

# STATISTICAL ANALYSIS

## 2021/22



SCOTTISH  
CHILDREN'S REPORTER  
ADMINISTRATION

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Ensuring positive futures for children & young people in Scotland



## Statistical Analysis 2021/22 - at a glance

### Children referred 1972 to 2021/22

**17,950**  
in 1972

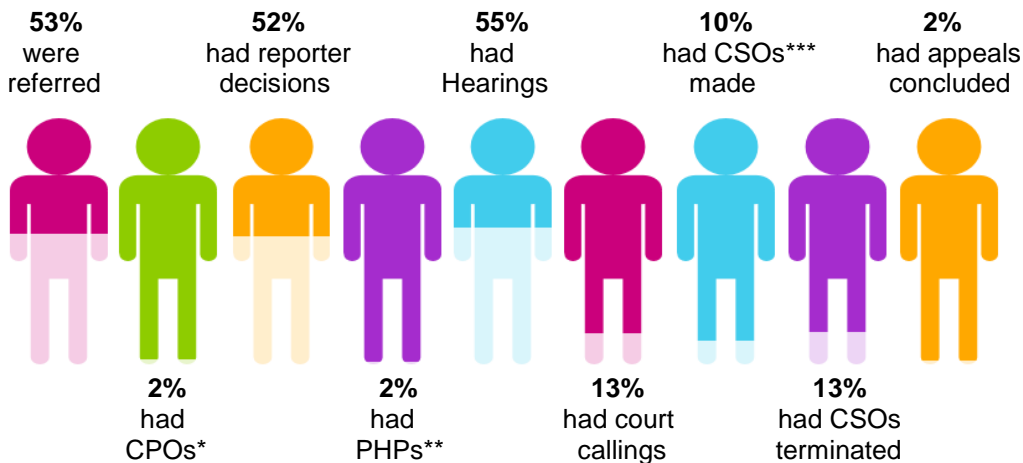
**10,494**  
in 2021/22

Compared to 1972 (first year of published data), the number of children referred has decreased by 41.5%

Compared to 2020/21, the number of children referred has increased by 8.6%

### Children within this report

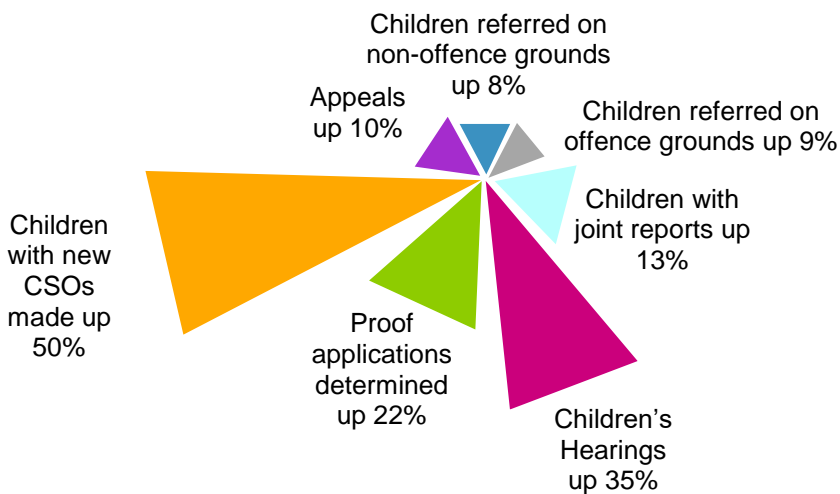
The statistics within this report cover 19,825 children within the Children's Hearings System in 2021/22. Of these children:



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

### Coronavirus impact

Many areas within the Children's Hearings System have seen significant increases when compared to 2020/21 as the main effects of the pandemic receded.



In addition, two areas saw significant decreases.

