationship with Kirsten and are at a loss to understand her behaviour.

Mr Anderson has recently left the family home and is staying at his parents' house. He has not had much contact with Kirsten and her brother as the relationship with his wife is very strained. Mr Anderson has indicated that he will attend the Hearing. The family home is a local authority house on a large housing estate and is furnished to a high standard. The family is currently in some financial difficulties following Mr Anderson's redundancy.

Previous social work or other agency involvement

This is the first time that the family has come to the attention of the social work department.

Reasons for referral

Non-attendance at school and alleged shoplifting.

Circumstances surrounding the referral

Kirsten is a pleasant, lively 13-year-old who takes pride in her appearance. When I met with her she was happy to discuss the reasons for the referral to the Children's Hearing. It appears that when Kirsten is not at school, she is in the company of three other girls who are also subject of referrals to the Reporter. If Mrs Anderson is working they meet at Kirsten's house and at other houses when there is no adult around. Occasionally they will spend time in the shopping centre.

Kirsten stated that she 'hates' school and finds it boring. She admitted that she did steal the items from Boots and did this as a dare. She said that she was shocked and really frightened when she was arrested, and added that she will never shoplift again. Kirsten was unwilling to discuss her dad's move away from home but did admit to missing him.

I met with Mr and Mrs Anderson separately. Both were prepared to discuss Kirsten's difficulties and had been aware that she had been missing school on the odd occasion but were shocked by the number of actual days this amounted to. Mr Anderson had grounded her and stopped her allowance. However, it seems that Mrs Anderson had difficulty keeping Kirsten in the house when grounded and also gave Kirsten money.

Mrs Anderson, although concerned about Kirsten, seems to be more worried about the family's financial circumstances. It appears that her husband accumulated a large number of credit card debts which, since his redundancy, have become more difficult to pay. The family is now also three months behind in rent and council tax payments and Mrs Anderson is struggling to survive on her wages. She has been looking for an evening job to bring in extra money but is now having second thoughts following Kirsten's referral. Mrs Anderson admits that her husband was the disciplinarian and that since he left she has just been trying to keep the children happy and if this means giving in to them then that is what she does.



Education

Kirsten's attendance has improved since the referral, although she has yet to complete a full week. The school will provide an updated attendance printout at the Hearing. School staff report that they have no discipline problems with Kirsten when she attends.

Assessment and Recommendations

The last few months have been unsettled for Kirsten. Her father has left the family home and contact with him has been limited. Kirsten has admitted the offences and they appear to be connected with her non-attendance at school. Mr and Mrs Anderson are both concerned about Kirsten and willing to work with the social work department. There are ongoing concerns about the family's financial situation. The Children's Hearing should consider the following options: No order – this would rely on Mr and Mrs Anderson and Kirsten working with the social work department on a voluntary basis. Supervision Requirement – this would give Kirsten support to return to school full time and to do some work around her offending. It would also enable Mrs Anderson to receive support to manage Kirsten's reluctance to go to school.

I recommend that the Hearing place Kirsten on a home Supervision Requirement.

A. WOOD



Summertown Council

Confidential

REASON FOR REPORT Non-attendance and alleged offences			Referral to Reporter Review Children's Hearing			
Child's Name Kirsten Anderson			Date of Birth 1/8.....		Date of Admission 17/8.....	
Address 5 Ash Grove, Summertown			School Summertown Primary			
Name of Class/Guidance Teacher J. Fogarty PT Guidance			Previous School			
			Number of Previous Schools			
Name of Parent/Guardian Mr and Mrs Anderson						
Address (if different from above)						
ATTENDANCE	Last 4 Weeks		This Session		Last Session	
Please attach print-out for this session if available	Possible 40	Absences 30	Possible 83	Absences 46	Possible	Absences
<p>Please give any known reasons for absences (e.g. illness, latecoming, holiday, exclusion, truancy, other unauthorised absence). Mrs Anderson has telephoned on three occasions and has sent notes on a further two occasions when Kirsten was ill. All other absences are marked as truancy.</p>						
<p>Give number of absences attributable to each category, if known, and describe any pattern of absences. Kirsten will usually register in the morning and either leaves just after this or at break time. Occasionally she stays for the whole day.</p>						
HEALTH						
Are there any factors affecting the child which are known to the school?						
No/yes If yes, specify						
No						
Has there been any involvement of specialist services?						
No/yes If yes, specify						
No						



EDUCATIONAL PROGRESS

What level of course is the young person taking?

S2

Is potential being achieved? If not, can you offer any reasons?

Kirsten is falling behind in all subjects due to her non-attendance. She will have difficulty starting standard grade courses in S3 if her attendance does not improve.

Has any school-based support been provided to assist progress?

Kirsten has been referred to the School Liaison Group.

Have any specialist resources been provided to assist progress?

EXTRA-CURRICULAR

Please provide details of any interests, activities and employment which the young person has.

RELATIONSHIPS/PERSONALITY/BEHAVIOUR

Please comment on the nature of the young person's relationships with other pupils and staff.

When she attends, Kirsten is well behaved and tries hard. She now has few friends as she has missed so much school.

Please comment on the young person's behaviour and presentation in and out of class. Have there been any recent changes?

Kirsten always arrives in school uniform and looks neat and tidy. She has looked tired recently.

If the young person's behaviour has been challenging, please describe the school's responses and comment on the extent to which these have been successful.

CONTACT WITH FAMILY

Please provide a summary of the relationship between school and parent/other carer.

Has there been any recent change?

Mr and Mrs Anderson attended the parents evening last session. Mrs Anderson works part time and is not always easy to contact when Kirsten leaves school during the day.

They support all that we do.



FURTHER RELEVANT INFORMATION

Please use this section to record any additional historical or current information which you think the Reporter and/or Hearing members should know. Views about what could be done to meet the needs of the child may be given.

We have been concerned about Kirsten's non-attendance this year as there were no problems last year. Kirsten is a lovely girl who could do very well if she attended full time.

Comments by Head Teacher

Kirsten has missed a lot of school but I am sure that she will catch up if she works as hard as we know she can.

This report has been discussed with (Tick box)

The child The mother Other
 (Please indicate)

The father

Report compiled by: (Print)J FOGARTY..... Signed: *J. Fogarty*.....
 Designation ...PT GUIDANCE..... Date: 10/1.....
 Head Teacher's Signature: ...*M. W. Smith*..... Date: 11/1.....
 (if different)

In certain circumstances the report may be lodged as a production in court, and the compiler may be cited to give evidence and to speak to the contents of the report. The contents of this report are subject to the School Pupil Records (Scotland) Regulations 1990 and the Children's Hearings (Scotland) Rules 1996. You may be called upon to assist a Sheriff or a Children's Hearing in relation to the contents of this report at a subsequent proof, appeal or Hearing.

Additional resources for senior pupils

Children's Reporter Decision Making Scenario

Page 51 – 52

Activity 5

Panel member decisions

Page 53 – 57

Activity 6

What is life like for children in our community?

Page 58 – 59

Activity 7

Truancy – behind the figures

Page 60 – 61

Information Sheet 10

Page 62

Activity 8

Children's rights and responsibilities

Page 63 & 66

Information Sheet 11

Page 64 – 65

Information Sheet 12

Page 67 – 68





DECISION TIME FOR THE CHILDREN'S REPORTER: SCENARIO

The information about Peter overleaf provides an additional, more complex, scenario for use with senior pupils in Activity 3/3A: Decision Time for the Children's Reporter on pages 26-30.



DECISION TIME FOR THE CHILDREN'S REPORTER: SCENARIO

Peter

Peter is 13 and the youngest of four children. The three older children have left home. Peter is often left in the care of an older sister and has previously been left in her care while his mother travelled abroad on holiday. Peter's father died three years ago and his mother has since started a new relationship.

Peter was arrested for shoplifting. On the day of the offence Peter was truanting from school along with his co-accused. At the time of his arrest Peter was unaware of his mother's whereabouts. He was able to provide two possibilities, one being a local pub. Enquiries were made at these premises but his mother could not be found.

Following further enquiries, his mother was traced to her home address and agreed to attend at the police station. Some 45 minutes later Mrs Smith attended at the police station under the influence of alcohol but was not drunk. Mrs Smith was unco-operative towards the police and appeared to be more angry that Peter had been caught rather than at his involvement in a crime or being absent from school.

Peter admitted the offence and has had no previous dealings with the police or social work department.

What help does this young person need?

What is your decision?

Why have you made this decision?



ACTIVITY 5: PANEL MEMBER DECISIONS

Aims: To enable pupils to consider options that may be open to panel members and to select one of these and justify their decision.

Materials: A copy of the Panel Member Decision Scenarios for each pupil.

Method: Review the main decisions that a Hearing can take (Information Sheet 9). Hand out the scenarios to each pupil. Ask them to read the scenario then consider which decision they would take, ranking decisions where this is required. Divide pupils into groups of three and ask them to discuss their decisions and reasons why they made that decision in their groups. Discuss as a class whether there was agreement or disagreement within the groups.

Answers to Panel Members Decision Scenario 1 – page 54

A Hearing cannot make decisions 2,4 or 7, as a Supervision Requirement can only put conditions on children.

A Hearing can make decision 1 or 3.

Decisions 5 and 6 could occur as conditions of a Supervision Requirement.

Decision 8 is implied in a Supervision Requirement.



PANEL MEMBER DECISIONS SCENARIO 1

Read the scenario below. As a panel member think about which decision you would make.

Jane

Jane is aged seven, Jim is aged five. Their mother lives with a man who regularly physically assaults her. The children live with their mother and her boyfriend. Neighbours reported their concerns to the police. The children have never been assaulted but have witnessed their mother being abused. The police referred the children to the Hearings system because of concerns about their safety.

A neighbour has told the police that she frequently hears screaming and shouting coming from the flat and that she has seen the children's mother with bruising to her face. The neighbour does not want to get further involved.

Jane attends primary school and Jim goes to a nursery school. Neither child has caused any concern at school. The Reporter has discovered that their mother's boyfriend has previous convictions for assault, breach of the peace and theft.

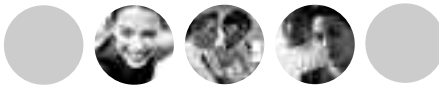
When a social worker visited, the mother was angry, saying she would not allow any harm to come to her children. She claimed she and her boyfriend argue like any couple. She denied ever having been assaulted.

Three days later the boyfriend was arrested for assaulting the mother. The children were not present in the house when the incident happened. A week later the boyfriend was back staying at the house and the mother is claiming that the incident is being misunderstood.

What decision would you take that is in the children's best interests?
Rank your top three decisions where 1 = most important

1. No intervention
2. Voluntary engagement with the children is enough
3. Compulsory supervision by the local authority
4. Boyfriend to leave the family home
5. Children to stay with relatives/friends for a month
6. Foster care
7. Boyfriend to go on an anger management course
8. Mother to discuss with social workers concerns about the children's safety
9. None of the above

Which of these are decisions that the Children's Hearing could **not** make?



PANEL MEMBER DECISIONS SCENARIO 2

Read the scenario below. As a panel member think about which decision you would make.

Claire

Claire is 14. She threw a bottle through a shop window. She was caught doing this on CCTV and the police referred her to the Reporter. Her parents were shocked by her actions. Claire says little about the incident and claims not to care. She does not know why she did it. From initial reports by the local authority, there are no apparent issues in Claire's life which cause concern.

Two weeks after the 'shop window' incident, the school's guidance teacher found Claire crying uncontrollably in a wooded area by the school. The guidance teacher contacted the social worker who had seen Claire, and let the Reporter know. The guidance teacher reports that there has been a change in Claire in recent months. He thought it was a 'teenager thing'. Claire appears to have changed the group she goes around with and her schoolwork has suffered.

The Reporter asked for a more detailed assessment and also made contact with the educational psychologist assigned to Claire's school.

The social worker learned from Claire's parents that she had become withdrawn and isolated in recent months and the guidance teacher discovered from a past friend of Claire's that Claire was being emotionally bullied. Claire eventually admitted that she had been getting bullied about her appearance for some time.

The more Claire tried to placate the children who were bullying her by trying to win their approval, the more isolated she became from her old friends. Eventually she tried to seek acceptance from the children bullying her. They told her that she would have to 'prove' herself by throwing the bottle through the shop window.

Claire is reluctant to give evidence about those doing the bullying.

Claire has been referred because of the window incident.

What decision do you think should be taken?



Rank your top three decisions where 1 = most important

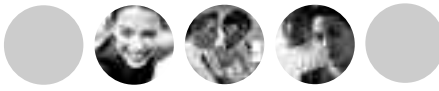
1. Nothing
2. Voluntary engagement with Claire is enough
3. Claire/Claire's parents should pay for the window
4. Claire should apologise to the shop-keeper
5. Compulsory supervision by the local authority
6. Claire should be moved to a new school
7. Claire should go on assertiveness/confidence-building course
8. Those alleged to be bullying Claire should be referred to Children's Hearings system
9. Those alleged to be bullying Claire should be moved to another school
10. None of the above

If Claire was your sister, what would you want done?

1. No intervention
2. Voluntary engagement with Claire is enough
3. Claire/Claire's parents should pay for the window
4. Claire should apologise to the shop-keeper
5. Compulsory supervision by the local authority
6. Claire should be moved to a new school
7. Claire should go on assertiveness/confidence-building courses
8. Those alleged to be bullying Claire should be referred to the Children's Hearings system
9. Those alleged to be bullying Claire should be moved to another school
10. None of the above

Is there a difference in the decision that you have taken if Claire was your sister?
If there is, can you explain why?

What could panel members learn from this?



PANEL MEMBER DECISIONS SCENARIO 3

Read the scenario below. As a panel member think about which decision you would make.

Robert

Robert is 12 years old and has been on supervision for the past three years – he was referred originally on offence grounds. He is regarded in his home community as a 'one-boy crimewave'. He has been assaulted by an adult who alleged that Robert was responsible for vandalising his car. The family as a whole now suffers victimisation because of his reputation, but Robert feels he is the victim rather than the wrongdoer. Despite the problems Robert has caused, he is still very close to his family.

The social work department has requested a Hearing to review Robert's circumstances. It recommend that Robert be removed from the community for his own safety. A residential school some 160 miles from his family home has been identified. This placement would cause considerable difficulties in maintaining contact. Robert's father is disabled, the family would need child care for Robert's sister Kathy, who has Down's syndrome, and there would be additional financial pressures on a family already struggling to make ends meet.

Robert's family accept that he needs help and are not resisting placement but they want Robert placed nearer home. Robert on the other hand does not appear to understand the seriousness of the situation or the recommendation. At the Hearing Robert will only contribute: "But he hit me hard." His only real concern is getting home to his PlayStation™.

What are the issues that need to be considered?

Given the options open to a Children's Hearing, what would be your decision and why?



ACTIVITY 6: WHAT IS LIFE LIKE FOR THE CHILDREN IN OUR COMMUNITY?

Aims: For pupils to develop an understanding of the social and economic factors which influence the lives of children in their local community.

Materials: A copy for each pupil of Activity Sheet 6.
Access to local information/maps/local newspapers.

Method: Debate within the Scottish Parliament has highlighted MSPs' concerns about early intervention, preventative measures, and greater support for vulnerable families.

Explain to the students that change cannot always take place as swiftly as the professionals in the field or their potential and actual clients would like.

Hand out Activity Sheet 6.

Discuss the task with the pupils and check understanding. Allow pupils to select their own work groups and if the local area is large, suggest that they divide it, with each group researching one area.

Agree a deadline, which will probably be the presentation day.

Following the presentation, discuss with the pupils what they have learned from their research, particularly in relation to any effects on the Children's Hearings system.



ACTIVITY 6: WHAT IS LIFE LIKE FOR THE CHILDREN IN OUR COMMUNITY?

Use the following questions to help you to put together a picture of what life is like for the children and young people in your community, including those within a limited income.

Draw up a balance sheet of positive and negative features of what you find. Consider the impact of this balance on a child/young person living in the community? Identify any gaps.

Prepare a 10-minute presentation of your findings.

- Are there safe places for children to play?
- How far do children have to travel to school each day – primary and secondary?
- Is there a local playgroup or nursery? How much does it cost per day?
- What is there for children and young people to do in their spare time?
- How much does it cost to join the Cubs or Brownies or to go to a youth club?
- Where is the nearest swimming pool, cinema, etc? How much do they cost?
- Where do local teenagers gather?
- How easy is it for a teenager to get a part-time job?
- What shops are available locally?
- What health services are available locally – is there a doctors' surgery or health centre in the area?
- How easy is it to get to these services?
- How good is public transport?
- What is the cost of the bus fare to the town centre or the nearest town?
- What are the houses and public buildings like – old, new, refurbished or derelict?



ACTIVITY 7: TRUANCY – BEHIND THE FIGURES.

Aims: For pupils to develop a greater understanding of the reasons why young people truant.

Materials: A copy for each pupil of Activity Sheet 7 and Information Sheet 10 and your school attendance sheet format.

Method: Tell the pupils that from April 2002 to March 2003, 4,116 referrals were made to the Children's Reporter on the grounds of 'failure to attend school without reasonable excuse'.

Divide the pupils into small groups and hand out your school attendance sheet. Explain how this works and what all the categories mean.

Hand out Activity Sheet 6.

Allocate sufficient time for pupils to complete the task.

Discuss their answers and note these in a central place. Hand out Information Sheet 10 and discuss any reasons that they did not cover.

Possible extension activities

Pupils could consider and investigate the following:

- the school's anti-bullying policy
- the role of the education welfare officer
- how long term non-attenders are supported to return to school
- school phobia.



ACTIVITY 7: TRUANCY – BEHIND THE FIGURES

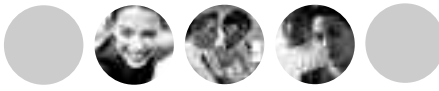
WHY DO PUPILS TRUANT?

