



SCOTTISH  
**CHILDREN'S REPORTER**  
ADMINISTRATION

# **Practice Direction 14**

## **Notifications and Papers**

Date Issued: 21 June 2013

Date Implemented: 24 June 2013

Date Last Revised: 11 March 2019

## SUMMARY

- This Practice Direction details the obligations incumbent on reporters in respect of the notification of, and the provision of relevant papers for, all types of hearing including pre-hearing panels and contact direction review hearings.
- The child (if of sufficient understanding) and relevant persons must be given:
  - notification of reporter decision not to refer to a grounds hearing;
  - notification of hearings;
  - hearing papers and
  - notification of the hearing's decision.
- There is no express requirement to notify the child and relevant persons that a referral has been received. However, to ensure compliance with the Data Protection Act 1998 the reporter is to inform the child (if of sufficient understanding) and relevant persons about receipt of the referral and any investigation that is being undertaken.
- Persons who appear to the reporter to have, or have recently had, significant involvement in the upbringing of the child must be told the date, time and place of nearly all hearings for the child. Persons who have contact under a contact order or permanence order must be told the date of nearly all hearings.
- Reporters are to invite other individuals whose attendance is likely to be necessary for the proper consideration of the case, including individuals whose relationship with the child and interest in contact require that they have a degree of involvement.
- Any appointed safeguarder must be given notification of hearings, hearing papers and notification of hearing decisions.
- The Chief Social Work Officer must be told of any decision not to refer the child to a hearing. The CSWO is to be told the date, time and place of all hearings. The CSWO must be given the hearing's decision, reasons and a copy of the order within 5 days (or by end of next working day if the child is required to reside with someone other than the implementation authority or a relevant person). Communication with the CSWO is achieved through communication with the case social worker.
- The National Convener must be told the date, time and place of all hearings. This will be done through Head Office rather than by individual locally generated notifications.
- Panel members must be told the date time and place of the hearing and given the hearing papers.

- The police must be told the outcome of referrals made by them and told the decisions made by the reporter and hearings in relation to children aged 16 or over. This will be done through Head Office, rather than by individual locally generated notifications.
- Standard letters which incorporate the information required by the Act and Rules are available for each type of formal communication and are always to be used. Relevant leaflets are always to be included.
- All notifications and communications required by the Rules must be in writing and must be signed by someone with delegated authority to do so under the Casework Practice Scheme of Delegation. For short notice hearings, the reporter should give early verbal information about the hearing wherever practicable in advance of the written notification.
- Notifications and other communications are generally to be sent first or second class post, unless the reporter determines that recorded delivery is appropriate. First class post is to be presumed to be delivered 2 days after posting. At least 3 days is to be presumed for delivery of second class post.
- It is competent for formal communications to be given by e-mail. However reporters are only to do this where there is a secure e-mail option in place in compliance with SCRA's Information Security Policy. E-mail communication is presumed to be received on the day it is sent.
- The timescales which generally apply are:
  - notifications of hearings must be received at least 7 clear days before the hearing
  - hearing papers must be received at least 3 clear days before the hearing
  - hearing outcomes must be received within 5 days of the hearing.
- Short notice hearings generally require notification and hearing papers to be given as soon as practicable before the hearing.
- The reporter need not give notifications or hearing papers to a child if the child would not be capable of understanding the document. The reporter is to operate to a presumption that a child under 6 would not be capable of understanding a notification (of any type) and that a child under 12 would not be capable of understanding hearing papers. However, the reporter is always to notify relevant persons or carers of a child who are not relevant that the child is required to attend the hearing unless excused.
- Ideally a separate notification and set of hearing papers should be given to each relevant person, even if residing at the same address (though current practice, if different, may continue).

- The reporter may invite persons to attend a hearing where the person has no right to attend the hearing but the reporter considers the person may make a contribution to the hearing's consideration of the child's case.
- Rule 16 enables the reporter to withhold information about the whereabouts of the child or a relevant person when giving notifications of any type, or papers, if disclosing that information would be likely to cause significant harm to the child or relevant person. In those circumstances the child's and/or relevant person's address is to be given as that of the Principal Reporter.
- Other non-disclosure provisions may apply: a prohibition on disclosure of the place where the child is required to reside, a non-disclosure request may have been received or the withholding of information may have been authorised by the hearing under section 178. In these circumstances the reporter must refer to Practice Direction 4 on Non-disclosure.

## CONTENTS

1. Introduction .....	6
2. Form of Notification .....	7
3. Method of Service .....	7
4. Timescales for Notifications and Receipt of Papers .....	8
5. Failure to Comply with Statutory Timescales for Notifications .....	10
6. Content of Hearing Papers – Standard Papers .....	10
7. Notifications and Papers for Children .....	13
8. Notifications and Papers for Relevant Persons .....	13
9. Notifications to Persons with Significant Involvement or Civil Right of Contact ...	14
10. Inviting other people to a children’s hearing.....	15
11. Non-disclosure Provisions .....	16
12. Notifying Hearing Decisions .....	16
13. Notifying the National Convener or Chief Social Work Officer .....	17
14. Notifying the Police .....	18
APPENDIX A – NOTIFICATIONS OF HEARINGS AND HEARING PAPERS	19
APPENDIX B – PRE-HEARING PANELS .....	49
APPENDIX C – NOTIFICATIONS OF HEARING DECISION.....	56

## 1. Introduction

- 1.1 The Children's Hearings (Scotland) Act 2011 and the The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 impose duties on SCRA to notify individuals and agencies in particular situations. The particular notifications which are dealt with in this practice direction are:
- notification of reporter decision where the decision is not to refer to a grounds hearing;
  - notification of hearings;
  - sending hearing papers and
  - notification of the hearing's decision.
- 1.2 The body of this Practice Direction provides direction in relation to the general principles which apply to these notifications. Appendix A contains a list of different types of hearing and details the provisions relating to notification and papers for each. If a hearing has more than one purpose, the reporter must comply with the requirements for notification and papers for each purpose. Appendix B details the provisions relating to pre-hearing panels. Appendix C details the provisions relating to notification of the hearing decision.
- 1.3 In addition to the notifications that the reporter has a statutory duty to give, the reporter can invite people who he thinks can contribute to the proper consideration of the matter before the hearing. Examples include schools and specialist services who are working with the child like CAMHS. Even where there is no statutory duty to invite the social worker, the reporter is always to do so. It will be for the chair of the hearing to decide whether the person will be allowed to attend the hearing. Refer to Practice Direction 13 on Attendance at Hearings.
- 1.4 For pre-hearing panels please refer to Practice Direction 12 on Pre-hearing Panels. There is no statutory duty to invite the social worker to a pre-hearing panel, but the reporter is always to do so.
- 1.5 The Data Protection Act 1998 requires that individuals are informed that SCRA holds their personal information and is processing it. Therefore, the child (if of sufficient understanding) and relevant persons are to be told that the reporter has received a referral and the investigation being undertaken, unless to do so would cause significant harm to any person. Standard letters are available and are to be used.
- 1.6 As with all communications, care must be taken to ensure that personal information is not disclosed unnecessarily.

## **2. Form of Notification**

- 2.1 All notifications must be in writing (s.193). All notifications must be signed by someone with delegated authority to do so under the Casework Practice Scheme of Delegation (rule 98). Reference is made to paragraph 2.10 of the Scheme.
- 2.2 Where notifications of hearings and papers require to be given as soon as practicable, information can initially be given verbally to ensure maximum notice. Every effort must be made to give notification of the hearing and send papers in writing in advance using the standard letters. Where this is not possible, notification letters and papers must be handed to people when they arrive at the hearing centre prior to the commencement of the hearing.
- 2.3 The Rules prescribe what information is to be given to different categories of people for different types of hearings (for both notifying of the hearing and notifying of the outcome of the hearing). SCRA has developed standard letters which contain the prescribed information and these letters must be used.

