

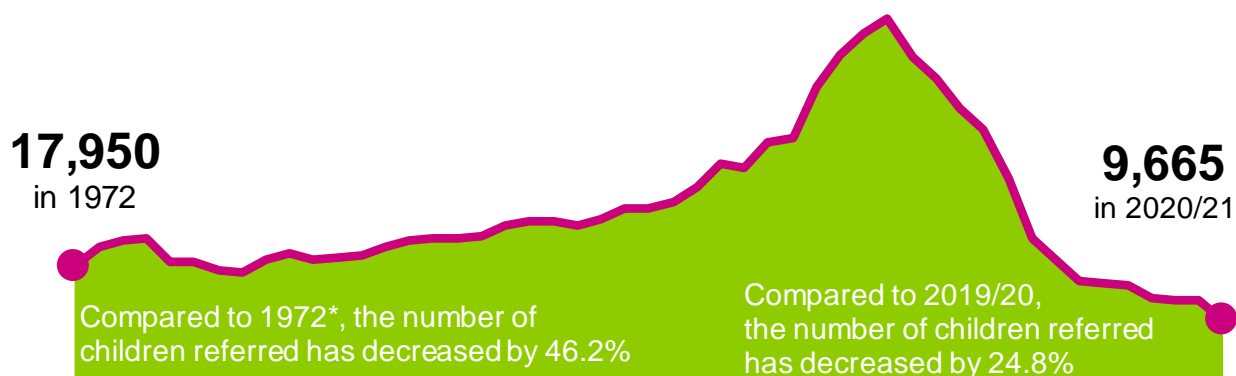
STATISTICAL ANALYSIS 2020/21

Ensuring positive futures for children & young people in Scotland



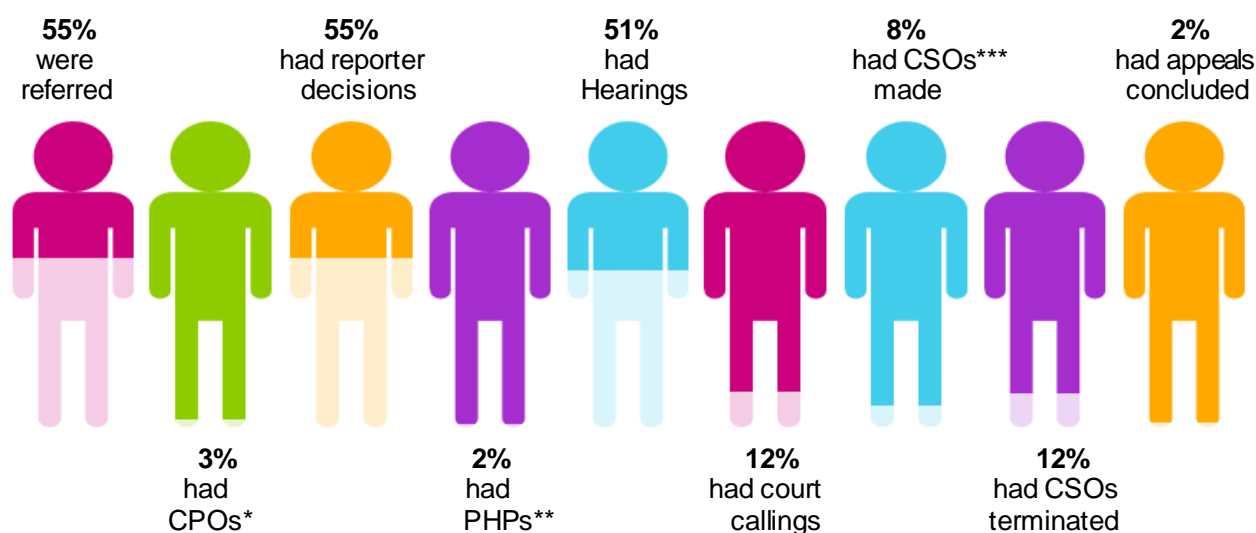
Statistical Analysis 2020/21 - at a glance

Children referred 1972 to 2020/21



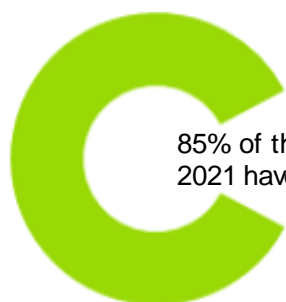
*1972 was the first year of published data for the Children's Hearings System

The statistics within this report cover 17,591 children within the Children's Hearings System in 2020/21. Of these children:



* Child Protection Orders ** Pre-Hearing Panels *** Compulsory Supervision Orders

In 2020/21, 16,248 Children's Hearings were held for 8,977 children



85% of the 7,959 children subject to a Compulsory Supervision Order as at the 31st March 2021 have only ever been referred on care and protection grounds

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This statistical analysis is supported by our online statistical service which provides more in depth information about individual local authority areas. All the information is available on our website www.scra.gov.uk.

Introduction

What do these statistics include?

This report presents the Scottish Children's Reporter Administration's (SCRA's) full statistical analysis on children involved in the Children's Hearings System between 1 April 2020 and 31 March 2021. This is an Official Statistics publication and the data has been produced using sound, proven and robust methodologies. In general, the children reported on within these statistics are aged between 0 and 15. There are however two exceptions to this:

- The age of criminal responsibility in Scotland has been raised to 12 years (from eight) under the Age of Criminal Responsibility (Scotland) Act 2019. The Act has not been fully enacted yet though, meaning that children aged between eight and 11 can still be referred to the reporter for offences by the police, but they cannot be brought to a Children's Hearing on offence grounds. Children under eight years cannot be referred to the Reporter for having committed an offence. Such behaviour in a child aged under eight years may be referred under another ground (e.g. 'beyond control of a relevant person'); and
- Children aged 16 and 17 years can be referred to the Reporter if they:
 - are still subject to Compulsory Supervision Orders;
 - are remitted by a court; or
 - had an open case which was received prior to their sixteenth birthday.

This only applies to a small number of children, therefore age graphs within this report will always show a significant decrease between profiles for children aged under 16 and those 16 or over. To make this distinction more apparent, children aged 16 and 17 years are combined to provide an age group of 16+ years in this report.

Information about the changes seen within the Children's Hearings System since 2003 is available through a research report released in 2018. The research aimed to answer the following question: Has child protection in Scotland become more complex over time, and if so, how? It can be found here: [Complexity in the lives of looked after children and their families](#).

How is this report structured?

This report is designed to follow the process by which a referral for a child is received by SCRA through to a final outcome being made either by the Reporter or by a Children's Hearing. This is based upon the following path:

- Referral for a child received by the Reporter because of concerns about their welfare or behaviour;
- Reporter investigation into the child's case including seeking relevant information from partner agencies;
- Reporter decision as to whether the child requires compulsory measures of supervision based on the information received; and
- Children's Hearing decision on whether compulsory measures of supervision are necessary (in respect of the child) to protect the child and/or address their behaviour. This may also involve:
 - the requirement to convene a Pre-Hearing Panel to consider any special arrangements needed for the Children's Hearing;
 - applications to the Sheriff to determine the grounds of referral; and
 - interim orders granted at Children's Hearings and at court to protect the child during the process.

The process is complex as a child can already be subject to a Compulsory Supervision Order at the point of referral and this will be taken into account within the decision making process. Compulsory measures also only last for specific time periods and as such have to be reviewed. This can be seen through the breakdown of Children's Hearings on page 18.

Finally, children and/or their relevant persons can appeal to the Sheriff against decisions made by Children's Hearings. Applications can also be made to the Sheriff to terminate or vary the conditions on a Child Protection Order.

Special data note for 2020/21

There were two events during 2020/21 which have had a significant impact on the statistics within this report; the Coronavirus pandemic and the internal change of systems within SCRA. These are both explained in more detail below.

The Children's Hearings System during Coronavirus

The impact of the pandemic cannot be understated in terms of the data within this report. The changes which are outlined are beyond any normal annual changes and as such, any conclusions drawn from the data presented should be treated with caution.

The Coronavirus (Scotland) Act 2020 came into force on 7th April 2020. By then, Scotland had been subject to movement restrictions and social distancing measures since 23rd March 2020. Movement restrictions and social distancing have had a profound effect on how SCRA operates in terms of how Children's Hearings are attended and how offices operate. SCRA had to move to a remote operating model utilising technology and home working to deliver services. This was supported by the Coronavirus (Scotland) Act 2020 which introduced a number of measures aimed to alleviate pressures on the Children's Hearings System. The most significant areas in terms of this report are as follows:

- Removing the requirement for 2nd working day Children's Hearings for Child Protection Orders;
- Extending Compulsory Supervision Orders for an additional 6 months (over and above the standard 12 month limit); and
- Extending the length that interim orders could be made for from 22 to 44 days.

Further details on the legal changes can be found here: [Coronavirus legislation – changes to the law - SCRA](#).

Details around the use of these provisions can be found here: [Coronavirus – Children's Hearings data](#).

Due to the unprecedented short implementation period of this legislation, our case management system was not able to be developed to accommodate the specific changes, therefore best effort workarounds were required to capture the data. The data in the Coronavirus reports reflects this in terms of data quality and level of error. It has also impacted the data within this report as normal counting methodologies have had to change to reflect the implementation of the Act.

System changes

Between July 2020 and January 2021 SCRA moved to a new case management system which captures different data and has different processes. This will, in the long term, improve the data available to SCRA. However, the development of the system is ongoing so there are some gaps from previous years. Any methodology changes will be noted throughout the report but the key high level ones are below:

- We no longer have categories of additional or duplicate in relation to referrals;
- Referrals are grouped into investigations and the grounds are added at the investigation level and at final decision rather than receipt so this impacts ground profiles and links to Hearings;
- Grounds no longer need to be added to referrals if there is insufficient evidence of any ground;
- The Record of Proceedings at Hearing is now electronic so there is a much wider range of outcome data available which will start to feed through in 2021/22;
- There is currently no recording of reasons for deferred Hearings or all about me forms;
- Compulsory Supervision Orders are no longer grouped into types such as 'with parent/relevant person', there is an 'at home' flag and conditions around the order are recorded as part of the Record of Proceedings.

Children referred

This section presents information about the numbers of children referred to SCRA over the period 1st April 2020 to 31st March 2021 with comparisons to prior years. It looks at the reason for referral and profiles by age and sex of those children referred.