1. List below some reasons why you think pupils regularly truant from school.

2. List below some reasons why you think pupils occasionally truant from school.

3. List below some reasons why you think parents might keep children off school.

4. What suggestions could you make to support pupils who truant?



INFORMATION SHEET 10: TRUANCY

Some reasons why pupils might truant

Regularly

- To avoid being bullied
- To avoid being called a 'swot'
- To play computer games
- To go to work
- To avoid a subject or teacher
- To look after other people such as brothers and sisters or parents
- Bored at school
- Finding school difficult
- Friends don't go to school
- No point to it
- Way of life

Occasionally

- Homework not done
- Missed bus and don't want to go in late
- Clothes wet after paper round
- Something special on television
- Don't want test/exam results
- To look after other people such as brothers and sisters or parents

Why parents might keep children off school

- To baby sit
- To help them at work
- To wait for a workman
- To go on holiday
- To look after someone or do the shopping

School attendance sheets may pick up patterns of absence, for example

- Winter holiday dip – February/November
- Friday afternoon syndrome
- Last period of the day
- Particular subjects
- Seasonal work opportunity – fairground, fruit picking
- Before/after exams
- Flu/virus
- Transition from primary to secondary

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ACTIVITY 8: CHILDREN'S RIGHTS AND RESPONSIBILITIES

Aims: For pupils to develop a greater understanding of children's rights and responsibilities in law.

Materials: A copy for each pupil of Information Sheets 11 and 12 and Activity Sheet 8.

Method: Hand out Information Sheet 11 and discuss with the pupils. If it is appropriate, pupils could be asked to find out additional information about the European Convention on Human Rights and the organisations in Scotland which advise children and young people about their rights. You might wish to invite a speaker from one of these organisations to speak with the pupils.

Activity 8 can be used as a class activity or a homework task. Hand out the activity and check that the pupils understand what is required. Allocate 15-20 minutes for them to complete this individually.

The review of this activity could be managed in two ways. Firstly, with a large class, divide the pupils into small groups and ask them to discuss their answers and ideas and to note down any consensus and differences. The information from these small groups can then be discussed by the whole class.

Alternatively, with a small class, discuss their ideas all together highlighting any consensus and differences.

Hand out Information Sheet 12. Encourage pupils to compare their answers with the law as it stands at present. Use small groups to complete the tasks, allocating sufficient time for the pupils to do this.



INFORMATION SHEET 11: CHILDREN'S RIGHTS

In different parts of the world there are huge variations in attitudes to children and the rights given to them.

The United Nations Convention on the Rights of the Child

This was formally adopted by the UN General Assembly in 1989 and ratified by the UK in 1991. It attempts to set minimum international standards relating to children's civil, political, economic, social and cultural rights. The European Convention on Human Rights (ECHR) was ratified by the UK in 1951 but was not formally adopted into UK law until the introduction of the Human Rights Act in October 2000. ECHR gives rights to both adults and children.

Changing times

In 19th century Britain, very young children were employed in factories and little boys were used as chimney sweeps or worked down mines because they could climb into narrow spaces. Not all children had access to education and this was not seen as a problem. Children were expected to be seen and not heard. Bad behaviour was dealt with by severe physical punishment.

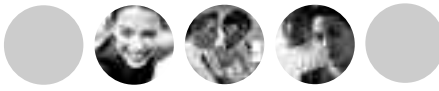
Now strict employment laws control the hours and conditions of children's work. Corporal punishment is no longer permitted in schools but there is still a heated debate, as was seen in the Scottish Parliament, about whether it should be illegal for parents to hit their children.

The right of a child to instruct solicitors and to refuse consent to medical treatment is now recognised in law. The principle is gradually becoming accepted that systems and services, such as law, the health service, residential care and so on should be adapted for children rather than the other way round.

Market forces have recognised children and teenagers as consumers with the right to choose their own styles of dress and entertainment. At the same time there has been a gradual shift towards recognising the rights of children to make choices and to express views about other aspects of their lives.

However, the powerlessness of children to do this in certain situations, particularly where they are being abused or bullied, has also been recognised.

Agencies such as the Scottish Child Law Centre, ChildLine and Who Cares? Scotland offer advice to children and young people, inform them of their rights and help them to make their voices heard.



Children's Rights in Scotland

The Children (Scotland) Act 1995 stresses the idea of parental responsibilities towards children, as well as rights over them. The importance of seeking and taking into account their views is enshrined in the Act. Children's rights embodied in the Act are the right to:

- **be treated as an individual**
- **have a view**
- **have that view taken into consideration**
- **protection from all forms of abuse, neglect or exploitation**
- **family life whenever possible**
- **have any intervention fully justified**
- **attend their own Hearing**
- **know what decisions are being made and why.**



ACTIVITY 8: CHILDREN'S RIGHTS AND RESPONSIBILITIES

1. Look at the list of rights and responsibilities below.
2. Complete the box with the age at which you think a child/young person should have this right/responsibility.
3. Justify your decision in the final box.

Right/responsibility	Age	Justification
To open a bank account		
To be given alcohol in a private home		
To be considered capable of committing an offence		
To buy a pet		
To be considered to have a view to express in legal proceedings		
To get a Saturday job		
To own an air rifle		
To be legally responsible while babysitting		
To be sent to a Young Offenders' Institution		
To get a tattoo		
To carry a donor card		
To be sent to prison		



INFORMATION SHEET 12: CHILDREN'S RIGHTS AND RESPONSIBILITIES

AGE	RIGHT / RESPONSIBILITY to
From birth	have a bank account; be employed as an actor/actress with a licence; be referred to a Children's Hearing on care and protection grounds
5	start to receive education; be given alcohol in private at home; pay a child's fare on public transport; go to a U/UC film, although the manager can refuse admittance
7	take money out of a Giro account; go to a 'U' certificate film
8	be considered capable of committing an offence (in England you would have to be 10 and in Germany 14), go to a PG (parental guidance) film
12	buy a pet; give consent to or refuse adoption; make a will; give consent for medical treatment (can apply earlier depending on level of understanding); be considered to have a view to express in legal proceedings; pay full fare on scheduled plane flights (charter flights can be different); apply to the Child Support Agency for financial support from an absent parent
13	get a weekday job (two hours only); get a weekend job between 7am and 7pm
14	go into a bar (if the owner does not object) but cannot buy drink; own/borrow an air rifle (but must be supervised by someone over 21 if in public)
15	use a shotgun (if supervised by someone over 21)



- 16 leave school, home, get married; consent to homosexual relationship (but not with someone in a position of trust); pay full fare on public transport; consent to sexual intercourse (girls); buy or be given a drink (not spirits) with a meal at the manager's discretion; buy cigarettes, liqueur chocolates, fireworks; get a full-time job, pay income tax and national insurance and get a national insurance number; join a trade union; claim some benefits; instruct a solicitor; get a licence for a moped, tractor; get a glider pilot's licence; buy premium bonds, lottery tickets; open a Giro account; enter a legal contract; apply for a bank account, mortgage, passport; be legally responsible when babysitting (though it is not illegal to leave children with someone under 16, parents would be held responsible if something untoward happened); boys can join the armed forces but need parental consent; be a community councillor (in some areas); be dealt with in the district/Sheriff Court; be sent to a young offenders' institution
- 17 get a licence to drive a car/motor cycle; apply for a firearms certificate; join the armed forces (females); hold a pilot's licence
- 18 vote in an election; claim income support; get a tattoo; place a bet; drink alcohol in a pub; serve on jury duty; see any film; drive a lorry (up to 7.5 tonnes); carry a donor card
- 21 drive any vehicle; obtain a liquor licence; run a betting shop; stand for election as a councillor/MP; be sent to prison

In your group:

- Identify any rights and responsibilities that you feel are not age appropriate, and say whether you believe that the age limit should be lowered or increased.
- Write down a convincing argument for your views and present this to the other students in the class.
- Are there any rights and responsibilities that you feel are missing that should be included?

Underline the rights that children and young people have when they attend a Children's Hearing.

In your view are these adequate? What changes would you suggest?

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Play Script

Complex Lives

Page 69 and Booklet



CHILDREN'S
H E A R I N G S



COMPLEX LIVES: DRAMA ACTIVITIES

This one-act play has been specially written to provide an additional resource for teachers, which may be used for role play in a drama class or as a vehicle for discussion within social education.

The suggestions below are neither compulsory nor comprehensive but are provided as a starting point.

Activities

1. Assign roles to pupils (or pupils self select) and ask them to read or act out the play in role. Stop just before the point where the panel members make their decision and ask them to guess what the panel members will decide. Complete the play and discuss the outcome and their reactions to this. Is this the decision they would have made?
2. In small groups, pupils choose a role and read or act out just the scene at the Hearing. Ask the pupils to discuss how it felt to be in that role. Now ask pupils to change roles and act out the scene again. For example, Lisa might become the social worker, a panel member might become Dad. Ask how it is to look at the situation from another point of view and identify any differences in perspective.

Discussion

You may wish to lead a discussion around the following questions:

- a) How did Lisa feel about going to her Hearing before speaking to her social worker? Do you think she felt differently after speaking to the social worker?
- b) Do you think Lisa understood the reason for the Hearing? What other information could she have been given before the Hearing? Who should do this?
- c) How difficult do you think it was for Lisa to be able to put her views to the Hearing? Did the panel members take her views seriously? How could it be made easier for young people to do this at a Hearing?
- d) Do you think the panel members made the right decision? Was Lisa happy with the decision? Was there any other decision the panel members could have made? What might have happened if they had made a different decision?
- e) How will Lisa's life be different now that she is living with Auntie Jackie?

Additional areas for discussion

- The effect that parents' problems have on families
- Criminal activity and what that means for children and young people and their families
- Friendship and the difficulty of conflict
- Social work and the role of outside support agencies
- Risk-taking behaviour and why Lisa was at risk at the party: for example, sexual advances from older men, spiked drinks, walking home alone.



The Children's Hearings System

Complex Lives

A Drama by Fiona Scott



SCOTTISH EXECUTIVE

CHILDREN'S
H E A R I N G S

COMPLEX LIVES

A drama by Fiona Scott

Developed for performance by WHALE Arts Agency and Moving Parts Theatre Company

Context

Lisa and her Dad live in a housing scheme. They have been part of the community for four years since mum left. Dad has little hope of finding work; the family survive on the breadline.

Characters

Lisa	12 years old, frequently in trouble with the police for minor offences.
Dad	29 years old, unemployed, low skilled, caught in benefit trap, high alcohol consumption.
Aunt Jackie	Lisa's aunt. Lives close by and provides family support.
Social worker	Involved with the family for four years since mum left.
Michael	16 years old, Lisa's cousin, James' friend.
James	17-year-old local lad.
Ron Dowell	Panel member and Chair of Hearing.
Lucy Jones	Panel member.
Paul Smith	Panel member.
Juliet Dixon	Children's Reporter.

Crisis

Dad finds it difficult to manage Lisa on his own. He frequently provides her with alcohol. On one of these occasions Lisa leaves the house to attend a party. When she returns home she can't get in and goes to Aunt Jackie's house. The experience has shaken her.

Outcome

Lisa uses her right to speak to the panel members without her Dad present. She asks for a family placement with her aunt as she finds it difficult to deal with her Dad's drinking and the responsibilities placed on her.

Performance requirements

Complex Lives can be performed in any reasonable space. The piece doesn't require a huge amount of set; one wooden box painted black (dimensions 4'x2'x2' approx.) and four chairs.

Scene one

(Each set of characters is performing independently in their own home – Dad singing and drinking, Lisa in bed, Jackie loading the washing machine, social worker carrying out bedtime routine and feeding the cat.)

Dad (singing) 'Tell her not to cry, I ain't holding on no more. Tell her something in my mind freezes up from time to time.

Like the laughter of a clown.'

Jackie Michael, get this stuff sorted for school in the morning. I'll not be running about after you tomorrow. I don't want to hear a word, just get on with it!

Social worker Biscuit, come here puss. Dinnertime. Come on baby, teatime. Biscuit, in you come, it's cold out there. Now what will we have? Lamb and turkey? Chicken? OK, that's the one.

Dad (singing) 'Tell her nothing if not this, all I want to do is kiss her. Tell her not to cry.'

Lisa I'm knackered, I was up till half two last night. I have to go in tomorrow. It's Miss Templeton first period and she's really nice. We've got the social worker after school as well. I don't want to look awful, that just means more questions.

(Jackie exits with a bundle of washing, muttering to herself.

Social worker exits looking for cat.

Conversation between Lisa and Dad is carried out in their own separate spaces.)

Dad Leeease, you still awake? Lisa. I wanted to talk to you. Just for a wee minute.

Lisa Here we go again, every time he has a drink. This is doing my head in. I know it off by heart.

Dad Who do you love?

Lisa See what I mean? It's like a broken record.

Dad Who are we? We are the champions.

Lisa Next.

Dad We do OK, don't we kid?

Lisa Course we do, if this is what you call OK.

Dad I remember the day you were born, a rainbow appeared over the hospital.

(Together)

Lisa A rainbow appeared over the hospital.

Dad I was the happiest man in the world.

Lisa We were young, mind.

(Together)

- Dad** We were young, mind. Didn't realise how much you would change our lives. Your mum used to sing to you and tell you...
- Lisa** She loved me to the moon and back again. She loved me more than butter on toast. She loved me like...
- Dad** A flower loves the sun. It's just a shame she didn't love me as much. Come and have a wee drink with your old man.
- Lisa** See how much good it did me. Stuck here with him.
- Dad** I've got cider, your favourite. Just come and sit with me for a bit. I don't get to see you.
- Lisa** I'm here though, that's the thing. I'm here and no one listens to me. No one notices. They all pretend to care. They all say they know how it feels. Well, that's rubbish. How can they? They don't know what it's like to watch your Dad get hammered and then burst into tears.
- Dad** I love you, Lisa. I love you more than life. I'll look after you. I won't let anyone hurt you the way I've been shafted. I'd kill them first. I won't let anyone hurt my wee girl.
- Lisa** I know, I know, I've heard it all before. I love you too.

Scene 2

Social Work Visit
(Lisa in room getting ready. Doorbell goes.)

- Lisa** (mutters) Social worker!
(opens door)
- Social worker** Hiya, Lisa. Good to see you. How're things?
- Lisa** You tell me. That's what usually happens!
- Social worker** Ouch! That one hurt. It's as well I know you. You had a bad day?
- Lisa** Is there any other kind?
- Social worker** Course there is. Last time I saw you we had a right laugh. What changed?
- Lisa** Just the usual rubbish.
- Social worker** Are you nervous about the Children's Hearing? If I remember rightly, you got quite uptight before the last one.
- Lisa** Trying to say you wouldn't? Sitting there in front of a bunch of strangers asking you stupid questions.
- Social worker** I know it can feel a bit scary. Just try to remember they're normal people, someone's auntie, sister or Dad. You know why the panel was called don't you?
- Lisa** Suppose so.

Social worker This panel was arranged because there have been concerns about how your Dad is managing to look after you.

Lisa My Dad's OK, he just gets miserable. Trying to say you wouldn't?

Social worker Not at all Lisa. I can understand it's very difficult for him. My job, though, is to make sure that you're OK.

Lisa I've just told you I'm OK. It's not like he hits me or anything, is it? He just needs someone to speak to.

Social worker Lisa, a girl your age is too young to be supporting an adult through their emotional problems.

Lisa That's what families do though, isn't it?

Social worker It's a big part of being a family, yes. But I think that at 12 it should be you that receives support instead of giving it.

Lisa I do get support, and my Auntie Jackie keeps it real.

Social worker I know she does. Look, I'm not here to say what's right or wrong. But we're responsible for making sure you're alright.

Lisa I go to school. I've not been in trouble with school in ages.

Social worker I know you try hard, Lisa. It's just that the last few months there's been a big change in how often you're there.

Lisa Am I in trouble cos of that boy's fence? I only put my name on it. I don't see what the riot is about.

Social worker No riot, Lisa. Just a Hearing to look at working out a solution to getting you the kind of support and care a child like you needs.

Lisa Child? You having a laugh? I bet I've got more of a clue than you have.

Social worker That's what I'm worried about, Lisa. You're 12. You should be chilling with your friends, relaxed. Not having adult problems put on you.

(Social worker and Lisa continue conversation in mime. Enter James and Michael. No interaction. They utilise the space.)

James Where does Lisa stay? She's a bit of wild one, eh? I thought her bottle would've crashed when she got caught with that woman's purse. Cool and calm **(whistles)**.

(Social worker and Lisa freeze, creating a tableau of intimate conversation.)

Michael Yeah, she's got some brass neck, I would have just run away. Not our Lisa.

(Lisa breaks out of tableaux to deliver lines and returns.)

Lisa "I was just looking for you Mrs, is this your purse? I thought you might need it."

James And she scores a fiver out of it! She's mental. I like her style. I can see her and me going places.

Michael The only place you're going is Craigie Young Offenders. You'd better not even think about taking Lisa down with you; my mum would kill you. She's in enough trouble as it is.

Lisa Somebody is always on at me for something. Lisa, come and talk to me. Lisa, why are you late? Lisa, go and tap a tenner off Jackie. Lisa, what's for tea? Come and have a drink, hen. It's not like I'm robbing banks. I'm just doing my own thing... when I can.

James What makes you think I'd get her in trouble? Anyway, your mum loves me; she can't resist my male charm. A couple of compliments on her figure and she'll be eating out of my hand.

Michael Don't kid yourself, mate. Especially when it comes to our Lisa.

Lisa My Auntie Jackie's cool. Michael's a bit of a straight peg but sound enough.

James Yeah right, I know she's cool but she's not that special. Might be quite tidy if she was a wee bit older.

Michael You perv, you saying you fancy my wee cousin? She's only 12!

Lisa I met his pal at the shops, James. He's really nice...

James I'm not saying I fancy her. Just that she'll be tidy when she's older. What are you saying anyway? You got off with Chantelle and she's in the same year.

Michael That was different. Chantelle looks older, and she acts older. She's different!

James So you're saying your cousin's a bairn.

Lisa I hope he doesn't think I'm just a bairn.

Michael No! I mean yes! I don't know! She's not a bairn.

James You're telling me. I've not seen anyone else with balls like her before. When do I get to meet the mother?

Lisa Since mum left everybody tries to wrap me up in cotton wool. I'm not a silly wee lassie. It's me that keeps it all together. If it wasn't for me, I don't know what...

Michael You're away with it, her mum's not about anymore. She's too old for her age. She knows grown up stuff like how to swindle the leccy, use a power card twice.

Lisa I think they forget that I've had to take her place and make sure my Dad is OK.

