

Children's Hearings System



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The Children's Hearings System

As Scotland's Minister with responsibility for the children's hearings system, I am glad to welcome you to this website which helps to explain our unique system of care and justice for children and young people.



In Scotland, every child matters. This principle lies at the heart of all we do not just in the Education Department, but right across the Scottish Executive. Our aim is that every child has the best possible start in life. We have to ensure that vulnerable children and families in difficulty receive the support they need. The interests of children lie at the heart of our system.

This website provides general information and background on children's panels, and what actually happens in a children's hearing.

For those interested in volunteering, there are details on who can become a children's panel member and what is involved in recruitment and training. For employers, the site offers a useful overview of the benefits they can expect in return for their support of employees who are either current or potential panel members. Panel members are highly trained, skilled and motivated individuals.



They are also a great asset to any employer who values commitment and integrity, leadership and interpersonal skills.

Please offer comments and suggestions via the email address. I hope that you find the site interesting and informative.

CATHY JAMIESON
Minister for Education and Young People

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The Children's Hearings system: The Children's Panel

Awareness for Employers

What can I do to help? Selection

Since 1971 children's hearings have been making decisions about children in trouble or at risk. The system relies on the efforts of trained volunteers - children's panel members - and this is possible in many cases only with the support of their employers.



Scotland's Children's Hearings put the children first. Panel members have to deal with cases which are often complex, difficult and emotionally challenging. They should be valued by their community and their contribution supported by employers and colleagues.

This supportive partnership is crucial to the functioning of the Children's Hearings System. As members of a statutory tribunal under the Tribunals and Inquiries Act 1992, panel members are entitled to reasonable time off from work to attend hearings. This is a statutory right under Section 50 of the Employment Rights Act 1996. However, the system will only work effectively with the willing and enthusiastic support and co-operation of employers, line managers and colleagues.

Advantage to Employers

The Scottish Executive, in partnership with local authorities, provides and funds training for panel members to develop a variety of skills. This not only encourages personal development but also offers real advantages to employers. During the course of this training, panel members will develop skills such as leadership, analytical thinking, influencing/negotiating, effective communication and decision making.

They will learn to absorb, critically analyse and consider large quantities of detailed information from the professional reports produced for hearings and will develop teamworking skills as their experience builds.

These are skills that can help employees who serve as panel members be more confident and effective in almost any job and they are developed at no cost to you as an employer. Supporting employees to volunteer, train and serve makes good business sense.

Selection

Each year the Scottish Executive funds and organises a national recruitment campaign in support of recruitment activities carried out by the CPAC (Children's Panel Advisory Committee) in your local area. The campaign targets prospective panel members between the ages of 18 and 60

to ensure that the composition of the panel is representative of the community that it serves. No formal qualifications are required and panel members come from all backgrounds.

These are public appointments made by Scottish Ministers and are usually for periods of between 3 and 5 years, often renewable. Prospective panel members are assessed and interviewed locally by the Children's Panel Advisory Committee, who make appointment recommendations to Scottish Ministers for the local authority area they represent. Panel members are appointed to a local authority area in which they must live or work or have close links.

Training

Before sitting on hearings, panel members are expected to undergo around 40 hours training spread over several months. This takes place mainly at weekends and in the evenings, however this will also include scheduled visits to hearings and related centres which may be during the day.

Children's Hearings

A hearing consists of 3 panel members who meet with the child, their carers and the professionals who have an interest in or responsibility for the child. Decisions are taken in the best interests of the child. The problem is fully discussed and the child is encouraged to contribute before the panel members decide on the best course of action which they discuss with everyone involved.

Time

Hearings are held locally and usually during the day. Individual hearings vary in length but a normal session of 3 cases will take up a full morning or afternoon. Panel members usually take part in 1 or 2 sessions each month. On occasion, if there are urgent or complex cases the hearing session may take longer. Following the initial training, panel members are asked to attend further training events throughout their service and this is usually in the evenings or at weekends. They also need to spend time preparing for hearings by reading and analysing reports. On occasion, this may involve considerable reading.

Expenses

Panel members can usually claim travel and some other expenses. A loss of earnings allowance, in accordance with government guidelines, is also payable to the panel member where necessary, by the local authority.

Further Information

Further information can be obtained from the Clerk to the CPAC at your local council headquarters.

The clerk to the CPAC is always interested to learn of employers who actively support staff in undertaking panel duties.

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BACKGROUND TO THE CHILDREN'S HEARINGS SYSTEM

THE FOUNDATION OF THE CHILDREN'S HEARINGS SYSTEM

Development of the System

The Children's Hearings System represents one of the radical changes initiated by the Social Work (Scotland) Act 1968, now incorporated in the Children (Scotland) Act 1995.



Because of concern in the late 1950s and early 1960s that change was required in the way society dealt with children and young people in trouble or at risk a Committee was set up in 1960 under Lord Kilbrandon to investigate possible

solutions. 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 for 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.

On 15 April 1971 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 or protection.

How it Works

The grounds on which a child or young person may be brought before a hearing are set down in the Children (Scotland) Act 1995 and are as diverse as:

- is beyond the control of parents or other relevant person;
- is exposed to moral danger;
- being the victim of an offence including physical injury or sexual abuse;
- is likely to suffer serious impairment to health or development through lack of parental care;
- is indulging in solvent abuse;
- is misusing alcohol or drugs;
- has committed an offence
- failure to attend school without reasonable excuse

(The full list is given in section 52 of the act and reproduced as Appendix A).

Children under 16 are only considered for prosecution in court where serious offences such as murder or assault to the danger of life are in question or where they are involved in offences where disqualification from driving is possible. In cases of this kind the procurator fiscal has to decide if prosecution is in the public interest. If not, it is by no means automatic that prosecution will occur and where the public interest allows, children in these categories can be referred by the Procurator Fiscal to the Reporter for decision on whether referral to a hearing is appropriate. Where the child or young person is prosecuted in court, the court may refer their case to a hearing for advice on the best method of dealing with the child. The court on receipt of that advice, or in certain cases without seeking advice first, may remit the case for disposal by a Hearing

The Reporter

The Reporter is an official employed by the Scottish Children's Reporter Administration. All referrals must be made to the reporter on children and young people who may need compulsory measures of supervision. The main source of referrals is the police but other agencies such as social work or education and indeed any member of the public may make a referral to the Reporter.