## **3. Method of Service**

- 3.1 The combination of section 193, rule 100 and section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010 creates the situation that service of any formal communication can be by any of the following methods:
  - a) delivery to the person by a reporter or police constable
  - b) sending by registered post (presumed to be received 48 hours after it is sent unless the contrary is shown)
  - c) sending by recorded delivery (presumed to be received 48 hours after it is sent unless the contrary is shown)
  - d) electronically (presumed to be received on the day it is sent).
- 3.2 However, if posting notifications or papers, the reporter is to use first or second class post unless there are particular reasons for personal delivery or recorded delivery. First class post is to be presumed to be received 2 days after posting. At least 3 days must be allowed for second class post.
- 3.3 Electronic notification must only take place where there is a secure e-mail link to the recipient in line with SCRA's Information Security Policy. An electronic communication is presumed to be received on the day of sending.

#### 4. Timescales for Notifications and Receipt of Papers

- 4.1 The statutory timescales are minimum timescales. Consideration should be given to providing longer notice where practicable so that as much notice as possible is given to children, families and professionals.
- 4.2 A day is to be taken as a period of 24 hours beginning at midnight. Therefore the day of receipt and the day of the hearing are not to be included in the calculation of the number of days notice. The days which are counted must be clear days.
- 4.3 The following presumptions are to be applied to receipt of notifications:
- first class post – 48 hours after sending
  - second class post – at least three days after sending
  - recorded delivery – 48 hours after sending
  - e-mail – the same day as sending.
- 4.4 The timescale for notifying most hearings is as soon as practicable and no later than 7 days before the intended date of the hearing. For some hearings the timescale is as soon as practicable before the beginning of the hearing. Appendix A sets out the timescales which apply for different types of hearings.
- 4.5 The Rules require the reporter to provide hearing papers within specific timescales depending on the type of hearing. Appendix A sets out the requirements of the Rules as applicable to each type of hearing in table form.

For grounds hearings, the statement of grounds and certain other information requires to be provided at the same time as the notification of the hearing, meaning that 7 clear days may be required for some material.

For a review hearing (other than a short notice review), the child, relevant person and safeguarder must receive<sup>1</sup>:

- (1) as soon as practicable before but no later than 7 days before the date of the hearing, the compulsory supervision order to be reviewed, all decisions and reasons of children's hearings and pre-hearing panels<sup>2</sup> and, if the review is at the request of the local authority, the review request<sup>3</sup>; and
- (2) no later than 3 days before the date of the hearing a copy of reports and the views of the child.

---

<sup>1</sup> Despite the terms of rule 34 Localities are not required to change current practice in terms of the timing of sending papers.

<sup>2</sup> See standard papers below

<sup>3</sup> Where the review flows from court proceedings, the remit or requirement from the court must be included, rule 34(3).



The timescale for receipt of hearing papers for most other hearings no later than 3 days before the intended date of the hearing or as soon as practicable before then. For some short notice hearings, the timescale for sending panel papers is as soon as practicable.

- 4.6 Where any information or document which is material to the hearing is received by the reporter where it is too late to give the required number of clear days' notice, the reporter is to give the information or document to those entitled to receive it as soon as possible before the beginning of the hearing. Where there is insufficient time to send the document or information prior to the hearing, copies are to be made and distributed prior to the commencement of the hearing. This does not apply to reports brought to the hearing and reference is made to Practice Direction 11 on Role of the Reporter at a hearing or Pre-hearing Panel.
- 4.7 Where the timescales for receipt of papers are not complied with, the hearing is not obliged to defer its decision but it may decide to do so, if the panel members consider that fairness to the parties outweighs any immediate requirement to make a decision in the best interests of the child. The materiality of the information contained within the document will have a bearing on the fairness of proceeding.
- 4.8 The timescale for giving notifications of hearing decisions for most hearings is within 5 days of the hearing. The day of the hearing is not included in calculating the period. For some hearings the timescale is as soon as practicable after the hearing. Appendix C sets out the timescales which apply for different types of hearings.
- 4.9 An example of how these timescales operate is as follows:

For a hearing where the reporter is to notify persons no later than 7 days before the intended date of the hearing and send the papers no later than 3 days before the intended date of the hearing, there is to be seven full 24-hour periods after the day of receipt of notification and 3 full 24-hour periods after the day of receipt of the papers and before the day of the hearing.

If the hearing is due to be held on a Friday, this means that the notification must arrive on the Thursday of the week before. If the reporter posts the notification, it must be mailed at least 48 hours before the intended date of receipt i.e. to arrive on a Thursday, the letter must be posted on a Tuesday.

So for a hearing on a Friday, the notification letter must be posted no later than the Tuesday a week earlier.

For the same hearing, the hearing papers must arrive no later than the Monday and must be posted no later than the Friday before the hearing.

The notification of the hearing outcome must arrive no later than the Wednesday after the hearing and would have to be posted no later than the Monday after the hearing.

- 4.10 There is no prescribed timescale for notifying the reporter's decision not to arrange a hearing. However such notifications are to be sent as soon as practicable.

## 5. Failure to Comply with Statutory Timescales for Notifications

- 5.1 The reporter has a duty to comply with statutory timescales. Failing to comply is unfair to children and families, and may have serious consequences for hearings, which may result in delay or successful appeals<sup>4</sup>. However, there may be occasions where fairness to a child or relevant person requires that a children's hearing's decision is reviewed as quickly as possible. In these situations it may be appropriate for the reporter to arrange the children's hearing to take place without giving the full statutory notice. This approach was endorsed by the Court of Session in *Martin v N* 2004 SLT 249.
- 5.2 Where it is impossible for the reporter to comply with a statutory timescale for a timescale (e.g. request for a contact direction review hearing under s.126 after notifications would otherwise have been due to be sent out), the reporter is to make every effort to provide as much notice as possible of the forthcoming hearing.
- 5.3 If the reporter has been unable to comply with a statutory timescale for notifications, the reporter is to be open about this to all parties. Information about a reduced notification period is to be included in the hearing papers or given orally in the hearing. The hearing is not obliged to defer its decision but it may decide to do so, if the panel members consider that fairness to the parties outweighs any immediate requirement to make a decision in the best interests of the child.

## 6. Content of Hearing Papers – Standard Papers

- 6.1 Various provisions within the Rules set out the requirements for different types of hearings. For ease of reference, the statutory provisions for what is to be included in the hearing papers for particular hearings is dealt with in the table in Appendix A. Unless otherwise specified, the standard documents to be included are:
- All decisions and reasons for decision made by all children's hearings or pre-hearing panels from the continuous series of proceedings<sup>5</sup> leading to the forthcoming hearing.

---

<sup>4</sup> A procedural irregularity raises a *prima facie* ground of appeal. However, for the appeal to succeed the irregularity must be "material" in the sense of causing real prejudice to the person affected or to the child. See *C v Miller* (No. 1) 2003 SLT 1379.

<sup>5</sup> For example:

- if a child's supervision requirement or order was previously terminated, the papers would not include decisions and reasons relating to the decision to terminate the order or any decision prior to that;
- if grounds were discharged by a hearing, the papers would not include the decision and reasons relating to the decision to discharge the referral and any decision prior to that;
- if grounds were not established at court, the papers would not include the decision and reasons of any hearing prior to the date the grounds were not established.

