



Children's Hearings (Scotland) Act 2011 – Section 67 Grounds/the Statement of Grounds

The Children's Hearings (Scotland) Act 2011 came into force on 24th June 2013. Partners have asked that the Section 67 grounds are made available on our website to view. The section 67 grounds replace the Section 52(2) grounds for referral that appeared in the Children (Scotland) Act 1995 (as the Children's Hearings (Scotland) Act 2011 replaces much of the Children (Scotland) Act 1995).

The previously used terminology of 'conditions' and 'grounds for referral' is not used in the Children's Hearings (Scotland) 2011 Act. Instead, the term 'section 67 ground' is used – it is defined (in Section 67) as any of the grounds set out in section 67(2) of the Children's Hearings (Scotland) 2011 Act.

The Reporter prepares a 'statement of grounds' which sets out the section 67 ground or grounds the reporter believes applies in relation to the child and the supporting facts. There are 17 section 67 grounds.

Section 67 Grounds:

- (a) the child is likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to a lack of parental care,
- (b) a schedule 1 offence has been committed in respect of the child,
- (c) the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence,
- (d) the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed,
- (e) the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that—
 - (i) the child will be abused or harmed, or
 - (ii) the child's health, safety or development will be seriously adversely affected,
- (f) the child has, or is likely to have, a close connection with a person who has carried out domestic abuse,
- (g) the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4 or 5 of the Sexual Offences (Scotland) Act 2009 (asp 9),
- (h) the child is being provided with accommodation by a local authority under section 25 of the 1995 Act and special measures are needed to support the child,
- (i) a permanence order is in force in respect of the child and special measures are

needed to support the child,

(j) the child has committed an offence,

(k) the child has misused alcohol,

(l) the child has misused a drug (whether or not a controlled drug),

(m) the child's conduct has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person,

(n) the child is beyond the control of a relevant person,

(o) the child has failed without reasonable excuse to attend regularly at school,

(p) the child-

(i) has been, is being, or is likely to be, subjected to physical, emotional or other pressure to enter into a civil partnership; or

(ii) is, or is likely to become, a member of the same household as such a child,

(q) the child—

(i) has been, is being, or is likely to be, forced into a marriage (that expression being construed in accordance with section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 or,

(ii) is, or is likely to become, a member of the same household as such a child.