The Reporter then must make an initial investigation before deciding what action, if any, is necessary in the child's interests. The Reporter must consider whether the evidence is sufficient to support the grounds for referral and then decide whether compulsory measures of supervision may be required.

The Reporter has a statutory discretion in deciding the next step and the reporter may:

- Decide that no further action is required. The child or young person and parent or other relevant person is then informed of the decision. The reporter may convey this decision in person when the child may be warned about his future behaviour, especially if offending is involved.
- Refer the child or young person to the local authority to arrange for such advice, guidance and assistance as maybe appropriate for the child on an informal voluntary basis. This usually involves the social work department.
- Arrange to refer the child to a hearing because the child is in need of compulsory measures of supervision.

A Children's Panel

This is a group of unpaid trained volunteers who come from a wide range of backgrounds. There is a panel for each local area. A children's hearing is made up of three panel members (at least one of which must be male or female). The hearing decides whether compulsory measures of supervision are needed for the child and, if so, what they should be. All panel members are trained to communicate with children and their

families. Members of the public aged between 18 to 60 can apply to become panel members during the annual recruitment campaign in September.

Across Scotland there are over 2,000 panel members. They are carefully prepared for their task through initial training programmes and they have opportunities during their period of service to develop their knowledge and skills and attend in-service training courses.

Selection and Appointment

Scottish Ministers make the appointments on the recommendations of the Children's Panel Advisory Committee (CPAC) for the local authority area. For new appointments this involves application forms, interviews and group discussions. The initial period of appointment for a panel member is between 3 and 5 years and is renewable where a further recommendation is received from the CPAC, following monitoring.

A Hearing

A 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 hearing consider and make decisions on the needs of the child or young person before them. The "needs" include addressing any "deeds".

The Hearing can consider cases only where the child or young person, parents or other relevant person accept the grounds for referral stated by the Reporter or where they accept them in part and the Hearing considers it proper to proceed. Where the grounds for referral are not accepted or the child does not understand them, (unless the hearing decides to discharge the referral) the case is referred to the Sheriff to decide whether the grounds are established. If the Sheriff is satisfied that any of these grounds is established he will remit the case to the Reporter to arrange a Hearing. In certain specified circumstances a child or young person may be detained in a place of safety as defined in the Children (Scotland) Act 1995 by warrant pending a decision of a Hearing for a period not exceeding 22 days in the first instance.

The Hearing, or the Sheriff in certain court proceedings, may appoint an

independent person knew as a safeguarder. The role of the safeguarder is to prepare a report to assist the panel in reaching a decision in the child's best interests.

Attendance at a Hearing

A Hearing is usually held in the child or young person's home area. The layout of the room is informal with the participants generally sitting round a table. Normally, the child or young person must attend. They have the right to attend all stages of their own Hearing. The Hearing may suggest that they need not attend certain parts of the Hearing or even the whole proceedings –for example, if matters might arise that cause significant distress.

It is important that both the child's parents or other relevant persons should be present when the Hearing considers the case so that they can take part in the discussion and help the Hearing to reach a decision. Their attendance is compulsory by law, and failure to appear may result in prosecution and a fine. The parents or other relevant person may take a representative to help them at the Hearing or each may choose a separate representative. The child or young person also has the right to choose a representative but this does not exempt them or their parent or relevant person from attending the Hearing. In certain cases a hearing may appoint a publicly funded legal representative to the child.

The parents or other relevant person and their representatives can be excluded from any part of the hearing for the views of the child or young person to be obtained or if the child may be distressed by their presence. However, the chairman must explain the substance of what has taken place in their absence.

Although proceedings at Hearings are private, the press is entitled to attend the Hearing but may be asked to leave the room if the Hearing consider it necessary for them to do so to obtain the views of the child or where the child may be distressed by their presence. In any subsequent account of the proceedings the press is not allowed to disclose the identity of the child. Other persons who may be present are members of the CPAC who monitor the role of panel members. Representatives from the Scottish Committee of the Council on Tribunals also have a right to attend. No one is admitted unless they have a legitimate concern in the

case or with the panel system or have the agreement of the Chairman for the hearing and the child's family. The Hearing is, therefore, a small gathering able to proceed in an informal way and to give the child and his parents the confidence and privacy to take a full part in the discussion about what needs to be done for the child.

The Hearing has to decide on the measures of supervision which are in the best interests of the child or young person. It receives a report on the child and his social background from the Social Work Department of the local authority and where appropriate a report from the child's school. Medical, psychological or psychiatric reports may also be requested. Parents and where appropriate, children are provided with copies of these reports at the same time as panel members.

The Hearing discusses the circumstances of the child fully with the parents, child or young person and any representatives, the social worker and the teacher, if present. As the Hearing is concerned with the wider picture and the long-term well being of the child, the measures which it decides on will be based on the best interests and welfare of the child. They may not appear to relate directly to the reasons that were the immediate cause of his appearance. For example the Hearing may decide that a child or young person who has committed a relatively serious offence should not be removed from home, because his difficulties may be adequately met within the treatment resources available in his home area. Whereas a child or young person who has come to the Hearing's attention because of a relatively minor offence may be placed away from home for a time if it appears that his home background is a major cause of his difficulties and the Hearing considers that removal from home would be in his or her best interest.

Supervision Requirements

If the Hearing thinks compulsory measures of supervision are appropriate it will impose a supervision requirement, which may be renewed annually until the child becomes 18. The Hearing has a wide scope to insert any condition in a Supervision Requirement, and the local authority is responsible for ensuring that it is implemented. In most cases the child will continue to live at home but will be under the supervision of a social worker. In some cases the Hearing will decide that the child should live away from his home with relatives or foster parents, or

in one of several establishments managed by local authority or voluntary organisations, such as children's homes, residential schools or secure accommodation. A Hearing does not have power to fine the child or young person or his parents. All decisions made by hearings are legally binding on that child or young person.

Appeals

The child or young person or his parents may appeal to the Sheriff against the decision of a Hearing, but must do so within 21 days. Once an appeal is lodged it must be heard within 22 days. Any Safeguarder who has been appointed also has the right of appeal against the decision of a Hearing. Thereafter on a point of law only, Sheriffs' decisions may be appealed to The Sheriff Principal or the Court of Session.