- The current compulsory supervision order<sup>6</sup> if any.
- Any ICSO or interim variation of a CSO from the current proceedings<sup>7</sup>.
- The report or other information provided by the local authority to the reporter in relation to the current proceedings.
- Any report or interim report prepared by a safeguarder in the current proceedings.
- Any views of the child which have been given to the reporter (either by the child or another person) in the current proceedings. Where these views are given orally to the reporter, a note should be written stating the expressed views and the date and from whom they were received.
- Any relevant direction, remit, reference or requirement from a court. A reference for advice and a remit for disposal under section 49 of the Criminal Procedure (Scotland) Act 1995 must include the complaint or indictment that details the offences to be considered by the hearing.
- Any report or document provided by the child or relevant person for a hearing to consider in the current proceedings (rule 26). The reporter must provide such a document even if it is irrelevant to the hearing's decision. However the reporter is not to provide such a document to the hearing if it contains offensive or indecent material<sup>8</sup> and following consultation with a Senior Practitioner or LRM.
- Any request for a review hearing from the implementation authority in relation to the current proceedings.
- Any advice received from the National Convener following a request by a hearing in the current proceedings (section 8 and rule 79)
- Information about any withheld information as a result of the application of any non-disclosure provision (rule 15). See section 10 below for more information.
- The statement of grounds for the current proceedings and any statement of grounds accepted<sup>9</sup> or established<sup>10</sup> in the continuous series of proceedings.
- Any Form 25 (or Court of Session equivalent) received from court following submission of a section 95 report in the current proceedings
- Any safeguarder report not arising from the current proceedings where the safeguarder has requested a copy of the report<sup>11</sup>.
- Any other report or information which is relevant or material to the hearing's consideration. The more historic the information, the less likely it is to be relevant or material. This might include:
  - a school report or a report from an agency currently involved with the child, for example, health or the residential unit in which the child resides;

---

<sup>6</sup> Localities are not required to change current practice in terms of providing previous orders.

<sup>7</sup> All hearings and pre-hearing panels relating to the current outstanding substantive decision.

<sup>8</sup> It is likely that such an approach is justifiable, particularly where the information is irrelevant or breaches someone's right to respect for their private life.

<sup>9</sup> The following is to be added to the accepted statement of grounds, below the SCRA logo, "Statement of grounds accepted at a children's hearing on [DATE]." The statement of grounds is to be sent to the chief social work officer even if it was accepted without amendment.

<sup>10</sup> The following is to be added to the established statement of grounds, below the SCRA logo, "Statement of grounds established at [NAME] Sheriff Court on [DATE]."

<sup>11</sup> See paragraph 4.4 of Practice Direction 21 on Safeguarders.

- accepted or established statements of grounds, decisions or reasons, previous orders, safeguarders' reports, not included in the list above;
  - current request for a review hearing from relevant person or child (though the reporter is to consider any issues re disclosure of personal information before deciding whether to include copy correspondence from the child or a relevant person).
- 6.2 Ideally, all hearing papers should be accompanied by an inventory of contents. Any current practice of not providing an inventory may continue but will be subject to review.
- 6.3 Where there is a deferred or subsequent hearing, a further copy of the papers already provided need not be given again. However, in terms of best practice the reporter may do so, particularly where it would be easier for the child or relevant persons to understand a single 'package' of current papers.
- 6.4 The reporter is not to include in the hearing papers documents (including photographs and video recordings) that were led in evidence at a proof. The established statement of grounds is the only record of the sheriff's decision (resulting from the consideration of that evidence) that is to be included in the hearing papers.
- 6.5 If a child or relevant person provides a report or other document to the reporter for consideration by a hearing, the reporter must include it in the hearing papers<sup>12</sup>. However, if the document contains offensive or indecent material it may be justifiable for the reporter not to include it in the papers. The justification will be stronger where the material is irrelevant or where it disproportionately breaches someone's right to respect for private life. Before deciding to not include such material, the reporter is to consult with a Senior Practitioner.

If the document is not included in the hearing papers, the reporter must inform the person who provided the information of this decision.

As with any document included in hearing papers, the reporter may make a non-disclosure request if the reporter considers that it should be withheld from a specified person. The test to be applied is that disclosure would be likely to cause significant harm to the child to whom the hearing relates. Reference should be made to Practice Direction 4 on Non-disclosure.

- 6.6 Where a child or relevant person provides information for consideration by a children's hearing, the reporter may provide the information to the child's social worker provided:
- the information is relevant to the social worker's assessment for the hearing, and
  - the information shared is relevant and proportionate

---

<sup>12</sup> Rule 26.

The reporter may provide the social worker with a copy of either the whole document or extracts from it. The extent of what is shared in any particular case will depend on what the reporter assesses to be relevant and proportionate.

## **7. Notifications and Papers for Children**

- 7.1 In terms of rule 18, the reporter need not send notifications or papers to a child where, taking account of the child's age and maturity, the child would not be capable of understanding the notification or papers. This includes notification of the outcome of a hearing. Where rule 18 applies, the reporter is not to send notifications or papers to the child.
- 7.2 The reporter is to presume that a child under the age of 6 would not be capable of understanding any notification. The reporter is to presume that a child under the age of 12 would not be capable of understanding the hearing papers. These are just presumptions and the reporter is to be alert to the likely understanding of each child in relation to notifications and each document within the hearing papers on a case-by-case basis.
- 7.3 The standard letters to relevant persons or to a carer of a child who is not a relevant person (invite to carer who is not RP) make it clear that a child must attend the hearing unless the child is excused from attending.

## **8. Notifications and Papers for Relevant Persons**

- 8.1 Each relevant person is to be sent their own notifications. In relation to hearing papers, ideally each relevant person should be sent their own set of papers. Any current practice of sending a shared set of papers to relevant persons residing at the same address may continue but will be subject to review.
- 8.2 The reporter is not to send notifications or papers to a relevant person if:
- the whereabouts of the relevant person are not known and have never been known;
  - the current whereabouts of the relevant person are not known and it is known they are no longer at their previous address; or
  - the whereabouts were previously known but it is now not clear whether they are still at that address.

In all cases the reporter is to ask the local authority to make reasonable efforts to ascertain the current whereabouts of the relevant person.

If it is not clear whether the relevant person is still at a previous address, the reporter is to send a letter asking them to contact the reporter's office (RP whereabouts uncertain). The letter is not to contain any personal details of the child.

- 8.3 Other than in the situations in paragraph 8.2, the reporter is always to send a hearing notification to a relevant person. However, where a relevant person has notified the reporter in writing<sup>13</sup> that they do not want to receive hearing papers, the reporter is not to send them papers. When notifying the relevant person of a children's hearing, the reporter is to send a letter [RP Request No Papers] explaining that they have a right to receive the papers, that the papers are not enclosed because of their request, but they will be sent if they ask for them.
- 8.4 Where a relevant person requests that notifications and/or papers are sent to a different address to their home address, the reporter is to comply with this request only if:
- the request is in writing;
  - the notification and/or papers are still addressed to the relevant person; and
  - the reporter is satisfied that the communications will not be opened by any other person, unless by a legal representative or curator for the relevant person.
- 8.5 The reporter may decide not to send a relevant person papers where:
- the reporter considers that receiving the papers would cause the relevant person significant harm; and
  - it is not possible for the local authority to support the person in a way that would avoid receipt causing significant harm.

Any such decision and the evidence for it must be clearly recorded in Case Notes on CMS.

