



Going to a Children's Hearing

- a training resource for trainee/newly qualified
teachers and education staff



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

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Introduction

This guide is for trainee/newly qualified teachers and education staff to help you understand more about the Children's Hearings System.

It gives a brief overview of what happens at a Hearing and how you may become involved. It also includes links to SCRA resources for children and young people which may be of assistance to staff working with a child/young person who is coming to a Hearing for the first time.

For further copies of any of the materials please contact, communications@scra.gsi.gov.uk

The Children's Hearings System is the care and justice system for Scotland's children and young people. A fundamental principle is that children and young people who commit offences, and children and young people who need care and protection, are dealt with in the same system. Sometimes, these are the same children and young people.

Why a child is referred to the Reporter?

Children and young people (up to 16 years old) are referred to the Reporter because some aspect of their life is giving cause for concern. This could be for a variety of reasons - because of their behaviour (putting themselves at risk, committing offences, not going to school) or because of concerns about their welfare (not being looked after properly, neglected, abused or being exposed to risky behaviour). The Reporter investigates each referral and determines whether a Children's Hearing is required.

Referrals come from a number of sources, including police, social work, health and education, although anyone can make a referral, including concerned relatives or neighbours.

Your involvement

You may have concerns about a child or young person you teach or provide support to. In many areas in Scotland there is a multi-agency approach to referrals, and there may be protocols already in existence in your area. Check with your Head Teacher.

You may be asked to write a report by the Reporter. This could be because they have received a referral about a child/young person known to you and want more information so that they can make the best decision for that child/young person.

You may be invited to attend a Children's Hearing. If the Reporter feels there is sufficient evidence to support one of the statement of grounds and that compulsory measures of intervention are required, they will arrange a Children's Hearing.

A Children's Hearing

A Children's Hearing is a legal tribunal consisting of three Panel Members who are trained volunteers from the local community. They make the final decision of whether legal intervention is required for the child/young person. Each Panel Member makes their own independent decision.

Other people at the Hearing

The child/young person and their parents/carers (known as Relevant Persons) must attend the Hearing unless their presence has been dispensed with before the Hearing.

The Reporter is present to support fair and legal process, and to keep a report of the proceedings and the decisions made.

Representatives from social work and education are invited to attend the Hearing. Education staff routinely attend Children's Hearings to provide information about children/young people in their class or their school. Their independent input is very important based on their knowledge of the child/young person and from seeing them regularly.

At the Hearing

Before the Panel Members can discuss the case, the child/young person and the Relevant Persons must say whether they accept or do not accept the legal reasons for the child/young person coming to a Hearing – these are called the statement of grounds.

If the statement of grounds are accepted, the Panel Members listen to everyone at the Hearing and consider the reports received from social work and education. The views of the child/young person should be taken into account when the Panel Members make their decision.

If they think it is necessary, the Panel Members will make the child/young person subject to a Compulsory Supervision Order. This legal document means that the local authority have a statutory obligation to provide assistance to the child/young person.

If the child/young person stays at home under a Compulsory Supervision Order, they are known as a Looked After Child (LAC). If the Compulsory Supervision Order states they must live away from home (for example, with foster carers or in a residential unit) they are known as a Looked After and Accommodated Child (LAAC).

A Compulsory Supervision Order must be reviewed within a year, if not before. Education staff may be asked to provide a review report and attend future Hearings.

Going to Court

If the child/young person or any Relevant Person does not accept the statement of grounds, the Panel Members cannot make a final decision and may send the matter to court so that a Sheriff can decide if the statement of grounds are correct or not. A teacher or a member of education staff may be cited to appear in court as a witness if their testimony is key to matters which are disputed.

Key messages you can tell children/young people

- Going to a Hearing is not a punishment – some children/young people feel that a Hearing is only held when they do something “bad”. Going to a Children’s Hearing is about getting the help children and young people need and keeping them safe.
- That children/young people can bring a representative with them to the Hearing – this could be a relative, teacher, advocacy worker or lawyer.
- That the child/young person is the most important person at the Hearing. Their views are important and there are lots of ways they can express them.

Need more information?

SCRA has a suite of information materials for children, young people and parents/carers. We have age-specific leaflets, as well as short films about going to a Hearing and going to court. We also have detailed information on our website, including an easy read section.

