

Practice Note

Requests by Children's Hearings for "Independent" Reports

1. Rule 61(1)(b) enables a children's hearing to require the reporter to obtain any report necessary for the hearing's decision. This can include an "independent" report on a specified matter.
2. An "independent" report is a report from an individual or organisation who is not:
 - already involved in work with the child and/or their family;
 - an agency in the child's local area who would normally provide a service to the child and/or their family; or
 - the safeguarder.
3. SCRA has entered into a Memorandum of Understanding (MoU) with Children's Hearings Scotland (CHS) and CELCIS. Reporters are to be familiar with, and apply the MoU.
4. If a children's hearing is considering whether to request an independent report, the reporter is to bring to the attention of the hearing the following aspects of the MoU (where relevant):
5.
 - As with a decision to request any report, the hearing should only request an independent report if necessary for a substantive decision and should balance the delay against the benefit to decision-making. The MoU expects the report to be submitted within 2 months of the report writer receiving the formal request for the report.
 - Before deciding to request an independent report, the hearing should decide whether the missing information can be obtained from someone already involved, or from a safeguarder.
 - If a request to obtain an independent report is made by a relevant person, panel members should be aware that legal aid may be available to the relevant person.
 - If requesting an independent report the hearing should specify in its reasons:
 - what information or issue is to be addressed in the report, for example a psychological assessment of the child or a parenting assessment;
 - what category of person is to carry out the report, for example a child psychologist or independent social worker.;
 - why the report is required;
 - if requested, why a specific person or organisation has been identified to provide the report.

- If the hearing does not specify an individual or organisation, CHS along with CELCIS will identify a suitable person or organisation to provide the report (in terms of the MoU).

As the reporter has no involvement in the writing of reasons, the reporter is bring the relevant aspects of the Briefing Note to the panel members' attention, where that is necessary, prior to them stating their decisions.

6. If a hearing requests an independent report, the reporter is to record this on the record of proceedings as 'to require the reporter to obtain a report from any person rule 61(1)(b)'.
7. The reporter is to notify the Practice Team by emailing the record of proceedings to practiceteam@scra.gov.uk no later than the next working day. The Practice Team will contact CHS and subsequently inform the reporter of who is providing the report, their contact details and the approximate timescales for completion.
8. The reporter will request the report and provide the following papers:
 - A copy of the decisions and reasons for decision of the hearing that requested the report;
 - The child's current compulsory supervision order (if applicable);
 - The statement of grounds for the child;
 - The report (and any supplementary reports) provided by the local authority for the children's hearing; and
 - The inventory of hearing papers (but not the full papers themselves).

The reporter is to provide additional information from the hearing papers only if requested by the report provider and only if relevant and proportionate to do so. The reporter is not to provide the report writer with any information that was not in the papers for the hearing that made the decision or will not be in the papers for the next hearing.

9. The reporter is to write to the relevant persons (and child if able to understand) to let them know that a report writer has been identified and the identity of that person.
10. The reporter is to invite the report provider to subsequent hearings until a substantive decision is made. Once a substantive decision has been made, the reporter may include the report in the papers for a subsequent children's hearing if the reporter considers that the report is relevant or material to the hearing's consideration. If the reporter does include the report in the papers, the reporter may invite the report writer to the children's hearing.
11. In terms of the MoU the children's hearing considering the independent report is to complete a feedback form for quality assurance purposes.. The reporter is to provide the form to the panel members and to email the completed form to hearingforms@chs.gov.uk and to the Practice Team.