## 9. Notifications to Persons with Significant Involvement or Civil Right of Contact

- 9.1 For most hearings, the reporter must notify any individual who is not a relevant person but who appears to have (or recently have had) significant involvement in the upbringing of the child of the **date, time and place** of the hearing. This is to enable the individual to request a pre-hearing panel to determine whether they should be deemed to be a relevant person. It is also to enable them to consider whether to request a hearing to review a contact direction. Further direction in relation to what constitutes significant involvement in the upbringing of the child is contained in Practice Direction 3 on Relevant Persons. Further direction in relation to contact direction reviews is contained in Practice Direction 17 on Contact Direction Review Hearings.
- 9.2 For most hearings the reporter must also notify any individual who is not a relevant person but who (i) has a contact order regulating contact between the individual and the child, or (ii) has a right to contact with the child because a permanence order specifies arrangements for that

---

<sup>13</sup> Verbal notification of this request is insufficient – it must be confirmed in writing.

contact. The individual is told the **date** of the hearing but is **not** told the time or the place of the hearing. The purpose of the notification is to explain when a contact direction review hearing must be held.

- 9.3 If an individual who has been notified in either of the above categories contacts an office after receipt of the letter, particular care must be taken not to disclose information to them which they are not entitled to have.

## **10. Inviting other people to a children's hearing**

- 10.1 Section 78(2) gives the chair of the hearing authority to allow persons without a right of attendance (as set out in section 78(1)) to attend the hearing. When arranging a hearing, the reporter is to consider whether there is anyone (other than a relevant person or person who may be deemed to be a relevant person) whose attendance is likely to be necessary for the proper consideration of the matter before the hearing. If so, the reporter is to invite the person to the hearing in order that the chair of the hearing may consider allowing them to attend.
- 10.2 Therefore the reporter is to invite professionals working with a child and/or the relevant persons and the child's carers (if not relevant persons) where the reporter considers that their attendance is likely to be necessary for the proper consideration of the matter before the hearing.
- 10.3 In addition, the reporter is to invite anyone who has (i) established family life and an ongoing relationship with the child and (ii) sufficient age and maturity to participate in the hearing where:
- the hearing is likely to consider including a contact direction about them in a CSO for the first time or to vary a contact direction about them in a CSO<sup>14</sup>, or
  - the person has made clear<sup>15</sup> that they want the hearing to consider their contact with the child.

When inviting such people to attend, the reporter is also to invite them to provide written views about their contact in advance of the hearing (a style letter is available). The reporter is to include such written views within the hearing papers unless the reporter considers that the information is clearly not material to the hearing's consideration<sup>16</sup>. The reporter is also to include in the hearing papers any written request to attend the hearing made by a person who is then invited to attend.

---

<sup>14</sup> NB If the hearing is not likely to make a substantive decision in making or varying a CSO (for example as it is only considering whether to make an interim CSO), there is no requirement to invite the person.

<sup>15</sup> This should be in writing if there is sufficient time.

<sup>16</sup> The reporter is to inform the individual of this decision to not include their written views in the papers..

## 11. Non-disclosure Provisions

- 11.1 Practice Direction 4 on Non-Disclosure gives full details of all the non-disclosure provisions and their application. The following paragraphs highlight key points in relation to notifications and papers.
- 11.2 Rule 16 provides that, when giving any formal communication or document in relation to a hearing or pre-hearing panel, the reporter can withhold information about the whereabouts of the child or relevant person if disclosing that information would be likely to cause significant harm to the child or relevant person. In those circumstances the child's and / or relevant person's address must be given as that of the Principal Reporter.
- 11.3 If a non-disclosure request has been made, the non-disclosure request is to be included in the hearing papers (or pre-hearing panel papers if the request relates to those).
- 11.4 If any non-disclosure provision – withholding whereabouts, non-disclosure request, prohibition on disclosure in an order, or a hearing withholding information under section 178 - applies then in terms of rule 15 the reporter must inform those entitled to receive the document that information has been withheld, what information and from whom. Further details are contained within Practice Direction 4.

## 12. Notifying Hearing Decisions

- 12.1 Appendix C details the provisions relating to notification of hearing decisions. For all hearings, the child (subject to ability to understand, Rule 18), relevant person, safeguarder, the Chief Social Work Officer and any person who is providing a service under the terms of the order<sup>17</sup> must get a copy of the decision, reasons and order at the latest within 5 days of the hearing's decision (day 1 being the day after). There is no discretion to notify anyone else of the outcome. For notification to the Chief Social Work Officer see section 12 below.

---

<sup>17</sup> Any person (which includes both natural persons and organisations) specifically named in the order as providing a service, support or accommodation to the child.

Examples would include:

- Foster carers where there is a measure requiring the child to reside with them (where they are not relevant persons with separate rights to be notified of the decision).
- A residential unit where there is a measure requiring the child to reside in the unit.
- G4S where it is providing the electronic monitoring element of a movement restriction condition on the order.
- A specific service where the order contains a measure requiring the child to attend appointments with that service.
- A specific individual or service where the implementation authority is required to arrange examination or treatment with that named individual or service.



- 12.2 There are requirements in addition to this for some hearings. The reporter may have to give additional persons notification of the decision (for example, the National Convener is to get the outcome of certain specified hearings), or the reporter may be required to send additional information (for example, the report of advice for an advice hearing), or the reporter may be required to send part of the outcome in a shorter timescale (see 13.3 below). Appendix C sets out these additional requirements where applicable.
- 12.3 For some hearings, listed in Appendix C, the timescale for giving the decision is as soon as possible/practicable. Where there has been a review of a determination of relevant person status, the timescale is **no later than 2 working days** from the day of the hearing. In effect, this means that the outcome from such a determination must be posted on the same day as the hearing. The requirement to comply with this timescale for this part of the determination is in addition to the reporter's duty to provide the hearing's full decision within 5 days of the hearing. If the hearing directs that the individual is no longer to be deemed a relevant person, that person still gets a copy of the full decision, as there are full rights of appeal (s.142(4)(b)).

### **13. Notifying the National Convener or Chief Social Work Officer**

- 13.1 The National Convener is to be notified of all children's hearings and pre-hearing panels. This is dealt with by Head Office rather than individual local notifications being sent.
- 13.2 Any requirement to notify the Chief Social Work Officer (CSWO) about a reporter's decision, the arranging of a hearing or pre-hearing panel, or the decision of a hearing or pre-hearing panel is to be presumed to be fulfilled by so notifying a social worker dealing with the child's case.
- 13.3 The reporter is to notify the CSWO of every children's hearing and pre-hearing panel even if there is no statutory duty to do so.
- 13.4 If the child is required to reside with someone other than the implementation authority or a relevant person, the reporter must give the CSWO the hearing's decision, reasons and a copy of the order immediately after the hearing, if practicable, and if not, by the end of the next working day. In other circumstances, the reporter must give the CSWO the hearing's decision, reasons and a copy of the order within 5 days beginning the day after the hearing.
- 13.5 The Act does not define what is meant by residing with someone other than the implementation authority. However, this is likely to be where a child is in an "out of authority" placement, or where the establishment is not owned and managed by the implementation authority. This is often the case when a child is placed in a secure unit. In any event, in practice, the head of a residential establishment is likely to require a form of legal authority before accommodating the child there. The position regarding foster carers is not clear at the present time.

13.6 The reporter is to give the social worker a copy of the decision, reasons and order immediately following the hearing or the next working day if any of the following applies:-

- the hearing authorises secure accommodation,
- the order includes a movement restriction condition,
- the hearing requires the child to reside in a residential establishment,
- the hearing requires the child to reside in an unnamed place of safety,
- the hearing requires the child to reside with kinship carers who are not relevant persons,
- the hearing requires the child to reside with foster carers who are not relevant persons).
- The reporter is also to give G4S on the same day, or if that is not practicable, on the next working day, following the hearing which made the decision:
  - a copy of any order containing a movement restriction condition. This is to enable the monitoring to take place as soon as possible.
  - written confirmation of a decision not to continue a movement restriction condition.

See Guidance on electronic exchange of information with G4S.

## **14. Notifying the Police**

14.1 Notifications to the police are dealt with by Head Office rather than individual local notifications being sent to the police.