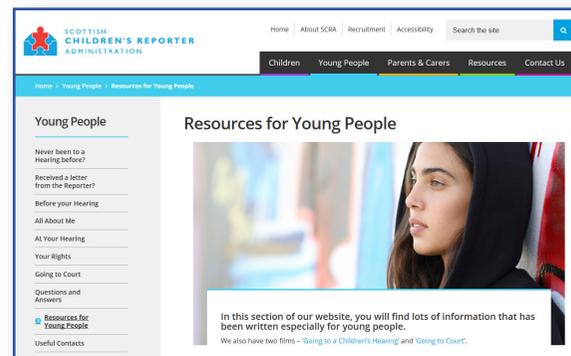
Here's what's available for children

All About Me form – this is aimed at children 11 years and under. They should receive a printed copy with their panel papers and an electronic version is also available on SCRA's website.

Leaflet for children - this leaflet is aimed at children aged 11 and under going to a Hearing.

Chloe and Billy storybook – This is aimed at children aged 4 to 7 years and tells the story of a sister and brother, Chloe and Billy, going to a Hearing.

Colouring in book – the storybook is also available as a colouring in book.



Here's what's available for young people

All About Me form – this is aimed at children aged 12 years and over. This is also available in electronic format on SCRA's website.

Leaflet for young people - This leaflet is for young people aged 12 years and over going to a Hearing.

Your Rights flyer - This provides information about children's rights, how to appeal etc.

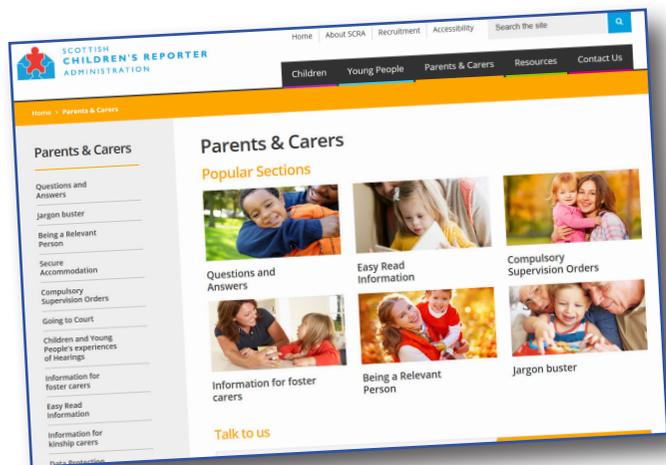
All about Compulsory Supervision Orders - When a Compulsory Supervision Order has been made.

Secure Accommodation flyer - When a Hearing decides to place a child or young person in secure accommodation.

We have a number of films for young people and their families, and we also have a set podcasts on our website aimed at young people.



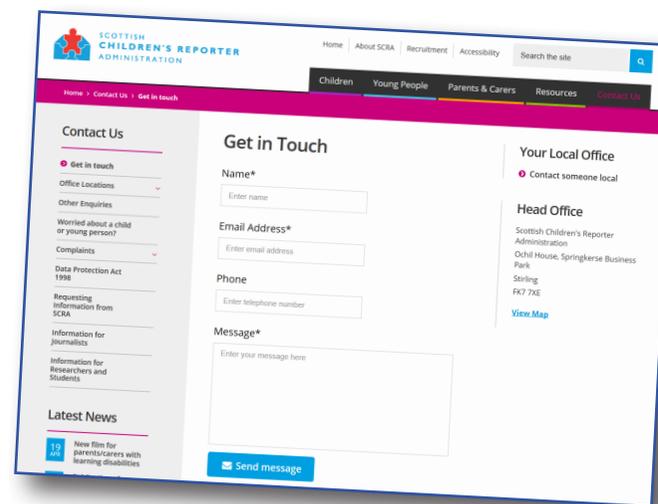
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For more information, please visit our website - www.scra.gov.uk – there is a special section for parents/carers.

If you have an inquiry, you can email communications@scra.gsi.gov.uk or you can contact your local office. An A-Z of offices is available in the contact us section of our website.

Information about how to complain is also available on [SCRA's website](http://www.scra.gov.uk).



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