

Attending a Children's Hearing

Young People at Risk of Secure Accommodation – Be Prepared

If a young person's (YP) behaviour has deteriorated or their offending increased to the point that it could be **argued** that they present a risk to themselves or other people, and or are likely to abscond placing their physical, mental or moral welfare at risk, social workers should do and know the following:

- Discuss with manager and refer case to secure screening group (LA's will have their own procedures) even if this is not going to be your recommendation. Prepare to explain your recommendation referring to evidence, theory and professional experience, acknowledging that depriving a YP of their liberty should be the last resort.
- Request that the Reporter arrange a business meeting prior to the Hearing to consider appointing the YP a legal representative. All YP **MUST** have a legal representative at a hearing if there is likely to be ANY discussions about depriving the YP of their liberty. This includes ISMS packages with a Movement and Restriction Condition. If a YP contacts a solicitor independently the agent currently will not get paid for attending a Children's Hearing (legal aid restrictions) and may therefore not attend or send a trainee solicitor. It is of course a YP's right to choose which option is best for them.
- On the day of the Hearing know if there are any beds available within the secure estate, and if more than one, which best meets the needs of the YP (<http://www.sanscotland.org>).
- If the panel do not have an up to date social work assessment with an action plan at least 3 days before the Hearing, if there is a need further information or assessment, or if the grounds of referral are sent to Court for proof, a panel may be unable to make a substantive decision.
- When a substantive decision cannot be made the panel may issue a Place of Safety Warrant if they believe that it is necessary and in the best interests of the YP. This can be under s66(1), s66(5) or s69(7).
- Place of Safety Warrants can only last a maximum of 22 days. Day 1 is the date of issue. Children's hearings can only issue 3 s(66) warrants before the matter is referred to Court for a decision, but there is no limit on the number of s69(7) warrants that can be issued. However the spirit of the 1995 Act would suggest that timeous decision making is in the best interests of the YP.
- Place of safety Warrants can be issued with the authority to place a YP in a secure establishment, or without this authority. The key here is that warrants only authorise the Chief social work officer to secure the YP if it is their assessment that this is necessary. A Supervision requirement authorising secure must be implemented.
- Place of Safety Warrants cannot name a place of residence, and the only place that the YP cannot reside is at home due to the necessity for the warrant. Supervision requirements (SR's) with a named residence must be reviewed if the young person changes placement. SR's authorising secure care can only last a maximum of 3 months and the review hearing must be within 3 months of the date of issue.

Guidance based on Children (Scotland) Act 1995 this guidance will change once the Children's Hearing Scotland Act 211 comes into force. For further information please refer to the National Practice Guidance at www.cjsw.ac.uk

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