14.2 Where a referral is received from the police (whether as a result of the child allegedly committing an offence or care concerns), the police must be notified of the following:

- The reporter's decision as to whether or not to refer the child to a hearing (the duty to notify where the child is not referred to a hearing comes from section 68 and the duty to notify where the child is referred to a hearing comes from Rule 12).
- The decision of the children's hearing.

14.3 Where the reporter is dealing with a child who is over 16 or becomes 16, the police must be notified of the following:

- When a child subject to a CSO turns 16.
- When a child with an open referral turns 16.
- When a decision is made in relation to an open referral for a child aged 16 or over.
- When a CSO is made for a child aged 16 or over.
- When a child aged 16 or over ceases to be subject to a CSO.

## APPENDIX A – NOTIFICATIONS OF HEARINGS AND HEARING PAPERS

Abbreviations used:  
RP = Relevant Person

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>2<sup>nd</sup> working day hearing</b></p> <p>s.45 where child taken to a place of safety under a CPO</p> <p>s.46 where CPO authorising the prevention of removal of a child from a place</p>	rule 39	As soon as practicable before the beginning of the children’s hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• CPO/CAO applicant;</li> <li>• person specified in the CPO;</li> <li>• panel members;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• National Convener</li> </ul>	<p>child required to attend</p> <p>non standard to rp</p> <p>CPO advice person with significant involvement</p> <p>CPO/CAO other</p> <p>SW/School/Other Body</p>	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• the CPO applicant;</li> <li>• person specified in the CPO ;</li> <li>• panel members;</li> <li>• safeguarder;</li> <li>• chief social work officer.</li> </ul>	<p>copy CPO;</p> <p>copy of the CPO (or CAO) application</p> <p>copy of any report or other document relevant to the hearing’s consideration</p>

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
CPO advice hearing s.50	rule 40	As soon as practicable after determining to arrange the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• CPO/CAO applicant;</li> <li>• person who applied for the child protection order to be varied or terminated;</li> <li>• specified person in the CPO;</li> <li>• panel members;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• National Convener</li> </ul>	<p>child required to attend</p> <p>non standard to rp</p> <p>CPO advice person with significant involvement</p> <p>CPO/CAO other</p> <p>SW/School/Other Body</p>	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• CPO/CAO applicant;</li> <li>• person who applied for the child protection order to be varied or terminated;</li> <li>• specified person in the CPO;</li> <li>• panel members;</li> <li>• safeguarder;</li> <li>• the chief social work officer.</li> </ul>	<p>copy CPO;</p> <p>copy of CPO or CAO application;</p> <p>copy of application to vary or terminate;</p> <p>any other relevant document or information</p>

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>CPO grounds hearing</b>  s.69(2) and s.54	rule 29	As soon as practicable before the hearing. Every effort is to be made to post notice no later than 3 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• person with contact under contact order or permanence order</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  person with contact order  SW/School/Other Body  In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3). The child and RP should also be sent	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel member</li> </ul>	standard papers

				<p>the leaflet in relation to offences and retention of DNA for offence grounds.</p> <p>The chief SW officer is also to be sent the statement of grounds – no other agency is to be sent the statement of grounds.</p>			
--	--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Grounds hearing where no CSO</b> (except CPO grounds hearing and custody hearing) s.69(2)	rules 22, 23, 24, 27, 28	No later than 7 days before the hearing	<ul style="list-style-type: none"> <li>child;</li> <li>each RP;</li> <li>person with significant involvement;</li> <li>safeguarder;</li> <li>chief social work officer;</li> <li>person with contact under contact order or permanence order;</li> <li>National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  SW/School/Other Body  person with contact order  In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3).  The child and RP should also be sent the leaflet in	No later than 3 days before the hearing	<ul style="list-style-type: none"> <li>Child;</li> <li>each RP;</li> <li>safeguarder;</li> <li>panel member</li> </ul>	Statement of grounds  Any requirement from sheriff under section 156 (3)(a)  Any safeguarder's report (re current referral)  Any LA report (re current referral)  Any views of child given to reporter  Any other material report or document

				<p>relation to offences and retention of DNA for offence grounds.</p> <p>The chief SW officer is also to be sent the statement of grounds – no other agency is to be sent the statement of grounds.</p>			
--	--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--



Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Grounds hearing where CSO (except CPO grounds hearing)</b>  s.69(2)	s.69(2)	No later than 7 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• Person with contact under contact order or permanence order;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  SW/School/Other Body  person with contact order  In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3)  The child and RP should also be sent the leaflet in	No later than 3 days before the hearing	<ul style="list-style-type: none"> <li>• Child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel member</li> </ul>	standard papers

				<p>relation to offences and retention of DNA for offence grounds.</p> <p>The chief SW officer is also to be sent the statement of grounds – no other agency is to be sent the statement of grounds.</p>			
--	--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>custody hearing</b> s.69(2) and s.69(3)	rule 29	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• person with contact under contact order or permanence order;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  non standard to rp person with significant involvement safeguarder person with contact order  SW/School/Other Body  In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3).  The child and RP should also be sent the leaflet in relation to offences and retention of DNA for offence grounds.	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	As much of the standard papers as is available

				The chief SW officer should also be sent the statement of grounds – no other agency is to be sent the statement of grounds.			
--	--	--	--	-----------------------------------------------------------------------------------------------------------------------------	--	--	--

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Hearing to consider further ICSO or interim variation during proof application</b>  s.96(2)	rule 41.	No later than 7 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• Person with contact under contact order or permanence order;</li> <li>• National Convener;</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  SW/School/Other Body  person with contact order	<b>no later than 7 days before the hearing</b>	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	standard papers

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>Direction from sheriff re established ground or ground accepted at the grounds hearing</b></p> <p>(child not subject to CSO)</p> <p>s. 119 and s.107(3)/s.108</p>	rules 22, 23, 24, 25, 26, 31 and 33	no later than 7 days before the hearing	<ul style="list-style-type: none"> <li>the child;</li> <li>each RP;</li> <li>person with significant involvement;</li> <li>safeguarder;</li> <li>chief social work officer;</li> <li>Person with contact under contact order or permanence order;</li> <li>National Convener</li> </ul>	<p>child required to attend / invite to carer not rp</p> <p>rp required to attend</p> <p>person with significant involvement</p> <p>safeguarder</p> <p>SW/School/Other Body</p> <p>person with contact order</p> <p>If the statement of grounds was established, the child, RP, safeguarder and chief SW officer are also to be sent the established statement of grounds - no other</p>	no later than 3 days before the hearing	<ul style="list-style-type: none"> <li>child;</li> <li>each RP;</li> <li>any appointed safeguarder (except safeguarder report);</li> <li>panel members</li> </ul>	standard papers

				agency is to be sent the statement of grounds. <sup>18</sup>			
--	--	--	--	--------------------------------------------------------------	--	--	--

---

<sup>18</sup> The following is to be added to the established statement of grounds, below the SCRA logo, "Statement of grounds established at [NAME] Sheriff Court on [DATE]."

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>Direction from sheriff re established ground or ground accepted at the grounds hearing - where ICSO with place of safety</b></p> <p>s.119 and s.109(7)</p>	rule 33	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• person with contact under contact order or permanence order;</li> <li>• panel members</li> </ul>	<p>child required to attend / invite to carer not rp</p> <p>rp required to attend</p> <p>person with significant involvement</p> <p>safeguarder</p> <p>SW/School/Other Body</p> <p>person with contact order</p> <p>If the statement of grounds was established, the child, RP, safeguarder and chief SW officer are also to be sent the established statement of</p>	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	standard papers



				grounds – no other agency is to be sent the statement of grounds. <sup>19</sup>			
--	--	--	--	---------------------------------------------------------------------------------	--	--	--

---

<sup>19</sup> The following is to be added to the established statement of grounds, below the SCRA logo, “Statement of grounds established at [NAME] Sheriff Court on [DATE].”