Key facts:



Children referred decreased by 24.8% from 2019/20



17.4% of children with Child Protection Orders were aged under 20 days

'lack of parental care' was the most common ground of referral

Children referred to the Reporter

In 2020/21, 9,665 children in Scotland were referred to the Reporter:

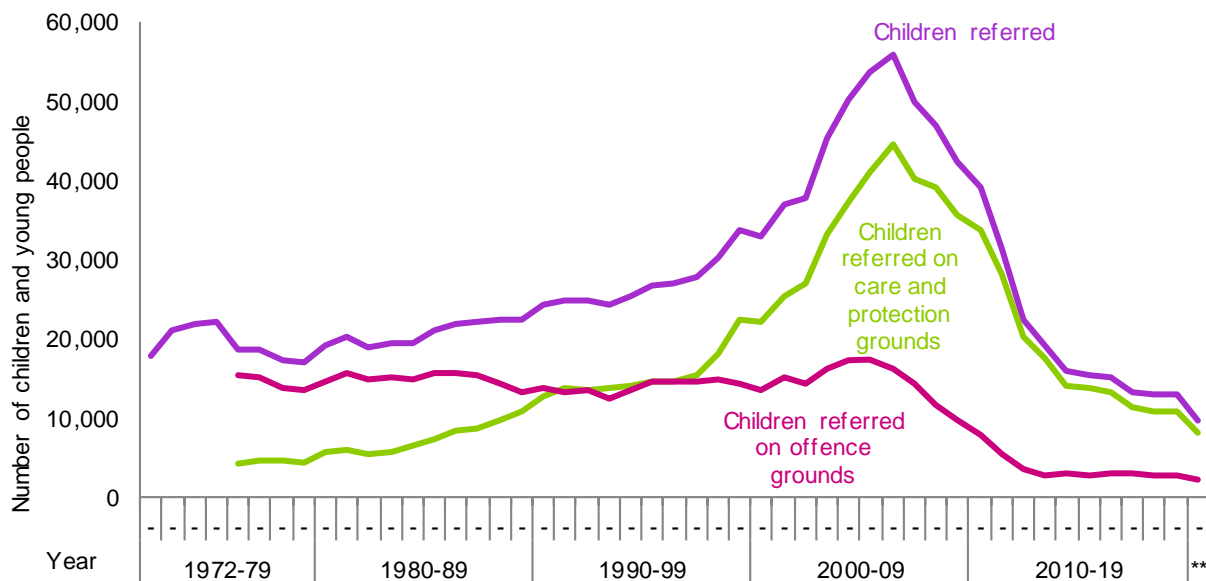
- 8,013 on non-offence (care and protection) grounds; and
- 2,207 on offence grounds¹.

The figure of 9,665 children referred to the Reporter in 2020/21 equates to 1.1% of all children in Scotland². Within this, 0.9% of all children were referred on care and protection grounds and 0.5% of all children aged between eight and 16 years were referred on offence grounds.

The number of children referred to the Reporter has decreased for the fourteenth consecutive year. As with the rest of this report, the impact of Coronavirus and the lockdown cannot be underestimated. Therefore any conclusions drawn from this data should be treated with caution.

Figure 1.1 illustrates the changing trends within the system over time. Operational processes and counting methodologies have changed over time but overall trends are broadly comparable. Year-on-year figures from 2003/04 onwards can be seen on the [Online Statistical Dashboard](#) including splits at a local authority level and rates per head of population.

Figure 1.1 Children referred, by year*



* please note that offence and care and protection splits are unavailable prior to 1976.

** 2020-21

1 These figures include 555 children who were referred on care and protection and offence grounds.

2 % of population aged under 16 years, based on mid-year estimates for 2020 from the National Records of Scotland.

The 24.8% decrease in children referred from 2019/20 levels was due to 3,184 fewer children being referred. There were 2,810 fewer children referred on care and protection grounds (a decrease of 26.0%) and 633 fewer children referred on offence grounds (an decrease of 22.3%).

Increasing referral rates were seen in the years leading up to 2006/07. One of the most significant factors in this increase was police referrals for children from families where there had been an incident of domestic abuse. The volume of such referrals created massive demands within the system and led to concerted efforts by partner agencies to reduce referrals where there was no need for compulsory measures of supervision. It is important to note that there was no suggestion that these children did not require help or support, rather that there was no need for it to be provided on a compulsory basis.

Recent years have seen an increased focus on early and effective intervention, through the prism of the 'getting it right for every child' (GIRFEC)³ and Whole Systems approaches. The impact of this is highlighted through the reducing numbers of children referred.

There are certain types of referrals that indicate greater or immediate concern about the child's safety or behaviour. These include Child Protection Orders and Joint Reports.

Child Protection Orders

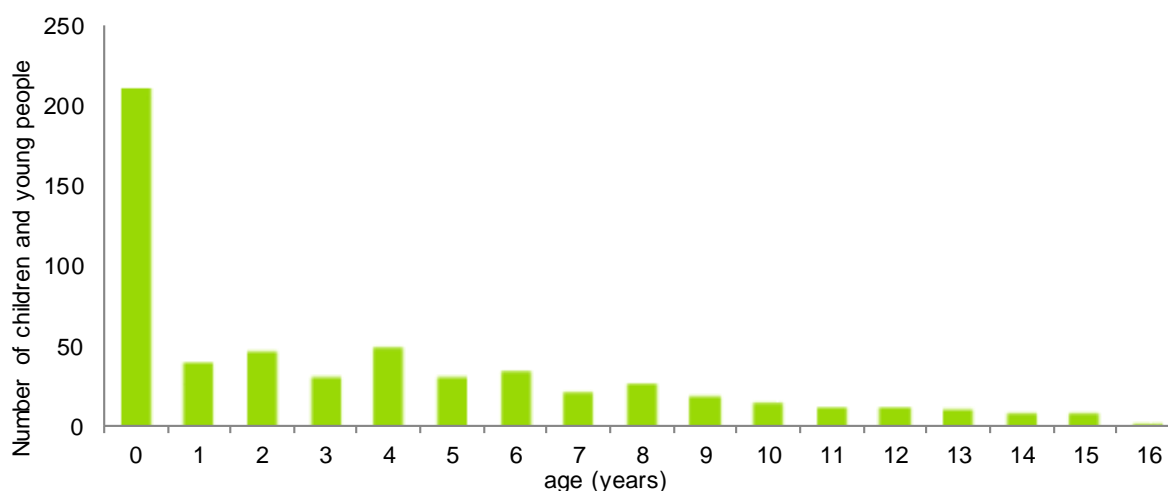
A Sheriff may grant a Child Protection Order to address emergency and/or high risk situations where measures need to be put in place immediately to protect a child. The granting of this order requires the child to be removed to (or kept in) a place of safety away from home. For this to be considered, a child must be at risk of significant harm.

Table 1.1 Children with Child Protection Orders, by year

	2017/18	2018/19	2019/20	2020/21
Number of children	619	562	547	570

The number of children with Child Protection Orders increased in the year (up 4.2%), after three years of decrease. Proportionately, more Child Protection Orders are granted for very young children (especially new-born babies), than any other age, reflecting their high risk and vulnerability and requirement for immediate protection.

Figure 1.2 Children with Child Protection Orders granted, by age, in 2020/21



Of the 570 children with Child Protection Order referrals received in 2020/21, 99 (17.4%) were aged under 20 days at the date of receipt, 210 (36.8%) were aged under one year and 249 (43.7%) were aged under two years.

3 More information about GIRFEC can be found here - <http://www.gov.scot/Topics/People/Young-People/gettingitright/what-is-girfec>

Joint reports to the Reporter and Procurator Fiscal

Where a child is alleged to have committed an offence described in the Lord Advocate's Guidelines⁴, the police will make a joint report to the Procurator Fiscal (PF) and the Reporter. Following discussion with the Reporter, the PF will decide whether to deal with the case or refer it to the Reporter.

For children aged under 16, only the most serious alleged offences result in joint reports. As per the note on page 4, some children aged 16 and 17 can be referred to the Reporter under certain circumstances. When the police charge these children with an alleged offence, they will usually be the subject of a joint report to both the PF and the Reporter, followed by a discussion about who will deal with the offence. In certain limited circumstances, (in terms of the Government's Early and Effective Intervention Framework) offences committed by 16 and 17 year olds may only be referred to the Reporter, but also if the offence is particularly minor, the police can decide to take no formal action or use Police Direct Measures.

Joint reports can be categorised into two distinct groups; joint reports where a child has been taken into custody by the police; and joint reports with no custody element. For 2020/21 onwards, if a joint report is received for a child not known to us, the joint report will be deleted if the report is retained by the PF. Therefore joint reports will only be counted where there is either an existing child record or if a child record is created because the case has been retained by the Reporter.

Table 1.2 Number of children with joint reports to the Reporter and PF, by year

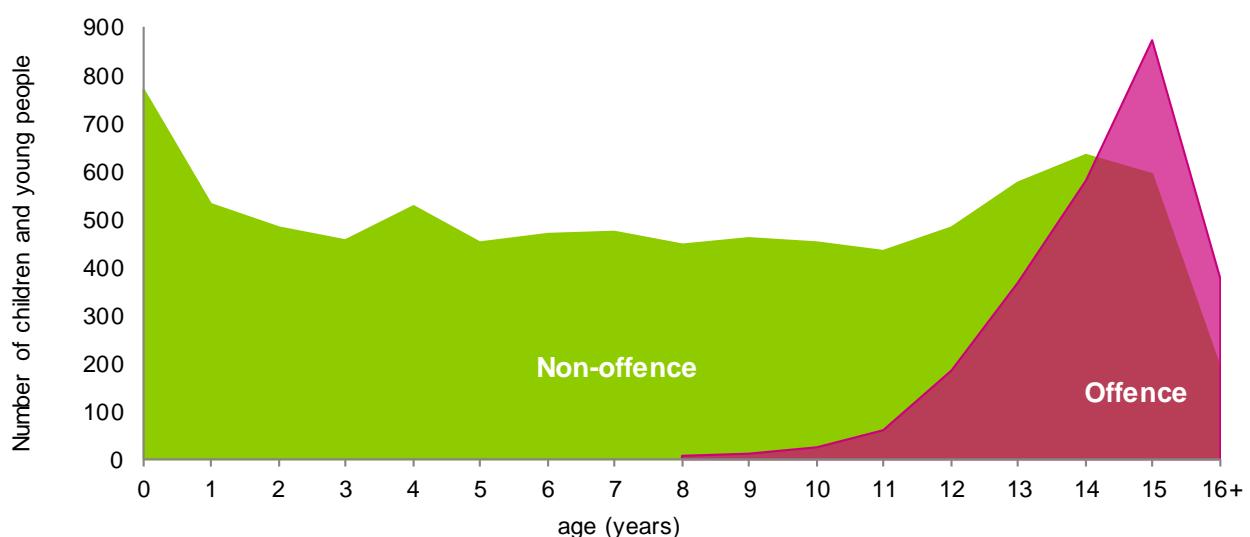
Type of joint report	2017/18	2018/19	2019/20	2020/21
Children - not in custody	1,175	1,142	1,224	1,078
Children - in custody	41	29	45	56
Total children with joint reports	1,191	1,147	1,228	1,090

In 2020/21, 1,090 children had 2,412 joint reports. Of these, 55.3% (1,333) were for children aged 16 or over while 44.7% (1,079) were for children aged under 16. The majority of joint reports were made while the child was not in custody, 1,078 children with 2,327 reports, (several had joint reports on more than one occasion). Of these joint reports where the PF had made a decision, 71.7% of cases were subsequently referred to the Reporter. In addition, 85 joint reports were made for 56 children in custody. Of those joint reports where the PF had made a decision, 77.6% of cases were retained by the PF.

