

before your Children’s Hearing. This is called a “Pre-Hearing Panel” and it will decide whether you have to go to your Children’s Hearing.

If you do not want to go to the Pre-Hearing Panel, you can tell Panel members what you think, in a letter or by contacting the Reporter. You can get someone to help you with this.

You will be told the decision of the pre-hearing panel by the Reporter, before the hearing.

If the Pre-Hearing Panel decides that you must attend your Children’s Hearing, then it is very important that you go along. If you do not go, Panel members can ask the police to pick you up to bring you to your Children’s Hearing. This is called “issuing a warrant”.



### Checklist

## Children’s Hearings 04

The Law And Your Rights	✓
What Happens at Hearings	✓
Reasons for Hearings	✓
Statement of Grounds	✓
The Children’s Hearing Decision	✓
The Hearing Panel	✓
The Pre-Hearing Panel	✓

### MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to [info@clanchildlaw.org](mailto:info@clanchildlaw.org), or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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# Children’s Hearings



LAWYERS FOR CHILDREN & YOUNG PEOPLE



[CLANCHILDLAW.ORG](http://CLANCHILDLAW.ORG)

## CHILDREN'S HEARINGS

For information about what happens at a Children's Hearing see: <http://www.scra.gov.uk/young-people/>. This information is about the things that you might need to speak to a lawyer about if there is going to be a Children's Hearing about you.

### ✓ Can I take anyone with me to my Children's Hearing?

You have the right to take one person with you to help you talk to the Panel members and tell them your view. Young people can also have a legal representative – called a "Solicitor" at a children's hearing. A solicitor will make sure that you and everyone at the Hearing knows what your rights are. They will explain your views to the hearing and will make sure that a decision is made in a way that is fair to you.

When a children's hearing is being asked to send you to stay in secure accommodation, or if the hearing is because you have been picked up by the police and are accused of a criminal offence then you must have a solicitor to represent you. If you do not have your own solicitor, the Scottish Legal Aid Board will send a solicitor to meet with you, give you advice before the Hearing and represent you in the Hearing.

### ✓ The Reasons for the Hearing – the "Statement of Grounds"

There has to be a serious reason for a Children's Hearing to take place, like the young person is not healthy or not being kept safe, or is not going to school. Anyone can tell the Children's Reporter about concerns they have about a young person. The Children's Reporter will look into the situation and see if it looks as though there are any reasons why there needs to be a Children's Hearing. The reasons for Children's

Hearings are listed in the Children's Hearings (Scotland) Act 2011.

The reasons for the Hearing – the "statement of grounds" will usually be attached when the Reporter sends you the date, time and place for your first Children's Hearing.

At the hearing you will be read the statement of grounds and asked if you understand and agree with them. Your parents or the people you live with will be asked if they agree with the statement. You can disagree or agree with the statement of grounds even if your parents or the people you live with think something different. It can help to get some advice from a solicitor so that you understand your rights and the law before you decide if you agree with the grounds of referral.

### ✓ What happens if I do not agree with Statement of Grounds?

If you don't agree with or understand the Statement of Grounds, it is very important that you tell the Panel members. Remember that a solicitor can help you to explain to the Panel why you disagree with the Statement of Grounds. If you explain to the Panel why you don't think there is a reason for you to have a Children's Hearing then they may decide they don't need to have a Hearing – this is called "discharging the referral".

If you do not agree with the Statement of Grounds but the Panel members still think that there needs to be a Children's Hearing then they will pass the case on to a judge (called a "Sheriff") to decide. This is called "referring the matter for Proof". It can take a few weeks before the court will make a decision, so Panel members can make a short term order called an "interim order" or "ICSO" to keep you safe until the court makes its decision. The Proof is a day

or more in court where the Sheriff looks at the evidence and listens to everyone involved and decides if there is a reason to have a Children's Hearing. You can get help from a solicitor with showing evidence and explaining your views to the Sheriff.

### ✓ What happens if I agree with the Statement of Grounds?

If you and your parents or the people you live with all agree that there should be a hearing and you all agree with the reasons in the Statement of Grounds, then the Children's Hearing will go ahead.

### ✓ The Children's Hearing and the Decision

A Children's Hearing is a meeting where volunteer Panel members meet you and your family and others to talk over issues and to decide what needs to be done to solve the problem and give you help.

Panel members may decide that nothing needs to be done and they will "discharge the referral". This means that your case is at an end and you will not have to come back to another Hearing for these reasons.

The Panel can make an order, called a "Compulsory Supervision Order" or "CSO" which sets out "Compulsory Measures of Supervision" which means they say exactly what needs to be done by social work or your family or others - to give you guidance, support or extra help. For example they may say that you have to live in a certain place or who you can have contact with. Your Compulsory Supervision Order will last for one year. It can be reviewed by another Children's Hearing within that time. When they make the order, panel members can say that they will review it more quickly and not wait a year. You can ask for another hearing three

months after the date of your last hearing. Your social worker can ask for a review hearing if he or she wants to change anything in your compulsory supervision order OR if the order is no longer working for you.

### ✓ What happens if I do not agree with the Panel members' decision?

If you do not agree with the decision, you can

- Appeal the decision

This means asking a Sheriff to decide if the decision was correct and fair.

If you want to Appeal a decision then it is really important that you speak to a solicitor about this straight away because you only have three weeks from the date of the hearing to appeal.

- Wait 3 months

After three months you can ask for another hearing to look at the decision again.

### ✓ Do I have to go to my Children's Hearing?

You have the right to attend your Children's Hearing – no-one can stop you going to your Children's Hearing or ask you leave.

If you do not want to go to your Children's Hearing you can get in touch with the Children's Reporter and let him or her know that you don't want to attend and tell them the reasons. You must have good reasons for not wanting to go, for example you know that the hearing will have to talk about something really upsetting that you could not cope with. You can get a social worker, your lawyer or an advocacy worker to get in touch with the Reporter for you.

The Children's Reporter will arrange a meeting