Legal Advice and Legal Aid

Prior to the Hearing, legal advice is free or available at reduced cost under the legal advice and assistance scheme to inform a child or his parents about their rights at the Hearing and to advise about acceptance of the ground for referral. Legal aid is not available for representation at the hearing other than in certain cases but may be obtained for appearance in the Sheriff Court either when the case has been referred for establishment of the facts or in appeal cases.

Legal Representation at the Hearing

Since February 2002, legal representation will be provided free of charge for a child where members of the children's panel consider it likely that there may be a recommendation of secure accommodation, or where the case is legally complex etc. Children's legal representatives are members of special panels maintained by the local authorities. All costs are met by the Scottish Executive. At the time of publication, the Scottish Executive is working with the Family Law Association and the Law Society of Scotland to design an appropriate

training course for lawyers who wish to engage in this area of work.

Review Hearing

The Hearing has to review a supervision requirement within a year otherwise it lapses. The hearing may specify an earlier review date. At a Review Hearing, which is attended by the parents or other relevant person and normally the child, the supervision requirement may be discharged, continued or altered. A child, parent or other relevant person may request the review after three months. The social work department may recommend a review at any time. The Reporter has a duty to arrange Review Hearings.

Resources

In addition to funding the Scottish Children's Reporter Administration, which costs more than £16.4 million each year, the Scottish Executive contributes over £500,000 annually to the training of Panel Members, safeguarders and members of CPACs. This funding provides for Training Organisers, who prepare and deliver training, based at Aberdeen, Edinburgh, Glasgow and St Andrews Universities. Responsibility for meeting the additional costs of this training rests with local authorities who are also responsible for providing appropriate facilities for the assessment and supervision of children and for carrying out the supervision requirements made by hearings. The Scottish Executive also meets in full the costs of legal representation at Hearings. In addition a significant cost is met by Local Authorities. For the year 1999 -2000 Local Authorities spent £1.165m on funding the operation of children's panels.

Research and Statistics

The Hearings system has been the subject of a considerable body of research; much of it carried out by researchers based at Scottish Universities, sometimes with support of funds from other countries. A

review of research has also been published along with a number of other significant studies.

Detailed references to recent or significant publications will be found in the section of further reading (Appendix B).

Appendix A

Grounds for referral of children to Reporter and to Children 's Hearing A child may be in need of compulsory measures of supervision if any of the following conditions is satisfied with respect to him (Section 52(2)of the Children (Scotland)Act 1995).

- A. Is beyond control of any relevant person;
- B. Is falling into bad associations or is exposed to moral danger;
- C. is likely –
- D. i to suffer unnecessarily;or
ii to be impaired seriously in his health or development, due to lack of parental care
- E. is a child in respect of whom any of the offences mentioned in schedule 1 to the Criminal Procedure (Scotland)Act 1975 has been committed;
- F. is, or is likely to become, a member of the same household as a child in respect of whom any offences mentioned in schedule 1 to the criminal procedure (Scotland)act has been committed;
- G. is, or is likely to become a member of the same household as a person who has committed any of the offences mentioned in schedule 1 to the Criminal Procedure (Scotland)Act 1975;
- H. is, or is likely to become, a member of the same household as a person in respect of whom an offence under section 2a to 2c of the Sexual Offences (Scotland)Act 1976 (incest and intercourse with a child by a step-parent or person in position of trust)has been committed by a member of that household;
- I. has failed to attend school regularly without reasonable excuse;

- J. has committed an offence
- K. has misused alcohol or any drug, whether or not a controlled drug within the meaning of the Misuse of Drugs Act 1971;
- L. has misused a volatile substance by deliberately inhaling its vapour, other than for medical purpose;
- M. is being provided with accommodation by a local authority under section 25, or is subject of a parental responsibilities order obtained under section 86 of the 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

Appendix B

Freagarrach: Evaluation of a project for persistent young offenders (Feb 2001).

The Evaluation of Children 's Hearings in Scotland: Volume 4 –Where do we go from here?

Conference Proceedings (July 2000).

An Evaluation of the SACRO (Fife) Young Offenders mediation Project (May 2000).

Working with persistent Juvenile Young Offenders: An Evaluation of the Apex CueTen project (Oct 1999).

The Evaluation of Children 's Hearings in Scotland: Children in Focus (April 1999).

Children, Young People and Offending in Scotland (Dec 1998)

Evaluation of the Hamilton Child Safety Initiative (Dec 1998)

C. Hallett and C. Murray with J. Jamieson and W. Veitch: The Evaluation of Children 's Hearings

in Scotland: Deciding in Children 's Interests (Dec 1998)

C. Hallett and N. Hazel: The evaluation of the Children 's Hearings in Scotland:

The international Context (1998)

Further Reading

Blueprint for the Processing of Children 's Hearings Cases: Second Edition

(March 2001).

It 's a Criminal Waste: Stop Youth Crime Now: Report of the Advisory Group on Youth Crime

(June 2000).

It 's a Criminal Waste: Stop Youth Crime Now: Scottish Executive Response to the report

of the Advisory Group on youth crime (June 2000).

Children's Hearings and the Sheriff Court: Brian Kearney (2000).

Blueprint for the Processing of Children 's Hearings Cases: First Edition (March 1999).

Juvenile Justice in Scotland: Twenty Five Years of the Welfare Approach: Andrew Lockyer.

Children 's Hearings in Scotland: Kenneth Norrie (1997).

Children (Scotland) Act 1995.

Kilbrandon Lecture 1993 /1995 /1997 /1999 /2001.

A Guide to Children 's Hearings: G Moore (1989)

The Kilbrandon Report: Report of the committee on Children and Young Persons, Scotland

(1964), Cmnd 3065, HMSO

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INFORMATION FOR CHILDREN

Answers to all your Questions

- What is a children's hearing?
- Why am I going to the children's hearing?
- Where is the children's hearing?
- All these questions and others are answered in this section to help you understand.

What is a children's hearing?



Children and families who have some problems go to a meeting to talk with people called panel members. There will be 3 panel members at the meeting. The meeting is called a children's hearing.

