

## The Children's Hearings System

### **Focused on children and young people most at risk, SCRA's fundamental purpose is to:**

- Make effective decisions about a need to refer a child/young person to a Children's Hearing
- Prepare for and participate in court proceedings where Statement of Grounds or Hearings findings are appealed, and ensure the wellbeing of children and young people – particularly vulnerable witnesses – are protected throughout the court process
- Support Panel Members (though we are not involved in making Hearing decisions) and ensure fair process in Hearings
- Enable children, young people and families to participate in Hearings
- Disseminate information and data to influence and inform the wider Children's Services community
- Provide premises for Hearings to take place
- Work collaboratively with partners to support and facilitate the Getting It Right For Every Child (GIRFEC) agenda

## Background and history

The Children's Hearings System is Scotland's distinct system of child protection and youth justice. It stems from the recommendations of the Kilbrandon Committee in 1964. Recognising that the existing model of juvenile courts was inadequate, the Committee's conclusions led to the establishment of a unique system which is still recognised internationally today as an example of best practice.

## Guiding principles

- Decision making by a lay panel.
- Primacy of the needs of the child/young person.
- Vital role of the family.
- Preventive and educational approach.

One of the System's most important aspects is the recognition that children and young people who offend are often the same children and young people who require care and protection.

Children's Reporters are a key part of the Hearings System. Children and young people are referred to the Reporter from a number of sources, including police, social work, education and health. They are referred because some aspect of their life is giving cause for concern.

The Reporter investigates each referral and determines whether compulsory measures of intervention are required. If compulsory measures of intervention are required, a Children's Hearing will be held.

There are three Panel Members at a Hearing – they are all trained volunteers from the local community.

The Hearing listens to the child or young person's circumstances and then decides what measures are required. The child or young person may require a particular type of intervention, they may be placed with foster carers, a residential unit or in secure accommodation.

The Hearing may decide that the child or young person should remain at home with support from other agencies, such as social work.

The Hearings System aims to ensure that the best interests of the child or young person are met, and that they receive the most appropriate intervention and support.

## Strengthening the system

In January 2008, the Scottish Government announced plans to strengthen the Children's Hearings System, which was followed by a nationwide consultation process throughout 2008 and into 2009. The Scottish Government then published the draft Children's Hearings (Scotland) Bill.

The Bill included some significant reforms to the Hearings System, including the creation of a National Convener to take responsibility for recruitment, training and support of Panel Members, as well as setting standards and performance monitoring. After receiving Royal Assent on 6th January 2011, the new Children's Hearings (Scotland) Act 2011 came into force on Monday 24th June 2013.

## Getting it Right

The Scottish Government introduced its 'Getting it Right for Every Child' (GIRFEC) agenda which aims to improve outcomes for all children and young people in Scotland; getting them the help they need, when they need it; listening to them and their families, keeping them involved and at the centre at all times; and ensuring that all services work together effectively towards fully integrated solutions.

This agenda is still the foundation for work with all children and young people, and is embedded in the developing early years and youth frameworks, as well as in the Children and Young People (Scotland) Act 2014. For more information about GIRFEC, please read our fact sheet number 9.

## The opinion that counts

*"I was expecting it to be like court. I was surprised that it was just really ordinary people at the other side of the table. They really do care about young people."*

*A young person who has been through the Children's Hearings System*



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