James Clever lassie. Like I said, I can see her and me going places.

Michael She knows all that stuff cos my uncle is away with the goalie. Sometimes she's like a cut down adult.

James What are you saying about your uncle? Is he wired to the moon?

Michael It's not funny; seriously, my mum says he doesn't cope very well.

Lisa My Dad's all right. He just gets miserable after a drink. He doesn't hit me. If anything he'll kill me with kindness. He always wants to keep me close, until he's had a bevy.

- Michael** Shut it, James. He's a bevy merchant. Not a wino or anything like that. He's not even an alcoholic. He just drinks too much.
- James** That's like my grand-dad too. Every Saturday away down to the Dog and Duck for his weekly pint. My granny phones me and I have to carry him back. I shouldn't complain; it's always a winner with cash. He's not got a scooby.
- Lisa** He wants me to be round him all the time so he can take care of me, or me take care of him. That shouldn't matter though, should it? That's what families are for, I suppose.
- Michael** Glad I'm not the only one with a mad family. Forget that lot anyway. What about the party?
- James** Spud and Ramsey reckon it's cool for drink. It's some boy's 18th. Checking the talent!
- (Boys exit doing a series of complicated high five hand gestures. Social worker stands, mimes pulling on a coat.)**
- Social worker** I'll see you tomorrow then. Is there anything else you want to talk about before the Hearing? I'll come for you an hour before so that we can have a chat.
- Lisa** Do you think they'll put me away? Send me to some home? I could go to my Aunt Jackie's. She'd have me.
- Social worker** Why would they want to put you in a home?
- Lisa** Well, I keep getting in trouble. That's what happens isn't it? You get in trouble, then they just throw you in the back of a car and you have to live with people you don't know. You don't even get time to say goodbye.
- Social worker** Oh Lisa, the last thing the children's panel wants is to take anyone from their home. That only happens if the Hearing feels there's no other choice and it's in the best interests of the young person.
- Lisa** But they're watching me. It feels like everyone is waiting for me to screw up.
- Social worker** They're not watching you. They're normal people doing normal things. The role of the panel members is to watch out for you.
- Lisa** Aye right, I've heard the stories. Like sending kids to homes is watching out for them.
- Social worker** It's not like that, Lisa. Panel members and social workers do everything they can to keep families together. The panel members really listen to children. It's changed days, kid. The panel members take into account what is best for the child and that normally means staying in contact with family.
- Lisa** But you hear about it all the time. Teenagers getting put behind bars and tagged and those APSOs...
- Social worker** ASBOs,* you doughnut. You been reading the Sun again? None of that stuff applies to you. You are going to a Hearing because when your Dad drinks too much, he isn't able to look after you properly.

Lisa A woman's work is never done. I do the cooking, the cleaning, the darning, the windows, the shopping ...

Social worker I'm being serious Lisa. It's not right you to have so many responsibilities.

Lisa We do OK.

Social worker Maybe OK isn't good enough.

(Lisa's mobile phone rings. James enters backstage.)

Social worker I'll leave you to get that. See you tomorrow about half ten.

James Hiya Lisa. Remember me. I was with Michael in the shop.

Lisa Course I remember you. I thought you were going to lose it when that woman came up to me about the purse.

James Hardly. How lucky are you, scoring a fiver out of it! Nice one. What are you doing later?

Lisa Nothing much. Chilling out.

James Fancy coming to a party with me? It's an 18th over in Belmont. Starts about nine.

Lisa Sounds good.

James We'll need to get some drink. You got any?

Lisa It's cool, I'll get some off my Dad.

James Will he not mind?

Lisa The drink? No, he's cool. I'll have to sneak out though.

James You're a wild one. I'll see you at the phone box at half eight then.

Lisa See you there.

Scene 3

(Lisa dances round the space singing. Mimes trying on several outfits. Dad enters. Lisa hides the clothing.)

Dad Hiya kid. How you doing?

Lisa Good. I'm a bit tired. I think I might catch a bath and an early night.

Dad Or you could spend some time with your old man. We could watch telly and have a wee drink.

Lisa Got any cider left or did you down it last night?

Dad I've just been and got some more. There's plenty. Go and get us a couple of glasses. So what have you been up to?

Lisa You know fine well. I was with the social worker after school because of the Hearing tomorrow.

Dad Just you remember, as long as we stick together we'll be fine. If only your mother had stuck to that we wouldn't be in this mess. I never drank a drop until she left you know...

Lisa You never drank a drop until she left.

(Lisa exits to rear of stage. Time passes, shown by Dad drinking and muttering to himself. Snippets of incoherent speech are heard. James enters back stage, waiting impatiently, rings Lisa.)

James Where are you! I've been down here for about an hour.

Lisa I can't get away. He's still awake. Just wait for me.

James Did you get some drink? I've got money to get juice.

Lisa He's nearly drank the lot, he's dancing round the sitting room to Del Amitri. He's a nightmare. Next it will be the big tears, greeting for my mum. Stupid cow!

James Just tell him you're going round to Jackie's.

Lisa That just makes him worse, saying that I don't love him and everybody leaves him.

James You need to get something sorted, I'm not hanging about here all day. Just tell him you're going out.

Lisa I've got to go. I'll no be long, just wait. I said I would be there and I will.

James Aye, whatever, just hurry.

(Lisa picks up booze and sneaks out the house.)

Dad 'Tell her not to cry, I ain't holding on no more. Tell her nothing if not this, all I want to do is kiss her.' Leeeeesa, come and see your old man. Lisa. Lisa!

(Dad looking for Lisa, he is clearly distressed. Slumps on her bed, head in hands. Exits to look for her.)

James I thought you'd never get here. Come on. Did you get the drink?

Lisa Yeah, I got cider. Do you like that?

James That will do nicely. So you ever been to a house party before?

Lisa Course I have.

James Does your Dad not mind? Let's stop here and drink this. We can get tanked before we go in.

Lisa OK. My Dad's fine. Anyway he can only be bothered about what he knows.

James Too true. Michael's a good guy, eh? Says your Aunt Jackie's got a right soft spot for you.

Lisa She is my auntie!

James I know. Mikey was saying I'd get slaughtered if she knew you were with me.

Lisa Aye well, what they don't know... Do you want the last bit?

James No, you go for it. I'll get us more when we get in.

Lisa So is Michael meeting us at the party?

James He phoned with some pathetic excuse. Homework, I think. He's not going.

Lisa Oh, maybe I'll just leave it then.

James Don't be daft, stick with me, you'll be fine. We'll have a laugh.

(All actors make the party action. Main focus of Lisa looking uncomfortable and out of her depth. Stumbles to James, waves goodbye and vomits on exit.)

Scene 4

Jackie You're fine, don't worry. When it comes up you'll feel much better. Where have you been?

Lisa I don't know.

Jackie You been with your old man?

Lisa I still feel sick. It's coming again.

Jackie Just breathe and relax. You've overdone it. You don't know your...

Lisa I'm sorry, Aunt Jackie. I'm really sorry. I feel horrible.

Jackie Don't you worry, kid. We'll soon have you right as rain. A good night's sleep will put you back together again.

(Jackie kisses her good night, takes mobile phone, makes several attempts to call. Jackie and Lisa change position to show it is now the following morning. Jackie responds to door knock.)

Jackie Lisa, are you ready? She'll be here just now.

Social worker I couldn't understand a word on the mobile. Tell me what happened. I don't think I've ever heard you as upset. Did he hit you?

Lisa Don't be stupid! He locked me out at two this morning.

Social worker Who were you with? What were you doing out at that time of night?

Jackie Now you're asking. Who were you with, Lisa? What new pal is this you've made? Pals my backside.

Lisa I know them, they're fine.

Jackie So it's fine, is it, to have a 12-year-old lassie out of her face at a party full of grown men.

Lisa I wasn't out of my face. It was an 18th.

Jackie That, young lady, is not the way I saw it. Stinking of booze, full of tears and sick as a dog. Lisa, anything could have happened to you, the state you were in. You are a child, not a grown up!

Social worker Jackie, I know you're upset. But maybe this would be better if I heard it from Lisa. Is that OK with you, Lisa? Do you want Jackie to stay?

Lisa She can stay if she wants but I'm not changing my mind. I'm not going back.

Social worker Let's just see how things go for the meantime, will we. So in your own words, tell me what happened.

(Enter Michael and James.)

Michael What are you all about?

James Eh?

Michael Lisa. Half two this morning she ends up at our door in floods of tears. What did you do to her?

James I didn't do anything. I was dancing with Kerry when she left. She said she was drunk, felt sick and wanted to go.

Michael And you just left her by herself?

James Easy, tiger. I'm not her Dad. We just went to a party together.

Social worker Come on then, tell me what happened.

Lisa It was just a bit of fun.

(Together)

James It was just a bit of fun.

Lisa I was dead chuffed when James asked me to go to the party with him.

James I thought Lisa would be a laugh to hang about with.

Lisa I didn't know Michael wasn't going to be there.

James I didn't realise the mess she was in.

Michael You're 17. It's pretty obvious. Did you give her the drink?

James No, she brought it with her. We had cider and then she pulled out a half bottle of whisky.

Michael And you didn't think that was over the score?

James I didn't think about it. I thought her Dad must have let her have it. I thought she could handle it.

Michael Like that's going to happen.

James It was you that said her Dad was wired.

(Boys freeze, break out to deliver dialogue and refreeze.)

Social worker Your Dad didn't mention anything to me when I went to get you this morning.

Jackie He didn't even realise she wasn't in, not until I called this morning and woke him out of a drunken stupor. This isn't good enough. She's a child for heaven's sake.

Lisa I want Auntie Jackie to come to my panel.

Jackie That's fine, kid. Come on, we'd better get moving then.

Michael Why did you take her to the party? You said you were going to give it a miss.

James She told me she could get drink from her Dad and I was skint. It was you said he was a bevy merchant.

- Michael** That doesn't make what you did any better. You're scum taking a len of my wee cousin like that. It's no wonder she left you. She's only 12. Don't you get that?
- James** I didn't mean to upset her. I got pretty bevied and I forgot she's so young. It's the way she handles herself.
- Michael** I'm having nothing to do with you. Lisa's had enough to put up with without scum like you piling on more.
- James** I didn't mean this to happen. I just thought we'd go to the party and have a laugh. I didn't mean any of this, Mike. Straight up.
- Michael** Don't bother. You've not got a clue. She's got a Children's Hearing today. How's that going to look? If they take her away from her family it's all going to be your fault. See if you can still be bothered with her when she's in a home!

Scene 5

Children's Hearing (outside hearing room)

- Reporter** Good morning Lisa. How are you? Do you have any questions before we go in?
- Lisa** Is my Dad here yet?
- Reporter** Not so far. We'll give him a few minutes.
- Lisa** Does he have to come in? I don't want him there.
- Reporter** I'm sorry to hear that. Is there any reason why?
- Social worker** There's been a bit of an incident.
- Lisa** I don't want him in. I'm sick of it all.
- Reporter** I'm really sorry, Lisa. Your Dad has a right and duty to be part of the Hearing. But the panel members can ask your Dad to leave the Hearing if him being there is upsetting for you. It's your Hearing and the panel members will be really interested in what you say and what you think.
- Social worker** Remember you can ask to speak to the panel without your Dad in the room. Just give me a nod if you want to do that and I'll ask the panel members if they will ask him to leave.

(Dad arrives looking dishevelled and sheepish.)

- Dad** You OK, Lisa? I was worried about you. Jackie phoned this morning to say you stayed with her. It's not like you stay out.
- Lisa** What do you expect? I couldn't get in. I was at the door for ages and it was freezing.

(Everyone enters the Hearing room, where the panel members are seated together.)

- Chair** Hello, Lisa. Come and sit down. My name is Ron Dowell and I'm chairing your Hearing today. The other panel members are Paul Smith and Lucy Jones. We will be making any decisions about you today. This is Mrs Juliet Dixon, the Reporter who organised the Hearing.

(Lisa nods in the direction of each as she speaks.)

Chair So before we begin, can you confirm your full name for us please?

Lisa Lisa Fulton.

Chair Your social worker has asked for the Hearing today as she is a bit worried about how your Dad is looking after you at the moment. We will want to talk to you and your Dad about this. It's really important that you tell us how things are for you. OK?

Lisa I think so.

Lucy Lisa, we're a bit worried about how much responsibility you have at home, as you're only 12. Maybe Dad, you could tell us how things have been going over the last few months.

Dad Em, right. Well it's been tough, but that's normal isn't it? Every family has rough patches. We do OK though, don't we?

Lucy I suppose that depends on how it affects Lisa. Do you want to tell us how things have been going for you Lisa?

(Lisa remains quiet.)

Paul I know that this can be difficult Lisa. Just take your time.

(Lisa motions to social worker.)

Social worker Lisa asked earlier for the chance to speak with the panel members on her own. I think it would be useful now.

Chair No problem, Lisa. As long as you understand that whatever we discuss, I will have to share with your Dad when he comes back in to the room.

Jackie We'll just be outside kid. Don't you worry, just say how you're feeling.

(Dad and Jackie exit.)

Chair As Paul said, we understand this can be difficult, so just take your time.

Lisa I don't want my Dad to get in trouble. He doesn't really do anything wrong. Not really.

(Silence)

Lucy Sometimes it's as much about what a parent doesn't do.

Social worker Maybe you could start with last night. You were feeling quite angry about it this morning.

Lisa I know but I don't want my Dad getting charged or anything.

Chair Don't worry, Lisa, we are here to decide what is best for you. We don't have any powers like that over your Dad.

Lisa I got locked out last night. It was probably my own fault cos I went to a party.

Paul Can you tell us a little more. Did your Dad know you were out? Did you forget your keys?

(Lisa stands and talks to the audience, panel members respond to her dialogue in real time.)

- Lisa** I told him I was having an early night. We were sitting having a drink. Well I didn't, I was saving it for going to the party. He didn't notice. I just kept him talking. It's easy to keep him talking. All you have to do is bring up my mum. It wasn't really his fault cos I knew if I got him started on her... Well I just knew. So once he got through his bottle I said I was going to my bed. I went and met James.
- Chair** So Dad didn't know you were out?
- Lisa** How would he? He was mingling. I never even thought about taking my keys. I thought I would be able to get back in. It was horrible, I spewed loads. Too much cider. I was trying to be cool in front of James. Don't know why I bothered. He was too busy trying to get off with some girl. It was like I wasn't there.
- Lucy** OK, Lisa. You sneaked out and couldn't get back in again. I'm a bit concerned about you drinking with Dad. Is this something that has happened before?
- Lisa** I've not been locked out before. I drink with my Dad all the time. That's when he wants to talk about mum. Well, I don't do it all the time cos when I've got school I try and get to my bed. But it's really hard cos he gets all upset and says I'm the only thing he's got. That's why I have to keep an eye on him. I get really worried that he might do something stupid. You know, like taking tablets or something.
- Social worker** You mentioned school, Lisa. I know you've been trying really hard with school and we've seen a big improvement in your attendance. Does Dad help in making sure you get there?
- Lisa** Not really. He keeps me awake wanting to talk. If he's not doing that then he's singing that stupid song at the top of his voice. I can't sleep. Then I get worried about him. Then I still can't sleep. He doesn't mean it, though. If I do stay off, it's only cos I can't open my eyes in the morning. I try not stay off when I've got English and maths. I know I need them to get a job.
- Social worker** You were talking to me about Jackie this morning, Lisa. Can you tell the panel members what you were thinking about?
- Lisa** I just wanted a break. I don't want to go away, like to a home or that. I just wanted a bit of chill time. It's really hard when he gets really miserable and starts crying about my mum. I think we're better off without her. Last night did me in. I was really scared and I couldn't get back in. I know it was my own fault, but I just wanted to go out and have a laugh. I'm sick of doing everything. I'm sick of watching out for him and making sure he's OK. I'm knackered. I don't want him to be upset, but I don't want to be at the house. He's only thinking about him. I know he tries. But I can't handle it any more.

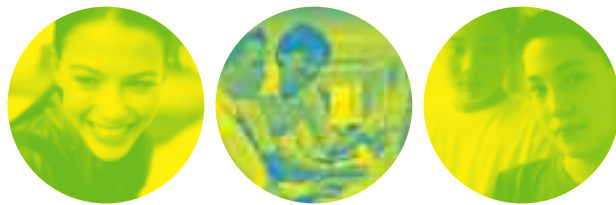
Chair Thanks, Lisa. I can see you're feeling quite upset about this at the moment. Do you think there is a possibility that things might settle down in a few days?

Lisa No, I don't think it will blow over in a couple of days. I don't want to be there. I want to be at my Auntie Jackie's. She said I could. I'd still be able to see my Dad, wouldn't I?

Chair I think we should talk to Jackie, don't you? **(Calls them back in.)**
Thank you both for your patience. I'll give you a summary of the discussion we've had. Feel free to stop me, Lisa, if there's anything I miss. We asked Lisa how she thought it was going at home.

Lisa **(Talking to audience)** I just had to say. I made sure my Dad wouldn't get in trouble first. I felt horrible when they were asking him questions about stuff. Drinking and that. He was OK though. He says he's going to stop drinking. I said I would go back when he did. He's not bad; it just gets sort of mental sometimes. Jackie has him over every Tuesday for tea. It's all right. We do OK, don't we?

The End



CHILDREN'S

H E A R I N G S

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Modern Studies – Intermediate 2

Booklet and Case Study
Page 70 and 71 – 78



CHILDREN'S
H E A R I N G S



MODERN STUDIES – INTERMEDIATE 2

The materials in this section take the form of a booklet which sets out the background to the Hearings system, the principles and processes of the system, and an explanation of the roles and responsibilities of those who are involved.

Short activities, and investigation and a role play are provided. A sample set of Hearing papers is available at the back of the section for use in the role play. This contains all the papers that panel members receive before a Hearing.



The **C**hildren's **H**earings **S**ystem

MODERN STUDIES

Intermediate 2



SCOTTISH EXECUTIVE

CHILDREN'S
H E A R I N G S

History

The Children's Hearings system in Scotland is a unique system of combining welfare and justice for vulnerable and troubled children and young people from birth to their 16th birthday and in some specific cases to their 18th birthday. It has been operating for more than 30 years.