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Review hearing<sup>20</sup></b> (including direction from sheriff re established ground or ground accepted at the grounds hearing for child subject to CSO) s.137(2)	rules 22, 23, 24,25,26, 35, 35	No later than 7 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li>   <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• Person with contact under contact order or permanence order;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  SW/School/Other Body  person with contact order  If the review hearing follows a direction from the sheriff re the established ground, the child, RP, safeguarder and chief SW officer are	no later than 3 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	standard papers

<sup>20</sup> See PD 17 Contact Direction Review Hearings for list of hearings which fall under this section

				also to be sent the established statement of grounds – no other agency is to be sent the statement of grounds. <sup>21</sup>			
--	--	--	--	------------------------------------------------------------------------------------------------------------------------------	--	--	--

---

<sup>21</sup> The following is to be added to the established statement of grounds, below the SCRA logo, “Statement of grounds established at [NAME] Sheriff Court on [DATE].”

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Deferred review of deemed relevant person status</b>  s. 142(2)	rule 43	No later than 7 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• Person with contact under contact order or permanence order;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  SW/School/Other Body  person with contact order	As soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• Child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	any relevant document or other information for the children's hearing (can be full papers available to original review)

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>emergency transfer</b> s.143(2) and s.136	rule 36	as soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li>   <li>• person with significant involvement</li> <li>• safeguarder;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• person with contact under contact order or permanence order;</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  person with significant involvement  safeguarder  SW/School/Other Body  person with contact order	as soon as practicable before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	as much of the standard papers as is available

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Review of contact direction</b>  s.126	rule 42	As soon as practicable and no later than 3 days after the "index hearing"	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• person with contact under contact order or permanence order;</li> <li>• person who requested a children's hearing be held under section 126(2)(b);</li> <li>• safeguarder;</li> <li>• panel members;</li> <li>• chief social work officer;</li> <li>• National Convener</li> </ul>	contact review to child contact review to rp  contact review to person with contact order  contact review to safeguarder  contact review to SW	Wherever possible when sending the notification and no later than 3 days before the contact direction review hearing	<ul style="list-style-type: none"> <li>• Same as notifications</li> </ul>	copy of contact direction in the CSO, ICSO or MEO  reasons for contact direction;  any document or part of document which the reporter considers is strictly relevant to the s.126 hearing

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>criminal advice hearing</b>  Criminal Procedure (Scotland) Act 1995 s.49(1)(b), (3) or (6)	rule 44	no later than 7 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder</li> <li>• chief social work officer;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  rp required to attend  safeguarder  SW/School/Other Body	no later than 3 days before the hearing	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	remit under section 49 of Criminal Procedure (Scotland) act 1995 All decisions and reasons for decision made by all children's hearing and pre-hearing panels in relation to the child  There is no express power to include a report from the local authority but such a power is to be implied.

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Execution of warrant granted under s.123</b>	rule 17	Under rule 17, hearing must be held wherever practicable on the first working day after the child was detained. No provision about notification but assume as soon as practicable	Who is to be notified is determined by the original purpose of the hearing (refer to appropriate section in the table)	<p>standard letter child required to attend / invite to carer not rp rp required to attend person with significant involvement safeguarder SW/School/Other Body person with contact order</p> <p>In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3)</p> <p>The child and RP should also be sent the leaflet in relation to offences and retention of DNA for offence grounds.</p>	As for notifications, assume papers to be given as soon as practicable	Who is to be given papers is determined by the original purpose of the hearing (refer to appropriate section in the table)	what is to be given will be determined by the original purpose of the hearing (refer to appropriate section in the table)



Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Receipt of safeguarder report</b>  rule 57 and s.119/137	rule 57	Treated as hearing. arranged under s.119 or s.137 (unless proof ongoing – nature of hearing then is not clear)	As for s.119 or s.137 hearing	As s.119 or s.137 hearing child required to attend / invite to carer not rp rp required to attend person with significant involvement safeguarder SW/School/Other Body person with contact order  In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3)  The child and RP should also be sent the leaflet in relation to offences and retention of DNA for offence grounds.	As for s.119 or s.137 hearing	As for s.119 or s.137 hearing	same papers as for s.119 or s.137 as well as safeguarders report

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>A hearing dealing with pre-hearing panel matters s.80(3)</b></p> <p>In addition to letter notifying the substantive purpose of the hearing (see appropriate table for notification and papers for substantive hearing)</p>	rule 52	As soon as practicable	<ul style="list-style-type: none"> <li>child;</li> <li>each RP;</li> <li>any RP who may be undeemed (if any)</li> <li>an individual requesting a relevant person determination (if any);</li> <li>an individual who appears to have significant involvement (if any);</li> <li>safeguarder;</li> <li>panel members;</li> </ul> <p>chief social work officer (this is not stated in the rules but notice should be given to them)</p>	<p>PHP too late to child</p> <p>PHP too late to rp except RP who may be undeemed</p> <p>PHP too late to any RP who may be undeemed</p> <p>PHP too late to person</p> <p>PHP too late to safeguarder</p> <p>PHP too late to SW</p>	Where practicable at least 4 days before the children's hearing (in practice it is likely always to be less than this otherwise a pre-hearing panel could be arranged)	<ul style="list-style-type: none"> <li>child;</li> <li>each RP (including any RP who may be undeemed);</li> <li>an individual requesting a relevant person determination;</li> <li>an individual who appears to have significant involvement;</li> <li>safeguarder</li> <li>panel members</li> </ul>	<p>Representations/ reports/documents provided by persons notified of the pre-hearing panel;</p> <p>Oral representations made to the reporter by a person entitled to attend but unable to do so (these must be recorded by the reporter);</p> <p>Any other relevant document or part of document.</p>

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
Suspension hearing s.158(2)	rule 76	Hearing to be arranged as soon as practicable. Notification presumed to be as soon as practicable.	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members;</li> <li>• chief social work officer;</li> <li>• National Convener</li> </ul>	child required to attend / invite to carer not rp  non standard to rp  safeguarder  SW/School/Other Body	No reference in Rules. Reporter is to send as soon as practicable.	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	No reference in Rules to papers. Taken to be same as for hearing being appealed and also decision of that hearing, reasons for decision and any order.  Any other relevant information (e.g. the request for the suspension hearing)

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Direction to arrange hearing by sheriff in an appeal</b>  s.156(3)(a)		Follow the rules for notification of whichever hearing the Sheriff requires the Reporter to arrange.	Follow the rules for notification of whichever hearing the Sheriff requires the Reporter to arrange.				
<b>Child subject to CSO moved to secure accommodation</b>  Secure Accommodation (Scotland) Regulations reg.7 and s.137	Rule 94	Review hearing to take place within 72 hours of placement in secure. No express timescale for notice - to be given as soon as practicable	As for review hearing		No express provision - papers to be given as soon as practicable.	As for review hearing	As for review hearing

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Child subject to ICSO or MEO moved to secure accommodation</b>  Secure Accommodation (Scotland) Regulations reg.8 and s.119/s.96(2)		Section 119 or 96(2) hearing to take place within 72 hours (unless application to sheriff for ICSO required). No express timescale for notice. Give as soon as practicable.	As for section 119 or 96(2) hearing		No express provision - papers to be given as soon as practicable	As for section 119 or 96(2) hearing	As for section 119 or 96(2) hearing