Age of children referred

The most common ages for children to be referred to the Reporter remain 14 and 15 years. This year, most likely as a result of the changing patterns due to the pandemic, the most common age for children to be referred on care and protection grounds was under 1 as shown in figure 1.3 below, as opposed to 13 and 14 years in 2018/19 and 2019/20.

Figure 1.3 Children referred on offence and non-offence grounds, by age, in 2020/21



⁴ [To Chief Constables: Reporting to Procurator Fiscals of Offences Alleged to have been Committed by Children](#)

Sex of children referred

The number of females referred to the Reporter fell by 24.0% (from 5,505 to 4,182) while the number of males decreased by 25.6% (from 7,338 to 5,463)⁵. These changes occurred due decreases for females referred for care and protection and offences (24.0% and 28.7% respectively) while males referred for both care and protection and offence referrals decreased (by 27.9% and 20.4% respectively).

Table 1.3 Sex of children referred in 2020/21, by referral type

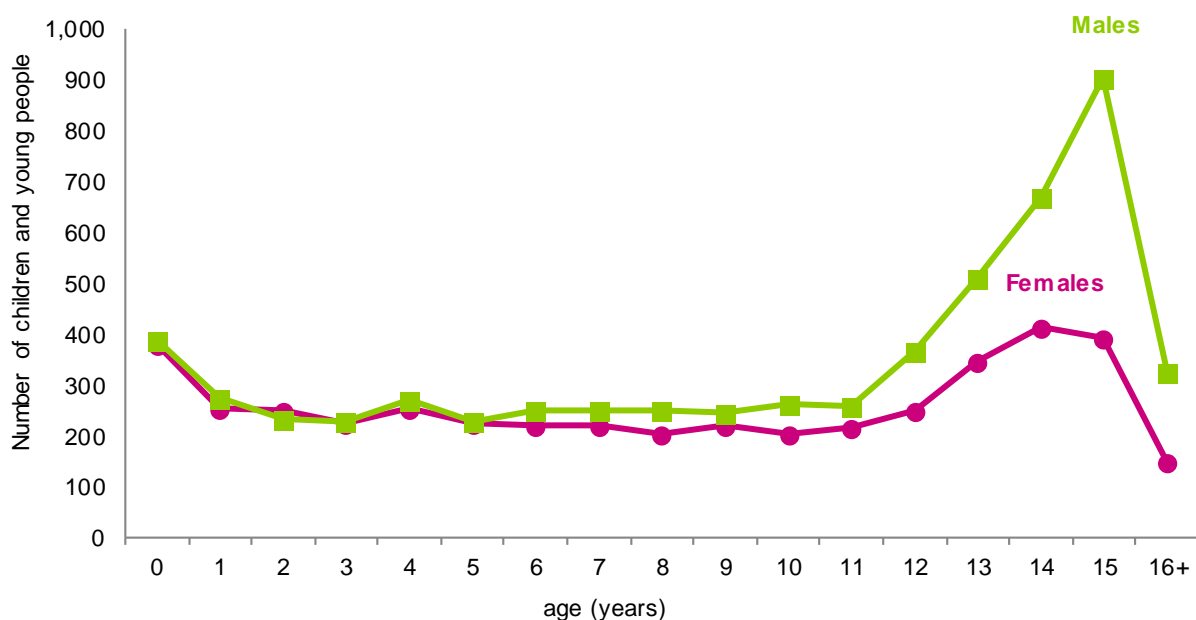
F = Female M = Male	Non-offence*		Offence*		All grounds	
	F	M	F	M	F	M
Number of children	3,863	4,132	484	1,720	4,182	5,463
Proportion by sex	48.3%	51.7%	22.0%	78.0%	43.4%	56.6%
Change from 2019/20	-24.0%	-27.9%	-28.7%	-20.4%	-24.0%	-25.6%

* Some children were referred on both offence and non-offence grounds. These totals count every child referred to the Reporter during the year once.

Age and sex of children referred

In line with Child Protection Orders, significant numbers of children were referred in 2020/21 before their first birthday. For the majority of children who were aged under one year, the referral was on grounds of lack of parental care or having close connection with a person who has carried out domestic abuse. Referral rates then remain reasonably consistent before increasing from ages 12 to 15 years.

Figure 1.4. Children referred, by sex and age, in 2020/21



⁵ Twenty children had no sex recorded on SCRA's Case Management System.

Grounds on which children were referred to the Reporter

The reasons (grounds) on which children are referred to the Reporter are those set out in section 67(2) of the Children's Hearings (Scotland) Act 2011, and are summarised in Table 1.4. The table also includes splits to show whether children were subject to a Compulsory Supervision Order at the point of referral.

'Lack of parental care' was the most common ground of referral followed by 'offence', 'close connection with person who has carried out domestic abuse' and 'child's conduct harmful to self or others'.

Table 1.4 Number of children referred in 2020/21, by section 67 ground and Compulsory Supervision Order status at the point of referral

Section 67 ground	On order	Not on order	Total
(a) Lack of parental care	230	3,234	3,449
(b) Victim of a Schedule 1 offence	85	663	746
(c) Close connection with a Schedule 1 offender	18	248	266
(d) Same household as a child victim of Schedule 1 offender	30	183	213
(e) Exposure to persons whose conduct likely to be harmful to child	165	565	719
(f) Close connection with a person who has carried out domestic abuse	172	1,799	1,961
(g) Close connection with Sexual Offences Act offender - Parts 1, 4 & 5	3	78	81
(h) Accommodated and special measures needed	1	36	37
(i) Permanence order and special measures needed	1	7	8
(j) Offence	767	1,488	2,198
(k) Misuse of alcohol	14	11	25
(l) Misuse of a drug	6	15	21
(m) Child's conduct harmful to self or others	325	645	946
(n) Beyond control of a relevant person	27	70	97
(o) Failure to attend school without reasonable excuse	12	350	362
(p) Pressure to enter into civil partnership (or same household as such a child)	0	0	0
(q) Force to marry (or same household as such a child)	0	<5	<5
No grounds apply**	71	597	667
Total children referred*	1,429	8,360	9,665

* A child may be referred to the Reporter more than once in the year on the same and/or different grounds and may be on a Compulsory Supervision Order at the point of referral at one time and not on a Compulsory Supervision Order at another. These totals count every child referred to the Reporter during the year once.

** The Reporter does not assign a section 67 ground until the point of final decision on our new case management system therefore some referrals may not have a ground assigned when they were counted. In addition, some will have been processed under the old methodology of adding a ground at receipt.

Children referred on care and protection grounds

The average ages of children referred on care and protection grounds are outlined below. Grounds codes (p) and (q) are excluded due to low or zero counts. The grounds codes are described in full in Table 1.4 on page 10.

Figure 1.5 Average age of children referred on non-offence grounds in 2020/21

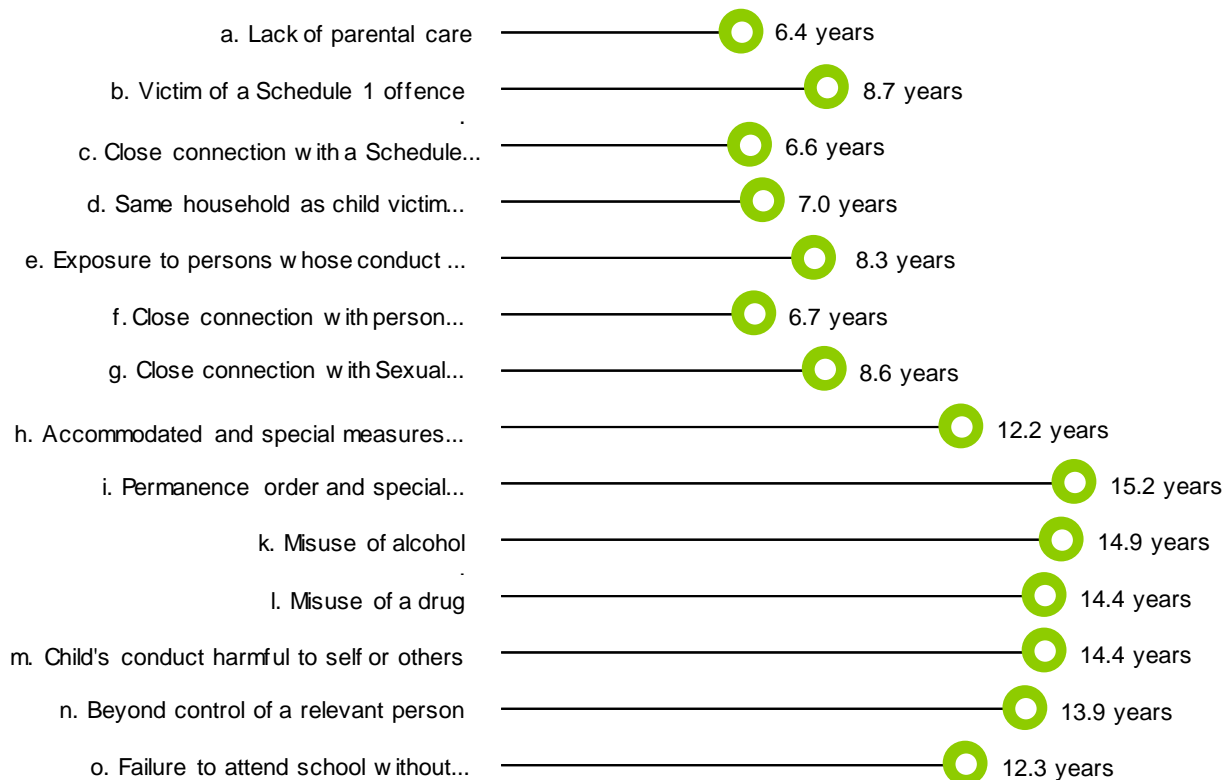


Figure 1.5 shows that there is a clear split in age profiles between a – g grounds which have a younger average age and the other care and protection grounds where the average age is older.