The Children Act 1908 was the first legislation to recognise the need for juvenile offenders to be dealt with separately from adults. The minimum age of criminal responsibility was seven years old and a child was treated as a juvenile until he/she was 17 years old.

In 1932, the age of criminal responsibility was raised to eight years old, where it remains today in Scotland. It was also recommended at this time that the cases of children and young offenders should be transferred to special Justice of the Peace Juvenile Courts. Between the 1930s and the 1960s, most of Scotland's children were being dealt with in different types of courts depending where in the country they lived. There was a need for standardisation.

In May 1961, a committee was set up by the Secretary of State for Scotland under the chairmanship of Lord Kilbrandon, a senior Scottish judge. Other members of the committee were four justices of the peace, four lawyers, a chief constable, a headmaster, a psychiatrist and a probation officer.

The remit of the committee was:

'To consider the provisions of the law of Scotland relating to the treatment of juvenile delinquents and juveniles in need of care or protection or beyond parental control and, in particular, the constitution, powers and procedure of the courts dealing with such juveniles, and to report.'

The Committee reported in 1964. Lord Kilbrandon found that whether young people had offended or been offended against, their needs were the same. He believed that in taking decisions about their future, the best interests of the child/young person must be the prime concern. The Committee proposed that the Children's Hearings system be established.

In 1968, the Social Work (Scotland) Act established the Children's Hearings system. On 15 April 1971, Children's Hearings took over from the courts most of the responsibility for dealing with children and young people under 16 who commit offences or are in need of care and protection.

The Children (Scotland) Act 1995 replaced most of the parts of the 1968 Act which related to children. The 1995 Act's focus is on the needs of children and their families, and it also spells out parents' rights and responsibilities in relation to children. Principles in the United Nations Convention on the Rights of the Child were also included in the Children's Hearings system, and the need to comply with articles in the European Convention on Human Rights was taken account of.

The Antisocial Behaviour etc. (Scotland) Act 2004 provides additional powers to Children's Hearings.

Principles

The Children (Scotland) Act 1995 requires Children's Hearings to keep in mind the following three overarching principles when reaching decisions:

- **the welfare of the child is paramount – it comes first**
- **no order should be made in relation to a child unless it is better to make an order than not to**
- **children should be given an opportunity to express a view and this must be taken into account. When considering the welfare of the child or young person and reaching a decision, the Hearing also takes into account the protection of the public from serious harm.**

A graphic element consisting of a jagged, starburst-shaped border containing the word 'Activity' in a bold, italicized font. Below this, a rectangular box with a thick black border contains three numbered questions.

Activity

1. Who sat on the Kilbrandon Committee?
2. What did they find out and recommend?
3. Give the three overarching principles of the Children's Hearings system.

The Children's Hearings System Process

There are four key stages in the Children's Hearings process

- **The Referral**
- **The Investigation**
- **The Hearing**
- **The Outcomes**

1. The Referral

Something has to happen in the child/young person's life to start the process. This can be one incident or a variety of concerns. For example:

- **they may be the victim of a crime**
- **they may have committed a crime**
- **they may not have been going to school**
- **someone may be worried that they are not being looked after properly.**

The police, social work or education department will usually raise their concerns with the Children's Reporter. This is known as a referral. Anyone can speak to the Children's Reporter if they are worried about a child/young person, and a child/young person can contact the Children's Reporter themselves. Most referrals are made by the police or social work departments.

Reasons why children/young people are referred to the Children's Reporter

From the 1st April 2003 to the 31st March 2004, 45,793 children/young people were referred to the Children's Reporter. This is just over 4% of Scotland's children. The Children's Reporter will be contacted about children and young people for a number of different reasons. These are known as the 'grounds for referral'. They are the legal reasons which allow the Reporter to go ahead. They include:

- a) he/she is out of control (running away, staying out late, disobeying their parents all the time)**
- b) he/she is exposed to moral danger (being led into harm by another person)**
- c) he/she is not being cared for well enough by their parents (parents misuse drugs or alcohol, the child may not be fed properly)**
- d) he/she is not going to school regularly (is absent for all or part of the time without a good reason)**
- e) he/she has been or is being abused (this can include physical, sexual or emotional abuse)**
- f) he/she has misused alcohol, drugs or solvents**
- g) he/she has committed one or more offences.**

Reasons a) to f) are known as care and protection grounds for referral.

Activity

Circle the number of referrals that you think were made to the Children's Reporter for each reason from 1st April 2003 - 31st March 2004.

- | | | | |
|---|--------|--------|--------|
| a) He/she is out of control | 3,000 | 6,000 | 7,000 |
| Approx: | | | |
| b) He/she is not being cared for well enough by their parents | 8,000 | 14,000 | 21,000 |
| Approx: | | | |
| c) He/she is not going to school | 1,000 | 4,000 | 8,000 |
| Approx: | | | |
| d) He/she has been abused | 2,000 | 8,000 | 15,500 |
| Approx: | | | |
| e) He/she is misusing alcohol, drugs or solvents | 1,000 | 2,000 | 8,000 |
| Approx: | | | |
| f) He/she has committed one or more offences | 12,000 | 25,000 | 34,000 |
| Approx: | | | |

Answers on page 15.

THE INVESTIGATION

The Children's Reporter investigates the child/young person's case by asking for information from different sources, for example from the social work department, police, schools, and health and voluntary organisations. He/she evaluates the information and decides whether:

1. Not to arrange a Children's Hearing. The Reporter might do this if, for example, it is the first time the child/young person has been referred and the child's circumstances are not a cause for concern. The Reporter will write to the child/young person and their family to tell them why he/she has made this decision. However, the Reporter may take some informal action, which may include, for example, issuing advice or referring the child for a police warning.
2. To refer the child/young person and family for voluntary support from the local authority. The Children's Reporter is aware of the support that the local authority can give that will help the child/young person and their family. He/she will also know that the child/young person and their family have agreed to work with the local authority.
3. To arrange a Children's Hearing. The Children's Reporter will do this if he/she thinks that supervision by the local authority is needed on a compulsory basis to help the child/young person and their family. This may involve guidance, treatment or measures to control behaviour. This is discussed further on Page 9 under "What is a Supervision Requirement?".

THE HEARING

The purpose of a Children's Hearing is to decide whether compulsory supervision is needed for the child/young person.

The style and setting of the Hearing is very different from courtrooms in Scotland. The setting is not too formal and usually everyone sits around the same table to encourage everyone to take part in the discussion. The Hearing takes place in private, and will usually last between 45 minutes and an hour. The decision that the panel members make must be followed.

People Who Attend the Children's Hearing

The key people at the Children's Hearing are the child/young person and his/her family, the Children's Reporter, the three panel members (comprising both men and women), a social worker and usually a teacher.

There are other people who may also attend the Hearing. The child/young person and his/her family may bring a representative. This may be a friend, or relative or a solicitor. Other professionals who have some expertise that might be useful to the panel, such as an educational psychologist or a health visitor, may also be there. If the Hearing has appointed a Safeguarder or a Legal Representative for the child/young person he/she will also attend.

(See **Page 10** Roles and Responsibilities for more information about Safeguarders and Legal Representatives.)

What Happens at a Children's Hearing?

Before the Hearing takes place the Children's Reporter asks for reports for the panel members about the child/young person and his/her situation. These are normally provided by a social worker, a teacher and, if the child is very young, a health visitor. A few days before the Hearing the panel members, the family and usually the child (if he/she is over 12) will receive copies of these reports.

The panel members will ask the child/young person and his/her family about the situation and the issues, and what their views are about what is going on. They will ask the professionals who have written the reports what they think. The panel members will make their decision in front of everyone and give the reasons why they reached that decision.

Throughout the Hearing, the Children's Reporter will keep a record of proceedings, such as who is present, the time and place of the Hearing, the age of the child, etc. The Reporter does not present the case to the Hearing or recommend a particular decision to the panel members.

After the Hearing

Once the child/young person and his/her family have left the room, the panel members will write down the Hearing's decision and the reasons for the decision. The Children's Reporter will arrange for a copy of the decision and reasons to be sent to the child/young person and his/her family.

THE OUTCOME

The Hearing has several decisions it can choose from. The main ones are:

1. To discharge the referral because the panel members feel that compulsory supervision is not needed.
2. To impose a Supervision Requirement on a child/young person, with any conditions that they think are necessary.
3. If the grounds for referral are not accepted, or the child cannot understand due to their age or ability, to send the case to the Sheriff Court for the Sheriff to decide if the reasons for the Hearing are correct.
4. To continue the Hearing at a later date if the Hearing is unable to make a decision. This might be because someone has failed to turn up or because the Hearing needs more information to make an informed decision.

What is a Supervision Requirement?

The most common outcome of a Hearing is a Supervision Requirement. The Supervision Requirement is a plan of work, support and services to help the child/young person. What is in the plan depends on the reasons why the child/young person is at the Hearing and on his/her circumstances. Each plan is designed to meet the individual's needs.

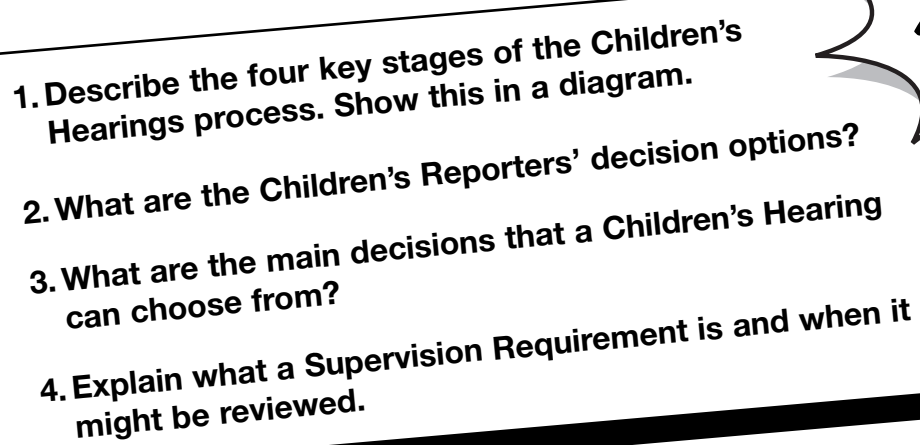
The Supervision Requirement might include conditions about where the child/young person is to live, for example whether they need to live with foster carers or stay at a residential school or in secure accommodation. Most children/young people on Supervision Requirements stay at home.

The Supervision Requirements might also include conditions about whom the child/young person may or may not have contact with and when, or that he/she must attend a programme which focuses on his/her behaviour and works to improve it.

The Supervision Requirement will last for as long as it is needed but it must be reviewed within a year at another Children's Hearing. The child/young person and/or his/her family may ask the Reporter to arrange a Children's Hearing to review the decision after three months. The local authority can ask for the Supervision Requirement to be reviewed at any time following the Hearing. A Review Hearing might be requested because the child/young person's situation has either improved or deteriorated. At a Review Hearing the Supervision Requirement may be continued as it is, changed or terminated if it is no longer necessary.

Appeals

Any decision that a Hearing takes is legally binding on the child/young person. If the child/young person and/or his/her family do not agree with the decision of the Children's Hearing, they can appeal to the Sheriff Court, but this must be done within 21 days.

- 
- A large, tilted rectangular box with a thick black border. Inside the box, there are four numbered questions. To the right of the box, there is a jagged, starburst-like shape containing the word 'Activity' in a bold, italicized font.
1. Describe the four key stages of the Children's Hearings process. Show this in a diagram.
 2. What are the Children's Reporters' decision options?
 3. What are the main decisions that a Children's Hearing can choose from?
 4. Explain what a Supervision Requirement is and when it might be reviewed.

Activity

Roles and responsibilities

A number of different people, both professionals and volunteers, are involved in the Children's Hearings system.

The Children's Reporter is the "gatekeeper" of the system as he/she will investigate referrals of children and young people who are in trouble and who may need supervision. The Reporter decides which children/young people should attend a Children's Hearing. He/she also invites all the necessary people to the Hearing and sends copies of the reports to those people.



During the Hearing, the Reporter will keep a record of who was present and, following the Hearing, will send the child/young person and his/her family a copy of the Hearing's decision and reasons for it. The Reporter can also give advice to the panel members on procedural issues (the format that the Hearing must follow by law), or on the range of options available to the Hearing. The Reporter does not present the case to the Hearing or recommend a particular decision to the panel members.

The Reporter also has two roles in court. Firstly, he/she will lead evidence in court where the grounds for referral are denied or not understood. The Reporter will also go to court if the child/young person or the family appeal against the Hearing's decision. In an appeal the Reporter will assist the Sheriff to reach a well-informed decision in the child's best interests, generally by promoting the Hearing's decision.

There are Children's Reporters in every local authority area of Scotland and they work closely with their professional colleagues in education, social work, health and the voluntary sector.

Panel members are volunteers from the local community. They come from a variety of backgrounds. A Children's Hearing is made up of three panel members (at least one of whom must be male and one female). Their role is to make the decisions at the Children's Hearing that are in the child/young person's best interests. All panel members undergo a rigorous selection procedure and extensive training, which helps them to carry out their role.



A Sheriff is a judge who sits at the Sheriff Court. There are Sheriff Courts in every part of Scotland.

If a child/young person or his/her family think that the grounds for referral are not correct, the Sheriff will decide whether or not the grounds are established (true). The Sheriff will do this usually by hearing evidence from the Reporter and from the child and family. The Sheriff only decides on the facts; he/she never decides what should happen to the child because this is always done by a Children's Hearing. So if the Sheriff thinks that there are proper grounds for referral, he/she will ask the Reporter to arrange another Children's Hearing.



A social worker will tell the Children's Reporter about any children/young people that he/she is concerned about. He/she will write reports to help the Children's Reporter to decide whether there needs to be a Children's Hearing.

The social worker will write a report for the panel members and go to the Hearing to discuss this. If the Hearing decides that compulsory measures of supervision are necessary, it will impose a Supervision Requirement, which is a plan of work, support and services to help the child/young person.

The local authority is responsible for undertaking this.



A teacher may also contact the Children's Reporter if he/she is concerned about a child/young person. He/she will prepare the school report for the Children's Hearing, which outlines the child/young person's attendance, academic performance and behaviour. A teacher will usually attend the Children's Hearing to discuss the report and highlight any concerns that he/she may have.



The Children's Hearing might appoint an independent person called a **Safeguarder** to look after the child/young person's interests in the Hearing. He/she will write a report for the Hearing and be there to represent the child/young person's best interests, although sometimes the child/young person may not agree with what they say.



A representative may attend the case if the child/young person or family wish. There can be a different representative for the child and for his/her family. The child/young person and the family must still go to the Hearing, but their representative can assist them in the discussion at the Hearing. The representative can be a friend or relative or even a solicitor. However, unlike a Legal Representative (see below), the representative is not appointed by a Hearing.



A Legal Representative, who is a solicitor with experience in representing children and young people, might be appointed by a Hearing to help the child/young person to take part in the Hearing. Also, if the panel members are discussing whether a young person should be sent to secure accommodation (be temporarily held in locked facilities for their own safety or the safety of others), a Legal Representative will also attend the Hearing.



Activity

1. Why is the Children's Reporter known as the "gatekeeper" of the system?
2. What is the difference in the role of a Safeguarder and a Legal Representative at the Hearing?

Investigation

Title: “At each stage of the Children’s Hearings system, the child/young person is at the centre of the process.”

Write the following headlines on separate pieces of paper, then write your answers below each heading.

1. Why the Children’s Hearings system was established
2. The overarching principles
3. Some reasons why a child/young person is referred to the Children’s Reporter
4. The style of a Children’s Hearing
5. The child/young person’s role in the Hearing
6. Conclusion (sum up your answer to the statement in the title)

Role play – a Children’s Hearing

1. Read the Children’s Hearings papers that you have been given.
2. Decide who you think will attend the Children’s Hearing. Each person in the group should then choose a role. (Remember that the group of three panel members has to be made up of both sexes.)
3. In the role that you have chosen, prepare for the Children’s Hearing:
 - the child/young person and family should think about what they want to tell the panel members
 - the panel members should think about the issues that they would like to discuss and the questions they would like to ask
 - any professionals should think about what they want to tell the panel members.

Hold your Hearing in class. At the end, the panel members must decide which decision they will make.

Glossary of key terms

Children's Hearing: a lay tribunal made up of three panel members at least one of whom must be male and one female. The three panel members are chosen from the local authority children's panel.

The child must normally attend, usually along with their family ('family' can include carers or anyone responsible for looking after the child) and relevant professionals.

The child and parents may take a representative to help them. Discussions are confidential but decisions are made in front of all of those present.

Children's panel: a group of volunteers appointed by Scottish Ministers following extensive vetting and training. Each of Scotland's 32 local authorities has a children's panel, which represents a cross-section of the local community. The panel is the collective name for the group of panel members, and each local authority must keep a list of who is on the panel.

Disposal: the main decision of the Hearing. The most common disposal is a Supervision Requirement, which means that the child/young person is a 'looked-after' child of the local authority with the effect that the local authority must safeguard and promote the child's welfare and make services available for the child/young person. A Supervision Requirement can have any condition attached which the Hearing thinks will help the child/young person.

Grounds for referral: the legal reason why a child/young person is referred to a Hearing. The grounds are set out in law and cover the general areas of concern. For example, the child may have been abused physically or sexually, played truant from school, offended, been a victim of an offence or bullying, misused drugs or alcohol, or been outwith parental control. There can be more than one ground for a child.

Referral: how a child/young person is brought to the notice of the Children's Hearings system. The child/young person may be referred to the Children's Reporter by anyone, but it is usually by the police or a social worker. A child/young person may refer themselves.

Review: a Supervision Requirement must be reviewed within a year, but the Hearing can set an early date for the review and a social worker can ask for a review at any time. The child/young person and/or their family can ask for a review after three months from the date of the Hearing.

Secure accommodation: locked facilities approved by the Scottish Executive that will meet the social, educational and health needs of young people when their liberty needs to be restricted, either for their own or for public safety.

Supervision: measures taken by the local authority for the protection, guidance, treatment or control of children or young people.