Who are the Panel Members?

Panel members are adults who know a lot about children and where to get help for families.

You and your family can talk to them about any worries you have.

They will try to get help for children and their families with problems.



Why am I going to the children's hearing?



Maybe you have worries about school or friends.

Children can be worried about their Mum and Dad, or others can be worried about what is happening to you.

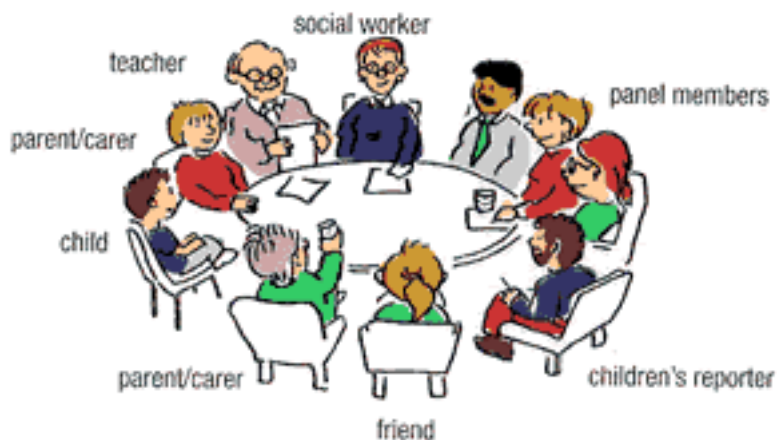
The hearing is held to try to help sort things out.

Where is the children's hearing?

Children's hearings are held in lots of different kinds of buildings, mostly in towns.



Who will be there with me?



A panel member will tell you who everyone is when you go to the meeting.

You are the most important person at the meeting, but others are there too - Mum, Dad or whoever looks after you, and social workers (sometimes teachers too). There will be a person called the children's reporter who has asked everyone to come to the meeting. Sometimes a person called a safeguarder will be there. This person is there to help the panel members to decide what is best for you.

Who will speak?

Everyone will get a chance to speak. The panel members will want to listen to everybody, but will be especially interested to everything you say.



If you are a bit shy, somebody else can go with you to help you to talk to the panel members.

Will I be there for a long time?



Lots of children go to meetings with panel members. Most meetings should take less than an hour, about as long as your lunch break at school.

Most waiting rooms will have some toys and games, but you may want to take one of your own with you.

What happens afterwards?

The panel members will try to do something to help you and your family with your problems. They will tell you who can help and how they will help you.



Remember the social worker? If the panel members think you need some help, the social worker will help you.

What if I don't like what the Panel Members decide?



You should tell someone - maybe your Mum, Dad, the social worker or the person who looks after you. They will help you to talk to someone about why you do not like the decision, and it may be able to be changed.

Places to get in touch with for advice and help....

Your local children's reporter is the person who organises the meeting and who would help with any questions you may have about your hearing.

For someone to speak to about things that might be worrying you:

Childline

Freepost 1111

GLASGOW

G1 4BR

Tel: **0800 1111**

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INFORMATION FOR FAMILIES

Questions and Answers



This section contains some useful facts about children's hearings, your rights, your child's rights, and how to get help and more information.

What are children's hearings?

They are meetings which are held to provide help for children who may be having problems in their lives.

Who holds these meetings?

The children's reporter organises the meeting and makes sure that the rules which cover hearings are followed. These rules are designed to ensure that a full and frank discussion takes place at the hearing. There is a **RIGHT OF APPEAL** against the hearing's decision. Children's hearings are often referred to as children's panels.

Who makes decisions at the hearing?

Decisions are made by the children's hearing, which comprises people who have volunteered because they have a special interest in children and young people. They are specially trained and there will always be 3 members present at every hearing. One always acts as the chairperson of the meeting.

Why is your child to go to a hearing?

The decision that a child is to attend a hearing is made by the children's reporter for your area. Children can find themselves with problems for a number of reasons, such as their family not being able to look after them properly, offending, parental control issues, or perhaps problems with school attendance. Whatever the problem, the hearing will deal with it if the reporter has decided that consideration of your child's situation is appropriate.

How does the reporter make the decision to refer your child to a hearing?

The reporter gathers information about your child such as information from school, police, health agencies, and details of family circumstances. The reporter will consider all of the information carefully and will have decided that your child needs the kind of help, guidance or control which can be arranged by the children's hearing.

What else happens before the hearing takes place?

Before the hearing a social worker will meet you to prepare a **SOCIAL BACKGROUND REPORT** on your child and his circumstances. You may already have met the social worker and had an opportunity to talk over any problems which you and your child are facing at present. You will receive a copy of the reports, which will arrive before the hearing, and a copy of a statement of the reasons for the meeting.

What is the purpose of the hearing?

It is to consider any difficulties which your child may be having and whether any of the measures which the hearing can arrange, would be helpful.

Who must attend the hearing?

The forms sent to you with this leaflet give the place and time of the hearing, and will make it clear who is required to go to the hearing. The law states that "relevant persons" should be involved in the hearing. Broadly this means that whoever is caring for the child at the time of the hearing as a **RELEVANT PERSON** has a right and obligation to attend the hearing. A relevant person is someone who has responsibility for the

child, like a parent or carer. Children have an absolute right to attend at all stages of their hearing. Normally both parents and the child are required to be there but in some cases the hearing may make a decision to proceed in someone's absence. It is very important that you contact the reporter immediately if there is a problem with your attendance, as there can be serious penalties for parents who fail to attend a hearing as required.

Who can go with you to the hearing?

You may bring someone to help you at the hearing if you wish - for example, you might like to bring a relative or friend, or another person such as a youth leader, a teacher, or someone from your church, who knows you or your child well. Each parent and child may bring a different person to help and, certain cases, the chairperson may require that the child is separately represented. You may bring a lawyer as your representative but any fees he might charge would not be covered by Legal Aid.

Who else will be there?

The reporter, the social worker and anyone else, for example, a teacher whom the hearing feels may be able to contribute usefully to the discussion and help them to make their decision. The hearing has a duty to keep numbers attending to a minimum. It is possible that some professionals, such as teachers, may only be present for part of the hearing. The hearing takes place in private and is not open to the public.