For the most common ground, lack of parental care, children of all ages were referred but numbers generally decreased with age. More children were referred in the first year of their life than any other age (502). This was 14.6% of the children referred on this ground.

The number of children referred under 'close connection with person who has carried out domestic abuse' again generally decreased with age, with very young children more likely to be referred on this ground, with more referred in the first year of their life than any other age (230). This was 11.7% of children referred on this ground.

Other common grounds of referral such as 'victim of Schedule 1 offence' and 'exposure to persons whose conduct likely to be harmful to child' were common throughout the childhood years but were highest for 15 and 9 year olds respectively.

There were notable differences in the ages of children referred to the Reporter on several other care and protection grounds. Older children were more likely to be referred on the grounds of, 'beyond control of a relevant person', 'child's conduct harmful to self or others', 'misuse of alcohol' and 'misuse of a drug'.

Whilst the patterns for these are similar to prior years, the low numbers, especially around drug and alcohol referrals makes it difficult to draw conclusions from the data.

Children referred on offence grounds

In 2020/21, 2,207 children aged between eight and 17 years were referred to the Reporter on offence grounds. These children were referred for 9,142 alleged offences on 5,282 referrals. The offences have been mapped to the standard police crime groupings⁶ to provide consistency with other publications. Please note that the 9,142 alleged offences is an undercount as due to issues with automatically loading charges onto referrals in the early days of our new systems, 294 offence referrals have no charges applied.

Table 1.5 Number of alleged offences by police crime grouping and year

Police offence code group	2017/18	2018/19	2019/20	2020/21
Non-sexual crimes of violence	215	183	226	167
Sexual crimes	422	482	479	381
Crimes of dishonesty	2,837	2,487	1,953	1,260
Fire-raising, vandalism etc.	2,337	2,044	1,769	1,339
Other crimes	1,355	1,302	1,461	1,075
Miscellaneous offences	7,134	6,864	6,370	4,600
Motor vehicle offences	315	278	299	320
Total alleged offences	14,615	13,635	12,557	9,142

Within these groupings, the most common types of alleged offences were threatening or abusive behaviour, assault and vandalism. The Reporter has the power to change the type of alleged offence based upon information received during the course of an investigation.

Figure 1.6 shows that there was a similar split between children and young people with a single alleged offence in the year (37.9%) and those with two to five alleged offences (42.4%) in 2020/21. Also, there was an almost equal split between children and young people with six to nine alleged offences (9.5%) and ten or more alleged offences (10.2%). Please note, any referrals with no charges will be counted for the purposes below as having one charge.

Figure 1.6 Number of alleged offences per child referred on offence grounds in 2020/21



⁶ Further detail on crime groupings can be found here: [Recorded Crime in Scotland, 2019-2020](#). Miscellaneous offences include assault, breach of the peace and threatening or abusive behaviour. Other crimes include resisting arrest, carrying offensive weapons and possessing drugs amongst others.

Referrals to the Reporter

This section presents information about the numbers of referrals received by SCRA over the period 1st April 2020 to 31st March 2021 with comparisons to prior years. It looks at the types of referral, the source of referrals and whether the child was subject to compulsory measures of supervision when the referral was received.

Key facts:



Referrals received decreased by 22.9% from 2019/20



75.1% of referrals were from the police



of referrals received were for children not subject to a Compulsory Supervision Order

Referrals received

In 2020/21, 17,082 referrals were received by the Reporter, this was a 22.9% decrease from 2019/20 levels. Care and protection referrals decreased by 22.3% to 11,800 while offence referrals decreased by 24.3% to 5,282. As with the rest of this report, referrals received have been significantly impacted by the pandemic.

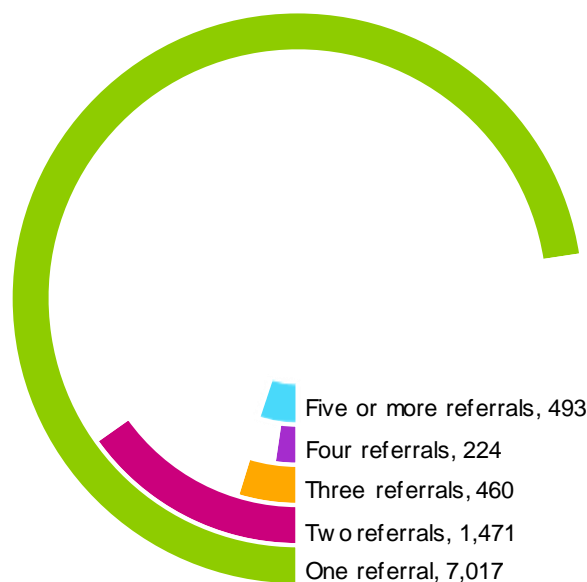
Care and protection referrals have decreased annually since 2006/07, the exception to this being a slight increase in 2015/16. Offence referrals decreased significantly between 2005/06 and 2012/13, since then, with the exception of this year, year on year changes have been smaller. Full details of referral rates alongside other SCRA statistics over time can be accessed through SCRA's [Online Statistical Dashboard](#).

Table 2.1 Numbers of referrals received, by type and year

Type of referral	2017/18	2018/19	2019/20	2020/21
Offence	8,548	7,763	6,978	5,282
Non-offence	16,583	15,377	15,179	11,800
Total referrals	25,131	23,140	22,157	17,082

Referrals per child varies depending on the type of referral. For care and protection referrals, 77.1% had a single referral in the year, this compares with 60.3% of children referred on offence grounds having a single offence referral in the year. Overall, most children (72.6%) were referred only once in the year, with 5.1% referred five or more times. The number of referrals received per child in 2020/21 is shown in Figure 2.1.

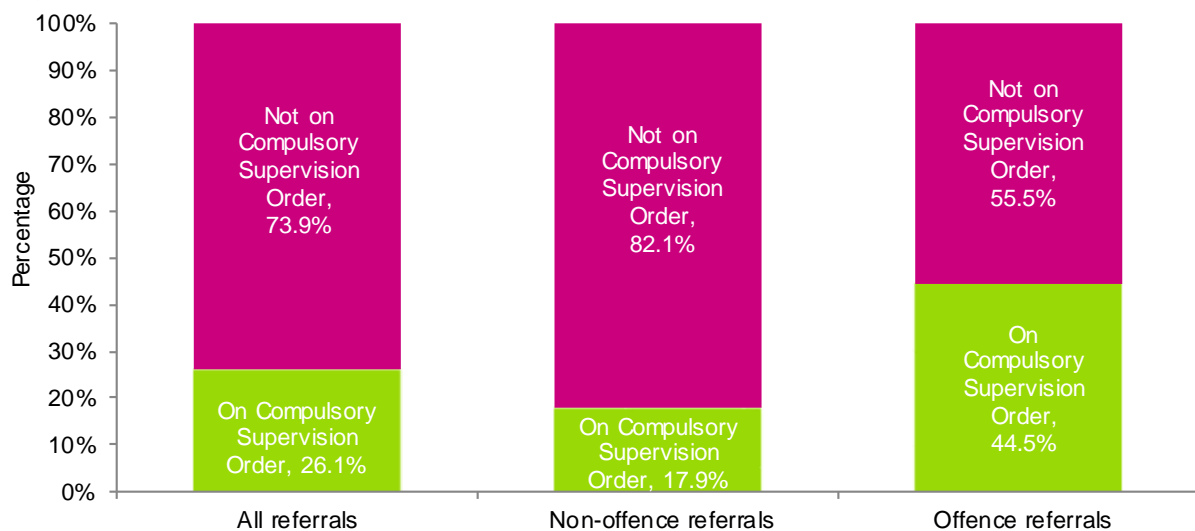
Figure 2.1 Number of referrals received per child in 2020/21



Referrals received by Compulsory Supervision Order status

In most cases, the child was not subject to a Compulsory Supervision Order at the point of referral, see Figure 2.2. Overall, 26.1% of referrals received (4,459) were for children subject to a Compulsory Supervision Order at the point of referral. This was the case for 17.9% of care and protection referrals (2,107) and 44.5% of offence referrals (2,352). This reflects Early and Effective Intervention guidance that says that there is a presumption that where the police charge a child on a Compulsory Supervision Order with an offence, they will refer the child to the Reporter. Page 22 contains more information about Compulsory Supervision Orders.

Figure 2.2 Referrals received by Compulsory Supervision Order status at receipt in 2020/21

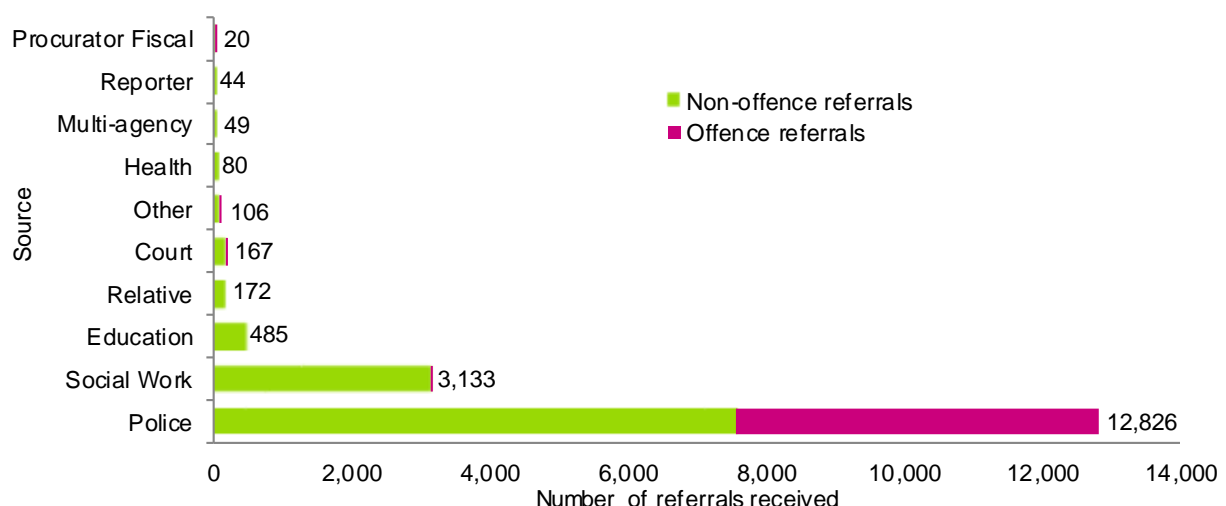


Males were more likely to be subject to a Compulsory Supervision Order at the point of receipt of a referral (28.8%) than females (22.2%). The difference is mainly due to the fact that a greater proportion of referrals for males are on offence grounds than for females; and children referred on offence grounds are more likely to be subject to a Compulsory Supervision Order at the receipt of the referral than is the case for care and protection referrals.