Page 6 answers: a) 5,863 b) 20,991 c) 3,795 d) 15,539 e) 1,892 f) 34,266

Further information about the Hearings system can be found on the Children's Hearings website: www.childrens-hearings.co.uk



CHILDREN'S

H E A R I N G S

www.childrens-hearings.co.uk



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

The Children's Reporter has referred the case of Iain McLeod, Flat 1/1, St John's Street, Summertown, to a children's hearing for Craigton Council on the following grounds that in terms of Section 52 (2) (a) of the Children (Scotland) Act 1995 he is beyond the control of any relevant person.

Statements of facts

1. In support of the above it is stated that Iain McLeod was born on 3rd September... (15 yrs old) and normally resides at the family home at Flat 1/1, St John's Street, Summertown, along with his mother, Mrs Anne McLeod and her partner Mr Thomas Cairns.
2. On various occasions Iain has behaved in a manner that is outwith the control of his mother.
 - (i) Iain often does not return to the family home at his mother's specified times (usually 11pm). In particular on 17th and 20th December Iain returned home at 2am and 4am respectively, despite being told by his mother to return home not later than 11pm previously.
 - (ii) Iain is often abusive to his mother and her partner. In particular on or around 8th November and 12th November, Iain's mother asked him to tidy his room and to do his homework. In response, Iain shouted and swore at his mother and threatened violence towards his mother's partner. Iain told his mother's partner that he would "smash his face in".
 - (iii) Iain abuses alcohol. On several occasions and in particular on 7th and 12th December, Iain was returned home by the police under the influence of alcohol. On both of those occasions, Iain was verbally abusive to the police by shouting and swearing at them.
 - (iv) On 22nd December Iain attempted to leave the house after he had been grounded by his mother. As part of his attempts he deliberately broke the lock on his bedroom window.
3. In all the circumstances of the case, Iain is beyond the control of his mother and her partner.

Date _____

Reporter _____



CRAIGTON COUNCIL
SOCIAL WORK DIVISION

SOCIAL BACKGROUND REPORT
(Social Worker's Report for Children's Hearing)

THIS FORM PREFACES CCSWD 1

*Delete as necessary

ACCESS TO INFORMATION

This is a report which covers events to the present time.
This report will exclude information from third parties unless they have specifically agreed to its inclusion.
The report will also, on occasion, exclude information, which the writer believes could lead to significant harm to the child or other persons.

*Delete as necessary

*Report for Children's Hearing about (child/young person's name) on **Hearing Date**

This copy released to (Recipient's name and relationship to child)

On (date) _____ Recipient's signature (Whenever possible) _____ *

CHILD/YOUNG PERSON DETAILS

Forenames	Iain	Family Name	McLeod
(Also known as)			
Date of Birth	3/9 (age 15)	Gender	Male
Home Address		Present Address	
Flat1/1, St John Street, Summertown			
SCHOOL	Summertown G.S.	School contact person	S. Muir

HEARING DETAILS

Date	17th March 10.30am	Place	62 William Street, Summertown
-------------	--------------------	--------------	-------------------------------



GROUNDNS FOR REFERRAL/*REASON FOR HEARING and BASIS OF REPORT

SOCIAL WORKER DETAILS

Name <i>(including title)</i>	M. S. Allen	Designation	Social Worker
Workplace Address	Summertown Area S.W. Centre 1 Wilson Place Craigton	Date Report Written	28th February
Tel	01967 522311		
Fax	01967 522322		

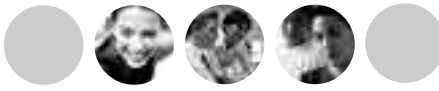
OTHER PROFESSIONALS/AGENCIES INVOLVED

Title	Full Name	Designation	Agency	Address

FAMILY/HOUSEHOLD AND OTHER INVOLVED PERSONS

(List nuclear family – ‘parents and siblings’ – first)

Title	Full Name	Relationship to Child	Age/DOB	Relevant person?	Address (if different from Child/YP)
Mrs	Anne McLeod	Mother		Yes	1/1 St John's Street Summertown
Mr	Thomas Cairns (Tam)	Mother's partner		Yes	
	John McLeod	Brother	18 yrs	No	57 Burnside Gardens Newton
	John McLeod	Father		Yes	
	Iain McLeod (subject)		15 yrs		



Family History

Iain is the child of Anne and her ex-husband John McLeod senior, who left the family home five years ago. Mr and Mrs McLeod have been divorced for three years. Mr McLeod has remarried and has a two-year-old daughter. He has had little contact with Iain since he left the family home and none in the last three months, following an incident when Iain arrived at his house under the influence of alcohol.

I recommend that the Hearing consider making Iain the subject of a home Supervision Requirement. I have contacted the Winterton Children's Unit who have confirmed that they are willing to provide outreach support to the family and undertake work with Iain on behaviour control.

John McLeod junior moved into a privately rented flat six months ago. He is a regular visitor to the family home and has a good relationship with his mother and her partner and his brother. He has tried to speak to Iain about his behaviour but Iain just walks away or shouts at him.

Previous social work or other agency involvement

Iain first came to the attention of the social work department two years ago when his mother contacted the department for help with his behaviour. Voluntary work was undertaken with the family and the situation improved.

Reasons for referral

Beyond the control of any relevant person

Circumstances surrounding the referral

In discussion, Mrs McLeod reported that Iain's behaviour has been difficult since his father left. She is finding it increasingly difficult to sanction him when his behaviour is unacceptable. She is aware that Iain does not like her current partner, Tam, and is barely civil to him. Tam provides her with support in her dealings with Iain but is never involved in any discipline or sanctions. Mrs McLeod stated that since her eldest son left home the atmosphere when both Iain and Tam are in the house is not good.

The current situation is putting a strain on their relationship. She feels torn between her son and Tam and is now at a loss as to what to do about Iain's behaviour. Iain will not tell her where he is going or who he is with and she has found it very upsetting when he does not return home. She described how she and Tam had driven around looking for him before they called the police.

Iain does not see why his behaviour is a problem. He stated that his mother has her life and he should be allowed to have his. He said that he is looking forward to his 16th birthday when he can leave school and get a job, leave home and get out of her way. Iain admits to drinking at the weekends but was unwilling to reveal where or who with. Iain became very angry and left the interview when I tried to discuss his father or his feelings towards him.



Education

Iain is a 4th year pupil at Summertown Grammar School, studying six Standard Grades. He has been permanently removed from French and PE due to his unacceptable behaviour. He spends these periods in the support base where his behaviour is on occasions difficult to manage. Recently he has been leaving school rather than going into the support base. It appears that he does not go home.

Assessment and Recommendations

Iain is an angry young man whose behaviour both at school and at home is cause for concern. Mrs McLeod feels that she has tried everything that she can to change his behaviour without success. The current situation is putting a strain on family relationships and I am concerned that without support Mrs McLeod may ask for Iain to be accommodated.

S. Allen



Summertown Council

Confidential

REASON FOR REPORT Non-attendance and alleged offences			Referral to Reporter Review Children's Hearing			
Child's Name Iain McLeod			Date of Birth 3/9.....		Date of Admission 17/8.....	
Address Flat 1/1 St John's Street, Summertown			School Summertown Grammer			
Name of Class/Guidance Teacher S. Muir PT Guidance			Previous School			
			Number of Previous Schools			
Name of Parent/Guardian Mrs A. McLeod						
Address (if different from above)						
ATTENDANCE	Last 4 Weeks		This Session		Last Session	
Please attach print-out for this session if available	Possible 40	Absences 15	Possible 83	Absences 22	Possible	Absences
Please give any known reasons for absences (e.g. illness, latecoming, holiday, exclusion, truancy, other unauthorised absence). Iain was excluded for 3 days. All other absences are truancy.						
Give number of absences attributable to each category, if known, and describe any pattern of absences. Recently Iain has taken to leaving the premises rather than attending the support base.						
HEALTH						
Are there any factors affecting the child which are known to the school? No/yes If yes, specify No						
Has there been any involvement of specialist services? No/yes If yes, specify No						



EDUCATIONAL PROGRESS

What level of course is the young person taking?

6 Standard Grades at Foundation/General level

Is potential being achieved? If not, can you offer any reasons?

Iain was making steady progress but in the last three months his behaviour and attitude have changed. He is now permanently excluded from French and PE due to his unacceptable behaviour.

Has any school-based support been provided to assist progress?

Behaviour support provided in Science to help him maintain a place in the class.

Have any specialist resources been provided to assist progress?

EXTRA-CURRICULAR

Please provide details of any interests, activities and employment which the young person has.

Iain used to play football in S3

RELATIONSHIPS/PERSONALITY/BEHAVIOUR

Please comment on the nature of the young person's relationships with other pupils and staff.

Iain's attitude can be confrontational and rude when he is in a bad mood.

When co-operating he presents no problems. We are aware that he has become friendly with two ex pupils who have a reputation in the local community for bullying.

Please comment on the young person's behaviour and presentation in and out of class.

Have there been any recent changes?

Mondays are not good for Iain and he can be at his most difficult at this time. He is either loud and difficult to control or sullen and unco-operative.

If the young person's behaviour has been challenging, please describe the school's responses and comment on the extent to which these have been successful.

Iain has received help from the behaviour support staff with varying degrees of success.

CONTACT WITH FAMILY

Please provide a summary of the relationship between school and parent/other carer.

Has there been any recent change?

Mrs McLeod has discussed at length the difficulty that she is having controlling Iain's behaviour.

She is very co-operative with all that we are trying to do. She is very supportive of the school.



FURTHER RELEVANT INFORMATION

Please use this section to record any additional historical or current information which you think the Reporter and/or Hearing members should know. Views about what could be done to meet the needs of the child may be given.

We are becoming concerned about Iain's deteriorating behaviour. He has the potential to do well in his exams but seems at this time to be distracted by other things.

Comments by Head Teacher

This report has been discussed with

(Tick box)

The child The mother Other
 (Please indicate)

The father

Report compiled by: (Print)
 Designation
 Head Teacher's Signature:
 (if different)

.....S MUIR.....
 ...PT GUIDANCE.....
 ...M. W.Smith.....

Signed: *S. Muir*.....
 Date:9/3.....
 Date:9/3.....

In certain circumstances the report may be lodged as a production in court, and the compiler may be cited to give evidence and to speak to the contents of the report. The contents of this report are subject to the School Pupil Records (Scotland) Regulations 1990 and the Children's Hearings (Scotland) Rules 1996. You may be called upon to assist a Sheriff or a Children's Hearing in relation to the contents of this report at a subsequent proof, appeal or hearing.

Modern Studies – Advanced Higher

Theme: Law & Order and Research Methods

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An Introduction to the Children's Hearings System

Page 80

History – the Milestones

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The Legal Framework

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The Fundamental Principles

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The Children's Hearings Process

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Key People in the Children's Hearings System

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Glossary

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ADVANCED HIGHER – THEME: LAW AND ORDER AND RESEARCH METHODS

The materials provided for Advanced Higher Modern Studies students supply detailed information about the Children's Hearings system.

The history of the system, the legal framework and the principles on which it is based are outlined.

The Children's Hearings system process is explained and information provided relating to the key people who work within the system.

An introduction to youth justice systems in England and Wales, Canada and New Zealand present a starting point for an individual comparative study.

The student activities will enable students to interpret data and draw conclusions, and to become more familiar with the role of Safeguarder and Legal Representative.

The essay questions will provide students who may wish to use the Children's Hearings system as a dissertation topic with starting points for their investigation.

The case of Jonathan Gibb provides a full set of case papers and reports as provided to panel members. It demonstrates a typical care and protection referral and can be used as the basis for a mock hearing.

For students who would like more information about the Children's Hearings system the following web site will be of use:

www.childrens-hearings.co.uk



THE CHILDREN'S HEARINGS SYSTEM – INTRODUCTION

The Children's Hearings system is Scotland's unique system of combining welfare and justice for vulnerable and troubled children and young people from birth to their 16th birthday and in some specific cases to their 18th birthday. It has been operating for more than 30 years. Its formation stemmed from the work of Lord Kilbrandon, who found that whether young people had offended or been offended against, their needs were the same. He believed that in taking decisions about their future, the best interests of the child/young person must be the prime concern.

In the Children's Hearings system, decisions on what is best for the child are made by members of the children's panel, trained volunteers from the community. The Children's Hearings system helps children/young people who are vulnerable because they are experiencing, or are at risk of, for example:

- **physical, sexual or emotional abuse**
- **parental neglect**
- **being out of control**
- **offending**
- **not going to school**
- **taking drugs or alcohol.**

The system has had to adapt to changing social and political climates over the last 30 years. However, the fundamental principles on which it is based have been maintained.

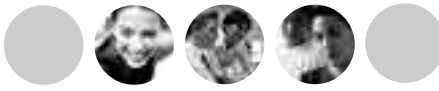
HISTORY – THE MILESTONES

The Children Act 1908 was the first legislation to recognise the need for juvenile offenders to be dealt with separately from adults. In Scotland the minimum age of criminal responsibility was seven years old and a child was classified as a juvenile up to the age of 17.

Following the recommendations of a committee appointed in 1925 under the Chairmanship of Sir George Morton to enquire into the treatment of young offenders and children requiring care or protection, **the minimum age of criminal responsibility was raised to eight years in 1932.**

The Morton Committee also recommended the transfer of jurisdiction of cases of children and young offenders to specially constituted justice of the peace juvenile courts. It was intended that cases would be considered by justices who, by knowledge and experience, were specially qualified to deal with these types of cases.

Between the 1930s and the 1960s most of Scotland's children were being dealt with in different types of courts, depending on where in the country they lived. There was a need for standardisation. There were considered to be basic difficulties in a model which tried to combine the processes of a criminal court with treatment of children who offended.



The Kilbrandon Committee

In **May 1961**, a committee was set up by the Secretary of State for Scotland under the chairmanship of Lord Kilbrandon, a senior Scottish judge. Other members of the committee were four justices of the peace, four lawyers, a chief constable, a head teacher, a psychiatrist and a probation officer.

The remit of the committee was: 'To consider the provisions of the law of Scotland relating to the treatment of juvenile delinquents and juveniles in need of care or protection or beyond parental control and, in particular, the constitution, powers and procedure of the courts dealing with such juveniles, and to report.'

The Committee reported in 1964. It found that children and young people appearing before the courts (whether they had committed offences or were in need of care or protection) had common needs for social and personal care. The Committee considered that the existing juvenile courts were unsuited to dealing with these problems because they had to combine the characteristics of a criminal court of law with those of a treatment agency. Separation of those functions was therefore recommended.

The establishment of the facts (where disputed) was to remain with the courts, but decisions on treatment were to be the responsibility of a new and unique kind of hearing. Today's Children's Hearings system flows from the recommendations in the Kilbrandon report.

The Kilbrandon Committee recommendations

The Kilbrandon Committee recommended that completely new arrangements were needed to deal with all children in need and that a special treatment agency, or 'juvenile panel', was necessary, which would be neither a court of law nor a local authority committee.

The panel would essentially be a lay body made up of people who either by knowledge or experience were considered to be specially qualified to consider children's problems. This was a model on which none of the then current systems of juvenile justice were based. Panel members would have powers of compulsory action and the power to modify or vary measures appropriate to the individual child.

What set apart the proposed panels from the juvenile courts of the time was how their powers would be exercised. The benchmark for action would be the child's need for special measures of education and training. The panel's jurisdiction would be founded on grounds where the basic facts were agreed or accepted, with disputed matters being referred to a Sheriff for adjudication.

The Crown would keep overriding discretion to prosecute in exceptionally serious matters such as murder or manslaughter. The current law reflects that recommendation by providing that no child under 16 shall be prosecuted for any offence "except on the instructions of the Lord Advocate".



The Committee also recommended the abolition of the minimum age of eight as the age from which a child might be held to be responsible for criminal actions.

However, this minimum age still applies today.

Children's panels

It was recommended that panels should be appointed in each education area by the Sheriff and that panel members would receive appropriate instruction and training. Each local authority now has a children's panel, with panel members appointed by Scottish Ministers. The panel members have to undergo extensive training before they can sit on Hearings and this continues throughout their appointment.

It was recommended that the buildings used for hearing cases should be both physically separate from, and entirely unconnected with, the criminal courts and police stations. It was appreciated that the times that Hearings were held would be a matter for local arrangement. However, the Kilbrandon Committee hoped that, bearing in mind the benefits of having both parents attend, there would be evening Hearings and in some cases Saturday Hearings.

At present Hearings take place during the day, with occasional evening Hearings, but there are no longer Saturday Hearings. This is currently being reviewed.

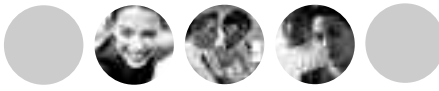
Referrals to panels: the role of the Reporter

The Kilbrandon Committee proposed that referrals to the panel would be via an independent official, to be known as the Reporter. As this official would act as gatekeeper to the system, it was thought that Reporters should be competent to assess both the legal issues and also the wider question of public interest. A legal qualification, as well as a period of administrative experience relating to child welfare and the educational service, were considered relevant requirements. In addition to handling referrals, Reporters would have administrative responsibility for organising the panels' business, and would also act as clerks to the panels.

Reporters continue to be at the centre of the Hearings process. Following a referral they decide whether a Hearing should be arranged. They organise the Hearing and ensure that due process takes place. A legal qualification is not a requirement to becoming a Reporter, although many Reporters have a legal or social work background.

Implementing the recommendations

A White Paper *Social Work and the Community* produced in 1966 retained most of the core proposals of the Kilbrandon Committee and introduced the specific terms 'children's panels' and 'hearings' for the first time. The White Paper included a range of possible decisions (known as 'disposals') that would be available to Hearings.



These included discharge of the case and home or residential supervision. Significantly, the White Paper also linked juvenile justice to developments taking place in the organisation of social work. The aim was to create a new kind of social work department, bringing together the various specialised social work services – probation, the children's departments and welfare departments of councils – in order to provide an effective all-encompassing system.

The White Paper recommended that the newly organised social work departments should provide the supporting services necessary for the work of children's hearings.

Statutory provision for the new system was made in the Social Work (Scotland) Act 1968.

On 15 April 1971 Children's Hearings took over from the courts most of the responsibility for dealing with children and young people under 16 who commit offences or are in need of care and protection.



THE LEGAL FRAMEWORK

Most of the legal provisions which govern the Children's Hearings system today are contained in the **Children (Scotland) Act 1995** and the **Children's Hearings (Scotland) Rules 1996**.