**Children with CPOs**

↓ **16%**

**CSOs in force**

↓ **9%**

<b>Contents</b>	<b>Page</b>
<b>Introduction</b>	4
<b>Special data note</b>	5
<b>Children referred</b>	
Children referred to the Reporter	6
Child Protection Orders	7
Joint Reports to the Reporter and Procurator Fiscal	8
Age of children referred	9
Sex of children referred	9
Age and sex of children referred	10
Offence ground profiles	11
<b>Referrals to the Reporter</b>	
Referrals received	13
Referrals received by Compulsory Supervision Order status	14
Source of referrals	14
<b>Reporter decisions on children referred</b>	
Reporter investigations	15
Reporter decision making	16
Grounds assigned to referrals	17
Non-offence ground profiles	18
<b>Children's Hearings and court work</b>	
Pre-Hearing Panels held	19
Children's Hearings held	20
Child Protection Orders and interim orders	21
Applications to the Sheriff for proof	22
Applications to the Sheriff to consider interim orders	23
<b>Compulsory Measures of Supervision</b>	
Children's Hearings decisions on grounds	24
Children subject to Compulsory Supervision Orders	24
Compulsory Supervision Orders by age	25
Length of time subject to Compulsory Supervision Orders	25
Compulsory Supervision Orders and deprivation	25
Tracking Compulsory Supervision Orders	26
Compulsory Supervision Orders terminated	27
Secure Authorisations made by Children's Hearings	27
Non-disclosure Measures	28
<b>Appeals to the Sheriff</b>	
Appeals to the Sheriff	29
<b>Performance</b>	
Time taken to progress referrals through the Children's Hearings System	30
Working days from referral receipt to Hearing decision	31
<b>Error margins</b>	
Appendix 1 - error margins	32

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](http://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 2021 to 31 March 2022. 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 twelve years (from eight) under the Age of Criminal Responsibility (Scotland) Act 2019. The Act was enacted on 17 December 2021. As a result, the police cannot charge a child with committing an offence after that date, if the child was under 12 at the time of the offence. Prior to 17 December, the police could charge any child aged 8 or over with an offence. However, the reporter could not then arrange a Children's Hearing for that child on offence grounds. Although the police cannot charge a child with committing an offence when under 12, the police may still refer the child to reporter because of concerns about the child's behaviour; and
- Children aged sixteen and seventeen 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 sixteen and those sixteen or over. To make this distinction more apparent, children aged sixteen and seventeen 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 them;
- 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 20.

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 2021/22

The Coronavirus pandemic continues to have an impact on data within this report and is explained in more detail below.

### The Children's Hearings System during Coronavirus

While the impact of the pandemic within 2021/22 was not as significant on the data contained within this report as was the case in 2020/21, the figures are still considerably impacted by it. The changes are impacted by the low numbers seen in 2020/21 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](#).

The ability to utilise the measures outlined above expired on the 30<sup>th</sup> September 2021. After that time, 2<sup>nd</sup> working day Hearings were required, Compulsory Supervision Orders needed to be reviewed at least every 12 months and interim orders could only last 22 days.

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.

#### Update note:

Please note that this version of the report dated 16/09/22 replaces the earlier version. This updates the population statistics to the mid-year 2021 data and updates the 'to Review Compulsory Supervision Order' count in figure 4.2 which was over-counted in the original document.

## Children referred

This section presents information about the numbers of children referred to SCRA over the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 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 increased by 8.6% from 2020/21



24.8% of children with Child Protection Orders were aged under 20 days

14

was the most common age for referral to the Reporter

## Children referred to the Reporter

In 2021/22, 10,494 children in Scotland were referred to the Reporter:

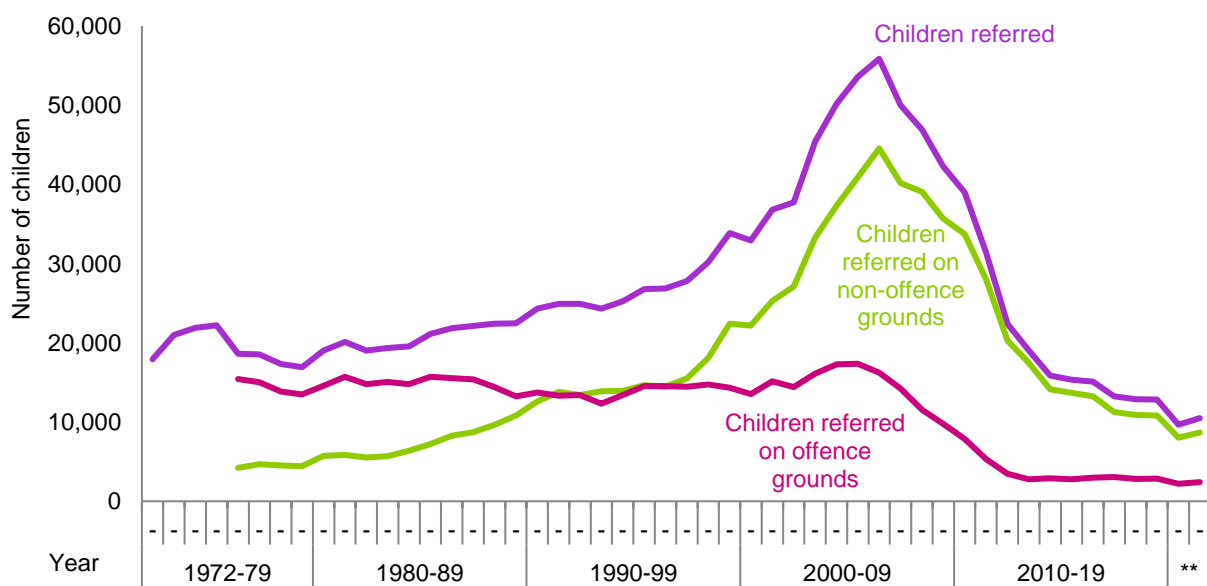
- 8,691 on non-offence grounds; and
- 2,398 on offence grounds<sup>1</sup>.

The figure of 10,494 children referred to the Reporter in 2021/22 equates to 1.2% of all children in Scotland<sup>2</sup>. Within this, 1.0% of all children were referred on non-offence grounds and 0.5% of all children aged between eight/twelve and 16 years were referred on offence grounds (see age of criminal responsibility note on page 4).

The number of children referred to the Reporter has increased for the first time since 2006/07 following fourteen consecutive years of decrease. This, as with the rest of this report, is most likely an impact of Coronavirus and lockdowns rather than any wider system trend. 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 non-offence splits are unavailable prior to 1976.

\*\* 2020-22

1 These figures include 595 children who were referred on non-offence and offence grounds.

2 % of population aged under 16 years, based on mid-year estimates for 2021 from the National Records of Scotland.

The 8.6% increase in children referred from 2020/21 levels was due to 829 more children being referred. There were 678 more children referred on non-offence grounds (an increase of 8.5%) and 191 more children referred on offence grounds (an increase of 8.7%).

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)<sup>3</sup> and Whole Systems approaches. Whilst 2021/22 is showing an increase, the overall impact of this continues to be highlighted through the long term trend of reducing numbers of children referred over time.