Although news reporters have a right to be present, the law prevents details of the names, addresses, schools or any other particulars from being published in such a way as to identify your child.

What will happen at the hearing?

When you and your child arrive at the place where the hearing is to be held, you will be asked to wait until the hearing is ready to see you. When you are called into the hearing room you will meet the 3 members who will be dealing with your child's case. The chairperson will firstly identify everyone. He will then explain the statement of the reasons for the hearing sent to you by the reporter and ask if both you and your child understand them. You and your child will then be asked if you accept that what is written in the reasons for the hearing is correct. You may

accept it or object to all or part of it. In some cases the hearing will proceed if only part of the statement is accepted. If you all accept that the statement is true, the hearing will go on to have a full and frank discussion and will normally make a decision as to whether to make a supervision requirement.

There may be circumstances where the hearing has to be continued for further information or for the appointment of a **SAFEGUARDER**. A safeguarder is appointed where the hearing feels that they require a report from an independent source as to what is in the child's best interests. The safeguarder will speak with you and your child and with the professionals who are submitting reports to the hearing before submitting his recommendations. The hearing will consider the safeguarder's report, together with the other available information. The safeguarder will normally be in attendance at the hearing.

What happens if you or your child do not accept the reasons for the hearing?

The hearing will not go on with your child's case that day. The hearing may decide to discharge the case altogether or they may ask the reporter to arrange for the case to be heard by the Sheriff. Within a few weeks the Sheriff will hear witnesses and decide whether the reasons for the hearing have been proved or not. The appearance before the Sheriff is in private. Where the Sheriff decides the reasons for the hearing are correct, he will send your child back to a hearing which will meet to decide what should be done. On the other hand, if the Sheriff decides they are not correct, he will discharge the case. A safeguarder can also be appointed where the case is to go before the Sheriff.

You may have a lawyer to help you when the case goes before the Sheriff. Legal Aid may be available for this. If you are unsure how to go about getting help from a lawyer, the reporter or social worker should be able to give you information. Alternatively, you might wish to contact the sheriff clerk at your local Sheriff Court for more information about the proceedings. The address and telephone number of the local Sheriff Court is in the telephone directory. You should contact a lawyer as quickly as possible.

NOTE: As previously stated, the hearing has to be sure that the child understands the statement of the reasons for the hearing. If the child does not understand them, for example because he is a

baby or a very young child, the hearing MUST send the case to the Sheriff if it wants to continue with it, whether or not you, as the child's parents, accept the statement.

What does the hearing take into consideration?

The purpose of the hearing is to decide whether any **COMPULSORY MEASURES OF SUPERVISION** would be helpful to you child. In making this decision, the members of the hearing will consider not only what has happened to bring the child before them, but also the **SOCIAL BACKGROUND REPORT** and any other information. You will have a copy of the relevant reports which are to be discussed.

The hearing will talk with you and your child. You may be asked to leave the hearing in order to assist your child to speak to the members. If this happens, when you return to the room the hearing **must** tell you the main points of the discussion which took place in your absence. Your child has a right to be present at all times but the hearing may excuse him from attendance in certain circumstances.

What can the hearing decide to do?

Where it is decided that no compulsory help is needed, the hearing will discharge the case. Where the members feel that your child needs compulsory guidance, help, care or control, a supervision requirement will be made. This may require your child to be under the supervision of a social worker while he remains at home. The hearing may also make a supervision requirement with the condition that you child lives away from home for a time, perhaps with a relative, or in a children's home, foster home or residential school.

Where the hearing continues a child's care for further information, as mentioned earlier, it may require you child to attend a child guidance clinic or hospital for the purpose of investigation and reporting of any problems. Sometimes it is necessary for the child to live away from home for a short time in order to obtain fuller information so that the hearing can come to the best decision.

Can you appeal against the decision of the hearing?

You, your child, or any safeguarder who has been appointed to the

hearing, can appeal against the decision. Any appeal by the safeguarder is an appeal on behalf of the child and not an appeal in his own right. The appeal has to be made within 3 weeks. You may have the help of a lawyer. Legal Aid may be available for this.

If you are considering making an appeal, the reporter or social worker can give you more information about how to go about it. You will be sent a copy of the hearing's reasons for decision. It is important to take this document to your lawyer as soon as possible, together with the other documentation relevant to your child's case when considering an appeal.

How long does the supervision requirement last?

Supervision should last for as short a time as is necessary but there is no set duration. After a certain time a children's hearing will consider your child's case again. this kind of hearing is called a **REVIEW HEARING**. The hearing can specify when this is to be, or you or your child can ask for a review hearing after 3 months. The social worker can ask for a review hearing at any time.

If none of these things have happened a review must take place within a year of the date when the supervision requirement was made. At a review hearing, the supervision requirement may be ended, continued or changed if this is thought to be more helpful. After each review hearing you or your child has the right to appeal against the decision and to ask for another review hearing after 3 months.

Remember - your child has been sent similar information but in a format which is age appropriate. You may wish to discuss the contents together before attending the hearing. If you have any queries prior to attendance at the hearing, please contact the social work department or the local reporter for further assistance.

Places to get in touch with for advice and help....

If you would like to speak with your local children's reporter the number is in the telephone directory.

For someone to speak to about things that might be worrying you:

Childline

Freepost 1111

GLASGOW

G1 4BR

Tel: **0800 1111**

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RECRUITMENT CAMPAIGN

The annual Children's Panel national recruitment campaign for 2003 has now ended. Recruitment for the Children's Panel takes place each

September. If you are interested in the work of the children's panel or Children's Panel Advisory Committee and wish more information please [contact the Clerk to the CPAC at you local council.](#)

The recruitment process is described in more detail in the [Background](#) section of the website.



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- Aberdeenshire
- Angus
- Argyll & Bute
- Borders, The
- Clackmannan
- Dumfries and Galloway
- Dundee, City of
- East Ayrshire
- East Dunbartonshire
- East Lothian
- East Renfrewshire
- Edinburgh, City of
- Falkirk
- Fife
- Glasgow, City of
- Highland
- Inverclyde
- Midlothian
- Moray
- North Ayrshire
- North Lanarkshire
- Orkney Islands
- Perthshire & Kinross
- Renfrewshire
- Shetland Islands
- South Ayrshire
- South Lanarkshire
- Stirling
- West Dunbartonshire
- West Lothian
- Western Isles (Eilean Siar, Comhairle nan)

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Training

For the Scottish Executive, every child matters. Where a child has to appear before a children's hearing, it is essential that there is a fair and considered hearing for the child and the family. In this, we are dependant on the commitment of volunteer panel members to work and train to maintain the quality service which is a hallmark of the children's hearings system in Scotland.