The Children (Scotland) Act 1995 replaced most of the provisions in the Social Work (Scotland) Act 1968 Act which related to children. The 1995 Act's focus is on the needs of children and their families, and it also defines parents' rights and responsibilities in relation to children. It also introduced the concept of 'Relevant Person'*; a specific legal term, and described who are relevant people for the purposes of the Children's Hearings system.

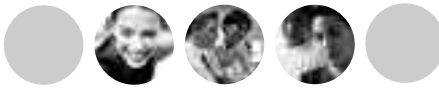
While keeping and building on the fundamental philosophy of the Kilbrandon Report, the 1995 Act incorporates principles from the United Nations Convention on the Rights of the Child and applies them to the Children's Hearings system. The need to comply with articles in the European Convention on Human Rights was also taken account of.

* see *Glossary of Terms Page 96* for a more detailed explanation

Key principles underpinning decision-making

The Children (Scotland) Act 1995 requires courts and Children's Hearings to bear in mind the following central principles in reaching decisions:

- **the welfare of the child is the paramount consideration in decisions being made by courts and Children's Hearings (unless members of the public need to be protected from serious harm)**
- **no court should make an order relating to a child, and no Children's Hearing should make a supervision requirement, unless the court or Hearing considers that to do so would be better for the child than making no order or supervision requirement at all (this is known as the 'no order principle')**
- **children should be given an opportunity to express a view and, if they do so, consideration should be given to the child's views – children of 12 or over are presumed to be sufficiently mature to be able to form a view.**



THE FUNDAMENTAL PRINCIPLES OF THE CHILDREN'S HEARINGS SYSTEM

The Children's Hearings system was, from its start, underpinned by principles set out in the Kilbrandon Report. These brought together the law, expertise in providing child care and informed lay judgment in order to reach decisions on what care was needed in the best interests of individual children. The key principles are that children who offend and children against whom offences are committed should normally be dealt with in the same system – however children who commit very serious offences may be dealt with by the courts.

Key Principles

- The system is based on a concern for the welfare of the child, not punishment.
- While the child's needs are normally the benchmark for intervention, this does not mean ignoring deeds, as to do so would not be in the child's best interests.
- The gatekeeper to the system, the Reporter, gathers evidence to support specified reasons for referral to Hearings, known as 'grounds for referral', and also applies the benchmark of the need for compulsory intervention.
- Hearings are conducted in private but are open to prescribed public scrutiny.
- Decisions in Hearings are made by trained lay people, panel members, who represent a cross-section of the community.
- Children and parents have the right to accept or deny the grounds for referral, and disputed facts are dealt with by a Sheriff in court.
- Hearings consider the 'whole' child, that is the child in the context of his or her life.
- The style and setting of Hearings is relatively informal to encourage full and frank discussion while legal procedures are observed.
- Hearings should attempt to engage the co-operation of families in resolving problems.
- Parents are usually the best people to bring up their own children and should be encouraged and enabled to do so whenever possible.
- Hearings must seek, listen to and take account of the views of children and their parents in reaching decisions.
- Compulsory measures should be beneficial, with decisions taken by Children's Hearings being in the best interests of the individual child.
- Compulsory measures encompass protection, treatment, guidance and control.
- Children should remain in their own community wherever possible and service provision should be integrated.
- Other rights, such as the right to appeal and to review compulsory measures, are built in to the system.



THE CHILDREN'S HEARINGS PROCESS

There are four key stages in the Children's Hearings process:

- **the Referral**
- **the Investigation**
- **the Hearing**
- **the Outcomes.**

1. The Referral

Something has to happen in the child/young person's life to start the process. For example:

- he/she may be the victim of a crime or may have offended, or both
- he/she may not have been going to school
- his/her welfare may be at risk or they may have suffered abuse or neglect.

Any person or agency that has concerns about a child/young person can refer him/her to the Reporter. Most referrals are made by police or social work departments. A child/young person can contact the Reporter themselves, although this happens rarely.

Fact: In 2003-04, 45,793 children were referred to the Reporter. This represents just over 4% of Scotland's children.

Reasons why children/young people are referred to the Reporter

The Reporter will be contacted about children/young people for a number of different reasons. These are known as the 'grounds for referral'. There are 13 prescribed grounds which may indicate that a child/young person is in need of compulsory measures of supervision.

a) The child is beyond the control of any relevant person.

A relevant person has the responsibility to appropriately control, direct or guide a child's upbringing. This ground may be used when a child/young person is behaving in such a way that he/she does not respond to reasonable parental actions, for example when a child is running away or continually staying out until the early hours of the morning without their parents' consent.

b) The child is falling into bad associations or is exposed to moral danger.

The essential concept here is of a child being coerced, led astray, or otherwise exposed by another person to such matters as drugs, drink or sexual behaviour. It may refer to a child under eight years old (the age of criminal responsibility) who is involved in offences and cannot be charged with them.



c) The child is likely:

(i) to suffer unnecessarily; or
(ii) be impaired seriously in his/her health or development due to a lack of parental care. Generally, this refers to poor parenting over a period of time which may be due a variety of reasons, for example alcohol or drug misuse or ill health on the part of the person who has parental care of the child. It may also refer to children living in filthy conditions or being fed insufficiently. Lack of parental care might also result from relevant persons' low intelligence and lack of parenting skills rather than intentional behaviour and could also cover a parent's severe personality or mental health problems. Whatever the cause of the suffering or the impairment, it must be likely to continue and materially harm the child in the future.

d) The child is a child in respect of whom any of the offences mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1995 (offences against children to which special provisions apply) has been committed.

This relates to children against whom offences have been committed. These include not only sexual offences, but also wilful assault, ill-treatment, neglect, exposure or abandonment in a manner likely to cause injury or unnecessary suffering. For this ground to be established it is not necessary for the perpetrator to have been convicted in a criminal court; merely that the offence is established by the Reporter to the civil court standard on the balance of probabilities.

e) The child is, or is likely to become, a member of the same household as a child in respect of whom any of the offences referred to in paragraph (d) above has been committed.

This ground offers equal protection to all the children in the household. If one child in the household is a victim of an offence, then all the other children in that household may be referred to a Children's Hearing. It can be used to protect a new-born child joining the household.

f) The child is, or is likely to become, a member of the same household as a person who has committed any of the offences referred to in paragraph (d) above.

This can be used to protect any child, from birth onwards, who becomes (or may become) a member of the same household as a Schedule 1 Offender.

g) The child is, or is likely to become, a member of the same household as a person in respect of whom an offence under sections 2A to 2C of the Sexual Offences (Scotland) Act 1976 (incest and intercourse with a child by step-parent or person in position of trust) has been committed by a member of that household.

This protects both boys and girls growing up in a household where someone has committed a particular sexual offence.

h) The child has failed to attend school regularly without reasonable excuse.

The child must be of school age. Reasonable excuses are defined in section 42 of the Education (Scotland) Act 1980 and refer to difficulties with travel arrangements, health problems or special circumstances acceptable to the education authority or a court. Exclusion due to a child's disruptive behaviour does not necessarily constitute a reasonable excuse for not attending school.



i) The child has committed an offence.

This ground applies only to children who are above the age of criminal responsibility (eight years old) who have committed offences. The Lord Advocate may decide that a child who has committed a very serious offence will be prosecuted in court, in the public interest. The Lord Advocate's Direction to Chief Constables details when a child must be jointly reported to the Procurator Fiscal and the Reporter. There is normally discussion between these officials prior to a decision being taken by the Procurator Fiscal.

j) The child has misused alcohol or any drug, whether or not a controlled drug within the meaning of the Misuse of Drugs Act 1971.

This brings Scots law into line with Article 33 of the UN Convention on the Rights of the Child, which expects member states to take appropriate measures to protect children from the illicit use of drugs.

k) The child has misused a volatile substance by deliberately inhaling its vapour, other than for medicinal purposes.

This covers solvent abuse and glue sniffing.

l) The child is being provided with accommodation by a local authority under section 25, or is the subject of a parental responsibilities order obtained under section 86 of this Act and, in either case, his behaviour is such that special measures are necessary for his adequate supervision in his interest or the interest of others.

This relates to children who are being looked after by the local authority who repeatedly abscond or endanger themselves or others by their behaviour. This might lead to considering whether secure accommodation (being temporarily held in locked facilities for their own safety or the safety of others) is needed.

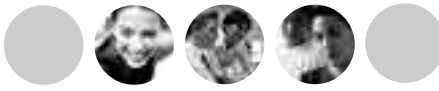
m) The child is a child to whom subsection (2a) of the Antisocial Behaviour etc (Scotland) Act 2004 applies.

This relates to children who are subject to an antisocial behaviour order or an interim antisocial behaviour order where the Sheriff Court refers the case to a Children's Hearing.

2. The Investigation

The Reporter investigates the child/young person's case by asking for information from different sources – for example social workers, police, schools, or health and voluntary organisations. The Reporter has statutory discretion in deciding the next step. He/she evaluates the information, and his/her decision is based on the answers to the following key questions:

- **Is there sufficient, relevant evidence to support grounds for referral?**
- **Are compulsory measures of supervision necessary?**



The Reporter has three possible decisions:

- 1. Not to arrange a Hearing.** The Reporter might do this if, for example, it is the first referral and the child's circumstances are not a cause for concern. He/she will inform the child/young person and their family of the decision. However, the Reporter may take some informal action, which may include, for example, issuing advice or referring the child for a police warning.
- 2. To refer the child/young person and family for voluntary support from the local authority.** The Reporter is aware of the support that the local authority is able to provide that will help the child/young person and their family. The Reporter will also know that the child/young person and his/her family have agreed to work with the local authority.
- 3. To arrange a Children's Hearing.** The Reporter will do this if he/she thinks that supervision by the local authority on a compulsory basis is needed to help the child/young person and their family. Supervision may involve guidance, treatment or measures to control behaviour. This is discussed further on Page 91 under "What is a Supervision Requirement?"

Once the Reporter has referred a child/young person to a Children's Hearing, the decision making passes to the panel members at the Hearing.

Fact: In 2003-04, Reporters decided that in just over 11% of children referred, a Hearing would take place. Alternative action was taken in the majority of the remaining cases.

3. The Hearing

A Children's Hearing is a lay tribunal of three members. It must not be wholly male or female and should have a balance of age and experience. The purpose of a Children's Hearing is to decide whether compulsory supervision is needed for the child/young person.

The style and setting of the Hearing is relatively informal, to encourage full and frank discussion of the issues while legal procedures are followed. Usually everyone sits around the same table. The Hearing takes place in private, and will usually last between 45 minutes and an hour.

People who attend the Children's Hearing

The key people at the Children's Hearing are the child/young person and his/her family, the Reporter, the three panel members (one will chair the Hearing), a social worker and perhaps, if the child is of school age, a teacher.



There are other people who may also attend the Hearing. The child/young person and his/her family may bring a representative, who may be a friend, a relative or a solicitor. Other professionals who have some expertise that might be useful to the Hearing, such as an educational psychologist or a health visitor, may also be there. If the Hearing has appointed a Safeguarder or a Legal Representative for the child/young person, he/she will also attend. See Page 93 'Key People in the Children's Hearings System' for more information about Safeguarders and Legal Representatives.

What happens at a Children's Hearing?

Before the Hearing the panel members will receive copies of any reports requested by the Reporter. A report on the child/young person and his/her social background will be prepared, usually by a social worker from the local authority, and where appropriate the child's school will also provide a report. Medical, psychological or psychiatric reports may also be requested. Relevant persons and, where appropriate, children over 12 are provided with copies of these reports at the same time as panel members.

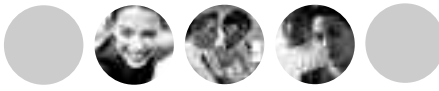
The Hearing can consider cases only where the child/young person and relevant persons accept the grounds for referral stated by the Reporter, or where they accept them in part and the Hearing considers it proper to proceed. The chair of the Hearing will put the grounds for referral to the child/young person and relevant persons, who have the right to either accept or deny them.

Where the grounds for referral are not accepted or the child does not understand them, the Hearing can either discharge the referral or refer the case to the Sheriff Court to decide whether the grounds are established. If the Sheriff is satisfied that any of these grounds are established, he will remit the case to the Reporter to arrange another Hearing. This Hearing will consider the case and make a decision.

The panel members discuss the circumstances of the child/young person fully with him or her, the relevant persons and any representatives, the social worker and the teacher, if present. The panel members will seek the child/young person's views about the situation and any proposals put forward by the professionals at the Hearing. As the Hearing is concerned with the bigger picture and the long-term well being of the child/young person, the decision it takes will be based on his/her best interests. The panel members will consider the options in the light of the discussions and decide whether compulsory measures of supervision are necessary.

Each panel member will give their decision and reasons in front of everyone present. The chair will then summarise the Hearing's decision and the reasons for it, and explain to the child/young person and other relevant persons their right to appeal against the decision.

Throughout the Hearing the Reporter ensures due process and will keep a record of the proceedings. He/she can also give advice to the panel members on procedural issues and on the range of options available to them. The Reporter does not present or argue the case or advocate a particular outcome.



After the Hearing

Once the child/young person and relevant persons have left the room, the chair of the Hearing will write the Hearing's decision and reasons for the decision. The Reporter will arrange for a copy of these to be sent to the child/young person and other relevant persons.

4. The Outcome

The Hearing has several decisions it can choose from. The most common decisions are:

- 1. to discharge the referral because the panel members feel that compulsory supervision is not needed**
- 2. to continue (defer) the Hearing to a later date for more information to help them to make an informed decision**
- 3. to impose a Supervision Requirement on a child/young person with any conditions that they think are necessary**
- 4. if the grounds for referral are not accepted, or the child cannot understand due to their age or ability, to send the case to the Sheriff Court for the Sheriff to decide whether the grounds are established. If any or all grounds are established, the case comes back to a Hearing.**

What is a Supervision Requirement?

The most common outcome of a Hearing is a Supervision Requirement. This is a plan of work, support and services to help the child/young person. What is in the plan depends on the reasons why the child/young person is at the Hearing. Each plan is designed to meet the individual's needs and includes such measures taken for his or her protection, guidance, treatment or control as are necessary to promote his or her welfare. It is the whole local authority which carries the responsibility for implementing the Supervision Requirement and not just one department. Social work and education are usually the two main services that will be involved.

The Supervision Requirement might include conditions about where the child/young person is to live, for example whether he/she needs to live with foster carers or stay at a residential school or in secure accommodation. Most children/young people on Supervision Requirements remain at home. It might also include conditions about whom the child/young person may or may not have contact with and when, or that he/she must attend a programme which focuses on his/her behaviour and works to improve it.

The Supervision Requirement will last for as long as it is needed but it must be reviewed within a year at another Children's Hearing. The child/young person and/or the family may ask the Reporter to arrange a Children's Hearing to review the decision after three months. The local authority can ask for the Supervision Requirement to be reviewed at any time following the Hearing. A Review Hearing might be requested because the child/young person's situation has either improved or deteriorated.

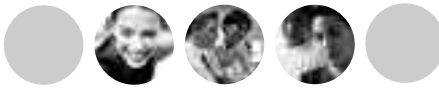


At a Review Hearing, the Supervision Requirement may be continued as it is, changed or terminated.

Appeals

Any decision that a Hearing takes is legally binding on the child/young person. If the child/young person and/or other relevant persons do not agree with the decision of the Children's Hearing, they can appeal to the Sheriff Court but must do so within 21 days of the Hearing. Once an appeal is lodged it must be heard within 28 days.

Fact: On 30 June 2003, 10,488 of Scotland's children were subject to a Supervision Requirement.



KEY PEOPLE IN THE CHILDREN'S HEARINGS SYSTEM

A number of different people, both professionals and volunteers, are involved in the Children's Hearings system.

The **Children's Reporter** is an officer of the Scottish Children's Reporter Administration (SCRA), a national body with a statutory function to deal with children in trouble or at risk. The Reporter is independent from all other agencies and has absolute discretion in decision making. The Principal Reporter, as professional head of SCRA, carries overall responsibility for Reporters' decision making.

The Reporter is the "gatekeeper" of the system as he/she will investigate referrals of children/young people who are in trouble or at risk, deciding which children/young people should attend a Children's Hearing. He/she also invites all the necessary people to the Hearing and sends copies of the reports to those people.

The Reporter attends the Hearing and will send the child/young person and his/her family a copy of the Hearing's decision and reasons for it. The Reporter can also give advice to the panel members on procedural issues or the range of options available to them if they ask for it. The Reporter does not present the case to the Hearing and does not advocate any particular outcome.

The Reporter has two roles in court. He/she will lead evidence in court where the grounds for referral are disputed or not understood. The Reporter will also go to court if the child/young person and/or the relevant persons appeal against the Hearing's decision. The Reporter will assist the Sheriff to reach a well-informed decision in the child's interests generally by promoting the Hearing's decision.

There are Children's Reporters in every local authority area of Scotland and they work closely with their professional colleagues in education, social work, health and the voluntary sector.

The **children's panel members** are extensively vetted and highly trained volunteers from the local community who come from a variety of backgrounds. There are about 2,500 children's panel members throughout Scotland. The recruitment and selection of children's panel members takes place annually.

The initial period of appointment of a children's panel member is normally three years but appointments can be renewed and there is no statutory maximum period of service.

Children's panel members receive no payment, but may claim allowances for travel expenses and subsistence from the local authority. They are entitled to take time off work for panel duties, and are excused jury service both during their period of service and for a period after their panel membership ends.



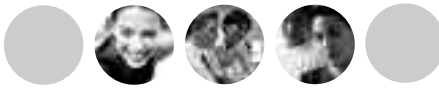
A Children's Hearing is made up of three children's panel members (at least one of whom must be male and one female). Their role is to make the decisions at the Children's Hearing that are in the child/young person's best interests.

A **social worker** will contact the Reporter about any children/young people that he/she is concerned about and provide a report to help the Reporter to decide whether there needs to be a Children's Hearing. The social worker will also provide a social background report for the panel members and attend the Hearing to discuss this. If the panel members decide that compulsory measures of supervision are necessary, they will impose a Supervision Requirement. This will entail the local authority preparing a plan of work, support and services to help the child/young person. Although the responsibility for implementing a Supervision Requirement is the duty of the local authority, the main responsibility normally rests with the social work department.