Source of referrals

The police are the main source of referrals, comprising 75.1% of all referrals to the Reporter in 2020/21 - 99.5% of all offence referrals and 64.2% of all care and protection referrals. Despite the overall change in referral numbers, the proportions from the police were largely unchanged.

Figure 2.3 Referrals received by source in 2020/21



Additional and duplicate referrals

In addition to the referrals reported on above, SCRA also receives referrals which are classified as duplicates or additional. For a referral to be recorded as such, the following criteria should be met:

Duplicate referral

- There is an open referral with any ground;
- It relates to the same incident or similar broad concerns as the open referral; and
- There is no significant additional information.

Additional referral

- There is an open referral which reflects an on-going concern or pattern of behaviour;
- It relates to the similar broad concerns as open referral; and
- It includes significant additional information.

In practice, these referrals still require work and the information in them will be taken into account in Reporter's decisions about whether to arrange a Children's Hearing for a child. Therefore, the decision has been taken to include these within the statistics as a separate table. The split between additional and duplicate referrals is shown below. These counts are not included in the other referral receipt or child counts.

Table 2.2 Numbers of additional and duplicate referrals received, by type and year

Type of referral	2017/18	2018/19	2019/20	2020/21
Additional	1,836	2,086	2,328	1,226
Duplicate	840	615	655	
Total referrals	2,676	2,701	2,983	1,226

Please note that offence referrals should not be categorised as additional or duplicate referrals in line with practice guidance but in reality, some offence referrals were recorded as such in our prior system.

Recording under our new system no longer has categories of additional or duplicate. All additional or duplicate referrals which were migrated from the previous system have been categorised in a single category of legacy which is why there is only one value in table 2.2 above.

Reporter decisions on children referred

This section presents information about the investigations Reporters within SCRA undertake with partner agencies to make decisions on children's cases along with the decisions which have been made over the period 1st April 2020 to 31st March 2021.

Key facts:



22%

of children had a Reporter decision to arrange a Hearing

'Compulsory Supervision Order not necessary'

was the most common Reporter decision

Reporter investigations

Reporters investigate where necessary, when a referral is received, to assist them in considering the likely need for compulsory measures. They do so by obtaining information on the child and their circumstances from relevant agencies. Some of this information may now be provided at the point of referral rather than requiring to be requested. There is a wide network of partner agencies that Reporters can ask for information, with the main agencies outlined in Table 3.1.

Table 3.1 Number of communications requested by the Reporter, linked to investigations by receiving agency

Agency	2020/21
Social Work	4,976
Education	734
Health	386
Other	32
Total requests	6,128

Reports are now linked to investigations therefore this year's data only includes those report requests within an investigation. This means that the numbers are not comparable with prior years. It is also likely that recording of communications around the implementation time of the new system will be variable so the numbers here may be lower than they actually were.

The level of information required in each report can vary significantly. For social work requests, depending on the report type, the Reporter can request anything from background information about the child referred, to a comprehensive assessment of the child's situation that would involve social work contacting the family as well as any other agencies involved in the child's upbringing.

In many areas the GIRFEC approach means that where the Reporter requests a comprehensive report, it is always a multi-agency assessment that is provided through social work, a practice which significantly impacts the number of single agency assessments received.

Education authorities can be asked by the Reporter to provide information about a child's attendance at school or about their behaviour.

Health (utilising information from health visitors, community psychiatric nurses and Children and Adolescent Mental Health Services) can provide relevant information on the impact on the child or family of particular health issues. The information that health visitors provide is especially important as it can indicate if the child is failing to thrive (through growth centiles and developmental measures).

The family is invited to provide any relevant information when they are notified that a referral has been received by the Reporter. This allows the family to inform the Reporter of any factors that may affect a Reporter decision on the referral i.e. any changes in circumstances or any measures the family have taken as a result of the referral.

Reporter decision making

Once any required information has been received, the Reporter will analyse the situation and make a decision about whether to arrange a Children's Hearing based on:

- whether a section 67 ground applies in relation to the child i.e. whether there is sufficient evidence such that there is a realistic prospect of the ground being proven in court; and
- whether, if sufficient evidence exists, it is necessary to have compulsory intervention in the child's life.

Where the Reporter has arranged a Children's Hearing, they will, if they have not previously done so, request a report for information about the child from the local authority (LA).

Reporters have other options available to them to find the right help for children. The other decisions that a Reporter may make in relation to a referred child include asking the local authority to provide voluntary advice, guidance and assistance to the child, and not arranging a Children's Hearing as the child is already subject to a compulsory order that is sufficient to address the child's needs. In addition, the Reporter will decide not to arrange a Children's Hearing if there is insufficient evidence of any ground or if the Children's Hearing would not have jurisdiction over the child.

Table 3.2 Number of children with reporter decisions in 2020/21*, by decision

Reporter decision	Non-offence	Offence	Total
Arrange a Children's Hearing (on new grounds)	2,097	79	2,150
No Hearing - CSO not necessary	2,790	831	3,520
No Hearing - CSO not necessary and refer to LA	2,630	533	3,041
No Hearing - Current order/measures sufficient	1,062	883	1,682
No Hearing - Insufficient evidence	571	131	695
No Hearing - Insufficient evidence and refer to LA	86	6	92
No jurisdiction	25	10	35
Total**	8,166	2,124	9,698

* Data in this table relates to cases decided in 2020/21 as opposed to referrals received in 2020/21.

** The totals do not equal the sums as children can be referred more than once in the year and may have multiple Reporter decisions. The totals count each child once.

The decisions available to Reporters have been updated in our new system. To help with being able to read across years, the mappings from our previous system are as follows:

Arrange a Children's Hearing (on new grounds) is unchanged

No Hearing - CSO not necessary maps to - *No Hearing - diversion to other measures;
No Hearing - family have taken action; and
No indication of a need for compulsory measures.*

No Hearing - CSO not necessary and refer to LA maps to *No Hearing - refer to local authority*

No Hearing - Insufficient evidence maps to *No Hearing - insufficient evidence to proceed*

No Hearing - Current order/measures sufficient maps to - *No Hearing - measures already in place*

The other two decisions, No Hearing - Insufficient evidence and refer to LA and No jurisdiction had no equivalent mapping from our prior system therefore any data in these will purely come from decisions recorded on our new system.

In 2020/21, 22.2% of children (2,150) with cases decided had a Reporter decision to arrange a Children's Hearing on at least one referral. In many cases, for children who are referred for offending where the Reporter decides compulsory intervention is necessary, the Reporter adds an additional non-offence referral and it is this which is taken to the Children's Hearing.

Children's Hearings and court work

This section presents information about the work undertaken by Children's Hearings and courts (in relation to Children's Hearings) over the period 1st April 2020 to 31st March 2021 with comparisons to prior years. It also covers the reasons for Pre-Hearing Panels and Children's Hearings and the outcomes of court work.

Key facts:



Pre-Hearing Panels were largely not required in 2020/21 due to legislation



Children's Hearings decreased by 46% from 2019/20



% of applications for proof had the grounds established

Pre-Hearing Panels held

Pre-Hearing Panels are convened before some Children's Hearings to consider any special arrangements needed for the Children's Hearing. These are:

- whether to deem/und deem an individual as a relevant person; and
- whether to excuse a child or relevant person from the obligation to attend the Children's Hearing.

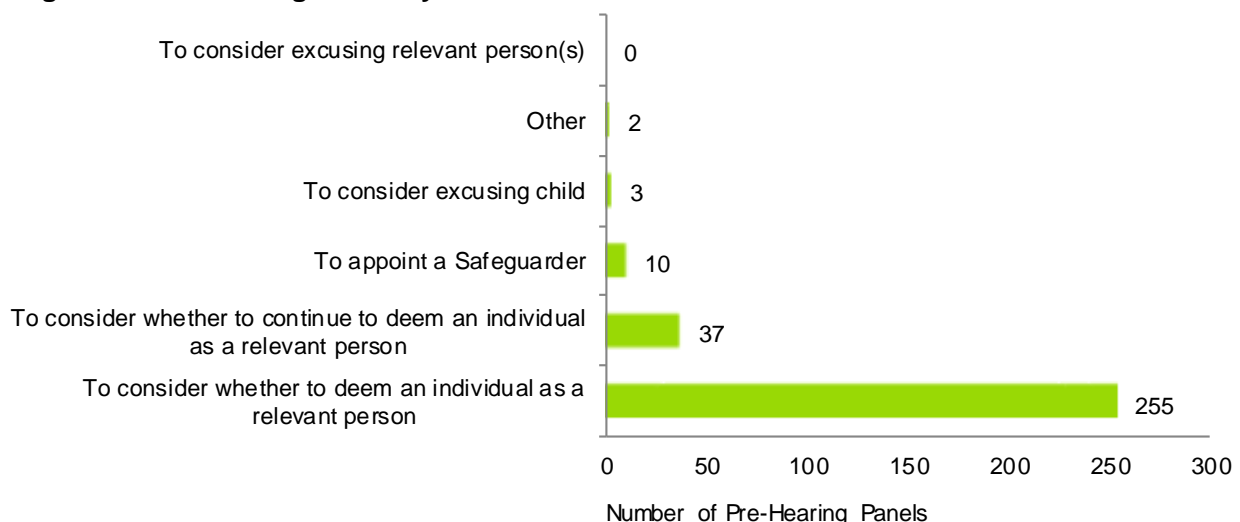
In addition, Pre-Hearing Panels can also appoint a Safeguarder for the child or arrange legal representation for a child or relevant person. As well as the reasons for Pre-Hearing Panels, figure 4.1 shows the instances of Safeguarder appointments within the year.

Normally, the vast majority of Pre-Hearing Panels (87% in 2019/20) are convened to consider excusing a child. Under the Coronavirus Act provisions, Hearings can proceed without individuals being present, and this is reflected in figure 4.1 and also the overall totals.