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>Child accommodated under s.25 of the 95 act or subject to a permanence order moved to secure accommodation</b></p> <p>Secure Accommodation (Scotland) Regulations reg.9 and s.69(2)</p>		<p>Hearing to take place within 96 hours of placement in secure. No express timescale for notice. Give as soon as practicable.</p>	<p>As for grounds hearing</p> <ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• person with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• person with contact under contact order or permanence order;</li> <li>• National Convener</li> </ul>	<p>child required to attend / invite to carer not rp</p> <p>rp required to attend</p> <p>person with significant involvement</p> <p>safeguarder</p> <p>SW/School/Other Body person with contact order</p> <p>In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3). The child and RP should also be sent the leaflet in relation to offences</p>	<p>No express provision- papers to be given as soon as practicable</p>	<p>As for grounds hearing</p>	<p>As for grounds hearing</p>

				<p>and retention of DNA for offence grounds.</p> <p>The chief SW officer should also be sent the statement of grounds – no other agency is to be sent the statement of grounds.</p>			
--	--	--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>review of secure accommodation authorisation where head of unit does not agree to implement</b></p> <p>Implementation of Secure Accommodation Authorisation Regulations 2013 reg. 9</p>		as soon as practicable before the hearing	<ul style="list-style-type: none"> <li>child;</li> <li>each RP;</li> </ul> <ul style="list-style-type: none"> <li>person with significant involvement;</li> <li>safeguarder;</li> <li>chief social work officer who made the decision under regulation 4 or 7;</li> <li>Head of Unit who made the decision under regulation 6;</li> <li>panel members;</li> <li>National Convener</li> </ul>	<p>child required to attend / invite to carer not rp</p> <p>rp required to attend</p> <p>person with significant involvement</p> <p>safeguarder</p> <p>SW/School/Other Body</p> <p>In addition, child, RP and safeguarder are to be sent: the statement of grounds; any relevant requirement by the Sheriff under section 156 (3) The child and RP should also be sent the leaflet in relation to offences and retention of DNA for offence grounds.</p>	as soon as practicable before the hearing	<ul style="list-style-type: none"> <li>child;</li> <li>each RP;</li> <li>chief social work officer who made the decision under regulation 4 or 7;</li> <li>Head of Unit who made the decision under regulation 6;</li> <li>safeguarder;</li> <li>person with significant involvement;</li> <li>panel members</li> </ul>	<p>all decision and reasons by pre-hearing panels and hearings related to current proceedings;</p> <p>decision of the chief social work officer made under regulation 5;</p> <p>decision of the head of the unit made under regulation 6.</p>



## APPENDIX B – PRE-HEARING PANELS

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>Pre-hearing panel – to consider deeming only (not undeeming or excusing)</b></p> <p>s.79(2)(a) or (b)</p>	rule 45 and 47	Whenever practicable at least 5 days before pre-hearing panel	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• an individual requesting a relevant person determination;</li> <li>• an individual with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>PHP notification to child</p> <p>PHP notification to rp</p> <p>PHP notification to person</p> <p>PHP notification to safeguarder</p> <p>PHP notification to SW</p>	Whenever practicable at least 3 days before pre-hearing panel	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• an individual requesting a relevant person determination;</li> <li>• an individual with significant involvement;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	<p>Representations/reports/documents provided by person notified which the reporter considers relevant to the deeming decision to be made;</p> <p>Oral representations made to the reporter by a person entitled to attend but unable to do so (these must be recorded by the reporter;</p> <p>Any other relevant document or part of document</p>

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Pre hearing panel – excusing child/RP only</b>  s.79(2)(c)/79(3)	rule 46 and 47	Whenever practicable at least 5 days before pre-hearing panel	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li>   <li>• safeguarder;</li>   <li>• panel members;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• National Convener</li> </ul>	PHP notification to child  PHP notification to rp  PHP notification to safeguarder  PHP notification to SW	Whenever practicable at least 3 days before the pre-hearing panel	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• panel members</li> </ul>	Representations/reports/documents provided by the child, relevant person or safeguardetr;  Oral representations made to the reporter by a person entitled to attend but unable to do so (these must be recorded by the reporter);  Any other relevant document or part of document.

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<p><b>pre hearing panel – to consider deeming AND excusing (not undeeming)</b></p> <p>s.79(2)(a) or (b) AND (c)</p>	rule 45, and 47	Whenever practicable at least 5 days before the pre-hearing panel notice	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• an individual requesting a relevant person determination;</li> <li>• an individual with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>PHP notification to child</p> <p>PHP notification to rp</p> <p>PHP notification to person</p> <p>PHP notification to safeguarder</p> <p>PHP notification to SW</p>	Whenever practicable at least 3 days before the pre-hearing panel	<ul style="list-style-type: none"> <li>• Child;</li> <li>• each RP;</li> <li>• an individual requesting a relevant person determination;</li> <li>• an individual with significant involvement;</li> <li>• safeguarder;</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>Representations/reports/documents in relation to deeming provided by persons notified which the reporter considers relevant ;</p> <p>Representations/reports/documents in relation to excusing provided by the child, a relevant person or safeguarder</p> <p>Oral representations made to the reporter by a person entitled to attend but unable to do so (these must be recorded by the reporter;</p> <p>Any other relevant document or part of document.</p>

		<b>When</b>	<b>To Whom</b>	<b>Letter template</b>	<b>When</b>	<b>To Whom</b>	<b>What</b>
<p><b>pre hearing panel – to consider undeeding whether or not also excusing (not deeming)</b></p> <p>s.79(2)(a) or (b) AND (c)</p>	rule 45, 46A and 47	Whenever practicable at least 5 days before the pre-hearing panel notice	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP except RP who may be undeeded;</li> <li>• each RP who may be undeeded</li> <li>• safeguarder;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>PHP notification to child</p> <p>PHP notification to rp</p> <p>PHP notification to safeguarder</p> <p>PHP notification to SW</p>	Whenever practicable at least 3 days before the pre-hearing panel	<ul style="list-style-type: none"> <li>• Child;</li> <li>• each RP (including any who may be undeeded);</li> <li>• safeguarder;</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>Representations/reports/documents provided in relation to undeeding by the child, relevant person or safeguarder which the reporter considers relevant to undeeding ;</p> <p>If excusing is referred, representations/reports/documents provided by the child, relevant person or safeguarder in relation to excusing</p> <p>Oral representations made to the reporter by a person entitled to attend but unable to do so (these must be recorded by the reporter;</p> <p>Any other relevant document or part of document.</p>

		<b>When</b>	<b>To Whom</b>	<b>Letter template</b>	<b>When</b>	<b>To Whom</b>	<b>What</b>
<b>pre hearing panel – to consider undeeming AND deeming whether or not also excusing</b> s.79(5A)(a) and 79(2)(a) or (b) AND (c)	rule 45, 46A and 47	Whenever practicable at least 5 days before the pre-hearing panel notice	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP except RP who may be undeemed;</li> <li>• each RP who may be undeemed</li> <li>• an individual requesting a relevant person determination;</li> <li>• an individual with significant involvement;</li> <li>• safeguarder;</li> <li>• chief social work officer (this is not stated in the rules but notice should be given to them);</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>PHP notification to child</p> <p>PHP notification to rp</p> <p>PHP notification to person</p> <p>PHP notification to safeguarder</p> <p>PHP notification to SW</p>	Whenever practicable at least 3 days before the pre-hearing panel	<ul style="list-style-type: none"> <li>• Child;</li> <li>• each RP (including any who may be undeemed);</li> <li>• an individual requesting a relevant person determination;</li> <li>• an individual with significant involvement;</li> <li>• safeguarder;</li> <li>• panel members;</li> <li>• National Convener</li> </ul>	<p>Representations/reports/documents in relation to deeming provided by child, relevant person, safeguarder, individual requesting to be deemed and individual with significant involvement which the reporter considers relevant to deeming;</p> <p>Representations/reports/documents in relation to undeeming provided by child, relevant person or safeguarder which the reporter considers relevant to undeeming;</p> <p>Oral representations made to the reporter by a person entitled to attend but unable</p>

