



# Victims of Youth Crime

A Victim's Guide to the Children's Hearings System

If you have been a victim of youth crime, this leaflet gives you step-by-step information about the Children's Hearings System and where you can find more support and information.



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## What should I do if I am a victim of youth crime?

Crime at any level can affect victims in many ways - emotionally, financially, practically and physically. If you have been affected by a crime committed by a young person this leaflet:

- will help you understand what happens following the investigation of the crime; and
- tells you how to get helpful information and support.



## After a crime

In Scotland, young people involved in offending are dealt with by the Children's Hearings System. Children's Hearings work with young people under 16 (or up to 18 in some circumstances). However, young people who have committed very serious offences such as murder or serious assault, may be prosecuted in court.

The Children's Hearings System aims to protect the safety and welfare of children. Children may need help for a number of reasons for example:

- if they are a victim of neglect or abuse;
- their behaviour is causing concern - for example not attending school;
- for drug and alcohol misuse;
- they have committed an offence.

The Children's Hearings System looks at the child's general circumstances and needs, as well as what they are supposed to have done. The System is about making things better for the child or young person, and trying to stop or prevent behaviour that causes problems for other people.

When the police find a child who they believe has committed a crime, they will usually refer them to the Children's Reporter.



## The Children's Reporter

The Scottish Children's Reporter Administration (SCRA) employs Children's Reporters to assess and investigate cases referred to them by the police and other organisations. The Reporter will then consider what further action is needed.

To help them reach a decision, the Reporter will gather information about the child and their background. They will get this from:

- the child;
- the child's family;
- the police;
- the education department;
- social work; and
- other organisations or groups involved with the child.

The Reporter may also refer the child to a restorative justice service. A restorative justice service will try to find ways in which children can understand the consequences of their behaviour. It gives you the opportunity to take part in this work.

Before making a decision, a Reporter will take account of things such as:

- any previous offending behaviour;
- previous contact with the Reporter;
- the child's progress in school;
- any other concerns about the child's care or behaviour;
- the reaction of the child and their parents or carers to the incident; and
- whether the young person and their family will co-operate with any support offered.



## Decisions that a Reporter can make

When deciding what to do about a child who has been referred, the Reporter has three main options to choose from:

**Option 1:** In some cases, Reporters may take ‘no formal legal proceedings’.

This does not mean that the problems the child has are not being dealt with. Reporters may try to use other methods to help them rather than referring the case to a Hearing (option 3). ‘No formal proceedings’ may only be decided on in cases where one or more of the following apply:

- there is not enough evidence to justify taking any further action;
- the child is already under supervision, and adequate measures are already in place;
- the family, including the young person, has already dealt with, or will satisfactorily deal with, the issues;

- there is formal involvement with a service or an activity that isn't provided by the local authority (for example, restorative justice services, police warnings and voluntary support); or
- it is enough for the Reporter to let the child and parents know (by a letter or an interview) about the serious implications of the referral.

**Option 2:** Referral for 'voluntary measures or advice and guidance'.

The Reporter may refer the case to the local authority (which usually means the social work department) to:

- work voluntarily with the child to deal with their offending behaviour; and
- offer advice, guidance and support to the child and their family.



### Option 3: Arrange a Children's Hearing.

If the Reporter considers that compulsory measures are needed, they will arrange a Hearing. An example of this might be when a child has problems at home, at school or in the community, and the family are not accepting help to sort them out. (Hearings normally take place within 20 working days of a Reporters' decision.)

Most children and young people referred to the Reporter do not need to be referred to a Children's Hearing. This is because matters are dealt with without the need for formal compulsory measures for the child.

The next section of this leaflet explains the main stages in the Children's Hearings System.



The police refer the child to the Children's Reporter

The Reporter carries out an investigation of the child's background and circumstances.

Where appropriate, they may ask for background reports from school and social work. Sometimes they refer the child to a restorative justice service

The Reporter then decides what action to take. There are three main options:

"No formal legal proceedings"

Referral to Children's Hearing—Hearing arranged

Referral to the local authority for voluntary support and guidance

The Hearing discusses the situation with the child's parents and other relevant people, and decides what action to take (called "disposal")

Compulsory  
measures not  
necessary

Compulsory  
measures are  
necessary

The Hearing decides the type of  
measures needed and any conditions,  
including where the child should live

Review Hearing

Compulsory  
measures end

Compulsory  
measures continue

Compulsory  
measures are  
amended

## About the Children's Hearings

If a child's case is referred to a Children's Hearing it will be considered by three Children's Panel Members.

### Who are the Panel Members?

The Panel Members are specially trained and chosen volunteers from various backgrounds in the local community. They are appointed by Scottish Ministers. The Panel Members present at each Hearing will include at least one woman, one man and one person acting as a chairperson.