Table 4.1 Pre-Hearing Panels held, by year

	2017/18	2018/19	2019/20	2020/21
Number of Pre-Hearing Panels	3,888	3,809	3,873	293

Figure 4.1 Pre-Hearing Panels by reason* in 2020/21



* Children can have more than one reason considered at a single Pre-Hearing Panel. The totals in Table 4.1 count each Pre-Hearing Panel once.

In 2020/21, 293 Pre-Hearing Panels were held for 278 children, this is a 92.4% decrease from the previous year.

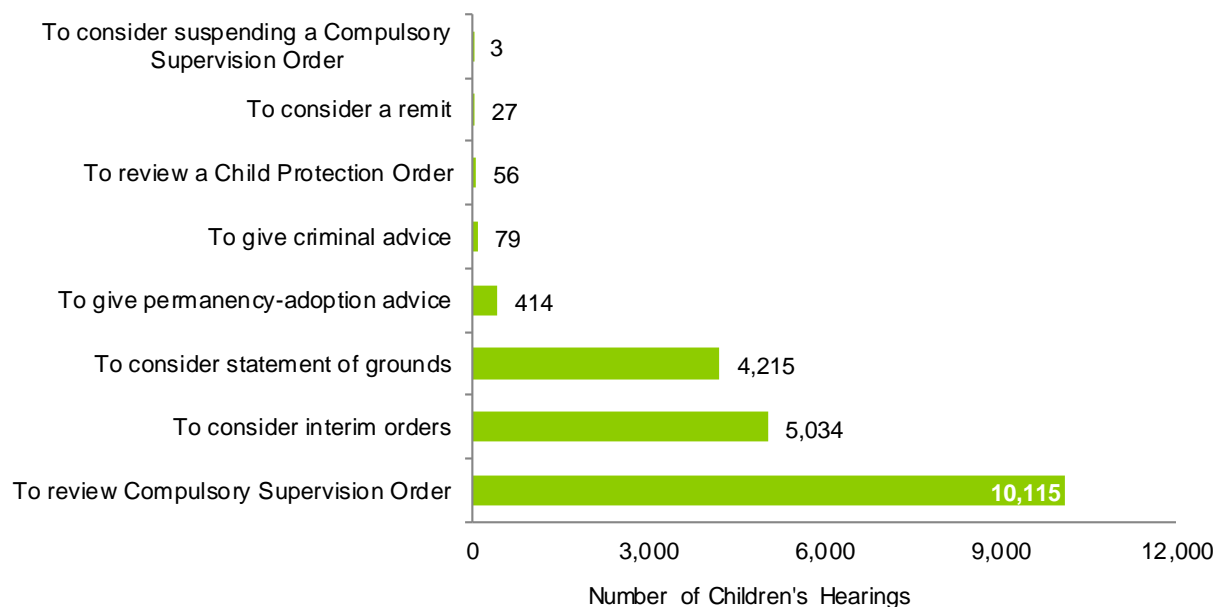
Children's Hearings held

Children's Hearings decide whether compulsory measures of supervision are necessary (in respect of the child) to protect the child and/or address their behaviour. The reasons for Children's Hearings being arranged are shown in Figure 4.2 below. The two most common reasons are: to review an existing Compulsory Supervision Order; or where the Reporter has decided, after investigating a referral, that the child requires compulsory measures of supervision.

Table 4.2 Children's Hearings held, by year

	2017/18	2018/19	2019/20	2020/21
Number of Children's Hearings held	32,553	31,653	30,363	16,248

Figure 4.2 Children's Hearings by reason* in 2020/21



* Children can have more than one reason considered at a single Children's Hearing. The totals in Table 4.2 count each Hearing once.

In 2020/21, 16,248 Children's Hearings were held for 8,977 children. This was a 46.5% decrease from 2019/20. The emergency legislation provisions significantly reduced the requirement for Hearings in the year with Compulsory Supervision Orders being extended for an additional six months and interim orders being able to last 44 rather than 22 days. 2nd working day Hearings for Child Protection Orders were also not required. This all helps to explain the differences seen when compared to 2019/20.

Of the children with Children's Hearings in the year, 60.2% had a single Hearing, with 5.1% having five or more Hearings.

Children's Hearings deferred

In most Children's Hearings, Panel Members can defer (postpone) the Children's Hearing until a later date if required. Figure 4.3 shows these reasons. Overall, 22.9% of Children's Hearings (3,713) were deferred. Please note, reasons for deferment are not currently held as data within SCRA's new case management system so no further breakdown is available.

Children's Hearings unable to proceed

At a grounds hearing, the Children's Hearing may decide not to proceed and instead will require the Reporter to arrange another grounds Hearing. This will normally happen if the child has not attended and has not been excused in advance at a Pre-Hearing Panel, or if a relevant person has not attended. In 2020/21, there were 113 such decisions. As noted earlier in the report, the requirement to attend was removed by the Coronavirus (Scotland) Act 2020.

Child Protection Orders and interim orders

Many short-term decisions made by Children's Hearings will be to address emergency and/or high risk situations where measures have to be put in place immediately to protect children or address their behaviour. These may include Children's Hearings arranged as a result of the Sheriff granting a Child Protection Order.

In 2020/21, Children's Hearings considered the cases of 570 children with 579 Child Protection Orders under sections 45 or 46 of the Children's Hearings (Scotland) Act 2011. As there was no requirement to hold a 2nd working day Hearing, there are no accompanying figures around those which were continued, continued and varied or recalled.

Children's Hearings also made, varied or continued 5,387 interim orders as defined under sections 86 and 140 of the Children's Hearings (Scotland) Act 2011 for 2,037 children in 2020/21. Due to how extensions of interim orders were recorded in our previous system, (an additional order was added to the system) and the issues identifying those additional orders, the order count is likely to be an overstatement while the child count will be more accurate.

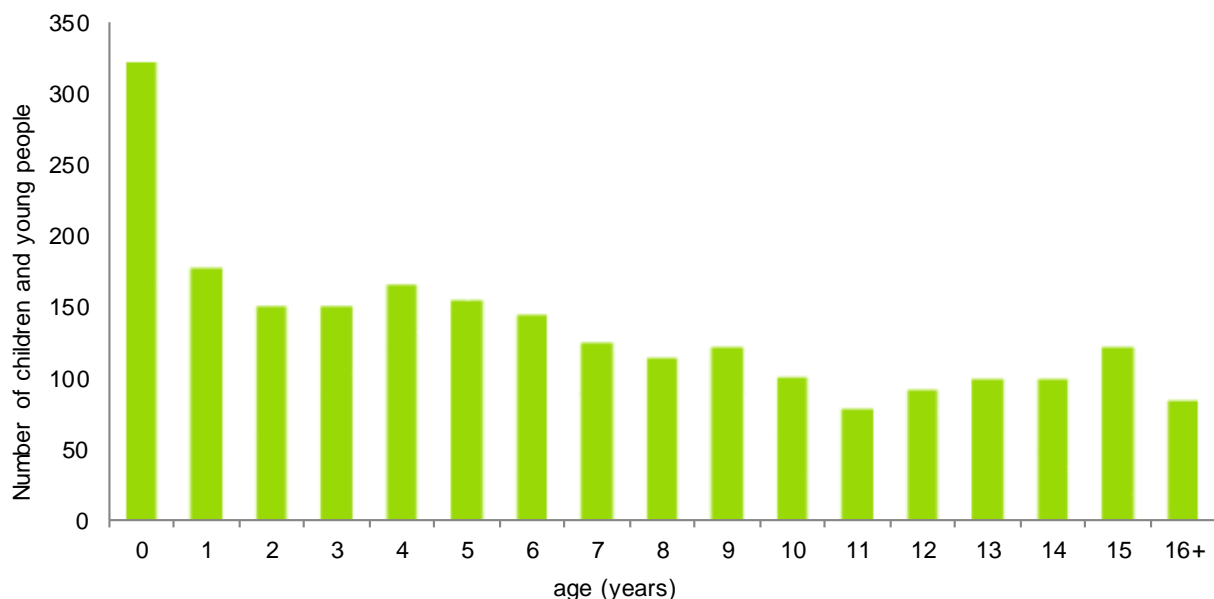
Interim orders in the form of Interim Compulsory Supervision Orders can be used to protect the child whilst grounds for referral are in the process of being determined at proof. Interim Variations of Compulsory Supervision Orders can also be made which can change the measures attached to a current Compulsory Supervision Order.

Table 4.3 Children with interim orders, by year

	2017/18	2018/19	2019/20	2020/21
Number of children	2,631	2,614	2,499	2,037

Interim orders numbers are highest for children aged under one, but are also common for all age groups. Numbers are showing a downwards trend.

Figure 4.3 Children with interim orders made by Children's Hearings, by age, in 2020/21



Applications to the Sheriff for proof

If the child and/or their relevant persons do not accept some or all of the statement of grounds for referral which form the basis of the Children's Hearing, or the child does not or cannot understand the grounds, the Children's Hearing may direct the Reporter to apply to the Sheriff to determine whether the statement of grounds for referral is established (sections 93 and 94 of the Children's Hearings (Scotland) Act 2011). Overall, 1,699 applications were determined for 1,622 children in 2020/21 and 86.1% were held to be established by the Sheriff.

When an application to the Sheriff for proof has been established, the grounds are referred back to a Children's Hearing to decide what/if compulsory measures are necessary.

