

May 2020

### Coronavirus legislation – changes to Hearings

Under the Coronavirus (Scotland) Act 2020, there are some temporary changes to the law. These changes are only in force for as long as the new temporary legislation is in force.

This information is designed to help children, young people and families understand some of the changes, and does not cover all of them. If you are unsure what they mean or need additional help, please contact the Reporter, or you may seek legal assistance [here](#).

#### Annual Reviews:

There is usually a review of a Compulsory Supervision Order shortly before the order expires. The expiry date is extended by 6 months under the new legislation. The review should take place before the original expiry date if possible, but can take place up to 6 months later.

#### Appeals:

Relevant persons and children and young people usually have 21 days from the date of their Children's Hearing to appeal. Under the new temporary legislation, it is 42 days from the date of the Children's Hearing.

#### Attendance at Children's Hearings and at Court:

Relevant persons and children and young people are temporarily not required to attend Children's Hearings unless a Hearing or a Sheriff issues a direction to attend (this could be either virtually or having to physically attend). However, relevant persons, children and young people may attend their Children's Hearing virtually if they wish. Please see the option '*Virtual or Remote Attendance at Children's Hearings*' below.

#### Child Protection Orders:

Under the new legislation, when a Sheriff grants a Child Protection Order, this lasts for 8 working days. If the Reporter decides a Children's Hearing is needed, the Hearing will take place before the order runs out (within 8 working days).

### **Compulsory Supervision Orders:**

The length of time or duration of Compulsory Supervision Orders is extended by 6 months.

### **Emergency Transfers:**

If a child or young person is required by a Children's Hearing to reside at a specified place is moved by the Local Authority to a different place, normally a Review Hearing must take place within 3 working days. However, under the new legislation, a Review Hearing must take place within 7 working days of the date of the transfer, instead of 3.

### **Interim Compulsory Supervision Orders and Interim Variations:**

Interim Compulsory Supervision Orders, sometimes referred to as ICSOs, usually last up to 22 days, and can be extended at a Children's Hearing or before a Sheriff. Interim Compulsory Supervision Orders can now last up to 44 days when issued by a Children's Hearing. An Interim Compulsory Supervision Order issued by a Sheriff can be for any length of time. The same applies to Interim Variations.

### **Panel Members:**

Normally, a Hearing must have 3 Panel Members, but under the new legislation, a Hearing can take place with fewer than 3 Panel Members.

### **Secure Accommodation:**

Under the new temporary legislation, that maximum amount of time a child or young person can be in secure accommodation under the Secure Accommodation Regulations without review by a Children's Hearing is 96 hours (previously 72).

### **Virtual or Remote Attendance at Children's Hearings:**

Relevant persons and children and young people are temporarily not required to attend Children's Hearings unless a Hearing or a Sheriff issues a direction to attend. However, relevant persons, children and young people may attend their Children's Hearing virtually if they wish. Detailed information about virtual Hearings and how to attend one will be contained in Hearing notifications, and there is additional information on our [website](#).