### Where are the Hearings held?

The Hearings are held in local premises provided by SCRA.



## Who will be there?

- the child (who must normally be there);
- parents or carers (who must be there);
- other people who are relevant to the case (for example, the social worker, someone from the school and so on);
- the Reporter; and
- the Panel Members.

## As the victim will I have to be there?

Victims are not invited to go to a Hearing as private family information about the child and their background will be discussed.



## What is involved in a Hearing?

The Reporter is present at the Hearing to keep a record and can express a view on points of law or procedure. The Reporter does not take part in the outcome. The Hearing itself has sole responsibility for making the decision.

- a Hearing will discuss the circumstances of the child with anybody present at the meeting who has the right to take part;
- the decisions made at a Hearing are legally binding.



## What happens at a Hearing?

The Panel Members will begin by asking the child and their parents or carers if they agree with the reasons for the referral - for example, that they have committed the particular offence.

### What if the grounds are not accepted?

If the child or their parents or carers do not accept the reasons for the referral, or do not understand the reasons, the case may be referred to a Sheriff. The Sheriff will consider the evidence in court and decide whether an offence has been committed. If the Sheriff says that an offence has happened, he or she will ask a Hearing to deal with the case and decide what is best.

In some cases, victims may need to be called as a witness to this court process. We can explain this to you if it happens.

Sometimes there are a number of offences to be considered. If not all of the offences are accepted, a Hearing can decide to go ahead and look at the offences which are agreed.

## What happens when the reasons for the referral are accepted?

If the reasons for the referral are accepted, and after an opportunity for full discussion with everyone at the Hearing the options will be to:

- a 'discharge' the referral – that is, decide that no formal measures are needed (however, this may still mean that voluntary measures happen); or
- b make a compulsory Supervision Requirement (the “compulsory measures”) if they feel that compulsory guidance, control and help are needed.

Sometimes, a Hearing may feel that they do not have enough information to make a decision there and then. In this case, another Hearing will be arranged for a final decision to be made.



## Compulsory measures (or “compulsory supervision”)

If a Hearing decides that a child requires compulsory measures (or “compulsory supervision”), the child and their family will have to work with the local authority. Most children will stay at home, but will have to meet with a social worker. However, in some cases the Hearing may decide that the child needs an alternative home, such as a residential home or school.

## What else can the Hearing do?

A Hearing can also attach specific conditions to the supervision of the child. Where appropriate, supervision may involve attending projects or programmes to deal with offending behaviour. Conditions may also relate to where a child should live, who they have contact with, and other programmes they may have to take part in.



## Reviews

Compulsory supervision lasts as long as it is needed, but must be reviewed within one year. Hearings can set an earlier review date. The local authority may also ask for a review at any time, while the child and their family may ask for a review after three months. Compulsory supervision may be amended, extended or ended at review Hearings, depending on the child's behaviour and co-operation, or other circumstances.



## Appeals

Children and their parents or carers may appeal against the decision of a Hearing within 21 days of the Hearing.

Appeals are made to the Sheriff and must be heard within another 28 days.

The Sheriff will examine a Hearing's decision to see if it was reasonable. The Sheriff will consider the existing evidence and can also call for further reports. The Reporter presents the Hearing's decision and its reasons, while a solicitor will usually represent the family.

The Sheriff can:

- 'discharge' the referral – that is, decide that no formal measures are needed;
- leave a Hearing's decision in place;
- amend the Supervision Requirement; or
- send the case back to a Hearing for them to consider.

## Further information

If you want to ask about this leaflet, or about any letter that you have received from the Children's Reporter, you can speak to someone in the Scottish Children's Reporter Administration called a Victim Information Coordinator. The phone number for your local Victim Information Coordinator will be stated on the letter that you received with this leaflet. Or, you can contact the Scottish Children's Reporter Administration on 0300 200 1555 who will put you in contact with your local Coordinator.

The Children's Hearings System is a complicated system. We can help you understand how the system works.



## Practical and emotional support

You local Victim Support service may be able to provide you with:

- practical help after the crime;
- someone to listen to your concerns and talk to confidentially;
- guidance about the support that is available from other agencies.

You can contact them by telephoning their helpline number 0845 603 9213 Monday to Thursday 9am - 4.30pm, Friday 9am - 4pm. They will tell you about the service nearest to you. Alternatively, the details of your local Victim Support service will be in the phone book.

[www.victimsupportsco.org.uk](http://www.victimsupportsco.org.uk)  
[www.crimeandyoungpeople.net](http://www.crimeandyoungpeople.net)



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