In support of this, the volunteers on the Children's Panel Advisory Committees (CPACs) and their sub Groups have a key role to play. Great care must be taken over the selection and development of members of the Children's Panels. The members of the CPACs act as guardians of the standards through their work in recruitment and monitoring, as well as in advising Scottish Ministers.

The Scottish Executive underpins the children's hearings system through the funding of the [Children's Panel Training Organisers](#) (CPTOs). CPTOs are responsible for training panel members in effective communication, assessing complex reports, decision making, team work and how to chair meetings. If you wish more information about any aspect of training, [please click here to view contact details for CPTOs](#).

The Scottish Executive has also made provision for members of CPACs to be trained. The training package can be accessed through <http://www.norcol.ac.uk/cpac>

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YOUTH JUSTICE

Please select the region you would like to know more about:



Information about the Youth Crime Review is also available on the [Scottish Executive](#) web site.

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YOUTH JUSTICE

Local Authority Area	North Lanarkshire
Contact Name	Maureen Hughes
Phone	01698 332047
E-mail Address	Hughesm@northlan.gov.uk
2001/02 Youth Crime Budget Allocation	£357000
Youth Crime team in place?	The Social Work Department has restructured and brought together Children and Families and Criminal Justice Sections. The appointment of a Child Care Service Co-ordinator with a specific remit for youth offending should serve to promote effective youth justice services within North Lanarkshire.
If so, agencies represented:	North Lanarkshire Council has adopted a multi agency approach within its joint planning structures. Planning for young people involved in offending has taken place in the Children's Service Plan (North Lanarkshire's Children's Services Strategy Group).
Has audit of local demand and resource been completed / submitted to SE? If no, please state date for submission.	It is hoped to complete this exercise and submit the audit to the Executive.

Has local strategic plan to address youth crime been completed / submitted to SE? If no, please state date for submission.

To date the plan for young people who offend has been incorporated into the Children's Services Plan and Joint Criminal Justice Plan (with South Lanarkshire). A separate plan will be formulated by the multi agency team and submitted to the Scottish Executive. (Consultation on a draft version will be carried out prior to submission.)

Please provide a list of the Preventative work that the Youth Justice team has developed, or is a partner in the development and, where appropriate, the level of YCR support that each project is receiving

A number of ways: Much of this has been done on a corporate basis through the Children Services Plan and on a joint basis with South Lanarkshire in the Criminal Justice Strategic plan to ensure consistency of planning across departments and other agencies. A range of interventions and programmes including those from the 'What Works' agenda are delivered on an individual and group work basis by Young Persons Support Units and related services. Youth Crime Review monies has supported these projects by the provision of on line facilities and access to teaching/learning packages (£42,000). In addition a training programme which has included cognitive behavioural interventions targeting skill deficits in dealing with delinquent behaviour has been negotiated (£8,000). Collaborative working with Community services has resulted in a number of young people with an offending profile participating in the Duke of Edinburgh award scheme. (Seven young people have already completed their Bronze award). Through Youth Crime Review this scheme has been extended with a full time worker being employed to

promote the scheme throughout the authority specifically targeting young people who offend, are at risk of offending or have been released from custody or secure conditions with the aim of achieving an accredited qualification (£40,000), This commitment has been made for a 5 year period. Collaborative working between Social Work and Education Department has lead to a number of initiatives which promote inclusiveness of vulnerable young people. Examples of these are: an amalgamation of Social Work day unit and day assessment unit with network support teams to provide a holistic approach through a SIP Project which was set up to raise basic educational attainment of young people in foster care and residential units through use of the success maker package. A number of working groups and forums have developed protocols and strategies to reduce school exclusion and promote social inclusion

Please provide a list of the Diversionary work that the Youth Justice team has developed or is a partner in the development and, where appropriate, the level of YCR support that each project is receiving

In a joint initiative with South Lanarkshire SACRO has been commissioned to extend Reparation and Mediation Service for 11 - 18 year olds through YCR (£30,0000). North Lanarkshire has a policy practice and protocol to advocate alternative credible community and residential school placements under bail conditions as an alternative to remand or secure conditions. This is a preferred option but has major cost implications for the authority.

Please provide a list of the interventions with persistent offenders that the Youth Justice team has developed or is a partner in the development, and where appropriate, the level of YCR support that each project is receiving

Piloted Bridging Teams in two areas of the authority to address youth crime combining best practice learned from Criminal Justice and Child Care. The revised work seeks to provide a focused service targeting offending behaviour for these young people 14+ who are persistent offenders. These teams are currently being developed within each geographical area of the authority. In addition to professional and clerical staffing, costs will also include what works training costs with staff replacement. North Lanarkshire Council will implement a common assessment tool YSL-CSI (LSI-R Youth Version) (ii) North Lanarkshire Council has developed a protocol of risk assessment and case management which includes young people with sexually aggressive behaviour. This linking to the joint North/South Lanarkshire multi agency forum concerned with services for sex offenders. (iii) Barnados/North Lanarkshire Chosi project offers a range of intensive services for young people aged 14 to 18. The aims of the project are to prevent 16/17 year olds progressing into the adult criminal justice system by offering alternative options via children's hearing system and to prevent young people 14+ from being placed in secure accommodation. In 1999/2000 50 young people participated - the service and 42 for the period 2000/2001. (iv) North and South Lanarkshire have also purchased from Includem intensive intervention services for 10 young persistent offenders. This service includes a 24 hour helpline and peer mediation.