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

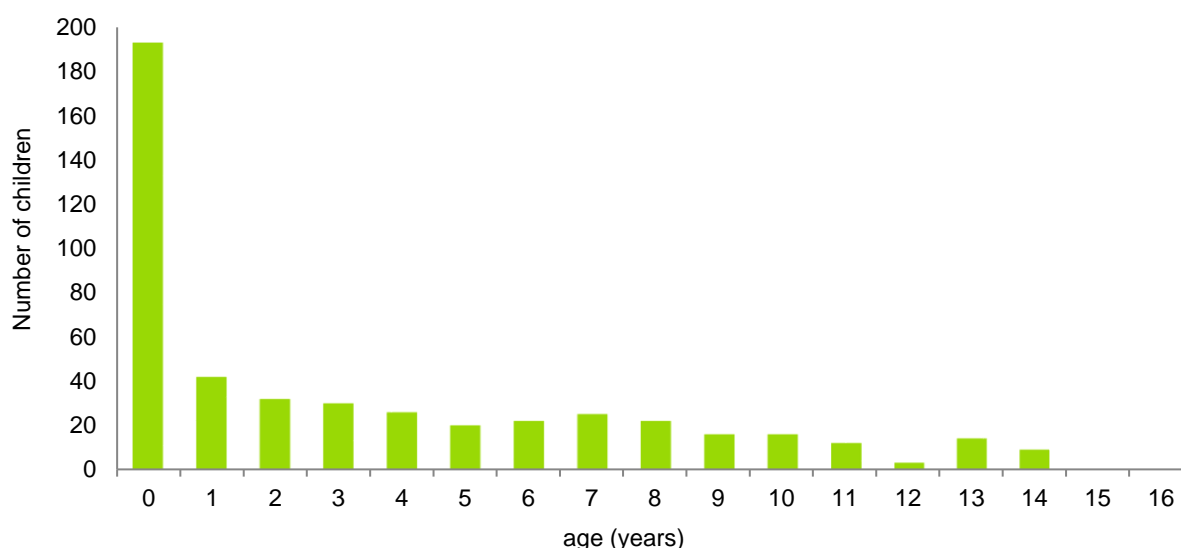
A Sheriff may grant a Child Protection Order to address emergency and/or high risk situations where measures need to be put in place immediately to protect a child. The granting of this order requires the child to be removed to (or kept in) a place of safety away from home. For this to be considered,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

**Table 1.1 Children with Child Protection Orders, by year**

	2018/19	2019/20	2020/21	2021/22
Number of children	562	547	570	479

The number of children with Child Protection Orders decreased in the year (down 16.0%). 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 2021/22**



Of the 479 children with Child Protection Order referrals received in 2021/22, 119 (24.8%) were aged under 20 days at the date of receipt, 193 (40.3%) were aged under one year and 234 (48.9%) 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 Guidelines<sup>4</sup>, 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.

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

Type of joint report	2018/19	2019/20	2020/21	2021/22
Children - not in custody	1,142	1,224	1,078	1,224
Children - in custody	29	45	56	53
<b>Total children with joint reports</b>	<b>1,147</b>	<b>1,228</b>	<b>1,090</b>	<b>1,233</b>

In 2021/22, 1,233 children had 2,279 joint reports. Of these, 49.1% (1,119) were for children aged 16 or over while 50.9% (1,160) were for children aged under 16. The majority of joint reports were made while the child was not in custody, 1,224 children with 2,217 reports, (several had joint reports on more than one occasion).

Of these joint reports where the PF had made a decision, 75.6% of cases were subsequently referred to the Reporter. In addition, 62 joint reports were made for 53 children in custody. Of those joint reports where the PF had made a decision, 69.4% of cases were retained by the PF.

**Table 1.3 Joint reports to the Reporter and PF, by age at receipt and decision in 2021/22**

Type of joint report	12	13	14	15	16+	Total
<b>Joint reports where child not in custody</b>	<b>77</b>	<b>154</b>	<b>341</b>	<b>569</b>	<b>1,076</b>	<b>2,217</b>
Referred to Reporter	75	143	298	466	648	1,630
Retained by Procurator Fiscal	2	7	33	81	402	525
Decision pending	1	4	12	26	34	77
<b>Joint reports where child in custody</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>12</b>	<b>43</b>	<b>62</b>
Referred to Reporter	1	1	4	3	10	19
Retained by Procurator Fiscal	1	0	0	9	33	43
<b>Total children with joint reports</b>	<b>79</b>	<b>155</b>	<b>345</b>	<b>581</b>	<b>1,119</b>	<b>2,279</b>

Table 1.3 shows joint reports by age at receipt and decision. For those cases not in custody, the numbers increase by age as do the proportion retained by the PF. However, up until age 16 the vast majority are referred to the Reporter. Custody numbers remain low until age 16 when there is a jump in numbers for children aged 16+. Custody cases are much more likely to be retained by the PF.