							<p>to do so (these must be recorded by the reporter)</p> <p>Any other relevant document or part of document.</p>
--	--	--	--	--	--	--	------------------------------------------------------------------------------------------------------------------

Type of hearing and section under which arranged	Relevant rules	Notifications			Papers		
		When	To Whom	Letter template	When	To Whom	What
<b>Notice of pre-hearing panel determination</b>	rule 50	As soon as practicable after the pre-hearing panel	<ul style="list-style-type: none"> <li>• child;</li> <li>• each RP;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• person not deemed to be RP; SLAB</li> </ul>	<p>procedural decision to child PHP outcome to child</p> <p>procedural decision to rp PHP outcome to rp PHP outcome individual is relevant</p> <p>PHP outcome to safeguarder</p> <p>PHP outcome to SW</p> <p>PHP outcome individual not relevant</p>			<p>Notice of any determination and reasons</p> <p>Person not deemed to be RP is given notice only of that determination and reasons</p> <p>SLAB is notified only of (1) determination that CSO with secure accommodation authorisation is likely (2)determination and reasons that representation by a solicitor may be necessary and child/RP unlikely to arrange</p>

## APPENDIX C – NOTIFICATIONS OF HEARING DECISION

Type of Hearing	Who is to be given notification of decision	Letter Template	Timescale	What is to be included with notification
<p>All hearings (rule 88 &amp; 89)</p> <p>There are <b>additional</b> provisions which apply to particular outcomes and these are set out below.</p>	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• chief social work officer of the implementation authority / relevant authority;</li> <li>• any person who under the order granted is responsible for providing any service, support or accommodation in respect of the child;</li> </ul>	<p>outcome all decisions to child</p> <p>outcome all decisions to rp</p> <p>outcome to safeguarder</p> <p>outcome all decisions to social work person providing service and other</p>	<p>within 5 days</p>	<p>copy of decision of the hearing, reasons for that decision and any order made</p> <p>the chief SW officer should also be sent the accepted statement of grounds<sup>22</sup> if: the children’s hearing considered a statement of grounds that was accepted at a grounds hearing (with or without amendment), <i>and</i> the hearing made, continued or varied a CSO.</p>
<p>where CSO, ICSO or MEO requires child to reside with a person other than a RP or the implementation authority</p> <p>(rule 89)</p>	<ul style="list-style-type: none"> <li>• If social worker attends the hearing, copy of order must be given to the social worker if reasonably practicable</li> <li>• Otherwise copy of order must be given to chief social work officer</li> </ul>		<p>immediately following the hearing</p> <p>no later than end of the working day after the hearing</p>	<p>copy of the order</p>

<sup>22</sup> The following is to be added to the accepted statement of grounds, below the SCRA logo, “Statement of grounds accepted at a children’s hearing on [DATE].” The statement of grounds is to be sent to the chief social work officer even if it was accepted without amendment.



<b>Type of Hearing</b>	<b>Who is to be given notification of decision</b>	<b>Letter Template</b>	<b>Timescale</b>	<b>What is to be included with notification</b>
warrant issued under section 123 (warrant to secure attendance) (rule 78)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder</li> </ul>	<p>outcome all decisions to child</p> <p>outcome all decisions to rp</p> <p>outcome to safeguarder</p>	as soon as practicable	copy of the warrant
2 <sup>nd</sup> WDH (rule 91)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• person with significant involvement;</li> <li>• person who applied for CPO or CAO;</li> <li>• person specified in the CPO;</li> <li>• safeguarder;</li> <li>• chief social work officer;</li> <li>• any person responsible under the CPO for providing any service, support or accommodation</li> </ul>	<p>outcome 2nd WD to child</p> <p>outcome 2nd WD to rp and sg</p> <p>outcome 2nd WD to person with sig involvement</p> <p>outcome 2nd WD to rp and sg</p> <p>outcome all decisions to social work person providing service and other</p>	as soon as practicable	decision and reasons for decision

<b>Type of Hearing</b>	<b>Who is to be given notification of decision</b>	<b>Letter Template</b>	<b>Timescale</b>	<b>What is to be included with notification</b>
Advice hearing in relation to application to terminate or vary CPO (rule 72)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• sheriff who is to determine application;</li> <li>• person who applied for CPO, CAO;</li> <li>• person who applied for CPO to be varied or terminated;</li> <li>• person specified in the CPO;</li> <li>• person with significant involvement;</li> <li>• person to whom the applicant for variation or termination of the CPO is required to give notice of the making of the application;</li> <li>• chief social work officer</li> </ul>		as soon as possible	copy of the report of the advice given by the hearing

Type of Hearing	Who is to be given notification of decision	Letter Template	Timescale	What is to be included with notification
review of contact direction (rule 92)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• individual with contact under a contact order or permanence order;</li> <li>• person who requested hearing under section 126;</li> <li>• implementation authority where decision was to make CSO or ICSO and relevant authority for other cases;</li> <li>• any person responsible under the order for providing any service, support or accommodation</li> </ul>	<p>outcome contact review to child</p> <p>outcome contact review to rp</p> <p>outcome contact review to safeguarder</p> <p>outcome contact review to person</p> <p>outcome contact review to SW</p>	within 5 days	decision and reasons for decision
advice hearing in relation to permanence order or adoption where report required under section 141 (rule 65)	<p>copy report to be sent to:</p> <ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• court which is determining application;</li> <li>• chief social work officer;</li> <li>• couple or person making the adoption application if applicable</li> </ul>		within 5 days	copy of the advice report

<b>Type of Hearing</b>	<b>Who is to be given notification of decision</b>	<b>Letter Template</b>	<b>Timescale</b>	<b>What is to be included with notification</b>
hearing where report required under section 95 of Adoption and Children (Scotland) Act 2007 (rule 77)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• court which is determining application;</li> <li>• chief social work officer</li> </ul>		within 5 days	copy of the report
advice hearing under section 49 of Criminal Procedure (Scotland) Act 1995 (rule 75)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• court which requested advice;</li> <li>• chief social work officer</li> </ul>		as soon as possible	copy of the report giving advice of the hearing
review of decision not to implement secure accommodation authorisation (regulation 9) (rule 96)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• safeguarder;</li> <li>• chief social work officer who made the decision under regulations 4 and 7;</li> <li>• Head of Unit who made decision under regulation 6</li> </ul>		within 5 days	copy of decision and reasons for decision

Type of Hearing	Who is to be given notification of decision	Letter Template	Timescale	What is to be included with notification
review of determination that person be deemed to be a relevant person, section 142 (rule 66)	<ul style="list-style-type: none"> <li>• child;</li> <li>• RP;</li> <li>• individual in relation to whom determination was made</li> </ul>	<p>outcome RP review to child</p> <p>outcome RP review to rp</p> <p>PHP or procedural outcome individual not relevant</p> <p>PHP or procedural outcome individual is relevant</p>	<b>no later than 2 working days</b> from the day of the hearing	copy of the determination of the hearing and reasons.
breach of duties by implementation authority, section 146 (rule 67)	<ul style="list-style-type: none"> <li>• National Convener</li> </ul>		as soon as practicable	copy of the decision of the hearing copy of any report prepared by hearing
hearing request advice from National Convener (rule 79)	<ul style="list-style-type: none"> <li>• National Convener</li> </ul>		within 5 days	copy of the request for advice
hearing require referral under section 127 where failure to provide education for excluded pupil (rule 82)	<ul style="list-style-type: none"> <li>• National Convener</li> </ul>		as soon as practicable	copy of decision and reasons report made by hearing