



The Scottish  
Government

Lawyers in children's panels:

what's in it for you?

Young people's and adults' views

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## About children's panels

*The Children's Hearings System makes decisions about how to help children, young people and families who have problems.*

The Children's Hearings System makes decisions about how to help children, young people and families who have problems. This could be a problem to do with the child or young person's safety or their behaviour. A 'children's reporter' decides whether a young person needs to go to a children's panel (also called a children's hearing). At the meeting, the young person and his or her family meet with 3 panel members to discuss what they can do to try and help the young person. The panel members are ordinary adults, who have been trained and know about the types of help available for children and young people and their families.

## When can young people get a lawyer for a panel?

The panel can do a number of things to try and help children and young people and their families. One of the main things is to get them some support from a social worker. However, occasionally, where the panel is really worried about the young person's safety or their behaviour, they might arrange for them to stay in a secure unit. Secure units are safe places where young people can stay and get help addressing their problems.

The Scottish Government will pay for a lawyer to represent a young person at a panel if the panel might be sending the young person to a secure unit. Another reason is if panel members think the young person needs a lawyer to help them take part in the panel meeting. In these types of situation, the panel will appoint a lawyer to represent the young person and the Scottish Government will pay for this.

## Who we are

The Scottish Government wanted to know what people thought about having lawyers to represent young people at children's panels. They hired researchers from the Scottish Centre for Social Research (an independent research organisation) to find out.

## What we did

We spoke to 23 young people from 4 secure units. These young people had lawyers at children's panels. We also spoke to some lawyers, children's reporters, children's panel members and people from local councils. This report is a summary of what young people and adults told us. If you want to know more about their views, a longer report is free to download from the Scottish Government website (see link on p6).

## What we found out



### When should young people have lawyers in panels?

One of the main reasons a panel might decide a young person needs a lawyer is because the panel might be sending the young person to a secure unit. Young people suggested that they might also find it useful to have a lawyer if:

- *Panels keep on being continued, with the young person having to come back on another date a week or two later. One opinion was that a lawyer might be able to stop this.*
- *The panel is planning to put the young person into foster care or into a children's home.*
- *The young person has charges against them.*

Another opinion was that there was no need to have a lawyer if the panel wasn't thinking about sending them to secure.

Adults were sometimes not sure when young people needed lawyers for children's panels. One opinion was that more young people should have lawyers for panels. Adults suggested that young people might need a lawyer:

- *when they have committed a lot of offences*
- *when they find it hard to understand their rights, or*
- *when they do not have another adult to help them speak up.*

### What are lawyers in panels there for?

Young people said that their lawyers did things like:

- *Challenged panel members and social workers*
- *Gave young people advice (about what the hearing might decide, what charges to deny, and whether to appeal)*
- *Explained things the young person did not understand*
- *Spoke instead of the young person, or helped the young person speak themselves*
- *Argued for what the young person wanted to happen.*

*'... if you've got a room full of people that are trying to do what's best for you, sometimes it's good to have somebody just to do what you're telling them'*

Young person

*'They dinnae ken anything about you in that 5 minutes.'*

Young person who had first met her lawyer just before a children's panel meeting

*'I've had him for a wee while. He wasnae easy to talk to at first, but as we progressed I got to trust him more and I like him now, so that's how he's easy to talk to.'*

Young person



However, some young people were not sure what their lawyer was there for. Others felt lawyers were not that useful in panels. Sometimes this was because they could speak for themselves or had other people there to help them. Some young people felt their lawyer had not done a good job of speaking up for them in panels.

Some adults were also a bit unclear on what lawyers in panels are there for. They also had different views about whether lawyers in panels should act differently from lawyers in Courts. One opinion was that they should not *'quiz'* people in panels like they would in court. Another view was that lawyers are just there to argue for what their client wants, whether they are in court or at a panel.

## When do young people first meet their lawyers?

The young people we spoke to first met their lawyers at different times. Some said their lawyer came to visit them before their first panel. Others only met them just before the panel. Others had not met their lawyer at all before the panel started. Some young people who only met their lawyers for the first time a few minutes before the panel started were not very happy with this.

Adults were also concerned about how much time young people had to meet their lawyers before a panel. Lawyers said it was sometimes difficult to meet with young people before hearings when they were in secure units a long way from the lawyer's office.

## Does having a lawyer make any difference?

So did young people think having a lawyer at a panel made any difference? Here are some of the things young people said was good about having a lawyer:

- *Having someone to speak for you if you feel shy, embarrassed or lost for words. Sometimes young people felt their lawyer *'puts it better'* than they could. Sometimes lawyers also gave young people ideas of what they could say for themselves.*
- *Having someone on your side who will say what you want.*
- *Having someone to explain things to you.*

One opinion among young people was that having a lawyer could help change the panel's mind. Another was that having a lawyer to speak for them could give a young person *'peace of mind'* even if it did not change what the panel decided.

'When he was speaking to panel members, he was saying stuff ... like he was putting words in my head that I could say.'

Young person



'They (the legal representative) are just there to say what you want, whereas your social worker and that are there to say what they want.'

Young person

Not all young people thought having a lawyer was helpful. For example, one young person said their lawyer '*Just sits down and does nothing*'. Young people wanted their lawyers to speak up in hearings and not just to go along with the panel's opinions.

Adults thought lawyers could help young people in panels by:

- *Protecting their legal rights*
- *Giving them support, and*
- *Helping them understand what was going on.*

Adults also thought lawyers could sometimes be unhelpful in panels. For example, they said lawyers might:

- *Tell young people not to speak to the panel*
- *Make panel members nervous about speaking*
- *Get 'bogged down' in legal words.*

## How could things be better?

Some things young people thought should be changed were:

- *Making sure lawyers don't just '*sit about and say nothing*'*
- *Giving young people a say over which lawyer they get help from*
- *Making sure lawyers meet young people properly before the hearing.*

Some other things adults thought should be changed were:

- *More information about lawyers for young people and their families*
- *More young people should have lawyers for panels*
- *More training for lawyers who are going to represent young people at panels.*

## What is happening about these findings?

The Scottish Government is using these findings to think about how the scheme to provide lawyers for some young people at panels is working.



## I want to know more – who can I ask?

If you want to know more about any of the findings in this report, you can look up the long report on the Scottish Government website

<http://www.scotland.gov.uk/Topics/Research/by-topic/children-and-young-people>

Or you can e-mail or phone the researchers at ScotCen:

**E-mails:** [r.ormston@scotcen.org.uk](mailto:r.ormston@scotcen.org.uk) or

[l.marryat@scotcen.org.uk](mailto:l.marryat@scotcen.org.uk)

**Phone:** 0131 228 2167

(this is our switchboard – ask to speak to

**Rachel** or **Louise**)

If you want to know more about the Children's Hearings System, the Scottish Government has a website about it:

<http://www.chscotland.gov.uk/children.asp>

The Scottish Children's Reporter Administration also has some information for children about going to panels on its website:

[http://www.scra.gov.uk/children\\_\\_families/index.cfm](http://www.scra.gov.uk/children__families/index.cfm)

Finally, if you have questions about legal issues to do with children's panels or anything else, The Scottish Child Law Centre provides free, confidential legal information for children and young people:

**Phone:** 0800 328 8970

<http://www.sclc.org.uk/>



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[www.scotland.gov.uk](http://www.scotland.gov.uk)

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