The **education staff** of the local authority may make referrals to the Reporter, particularly in cases of children/young people failing to attend school or where a teacher has concerns about their general welfare. If a child/young person who is to appear at a Hearing is of school age, then the Reporter usually asks for a school report. This contains information on the educational performance and behaviour of the child in school and a record of attendance. Where possible, a teacher will attend the Children's Hearing to discuss the report and highlight any concerns that they may have.

The Children's Hearing might appoint an independent person called a **Safeguarder** to look after the child/young person's interests in the proceedings. The Safeguarder, who is independent of all agencies, is selected from various backgrounds – legal, social work or education – and must produce an independent written report for the Hearing. Safeguarders are expected to attend Hearings not to speak for the child (although they may present the child's views) but to represent his or her best interests. Sometimes the child/young person may disagree with what the Safeguarder says. Once the hearing has made its final disposal (decision), and the appeal period is over, the Safeguarder has no further contact with the child.

A **representative** may attend the case if the child/young person or relevant persons wish. There can be a different representative for the child and relevant persons. The child/young person and relevant persons must still go to the Hearing, but their representative can assist them in the discussion at the Hearing. The representative can be a friend or relative or even a solicitor. However, unlike a Legal Representative (see next page), the representative is not appointed by a Hearing.



A **Legal Representative**, who is a solicitor with experience in representing children and young people, might be appointed by a Hearing to help the child/young person to take part in the Hearing. Also, if the Hearing is discussing whether a child/young person should be sent to secure accommodation (be temporarily held in locked facilities, for their own safety or the safety of others), or the child/young person is already in secure accommodation, a Legal Representative will be appointed.

The role of the Legal Representative is to attend the Hearing, normally with the child, and to present the child's views to the Hearing. He or she will also promote the child's rights in the proceedings. Once the Hearing has made a decision and the appeal process has expired, the role of the Legal Representative ends. The difference between a Legal Representative and a Safeguarder is that the former does not need to consider the child's best interests, merely represent the child/young person's views.

A **Sheriff** is a judge who sits at the Sheriff Court. There are Sheriff Courts in every part of Scotland. If a child/young person or the family think that the grounds for referral are not correct, the Sheriff will decide whether or not the grounds are established (true). The Sheriff will do this usually by hearing evidence from the Reporter and from the child and family. The Sheriff only decides on the facts; he/she never decides what should happen to the child because this is always done by a Children's Hearing. So if the Sheriff thinks that grounds for referral are established, he/she will ask the Reporter to arrange another Children's Hearing.

Children's panel members are appointed by **Scottish Ministers**. Recommendations on appointment are provided by the Children's Panel Advisory Committees (CPACs), which comprise both members appointed by Scottish Ministers and members nominated by local authorities. The **Scottish Executive** runs an annual national children's panel recruitment campaign, provides national training for children's panel and CPAC members, funds the Scottish Children's Reporter Administration and deals with all legislative and policy matters relating to the Children's Hearings system.



GLOSSARY OF KEY TERMS

Children's Hearing: a lay tribunal made up of three panel members from the local authority children's panel, at least one of whom must be male and one female. The child must normally attend, usually along with his/her family ('family' can include carers or anyone responsible for looking after the child) and relevant professionals. The child and parents may take a representative to help them. Discussions are confidential but decisions are made in front of all of those present.

Children's panel: a group of volunteers appointed by Scottish Ministers following extensive vetting and training. Each of Scotland's 32 local authorities has a children's panel, which represents a cross-section of the local community. The panel is the collective name for panel members, and each local authority must keep a list of who is on the panel.

Disposal: the main decision of the Hearing. The most common disposal is a Supervision Requirement, which means that the child/young person is a 'looked-after' child of the local authority. This means the local authority must safeguard and promote the child's welfare and make services available for the child/young person. A Supervision Requirement can have any condition attached that the Hearing thinks will help the child/young person.

Ground for referral: the legal reason why a child/young person is referred to a Hearing. The grounds are set out in law and cover the general areas of concern. For example, the child may have been abused physically or sexually, played truant from school, offended, been a victim of an offence or bullying, misused drugs or alcohol, or been outwith parental control. There can be more than one ground for a child.

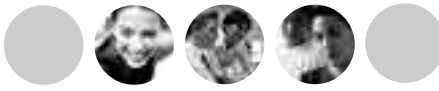
Referral: how a child/young person is brought to the notice of the Children's Hearings system. The child/young person may be referred to the Children's Reporter by anyone, but it is usually by the police or a social worker. A child/young person may refer themselves.

Review: a Supervision Requirement must be reviewed within a year, but the Hearing can set an early date for the review and a social worker can ask for a review at any time. The child/young person and/or his/her family can ask for a review after three months from the date of the Hearing.

Secure accommodation: locked facilities approved by the Scottish Executive which will meet the social, educational and health needs of young people when their liberty needs to be restricted, either for their own or for public safety.

Supervision: measures taken by the local authority for the protection, guidance, treatment or control of children or young people.

Supervision Requirement: a plan of work, support and services to assist a child/young person. Made by a Children's Hearing, the Supervision Requirement must be implemented by the local authority where the child/young person lives.



YOUTH JUSTICE: FOCUS ON OTHER COUNTRIES

The Children's Hearings system in Scotland uniquely combines welfare and justice for both young people who have offended and those in need of care or protection. Other jurisdictions take different approaches.

England and Wales

Referral Orders are given to most 10 – to 17-year-olds pleading guilty on a first offence, unless the charge is serious enough to warrant a custodial sentence. After appearing in court, the young person is referred to a Youth Offender Panel (YOP) which considers the best course of action.

A YOP consists of two volunteers recruited directly from the local community, alongside one member of the Youth Offending Team.

The YOP meets with the young person and their parents or guardians to discuss reasons for the offending behaviour and suggest ways forward. The victim is encouraged to attend the meeting to tell the young person how the crime has affected him/her. With everyone in agreement, a contract is compiled to include an element of reparation, either to the victim directly or to the community at large. The contract also includes other elements to tackle the young person's offending behaviour – drugs counselling, anger management or dealing with truancy, for example.

The contract is supervised by the Youth Offending Team and reviewed at regular YOP meetings. The conviction is 'spent' when the order is successfully completed. If the young person fails to comply, the case is sent back to court and a different sentence may be given.

Action Plan Orders provide a short, intensive programme, normally three months, of community-based intervention combining punishment, reparation and rehabilitation. The order lasts three months and is designed to address the specific causes of offending. This community order may be made by the courts when it is considered that to do so will rehabilitate the offender or prevent re-offending.

The Order includes a variety of actions such as working with the young person together with his or her parents; attending a particular course; educational activities; action to ensure school attendance; or reparation either to an individual or to the wider local community.

Supervision Orders are specifically designed for young offenders who require longer periods of supervision. A range of conditions such as drug treatment, residence requirements and specified sessions or activities may be attached for more serious offences. The options also include the ISSP (Intensive Supervision and Surveillance Programme). The young offender is placed under the supervision of a local authority designated in the Order, a probation officer or a member of a Youth Offending Team for a maximum period of three years.



Canada

Youth Justice Committees

Youth Justice Committees are groups of volunteers working in partnership with each province's justice system to deal with young offenders in their communities. The committees allow citizens to work out differences between young offenders, victims and community members. They also provide offenders with an alternative to the formal court process and the possibility of time in custody.

The committees work to resolve legal conflicts through extrajudicial sanctions, community service work, and meetings with victims and community members which involves dealing with first- and second-time offenders who have committed minor offences and have admitted responsibility.

Committees may also have a sentence advisory role. Referrals are received from a youth justice court judge after guilt has been established. The Youth Justice Committee will then meet with the young person and recommend an appropriate sentence. The committee will usually find it appropriate to meet with the young person's parents and/or other significant others, and the victim of the offence.

Youth Justice Committees provide a way to look at the broader picture of what is happening in the young offender's life, including school attendance, school performance and negative peer influence. Involving the victim assists the young offender in understanding the consequences of the offence. After assessing the circumstances, the Youth Justice Committee makes a recommendation to the Youth Court Judge regarding an appropriate sanction.

Committees may also become involved in police diversion, which involves meeting with a young person that police have decided to divert from the youth justice system. The police may refer these young people directly to a Youth Justice Committee for guidance, counselling and/or direction. If the young person fails to comply with the Youth Justice Committee direction, no further action can be taken.

Youth Justice Committees are guided by the following principles:

- **young people should be held accountable for their criminal behaviour**
- **there must be regard for the rights and freedoms of young people and victims**
- **the least intrusive alternatives and restrictions of a young person's freedom must be sought while maintaining the protection of the community**
- **the community has a right and responsibility to participate in the youth justice system.**

A Youth Justice Committee can provide the opportunity for citizens to be directly involved in reconciling the differences between the young offender, victims and community members.



New Zealand

Family Group Conferences and the Youth Courts

The Family Group Conference is a key diversionary mechanism used for 14 – to 17-year-old offenders, and is convened and facilitated by a statutory official known as a Youth Justice Coordinator.

When a child/young person is charged with an offence, or arrested, the case must be referred to the Youth Justice Coordinator to arrange a Family Group Conference. The Family Group Conference is authorised to find alternatives to prosecution in dealing with an offender who admits guilt.

Families are entitled to discuss the situation in private and to arrive at decisions and plans which must then be negotiated with the officials present. When a Family Group Conference agrees on an alternative measure, the Youth Justice Coordinator is committed to trying to persuade the prosecuting authority to accept that decision.

When a Family Group Conference does not agree on an alternative, the matter proceeds to court for adjudication. When the Family Group Conference is unable to prevent a prosecution, the Conference has a role in advising courts on appropriate sanctions for the young offender.

There are statutory time frames within which Family Group Conferences must be held. These range from within seven days for a young person who is held in custody to within 21 days for a young person not in custody.

The Youth Court cannot make any orders unless a Family Group Conference has been held.



EXTRACT FROM THE SCRA ANNUAL REPORT 2002-03

Study the information in the table below and answer the questions which follow.

1. What conclusions can be drawn from the table about levels and patterns of alleged grounds for referral to the Reporter in the period 2000-2003?
2. In what ways could the information be usefully used by the Scottish Executive?

2. Children referred to the Reporter on offence grounds

The purpose of the Children's Hearings System is to decide what measures of supervision are necessary to address the behaviour and welfare of children. The conditions on which decisions are made are known as the grounds for referral.

Table 2

Grounds for referral to the Reporter			
Alleged grounds for referral	2002-03	2001-02	2000-01
Non-offence grounds where the child is:			
Beyond the control of any relevant person	5,213	4,756	3,754
Falling into bad associations or exposed to moral danger	2,710	2,262	1,850
Likely to suffer unnecessarily or be impaired seriously in his/her health or development due to lack of parental care	17,782	14,808	12,845
The victim of a Schedule 1 offence*	10,796	9,149	7,649
A member or likely to become a member of the same household as a victim of a Schedule 1 offence*	1,886	1,374	1,280
A member or likely to become a member member of the same household as a Schedule 1 offender*	912	827	654
A member or likely to become a member of the same household as an incest victim	48	20	25
Not attending school	4,116	4,129	3,865
Misusing alcohol or drugs	1,854	1,697	1,272
Misusing solvents	46	55	60
In the care of a local authority**	73	71	88
TOTAL – NON-OFFENCE	45,436	39,148	33,342
Offence grounds where:			
The child has committed an offence***	30,129	29,232	26,820
TOTAL - ALL	75,565	68,380	60,162

Note:

*The term 'Schedule 1 offence' refers to any of the offences mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1995

**A child who is accommodated by a local authority or who is subject to a parental responsibilities order, whose behaviour is such that special measures are necessary for his/her adequate provision in his/her interests or in the interest of others.

***This ground is only applicable to children who are at least 8 years old, which is the age of criminal responsibility in Scotland.

The main changes in the numbers of grounds referred over the 3-year period 2000-01 to 2002-03, were:

- 47% increase in 'member of the same household as a victim of a Schedule 1 offence'
- 46% increase in 'misuse of alcohol or drugs'
- 41% increase in 'victim of a Schedule 1 offence'
- 39% increase in 'beyond the control of any relevant person'
- 38% increase in 'lack of parental care'



EXTRACT FROM THE SCRA ANNUAL REPORT 2002-03

Study the information in the table below and answer the questions which follow.

1. What conclusions can be drawn about youth offending in Scotland?
2. Why might the peak age for offending be 14 to 15 years old?
3. How might the statistics be used to demonstrate to the general public that there is no dramatic increase in the levels of youth offending?

3. Children referred to the Reporter on offence grounds

Table 3a

Number of alleged offences per child			
Number of offences	Number of children		
	2002-03	2001-02	2000-01
offence	7,821	8,446	7,560
2-3 offences	3,609	3,897	3,462
4-6 offences	1,491	1,434	1,412
7-9 offences	579	558	504
10+ offences	904	797	785
Average number of offences per child	3.15	2.86	2.98

Table 3b

Age distribution of children referred on offence grounds			
Age Group	Number of children		
	2002-03	2001-02	2000-01
8 - 11 years	1,718	1,867	1,779
12 - 13 years	3,747	4,319	4,212
14 - 15 years	8,563	8,628	7,540
16 - 17 years	376	318	192
Total	14,404	15,132	13,723

14,404 children aged 8 years or older were referred to the Reporter on offence grounds in 2002-03 for 45,413 alleged offences. Girls were referred for 8,495 of these alleged offences (an average of 2.6 offences per girl) and boys for the 36,891 alleged offences (3.3 offences per boy).

The pattern of offence referrals has remained relatively constant over the history of the Children's Hearings system, with the number of children referred on offence grounds remaining relatively constant. This has varied between a 'high' of 15,711 children in 1985 to a 'low' of 12,319 children in 1993. The proportion of Scottish children referred to the Reporter on offence grounds has also remained constant. For example, in 1992, 4.2% of boys and 1.0% of girls were referred to the Reporter on offence grounds. Ten years later in 2002-03, 4.3% of boys and 1.3% of girls were referred.



SAFEGUARDER, LEGAL REPRESENTATIVE OR ANOTHER OPTION? – YOU DECIDE

1. Read the definitions of the roles of Safeguarder and Legal Representatives on pages 105 –107.
2. Read through the scenarios putting yourself in the role of a panel member and decide whether the child/young person needs a Legal Representative or a Safeguarder. Consider also if there is another option open to you.
3. Note down the reason(s) for your choice.

Graham

Graham is almost 14 and has been involved in the Hearings system for some time. He was initially referred for being beyond the control of his parents and was made the subject of a Supervision Requirement. A Hearing has been arranged as there are some new grounds for referral.

He has committed a series of offences while in the company of older boys. The panel members are aware from the social worker's report and the school report that there are indications that Graham has learning difficulties, although he has never been formally assessed as his parents have refused consent. He has had ongoing problems of truancing from school and poor achievement.

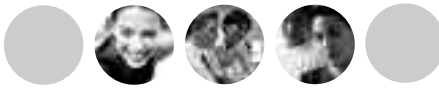
At the Hearing, when the grounds for referral are explained, Graham looks to his parents for reassurance as to what to say. His parents clearly want the offences to be dealt with there and then and tell him to accept the grounds for the referral.

Annie

Annie is eight and has been subject to a Supervision Requirement for the past 11 months. There is a condition of residence with foster carers. At this Review Hearing, the report from the social worker and the school indicate that she is making excellent progress in all areas of her life. Annie is clearly benefiting from the consistency of care that she is receiving from the foster carers.

Although there is a condition of supervised contact with both parents, neither has made any real attempt to visit Annie. They either do not appear or cancel at short notice. The social work report also highlights that their lifestyle has not changed and this was the major factor that led to Annie's referral in the first place – she suffered a lack of parental care due to her parents' drug misuse.

The social worker is suggesting in the reports that contact with her parents should now be terminated and when this is raised in the Hearing her parents become very angry. The recommendation in the social worker's report is also that Annie remains in foster care and that the long-term plan for her should be adoption.



Leanne

Leanne is 14 and lives with her mother. Leanne was placed on a Supervision Requirement six months ago when she was referred for non-attendance at school and breach of the peace. Both the local authority and her mother have asked for a Review Hearing. It appears Leanne is seriously outwith parental control. She gets up late, refuses to go to school, stays out late – sometimes overnight – she looks pale and unkempt and there are fears that she is misusing alcohol and perhaps drugs. She also refuses to say where she stays and with whom, and there are suggestions that she may be involved in prostitution.

Leanne is verbally abusive to adults and occasionally physically abusive. She recently lost her temper at home when her mother attempted to stop her going out at 10pm, and wrecked her bedroom. Following this, Leanne was admitted into a Young People's Unit in her local area on a voluntary basis, to put some space between her and her mum and to allow professionals to work with her, but her behaviour has not changed. Staff at the Young People's Unit are also having difficulty controlling Leanne and keeping her safe.

Iain

Iain is 13 and has been under supervision for the past three years – he was referred originally on offence grounds. He is regarded in his home community as a 'one-boy crimewave'. Recently, he was assaulted by an adult, who alleged that Iain was responsible for vandalising his car and spraying paint on the front of his house. Iain's whole family is now being victimised because of his reputation. Iain feels that he is the victim rather than the wrongdoer. Despite all of the problems that he has caused, his family love him.

Given the recent assault on Iain, the social work department has requested a Review Hearing and its recommendation is that Iain should be removed from the community for his own safety. A residential school some 100 miles from home has been identified and, in the social worker's and his current school's view, this would meet both Iain's care and educational needs. However, this placement would cause considerable difficulties in Iain keeping in contact with his family. His father is disabled following an accident at work, there are three younger siblings and there would be additional financial pressures on a family already struggling to make ends meet.

Iain's family accepts that he needs help and is not against a residential placement but want him placed nearer home so that they can see him. Iain does not appear to understand the seriousness of the situation or the recommendation. At the Hearing he says little and just wants to go home to his pals.



SAFEGUARDER, LEGAL REPRESENTATIVE OR ANOTHER OPTION? – YOU DECIDE

ANSWER SHEET

Graham

Graham clearly does not understand the grounds and importantly, as this is a first referral on offence grounds, accepting them would mean that the Rehabilitation of Offenders Act provisions, including Exceptions Orders, apply.