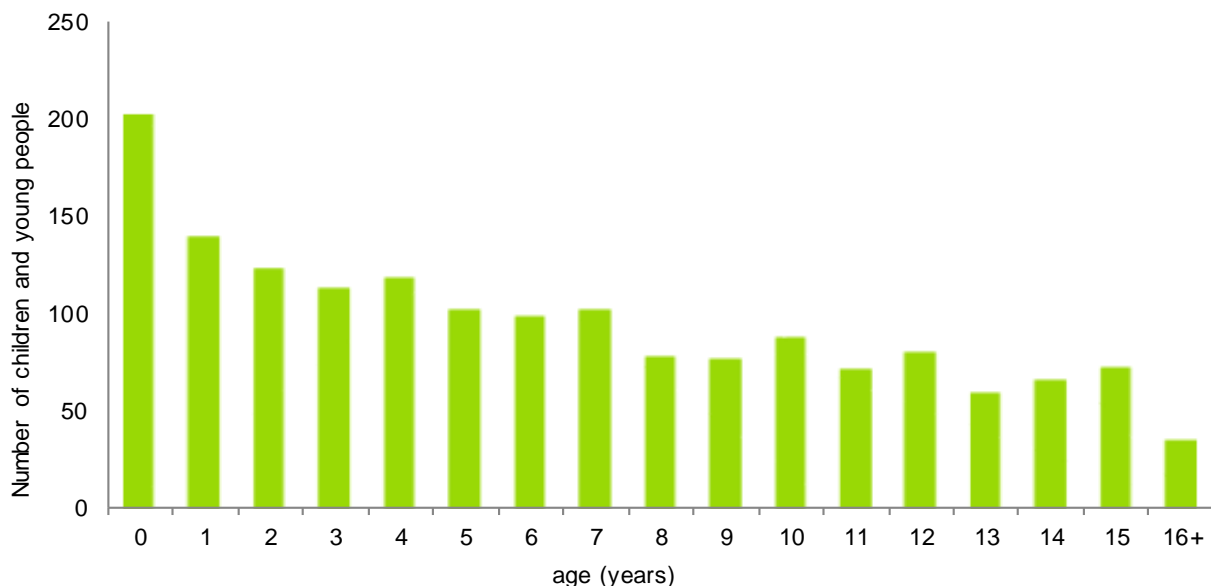
Table 4.4 Applications to the Sheriff for proof determined, by year

	2017/18	2018/19	2019/20	2020/21
Number of applications determined	2,796	2,837	2,763	1,699

The number of concluded applications for proof decreased by 38.5% from the previous year.

Applications for proof may require several callings (court dates) before the application is determined. In 2020/21, including applications not yet determined, there were 7,235 callings recorded for 2,139 children. As with interim orders and Child Protection Orders, numbers are highest for children aged under one. The age at determination of the application for children is shown in Figure 4.5 below.

Figure 4.4 Children with applications determined, by age, in 2020/21



Applications to the Sheriff to consider interim orders

Interim orders in the form of Interim Compulsory Supervision Orders can be used to protect the child whilst grounds for referral are in the process of being determined at proof.

At the conclusion of a proof at which the Sheriff has found the statement of grounds for referral to be established, the Sheriff can also make an Interim Compulsory Supervision Order, or, if the child is already the subject of a Compulsory Supervision Order, can make an Interim Variation of the Compulsory Supervision Order to change the measures attached to the current order. These interim orders normally last for a maximum of 22 days but can be extended to 44 days under the emergency legislation.

Sheriffs made, varied or continued 3,424 interim orders in 2020/21 for 1,081 children. As is the case with interim orders at Hearings, this is likely to be an overestimate of orders due to how extensions have been recorded on the system.

Compulsory Measures of Supervision

This section presents information about Children's Hearings decisions and Compulsory Supervision Orders in force in 2020/21. It also covers the number of secure authorisations and non-disclosure measures put in place by Children's Hearings in 2020/21 with comparisons to previous years.

Key facts:



Compulsory Supervision Orders have decreased for the eleventh consecutive year

'14 and 15 years' are the most common ages for children to have Compulsory Supervision Orders

Children's Hearings decisions on grounds

Compulsory Supervision Orders are the most common form of compulsory intervention made by Children's Hearings. They are also the only longer-term option available to Children's Hearings. It is the statutory responsibility of local authorities to implement Compulsory Supervision Orders.

At Children's Hearings in 2020/21, 1,345 children had a new Compulsory Supervision Order made. This includes orders made as a result of grounds and remits from the criminal court under Section 49 of the Criminal Procedure (Scotland) Act 1995, see Table 5.1.

Table 5.1 Number of children with Children's Hearings decisions in 2020/21

Children's Hearing decision	Non-offence	Offence	S49 Remit	Total
Grounds accepted/established and new Compulsory Supervision Order made	1,323	21	4	1,345
Grounds accepted/established and considered in review of existing Compulsory Supervision Order	16	13	5	33
Grounds discharged	181	12	8	200
Total*	1,516	41	17	1,567

* The totals do not equal the sums as children can have more than one Hearing decision on different grounds contained within a referral or may have more than one referral on new grounds sent to a Hearing during the year or may have a Section 49 remit. The totals count each child once.

Children subject to Compulsory Supervision Orders

At 31 March 2021, 7,959 children were subject to Compulsory Supervision Orders. This is 0.9%⁷ of all children in Scotland. Compulsory Supervision Order types are not recorded on our new case management system, however, information around Compulsory Supervision Orders will expand for next year's report.

The number of children subject to Compulsory Supervision Orders has decreased for an eleventh consecutive year. Children aged under eight (at the start of the order) subject to Compulsory Supervision Orders at 31 March 2021 decreased by 10.4% to 3,252, while children aged eight and over (at the start of the order) decreased by 10.2% (to 4,707).

Table 5.2 Number of children and young people with Compulsory Supervision Orders in place at 31 March, by type and year

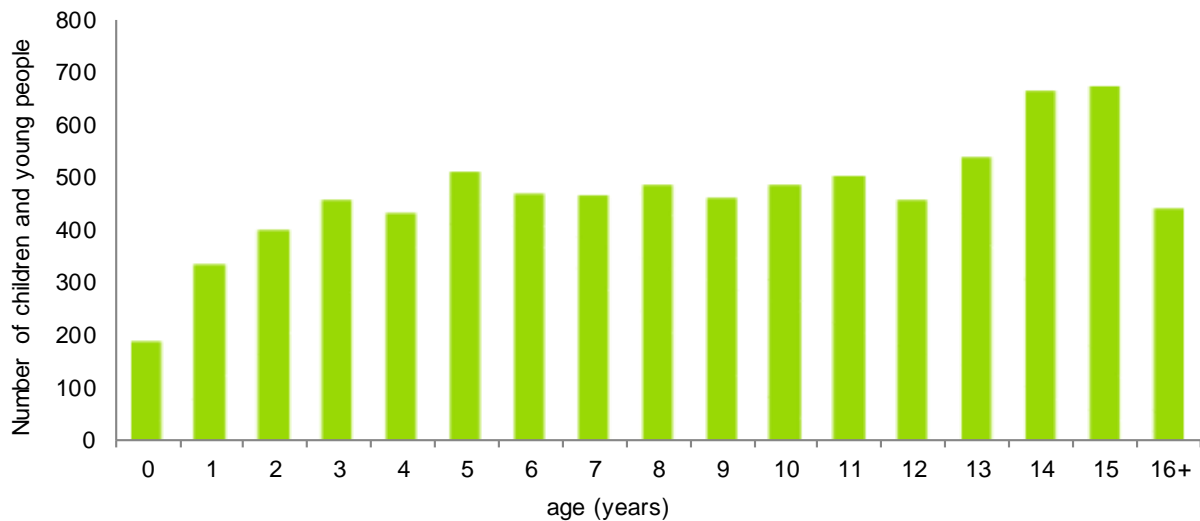
	2018	2019	2020	2021
Number of Compulsory Supervision Orders in force	9,493	9,206	8,875	7,959

⁷ % of population aged under 16 years, based on mid-year estimates for 2020 from the National Records of Scotland.

Compulsory Supervision Orders by age

The most common ages of children subject to Compulsory Supervision Orders continue to be 14 and 15 years. Figure 5.1 shows the number of Compulsory Supervision Orders by age at Compulsory Supervision Order made.

Figure 5.1 Children with Compulsory Supervision Orders in force, by age, at 31 March 2021



Length of time subject to Compulsory Supervision Orders

The link between decisions made at Children's Hearings and the number of Compulsory Supervision Orders is displayed in Table 5.3. This shows that the most common length of time to be subject to a Compulsory Supervision Order is between one and two years but that many children have been on supervision for a longer period of time. Normally, the most common length is under 1 year but this year again reflects the impact of the pandemic on the Children's Hearings System.

Table 5.3 Number of children with Compulsory Supervision Orders in place at 31 March 2021, by length of order

Length of Compulsory Supervision Order	Count	Percentage
Under 1 year	1,333	16.7%
1 – 2 years	2,071	26.0%
2 – 3 years	1,403	17.6%
3 – 4 years	909	11.4%
4 – 5 years	632	7.9%
5+ years	1,611	20.2%
Total	7,959	100.0%

For the majority of children subject to Compulsory Supervision Orders, the reasons which they came into the Children's Hearings' System was as a result of concerns about their care and protection. Of the 7,959 children subject to a Compulsory Supervision Order as at the 31st March 2021, 85.1% have only ever been referred on care and protection grounds.

Compulsory Supervision Orders terminated

When a Children's Hearing decides that a child no longer needs to be on supervision they will terminate the Compulsory Supervision Order. If not before, a Compulsory Supervision Order must end on a child's 18th birthday. Alternatively, Compulsory Supervision Orders can end if a court grants a Permanence Order following a request from a local authority.

Table 5.4 Number of children with Compulsory Supervision Orders terminated, by year

Compulsory Supervision Order terminations	2017/18	2018/19	2019/20	2020/21
Compulsory Supervision Order terminated	2,866	2,776	2,658	1,883
Permanence Order granted	534	418	452	196
Compulsory Supervision Orders terminated	3,397	3,194	3,110	2,079

Please note that permanence and adoption orders are not currently recorded within the case management system. The data for 2020/21 included in the table above is derived from manually checking files and is likely to be an undercount. Some orders were allowed to expire during the pandemic also, these will be included in the terminated figure above.

Secure Authorisations made by Children's Hearings

Secure Authorisations can be included in interim orders or Compulsory Supervision Orders. The criteria by which they can be made are set out in sections 83(5) and 83(6) of the Children's Hearings (Scotland) Act 2011.

Table 5.5 Number of children with Secure Authorisations made by Hearings, by year

Secure Authorisation measure	2017/18	2018/19	2019/20	2020/21
Within interim orders	114	116	97	73
Within Compulsory Supervision Orders	98	97	96	69

Children with Secure Authorisations included in interim orders decreased by 24.7% while those included in Compulsory Supervision Orders decreased by 28.1%. In total in 2020/21, 110 children had secure authorisations either within interim orders or within Compulsory Supervision Orders.

Non-disclosure Measures

A non-disclosure measure is a special provision attached to a child's order in instances when it is considered necessary to protect the address at which a child is required to reside by virtue of the order, due to significant concerns about their safety.

