

Role of the Reporter

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

What does the Reporter do?

Reporters are employed by SCRA. There are approximately 120 Reporters in Scotland based in offices all around the country. The Reporter's primary function is to receive referrals for children and young people who are believed to require compulsory measures of supervision. The Reporter then makes a decision on whether the child/young person needs to be referred to a Children's Hearing.

Types of Referral

The referrals that the Reporter receives about children and young people reflect a range of concerns. These concerns are referred to as "grounds".

Possible grounds include where the child or young person:

- Suffers from or is likely to suffer from lack of parental care.
- Has been the victim of an offence such as sexual abuse, assault or neglect, or is the member of the same household as a child/young person who has been the victim of such an offence.
- Has failed to attend school without reasonable excuse.
- Has behaved in such a way that their conduct has harmed, or is likely to harm, them or another person.
- Has committed an offence.
- Has, or is likely to have, a connection with someone who has carried out domestic abuse.
- Has misused drugs or alcohol.
- Is, or may be, forced into a civil partnership or forced marriage.

Investigation/evidence

When a referral has been received, the Reporter has a legal duty to decide whether sufficient evidence exists to establish that one or more of the grounds applies to the child/young person.

For grounds other than an offence by the child or young person, the evidential standard is the civil standard of 'on a balance of probabilities'. For offence grounds, the same evidential standard as the criminal justice system applies - beyond reasonable doubt. If there is insufficient evidence, the Reporter cannot refer the child or young person to a Children's Hearing.

If there is sufficient evidence, the Reporter has to decide whether to refer the child/young person to a Children's Hearing. The Reporter will do this where they consider that the child/young person needs to be subject to a legal order called a "Compulsory Supervision Order". To decide if this is necessary the Reporter may carry out an investigation by obtaining reports from schools, social work or other agencies involved with the child/young person or their family, such as doctors and health visitors.

Decision making*

Every child/young person is dealt with on an individual basis, and the Reporter's decision will depend on the circumstances of the case and the information available. Having concluded his/her investigation, the Reporter will examine the child/young person's background, taking into account their family circumstances and any previous behaviour or offences.

Where the Reporter decides not to refer the child/young person to a Children's Hearing, the Reporter can refer them for advice, guidance and assistance relevant to their circumstances which should be made available by the local authority.

Children's hearing

A child or young person will only be referred to a Children's Hearing if:

1) The Reporter is satisfied that one or more grounds exist (stated in section 67(2) of Children's Hearings (Scotland) Act 2011) and, 2) There is a need for a Compulsory Supervision Order (to either protect the child, and/or address their behaviour).

If the Reporter decides to refer the child/young person to a Hearing then they will prepare a document – the Statement of Grounds - setting out the grounds that the Reporter thinks exist for the child/young person.

Sheriff Court

Where a child/young person is referred to a Children's Hearing and the Statement of Grounds are not accepted or not understood, the Hearing can direct the Reporter to make an application to the Sheriff to decide whether the grounds are established.

The Reporter will conduct the case in court, including leading evidence before the Sheriff. If the Sheriff is satisfied that the grounds are correct, the Reporter will arrange another Hearing which will decide whether the child or young person requires a Compulsory Supervision Order. The Reporter is also responsible for conducting any appeals against Children's Hearing decisions in court.



Ensuring positive futures for children
and young people in Scotland

www.scra.gov.uk

August 2017