Integration with wider planning framework

The existing links are: Children's Service Planning Structure; Criminal Justice Plan; Sub-Groups of the Drug Action Team; Community Safety Strategy and Youth Strategy

Monitoring & Evaluation Arrangements

Independent providers are subject to service level agreements and service specifications which include qualitative and quantitative performance information. Evaluation of pilot bridging teams took place and as a result a revised service specification has been agreed. This specification details target groups, roles/tasks of the team aims and objectives and arrangements for monitoring, reviewing and evaluation. The use of a common assessment tool across the Authority will ensure an agreed approach to assessment levels of intervention and outcomes. It is envisaged that the proposed strategic plan will detail an agreed action plan and evaluation framework. Intervention will be considered within the existing frameworks e.g. Criminal Justice National Standards. All interventions and service delivery will be subject to financial planning and review.

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Information From Other Organisations

[Scottish Association of Children's Panels](#)

[Friends of Midlothian](#)

[Edinburgh Children's Panel](#)

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Contacts

Scottish Executive

(contact for more information)

Scottish Executive Education Department
Children and Young People's Group
Area 2 - B (S) Victoria Quay
EDINBURGH
EH6 6QQ

Tel: 0131 244 5483
Fax: 0131 244 3547
email: childrens.hearings@scotland.gsi.gov.uk

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Scottish Children's Reporter Administration

(for more information on reporters)

SCRA
Ochil House
Springkerse Business Park
STIRLING
FK7 7XE

Fax: 01786 459532

[Scottish Local Authority Contacts for Recruitment](#)

Children's Panel Training Organisers

Local Authority Contacts

Aberdeen City

Betty Yau
Legal and Corporate Services
Town House
Broad Street
ABERDEEN
AB10 1AQ

Phone: 01224 522989
Fax: 01224 522491
E-mail: [mailto::byau@legal.aberdeen.net](mailto:byau@legal.aberdeen.net).
[uk](#)

Aberdeenshire

Niall David
Law and Administration
Woodhill House
Westburn Road
ABERDEEN
AB16 5GB

Phone: 01224 665107
Fax: 01224 664019
E-mail: [njdavid.la@aberdeenshire.gov](mailto:njdavid.la@aberdeenshire.gov.uk).
[uk](#)

Angus

Alan Doig/Fiona Anderson
Law and Administration
St James House
St James Road
FORFAR
DD8 2ZE

Phone: 01307 473466
Fax: 01307 464834
E-mail: doigja@angus.gov.uk

Argyll and Bute

Isabella Soudan
Corporate Services
Dalriada House
Lochnell Street
LOCHGILPHEAD
Argyll
PA31 8ST

Phone: 01546 604511
Fax: 01546 604530
E-mail: [isabella.soudan@argyll-bute.gov](mailto:isabella.soudan@argyll-bute.gov.uk).
[uk](#)

Dumfries and Galloway

Carol Henshall
Council Secretariat
Council Offices

Phone: 01461 207012
Fax: 01387 260034
E-mail: carolhe2@dumgal.gov.uk

English Street
DUMFRIES
DG1 2DD

Dundee City

Mrs Anne Singleton
Department of Support Services
Dundee City Council
21 City Square
DUNDEE
DD1 3BY

Phone: 01382 434816
Fax: 01382 434666
E-mail: anne.singleton@dundeecity.gov.uk

East Ayrshire

Melanie Anderson
Administration
Council Headquarters
London Road
KILMARNOCK
KA3 7BU

Phone: 01563 576094
Fax: 01563 576245
E-mail: Melanie.Anderson@east-ayrshire.gov.uk

East Dunbartonshire

Ms Diane Campbell
Legal and Administration Services
East Dunbartonshire Council
Tom Johnston House
Civic Way
KIRKINTILLOCH
G66 4TJ

Phone: 0141 578 8310
Fax: 0141 578 8468
E-mail: diane.campbell@eastdunbarton.gov.uk

East Lothian

Allison Cosgrove
John Muir House
Brewery Park
HADDINGTON
EH41 3HA

Phone: 01620 827246
Fax: 01620 827438
E-mail: acosgrove@eastlothian.gov.uk

East Renfrewshire

Linda Hutchison
Admin Services
Eastwood Park
Rouken Glen Road
GIFFNOCK

Phone: 0141 577 3008
Fax: 0141 577 3834
E-mail: hutchisonl@eastrenfrewshire.gov.uk

G46 6UG

Edinburgh

Mr Bill Stackhouse
Corporate Services Department
City of Edinburgh Council
City Chambers
High Street
EDINBURGH
EH1 1YJ

Tel: 0131 529 4342
Fax: 0131 529 7607
E-mail: bill.stackhouse@edinburgh.gov.uk

**Eilean Siar Comhairle nan
(Western Isles)**

Michael Drummond
Corporate Services
Sandwick Road
STORNOWAY
Isle of Lewis
HS1 2BW

Phone: 01851 709218
Fax: 01851 705349
E-mail: mdrummond@cne-siar.gov.uk

**Falkirk, Stirling and
Clackmannanshire Joint CPAC**

Dale Robb
Law and Administration Services
Municipal Buildings
FALKIRK
FK1 5RS

Phone: 01324 506111
Fax: 01324 506071
E-mail: dale.robbs@falkirk.gov.uk

Fife

Susan Williams
Law and Administration Service
Fife House
North Street
GLENROTHES
KY7 5LT

Phone: 01592 416850
Fax: 01592 414142
E-mail: susan.williams@smtp5.fife.gov.uk

Glasgow City

Angela Dover
Personnel and Administration
Services
City Chambers
GLASGOW

Phone: 0141 287 5352
Fax: 0141 287 7071
E-mail: angela.dover@pas.glasgow.gov.uk

G2 1DU

Highland

John Allison
Corporate Services Department
Glenurquhart Road
INVERNESS
IV3 5NX

Phone: 01463 702131
Fax: 01463 702133
E-mail: <mailto:john.allison@highland.gov.uk>

Inverclyde

Helena Couperwhite
Legal and Support Services
Municipal Buildings
GREENOCK
PA15 1LX

Phone: 01475 712111
Fax: 01475 712010
E-mail: Helena.Couperwhite@Inverclyde.gov.uk

Midlothian

John Ward
Midlothian Council
Midlothian House
Buccleuch Place
DALKEITH
EH22 1DN

Phone: 0131 271 3158
Fax: 0131 271 3050
E-mail: John.Ward@midlothian.gov.uk

Moray

Ms Sheila Kennedy
Legal and Administration Services
The Moray Council
Council Headquarters
High Street
ELGIN
IV30 1BX