Table 5.6 Number of children with non-disclosure measures in place at 31 March, by type and year

Order type measure attached to	2018	2019	2020	2021
Interim order	92	76	81	84
Compulsory Supervision Order	805	776	749	723
Total non-disclosure measures⁸	882	843	823	807

As at the 31st March 2021, 723 children had non-disclosure measures attached to Compulsory Supervision Orders and 84 children had non-disclosure measures attached to interim orders. Overall, sixteen fewer children (1.9%) had non-disclosure measures in place at the year-end as a result of interim orders or Compulsory Supervision Orders than was the case at the 31st March 2020. SCRA continues to work with partner agencies to ensure that non-disclosure is only used where absolutely appropriate as well as internal work to review all current non-disclosure cases.

⁸ Some children had both Compulsory Supervision Orders and interim orders in place at the year-end with non-disclosure measures attached to both in prior years.

Appeals to the Sheriff

This section presents information about appeals to the Sheriff against decisions made by Children's Hearings in 2020/21 with comparisons to previous years.

Key facts:



Children with appeals concluded decreased for the sixth consecutive year



% of appeals were refused (Children's Hearing decision upheld) in the year

Appeals

Children and/or their relevant persons can appeal to the Sheriff against decisions made by Children's Hearings and Pre-Hearing Panels. In 2020/21, 397 children had 517 appeals concluded, a 24.6% decrease. A child may have multiple appeals within the year.

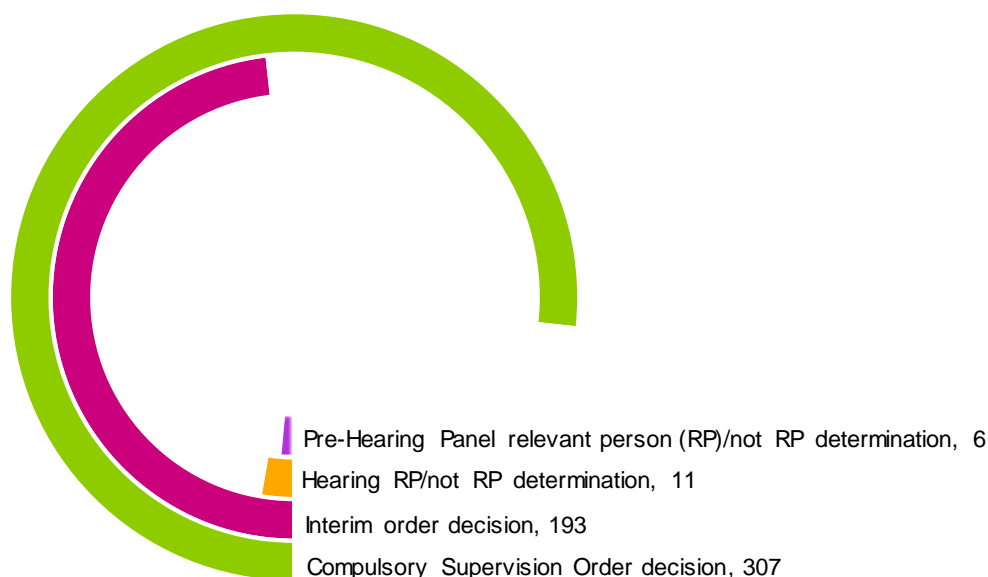
Table 6.1 Number of appeals to the Sheriff

Appeal outcomes	2017/18	2018/19	2019/20	2020/21
Number of children	668	651	557	397
Number of appeals concluded	914	824	686	517
% with Hearings' decisions upheld (appeal refused)	56%	57%	56%	54%

At appeal, 54.2% of children had Children's Hearings decisions upheld (the appeal was refused) by the Sheriff on at least one appeal in the year. Where a decision wasn't upheld, the most common outcome was for the Sheriff to require the reporter to arrange a Hearing (for any purpose for which a Hearing can be arranged).

The types of appeals against Children's Hearings decisions are displayed in Figure 6.1. The most common type of appeal is in respect of Compulsory Supervision Orders, either in terms of the review of the order or the decision to make the first order. This is expected in the context of Compulsory Supervision Orders being the most common outcome of Children's Hearings.

Figure 6.1 Number of appeals against Children's Hearings decisions in 2020/21



Performance

This section presents information about operational performance within SCRA during 2020/21, with comparisons to previous years. Detailed performance against targets contained within our Corporate and Business Plans will be reported through SCRA's Annual Report 2020/21. It will also include commentary around performance as well as wider progress against SCRA's plans and will be published on the 28th October 2021⁹.

Key facts:



Performance decreased in the measurable time interval standards

193 days
care and
protection

average working days from referral receipt to Hearing decision

105 days
offence

Time taken to progress referrals through the Children's Hearings System

The Time Interval (TI) Standards for the Children's Hearings System were published in 2001¹⁰. There are 14 standards covering various aspects of the process within the Hearings System and the different agencies involved. Those of most relevance to SCRA are shown below. The Time Interval Standards within the Blueprint are currently being reviewed by a multi-agency group as part of the Children's Hearings Improvement Partnership. Currently the only time interval standards which we are reporting against are TI4, TI6 and TI14.

Table 7.1 Performance against Time Interval Standards in 2020/21

Time Interval (TI) Standard	Total number	Number on time	% on time
Standard TI4 – The Reporter will make a decision about a referral within 50 working days of receipt	17,008 referrals	12,098 referrals	71%
Standard TI6 – Hearings will be scheduled to take place within a maximum of 20 working days of the Reporter's decision	2,127 referrals	1,139 referrals	54%
Standard TI14 – The child and family will be sent written notification of the outcome of a Hearing within 5 working days of the Hearing	15,042 Hearings	12,435 Hearings	83%

Performance against the Time Interval Standards dipped in the year as expected due to a combination of the pandemic, especially in terms of being able to schedule Hearings, and system moves. Standard TI8 (ensuring Hearings continuations are kept to a minimum) was not reportable due to system changes. In all likelihood, performance would have increased in this measure due to fewer grounds Hearings taking place as these are more likely to be deferred than review Hearings.

Table 7.2 Performance against Time Interval Standards, by year

Time Interval (TI) Standard	2017/18	2018/19	2019/20	2020/21
TI4	76%	78%	75%	71%
TI6	76%	75%	74%	54%
TI14	96%	97%	95%	83%

The Time Interval Standards within the Blueprint have been reviewed by a multi-agency group as part of the Children's Hearings Improvement Partnership. Due to the pandemic, these have not yet been implemented.

⁹ SCRA's publications can be accessed here: <https://www.scra.gov.uk/resources/>.

¹⁰ Scottish Executive (2001) Blueprint for the Processing of Children's Hearings Cases. Inter-agency Code of Practice and National Standards.

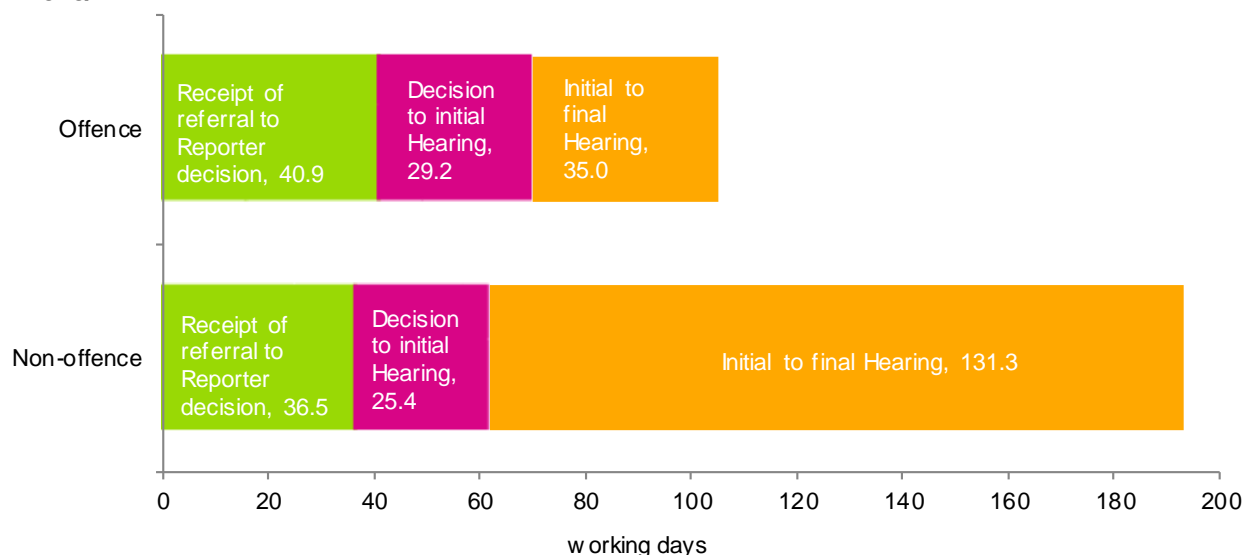
Working days from referral receipt to Hearing decision

Of the 1,516 children with care and protection based Hearing decisions and the 41 children with offence based Hearing decisions (Table 5.1), the average working days from referral receipt to Hearing decision were 193 and 105 days respectively, see Figure 7.1.

Working days are split by the main stages in the process. The differences in profiles between care and protection and offence referrals reflect the higher proportion of care and protection referrals which require the establishment of grounds at court.

Please note that the methodology for counting working days has changed from prior years as referrals now form part of an overall investigation with the decision applied to the investigation rather than the referral. To count working days, we have used the receipt date of the earliest referral within the investigation as the starting point. Therefore average working days will be longer than in prior years though the main impact will be from the pandemic in terms of changes to the operating model for ourselves and partners.

Figure 7.1 Average working days from first referral receipt to Children's Hearing decision in 2020/21



The major factor in the length of time to a Children's Hearing decision is whether or not the grounds required to be established at court by a Sheriff. Where they were, the average days for care and protection referrals was 202 days against 117 where a proof application was not required. While for offence referrals, the averages were 178 days and 77 days respectively.

The median for offence referrals was 85 days against an average of 105.2 days, while the median for care and protection referrals was 180 days against an average of 193.1 days. The difference between the average and the median (20 days for offence referrals and 13 days for care and protection referrals) illustrates the effect that prolonged cases have on the overall performance on this measure.

To provide context, the average working days were 123 for care and protection referrals and 78 for offence referrals respectively in 2019/20.

For enquiries or feedback about this publication please contact:
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 SCRA Quality and Performance Team,
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 e-mail: donald.lamb@scra.gov.uk

We are also continually seeking to improve our Official Statistics and would be grateful if you could fill in the following short survey [here](#).

Appendix 1 - error margins

Due to the issues outlined through the report in 2020/21, specific error margins are not provided this year. The data contained within though is as accurate as we can possibly provide within the current operating constraints. If data falls below the quality that we expect from an Official Statistics publication then it will be removed from the report.