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

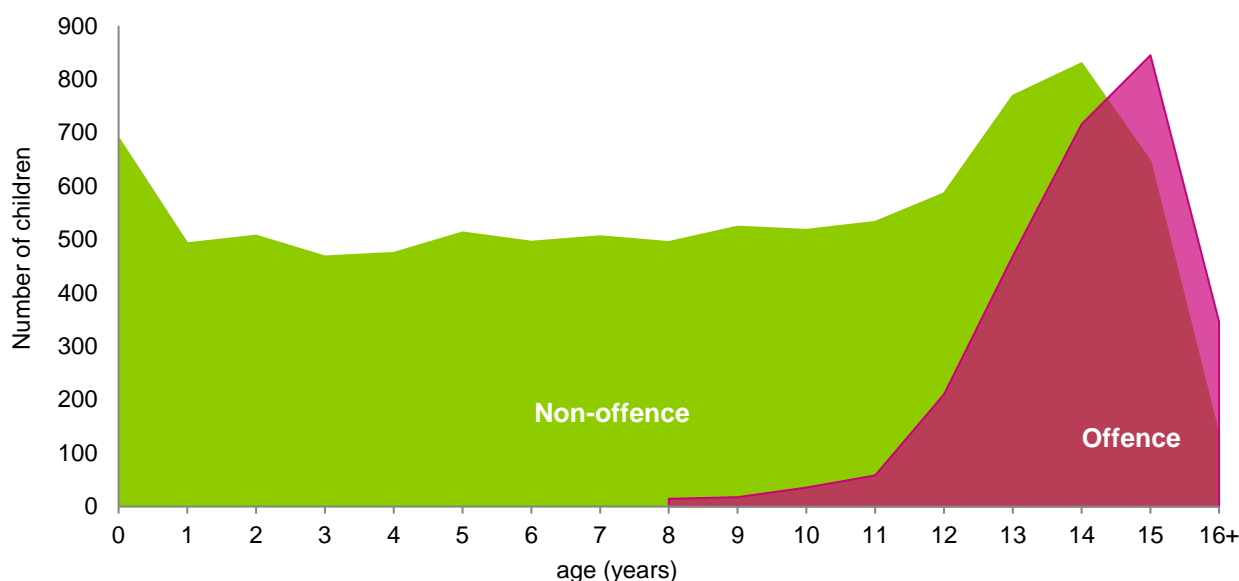


## Age of children referred

The most common ages for children to be referred to the Reporter remain 14 and 15 years. The most common ages for children to be referred on non-offence grounds were 13 and 14 years, as shown in figure 1.3 below. Ages 13 and 14 are where referrals start to increase for grounds like, 'beyond control of a relevant person', 'child's conduct harmful to self or others', 'misuse of alcohol' and 'misuse of a drug'<sup>5</sup>. This is in line with prior years, the exception being 2020/21, where under 1 was the most common age for referral on non-offence grounds. Children referred on offence grounds is highest for ages 14 and 15. More detail around grounds can be seen on page 17.

Overall, 14 is the most common age for referral, with 1,370 children referred at this age in 2021/22.

**Figure 1.3 Children referred on offence and non-offence grounds, by age, in 2021/22**



## Sex of children referred

The number of females referred to the Reporter increased by 10.1% (from 4,182 to 4,605) while the number of males increased by 7.2% (from 5,463 to 5,855)<sup>6</sup>. These changes occurred due increases for females referred for non-offence and offences (9.0% and 19.6% respectively) while males referred for both non-offence and offence referrals increased (by 7.6% and 5.5% respectively).