Phone: 01343 563014
Fax: 01343 540183
E-mail: kennedys@chief.moray.gov.uk

North Ayrshire

Shona King
Chief Executive's Office
Cunninghame House
IRVINE
KA12 8EE

Phone: 01294 324127
Fax: 01294 324144
E-mail: sking@north-ayrshire.gov.uk

North Lanarkshire

Mr A Ashley
Department of Administration
North Lanarkshire Council
PO Box 14
Civic Centre
MOTHERWELL
ML1 1TW

Phone: 01698 302445
Fax: 01698 276101
E-mail: AshleyA@northlan.gov.uk

Orkney

Christine Fraser
Administration Division
Council Offices
School Place
KIRKWALL
KW15 1NY

Phone: 01856 873535
Fax: 01856 874615
E-mail: christine.fraser@orkney.gov.uk

Perth and Kinross

Mr Andrew Wilson
Corporate Services
Committee and Administration
Perth and Kinross Council
2 High Street
PERTH
PH1 5PH

Phone: 01738 475172
Fax: 01738 475110
E-mail: aswilson@pkc.gov.uk

Renfrewshire

Ewan Coventry
Corporate Services
Council Headquarters
North Building
Cotton Street
PAISLEY
PA1 1TR

Phone: 0141 840 3203
Fax: 0141 840 3335
E-mail: ewan.coventry@renfrewshire.gov.uk

Scottish Borders

Mrs Fiona Henderson
Scottish Borders Council
Central Services Department
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Phone: 01835 825000
Fax: 01835 825001
E-mail: mailto:fhenderson@scotborders.gov.uk

Shetland Islands

Jessamine Pottinger
Legal and Administrative Services
4 Market Street
LERWICK
ZE1 0JN

Phone: 01595 744555
Fax: 01595 744585
E-mail: jessamine.pottinger@sic.shetland.gov.uk

South Ayrshire

Alison McCord
Legal & Administration
County Buildings
Wellington Square
AYR
KA7 1DR

Phone: 01292 612462
Fax: 01292 612188
E-mail: alison.mccord@south-ayrshire.gov.uk

South Lanarkshire

Eleanor Paterson
Corporate Resources
South Lanarkshire Council
Council Offices
Almada Street
HAMILTON
ML3 0AA

Phone: 01698 455649
Fax: 01698 454407

West Dunbartonshire

George Hawthorn/Lorraine Beveridge
Legal & Administration Services
Council Offices
Garshake Road
DUMBARTON
G82 3PU

Phone: 01389 737220
Fax: 01389 737070
E-mail: george.hawthorn@westdunbarton.gov.uk

West Lothian

Andrew Sneddon
Legal and Administration
West Lothian House
Almondvale Boulevard
LIVINGSTON
EH54 6QG

Phone: 01506 777245
Fax: 01506 777249
E-mail: andrew.sneddon@westlothian.gov.uk

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Links to other web sites

Please note that you will leave the Scottish Executive web site at this point, and that the Scottish Executive and its staff are not responsible for content external to this web site.

Home Office

If you are interested in knowing more about adoption and fostering please contact [British Agencies for Adoption and Fostering](#).

Northern College

Children 1st

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How to Complain about Children's Hearings

Do you have a complaint relating to the Children's Hearings system? All complaints are treated seriously and action will always be taken to look into the matter and correct things where it is appropriate to do so. If your complaint relates to **a member of a Children's Panel; or a member of a CPAC** then please contact the Clerk to the CPAC for the [relevant local authority area](#). The Clerk has formal responsibility for investigating all complaints.

If you have a complaint about a **reporter** then please write to the Principal Reporter, Scottish Children's Reporters Administration, Ochil House, Springkerse Business Park, STIRLING, FK7 7XE.

There is no provision for anyone to complain about a decision reached at a particular Hearing. This is because it is considered to be in the best interests of the child for such matters to be kept private. Under the terms of the Children (Scotland) Act 1995 however, where children and 'relevant persons' (usually the parent(s)) disagree with such a decision, they may appeal to the sheriff within 21 days of the Hearing. If children or relevant persons have a complaint relating to how a particular Social Work Department has implemented a decision, then contact should be made with the Director of the Department.



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ECHR Case Decision

S V PRINCIPAL REPORTER AND LORD ADVOCATE

The judgement in the above case issued on Tuesday 7 August 2001. Final details may be found on the <http://www.scotcourts.gov.uk/>. Enter the site and look for Court Opinions, Court of Session, type in the date (07/08/2001) and scroll down to the judgement.

In brief, the Court accepts that:

the children's hearings system comes within Article 6 of the ECHR (right to a fair trial), when dealing with offence grounds for referral the hearing is not determining a criminal charge and that, accordingly, it is not a criminal process to which Article 6 (criminal safeguards) have to apply (Article 6(2) and 6(3)) it is a process determining civil rights and, in so doing, some of the general protections of Article 6 have to be considered. To this end the Court considered that the availability of legal representation is desirable in certain circumstances where it is in the interest of justice, particularly having regard to the discussion of reports and where there may be consideration of secure accommodation. It reached a view that the absence of any right to apply for legal aid (whatever the ground for referral) is incompatible with Article 6. The Scottish Children's Reporter Administration has introduced an interim scheme to make papers available to children. This is recognised as a significant development in line with Convention compliance. The panel is an independent and impartial tribunal in terms of Article 6 Article 5 of the ECHR (right to liberty and security) applies to the children's hearings system and its structure is compliant with this Article.

The Scottish Executive and SCRA are working through the precise implications of the judgement. Guidance will be issued to Panel Members in the near future.

Scottish Ministers have decided to consult on the creation of a system

of publicly funded Hearings Rights Officers, dedicated to working with the Children's Hearings System.

Regulations came into force on 23 February 2002. These can be found at this address - <http://www.scotland-legislation.hms.gov.uk/legislation/scotland/s-200200.htm>. Panel members have been issued with guidance and have been trained, or are in the process of being trained.

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Children's Hearings System



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PUBLICATIONS

SCRA

- [New SCRA Statistical Spread \(271kb\)](#)
- [Annual Report \(Coming Soon\)](#)

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