Send to the Sheriff for proof.

Annie

Appoint a Safeguarder whose brief would be to consider the effect of current contact arrangements on Annie.

Leanne

Leanne clearly meets the criteria for secure accommodation and so a Legal Representative must be appointed. As this is an emergency Hearing and it may not be possible to get a Legal Representative immediately, the Hearing can issue a warrant (an emergency procedure), with a condition of secure accommodation and appoint a Legal Representative to be present at the Review Hearing which should be held as soon as possible.

Iain

Appoint a Safeguarder to consider where Iain's best interests lie, what the impact of being so far away would have on him and the family, and to decide if the residential school which has been recommended is the only option.



SAFEGUARDERS	LEGAL REPRESENTATIVES
<p>Definition</p> <p>Person appointed to safeguard the interests of the child in the proceedings</p> <p>History</p> <ul style="list-style-type: none"> ○ The Children (Scotland) Act 1995, s41 requires Sheriffs and Hearings to consider the appointment of a “person to safeguard the interests of the child in the proceedings” in all matters relating to Children’s Hearings, other than where a child protection order application is being considered. <p>Who are they?</p> <ul style="list-style-type: none"> ○ Persons appointed to a local authority panel of Safeguarders ○ Mainly, but not necessarily, solicitors and former social workers ○ Work mainly within the Hearings system but can be appointed by Sheriffs <p>(continued)</p>	<p>Definition</p> <p>Person appointed to act as the state-funded Legal Representative of the child</p> <p>History</p> <ul style="list-style-type: none"> ○ Followed the judgement of the Court of Session in 2002 in S v Principal Reporter and Lord Advocate, the first case brought as a challenge to the compliance of the Hearings system with ECHR ○ Came into force in February 2002 with the introduction of the Children’s Hearings (Legal Representation) (Scotland) Rules 2002 ○ The expectation expressed in the S case was that Legal Representatives should be “sensitive to the atmosphere and ethos of a Children’s Hearing” <p>Who are they?</p> <ul style="list-style-type: none"> ○ Persons who are legally qualified and who hold a current practising certificate: and who are ○ Persons on the local authority panel of Safeguarders: or ○ Persons on the Sheriff Court list of Curators ad Litem and Reporting Officers <p>(continued)</p>



SAFEGUARDERS	LEGAL REPRESENTATIVES
<p>Legal Framework</p> <ul style="list-style-type: none"> ○ Panel members consider appointment at every Hearing ○ Hearing must state reasons for decision to appoint ○ Is entitled to be present at all Hearings until a substantive decision is reached ○ Entitled to receive copies of reports, decisions and reasons ○ May initiate an appeal on behalf of a very young child or older child, if the child so wishes <p>(continued)</p>	<p>Legal Framework</p> <p>Appointment to be considered either by prior business meeting or by Hearing if the following criteria apply:</p> <ul style="list-style-type: none"> ○ Secure accommodation is or is likely to be considered ○ Legal complexity of issues likely to prevent child participating effectively ○ Must act in Hearings in accordance with ethos of Hearings system ○ The Hearing must state reasons for their decision to appoint ○ Entitled to be present throughout Hearing or subsequent Hearings until a substantive decision is reached or the appeal process exhausted ○ Entitled to receive all information available to the Hearing ○ Will receive copies of reports, decisions and reasons ○ May advise child to deny grounds for referral or to lodge an appeal <p>NB: child may appoint own solicitor for separately funded (legal aid) applications to establish grounds for referral for appeals</p> <p>(continued)</p>



SAFEGUARDERS	LEGAL REPRESENTATIVES
<p>What does a Safeguarder do?</p> <ul style="list-style-type: none"> ○ Act in the child's best interest ○ Reflect the child's views and wishes but make recommendations on what is in the child's best interests ○ Meet with the child, relevant persons and other interested parties ○ Gather information to respond to the Hearing's reasons for appointment ○ Prepare a report ○ Provide a recommendation for the Hearing ○ May, but is not required to, attend the Hearing <p>What they don't do</p> <ul style="list-style-type: none"> ○ Speak for the child ○ Act as the child's representative ○ Befriend the child ○ Act as a trouble-shooter ○ Maintain an ongoing relationship with the child 	<p>What does a Legal Representative do?</p> <ul style="list-style-type: none"> ○ Meet with the child prior to the hearing ○ Advise the child of his/her rights ○ Attend the Hearing with the child ○ Allow the child to effectively participate in the Hearing ○ Protect the child's rights in the Hearing ○ Convey to the Hearing the child's views and wishes, or support the child in so doing ○ Give advice to the child regarding the grounds for referral and the appeal process <p>What they don't do</p> <ul style="list-style-type: none"> ○ Consider the child's best interests ○ Act as the child's representative ○ Befriend the child ○ Act as a trouble-shooter ○ Make recommendations to the hearing ○ Maintain an ongoing relationship with the child ○ Act for the child in court <p>Children's Hearings Training Unit, University of Edinburgh</p>



ESSAY QUESTIONS

- The case for continuing investment in the Children's Hearings system is strong. Discuss.
- Critically analyse the way in which the Children's Hearings system deals with young offenders in comparison to other countries.
- Using examples, examine the role of Safeguarders and Legal Representatives in the Children's Hearings system.
- Identify the key challenges facing the Children's Hearings system in the 21st century.



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

The Children's Reporter has referred the case of Jonathan Gibb (25/6...2 yrs old), c/o 58 Brewery Lane, Summertown, to a Children's Hearing for Craigton Council on the following grounds that in terms of Section 52 (2) (c) of the Children (Scotland) Act 1995 he is (i) likely to suffer unnecessarily or (ii) be impaired seriously in his health or development due to a lack of parental care.

Statement of facts

In support of the above it is stated that Jonathan Gibb is the first child of Ms Amy Gibb and was born on 25/6...2yrs old. Ms Gibb resides at 16/2 Craigie Place, Summertown. The identity and whereabouts of Jonathan's father are not known to the Reporter.

Ms Gibb is a registered drug user. Jonathan was born six weeks prematurely showing signs of drug dependency and remained in hospital. Although Ms Gibb did not visit every day and did not appear to be particularly concerned about Jonathan's frailty, staff felt she was capable of looking after Jonathan who was discharged into her care aged 10 weeks.

On 15th September Jonathan's health visitor observed Ms Gibb within her home under the influence of an unknown substance. She had the sole care of Jonathan at the time. Her speech was slurred and she was unsteady on her feet. Her general presentation gave cause for concern.

At about 10am on Friday 9th October Ms Gibb asked a neighbour to look after Jonathan for an hour or so. She did not return and at about 9pm the neighbour called the social work department. Jonathan was removed to his maternal grandmother's house.

Ms Gibb agreed in October that Jonathan should be cared for by Mrs Andrea Gibb, maternal grandmother, on a temporary basis.

On the 8th November Ms Gibb turned up at her mother's house demanding the return of Jonathan. She was under the influence of an unknown substance and attempted to remove Jonathan.

Ms Gibb recently resumed a relationship with Mark Smith who also misuses drugs. Ms Gibb's volatile behaviour and drug dependency means that the voluntary arrangement with Mrs Gibb (Jonathan's grandmother) is likely to break down. If Jonathan is returned to the sole care of his mother, he is likely to suffer unnecessarily or be impaired seriously in his health and development.

Date _____ Reporter _____

SW123/04 Child: Jonathan Gibb

Summertown Sheriff Court on 10th November 2004 before A. Wiseman, Sheriff

Reporter: Mr A V Martin

Agents: Mr B Begg for the mother of the child

Curator ad litem: Miss H Carey

Present: the mother of the child

Child, absent

The Sheriff, in respect that the grounds for referral have been accepted by the child's mother as a relevant person and on the motion of the Reporter, there being no objection, dispenses with the hearing of evidence, deems the grounds for referral and statements of fact as established and remits the case to the Reporter to make arrangements for a Children's Hearing to consider and determine the case.

 Sheriff



NAME: JONATHAN GIBB

DATE OF BIRTH: 25.6.

APPEARED AT: DATE: REASONS FOR THE DECISION

HEARING 10.11. To consider grounds for referral – lack of parental care. Grounds accepted by parent and child too young to understand

Decision

1. Not to appoint a Safeguarder
2. To direct the Reporter to make an application to the Sheriff for a finding in relation to the grounds for referral not understood s. 65(9)
3. To issue a warrant under s 66(1)

Reasons

The Hearing made the above decisions for the following reasons:

Although Ms Gibb accepted the facts and the grounds for referral, Jonathan was too young to understand. The situation described in the statements of fact was serious. The Hearing was concerned for the welfare of Jonathan under his mother's care who apparently has drug problems. Therefore the grounds ought to be established by a Sheriff.

Given that Ms Gibb tried to remove Jonathan from the care of his grandmother, the Hearing thought it appropriate to issue a Place of Safety warrant so that Jonathan may continue to live with his grandmother, pending the case being heard in the Sheriff Court and sent back to a Hearing for disposal. The Hearing heard from the health visitor and social worker to the extent that Mrs Gibb provides loving care for Jonathan. With a warrant in place Ms Gibb will not be able to remove Jonathan or take him back. A warrant was therefore necessary to promote and safeguard Jonathan's welfare.

A Safeguarder was considered but not thought necessary at this stage.

Panel: Jack Dale/Ann Jones/Judith Hall



WARRANT UNDER SECTION 66(1) OF THE ACT FOR KEEPING A CHILD IN A PLACE OF SAFETY

At 123 Main Street, Summertown, Craigton, on 14th November 2004
a Children's Hearing for Craigton Council in respect of the case of

Jonathan Gibb (25/6...2 years old)

being unable to dispose of the case and in the exercise of the powers conferred on them
by section 66(1) of the Act, being satisfied that

*it is necessary that the child should be kept in a place of safety in order to
safeguard or promote *his/her welfare

~~*there is reason to believe that the child may not attend at any hearing of *his/her case~~
grant warrant to the chief social work officer for Craigton Council

to find and keep the child in a place of safety nominated by the chief social
work officer

for a period from today's date to 1st December 2004 both days inclusive.
For the duration of this warrant the child should be subject to the conditions
noted below.

~~*The children's hearing in granting this warrant order that the place or places where
the child is to reside in accordance with the warrant shall not be disclosed to~~

CONDITIONS REFERRED TO IN THE FOREGOING WARRANT

None

Judith Hall

Chairman of the Children's Hearing

Form 12 Rule 27



CRAIGTON COUNCIL
SOCIAL WORK DIVISION

SOCIAL BACKGROUND REPORT
(Social Worker's Report for Children's Hearing)

THIS FORM PREFACES CCSWD 1

*Delete as necessary

ACCESS TO INFORMATION

This is a report which covers events to the present time.
This report will exclude information from third parties unless they have specifically agreed to its inclusion.
The report will also, on occasion, exclude information, which the writer believes could lead to significant harm to the child or other persons.

*Delete as necessary

*Report for Children's Hearing about (child/young person's name) on **Hearing Date**
This copy released to (Recipient's name and relationship to child)

On (date) _____ Recipient's signature (Whenever possible) _____ *

CHILD/YOUNG PERSON DETAILS

Forenames	Jonathan	Family Name	Gibb
(Also known as)			
Date of Birth	25/6 (aged 2 yrs)	Gender	Male
Home Address		Present Address	
16/2 Craigie Place, Summertown		52 Brewery Lane, Summertown	
SCHOOL	Summertown G.S.	School contact person	S. Muir

HEARING DETAILS

Date	1st December 3.30pm	Place	62 William Street, Summertown
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GROUNDS FOR REFERRAL/*REASON FOR HEARING and BASIS OF REPORT
 Beyond control of any relevant person

SOCIAL WORKER DETAILS

Name <i>(including title)</i>	Mrs. R. Jones	Designation	Senior Social Worker
Workplace Address	Summertown Area S.W. Centre 1 Wilson Place Craigton	Date Report Written	25th November
Tel	01967 522311		
Fax	01967 522322		

OTHER PROFESSIONALS/AGENCIES INVOLVED

Title	Full Name	Designation	Agency	Address
	Anne Scott	Health Visitor	The Health Centre	Barrow Street, Summertown

FAMILY/HOUSEHOLD AND OTHER INVOLVED PERSONS

(List nuclear family – ‘parents and siblings’ – first)

Title	Full Name	Relationship to Child	Age/DOB	Relevant person?	Address (if different from Child/YP)
Ms	Amy Gibb	Mother		Yes	16/2 Craigie Place, Summertown
Mrs	Andrea Gibb	Maternal Grandmother		Yes	52 Brewery Lane, Summertown



Family History

Ms Amy Gibb lives in a two apartment local authority flat. The flat is furnished to a reasonable standard. On the day that I visited the standard of hygiene was reasonable although the flat was untidy and not very warm. Jonathan is her only child and she has never divulged who his father is. Ms Gibb is a registered drug user and has just started a methadone programme monitored by her GP. She began using drugs at 16 and over the past four years has been in and out of drug treatment programmes with limited success. Her mother, Mrs Andrea Gibb, has been very supportive despite Amy regularly stealing from her to support her drug habit.

Amy has re-established a relationship with Mark Smith, a known drug user with whom she lived with for 18 months after she left home.

Previous social work and other agency involvement.

This is the first time that Jonathan has been referred.

Reasons for the referral

Lack of parental care

Circumstances surrounding the referral

Amy Gibb stated that when she found out that she was pregnant she used only occasionally and was surprised by Jonathan's premature birth and his drug dependency. Amy discussed how she coped after Jonathan returned home which she described as 'turning her life upside down'. She believed that she had her drug taking under control but admitted that she was finding it increasingly difficult to cope with a new baby and no time for herself, and that she used drugs to help her to relax. On the day that Amy left Jonathan with the neighbour, she said that she had intended to do some shopping but she met some friends and ended up going out with them and simply 'forgot the time'. She described being relieved that Jonathan was not there when she returned home as it gave her some time to herself. She was happy that her mother was caring for him while she sorted herself out.

Amy contacted the Summertown Drug and Alcohol Support Team as she felt that if she was to be able to care for Jonathan she would have to control her drug use. Following discussions Amy was referred for a methadone reduction programme. This began four weeks ago and there have been some problems getting the dosage at the correct level, although Amy says that the last week has been better. The relationship between Amy and her mother has been strained since Amy tried to remove Jonathan from her mother's care. Amy has had some contact with Jonathan, however this has been on an ad hoc basis and sometimes Amy has made arrangements to visit and then not turned up.

Amy was unwilling to discuss her relationship with Mark Smith other than to confirm that she was seeing him and was happy. He has his own tenancy but is spending most nights at her flat. She stated that he is supporting her in the methadone programme.



Jonathan has settled well with Mrs Gibb and is responding to a regular routine. He has put on weight and is a happy wee boy with lots of smiles. Mrs Gibb told me that the relationship between her and her daughter is good despite her drug dependency. She and other family members have supported Amy at each stage that she has tried to give up drugs through offering accommodation and employment. Unfortunately Amy has never quite managed to complete a programme and has taken advantage of her family's goodwill with the result that, other than Mrs Gibb, family members are no longer willing to support her.

Mrs Gibb stated that she had been concerned about Amy's ability to care for Jonathan but thought that as the hospital had discharged him into her care they must have no concerns. She visited regularly and was aware that at times Amy was under the influence of something but Jonathan seemed to be thriving. She encouraged Amy to seek help again but Amy stated that she could do it on her own, she had 'it' under control.

Mrs Gibb was happy to care for Jonathan on a voluntary basis but was shocked when Amy tried to remove him from her care. She is reluctant for Amy to visit, although she still allows her to do so but will not allow Mark Smith into her home. Mrs Gibb blames him for her daughter's drug habit. Mrs Gibb stated that she is happy to continue to care for Jonathan rather than him going to foster carers but would feel happier if arrangements were formalised in some way.

Assessment and recommendations

Given Ms Gibb's dependence on drugs, her current personal situation and her lack of commitment to Jonathan I would recommend that the Hearing considers placing Jonathan on a Supervision Requirement with a condition that he reside with his maternal grandmother. This will allow time for Ms Gibb to continue with the methadone programme and for the department to assess her suitability to parent Jonathan.



**Summertown NHS Trust
Health Visitor Report
Confidential**

Report for Children's Hearing for Jonathan Gibb c/o 52 Brewery Lane, Summertown,
prepared by Anne Scott, Summertown Medical Centre.

Jonathan was born six weeks prematurely showing signs of drug dependency. His mother, Ms Amy Gibb, is a registered drug user. He was discharged into his mother's care at the end of August and she received extended support from both the midwives and I during the first two weeks that Jonathan was home. Amy's mother visited regularly and provided additional support. It became evident that Amy was overwhelmed by the demands that Jonathan placed on her, and she admitted to feeling under pressure.

When I visited on 15th September in the afternoon Amy was clearly under the influence of something. She was not dressed and Jonathan was crying in his cot. I bathed him and changed his nappy while Amy prepared a bottle. The house was untidy with bags of rubbish in the kitchen. We had difficulty finding clean clothes for Jonathan. I arranged that I would visit again two days later. I discussed with Amy the importance of Jonathan having a regular routine and that this would help him to settle. I informed the social work department of my concerns about Amy and Jonathan with the result that a case conference was called and Jonathan's name placed on the child protection register.

On 17th September I visited in the morning. Amy complained of feeling tired as Jonathan seemed to have been crying all night. Jonathan was asleep. Her mother had visited the day before, cleaned the house, loaded the washing machine and taken Jonathan out for a walk to allow Amy time to catch up on her sleep. On the two other occasions that I visited the following week, there was no reply. However, Amy and her mother brought Jonathan to the clinic on 2nd October. He was appropriately dressed but very fractious. He had a very sore nappy rash and Amy was advised to make a GP appointment for medication to deal with this. His weight was in the acceptable range for his age.

Jonathan has been cared for by Mrs Gibb, Amy's mother, since 9th October when Amy left him with a neighbour and did not return. He has settled well, gained weight and is responding well to a regular routine. I understand that his contact with Amy has been irregular during this time.

Amy does appear to have reasonable insight into Jonathan's needs but at present has difficulty in putting his needs above her own. In my view, her drug dependency and current relationship with Mark Smith are affecting her ability to provide appropriate care for Jonathan.

Anne Scott

Health Visitor