**Table 1.4 Sex of children referred in 2021/22, by referral type**

F = Female M = Male	Non-offence*		Offence*		All grounds	
	F	M	F	M	F	M
Number of children	4,211	4,447	579	1,815	4,605	5,855
Proportion by sex	48.6%	51.4%	24.2%	75.8%	44.0%	56.0%
Change from 2020/21	9.0%	7.6%	19.6%	5.5%	10.1%	7.2%

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

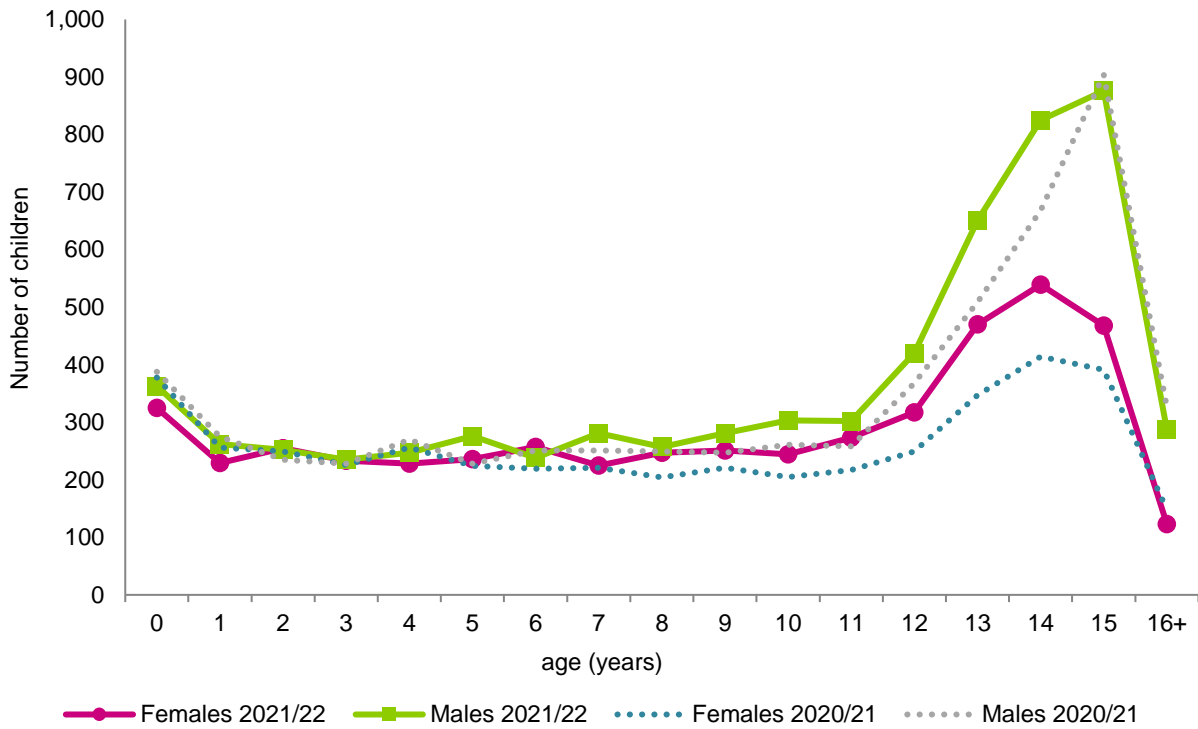
<sup>5</sup> For referrals on non-offence grounds, the Reporter chooses the ground that, in the Reporter's view, reflects the principal concern regarding the child's welfare when making a final decision on the referral.

<sup>6</sup> Thirty-four children had no sex recorded on SCRA's Case Management System.

### Age and sex of children referred

In line with Child Protection Orders, significant numbers of children were referred in 2021/22 before their first birthday. For the majority of children who were aged under one year, the principal concern identified in the referral related to a 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 2021/22 with comparison to 2020/21**



When the three datasets above are combined, what we can see is increases in the older age groups of children referred for both males and females. However, when we look at the under 2s, there has been a decrease from 2020/21 for both males and females. There were 542 females referred aged under 2 years, down 12% from 618 in 2020/21. There were 606 males referred aged under 2 years, down 7% from 2020/21. This seems to tie in with some of the Child Protection Order decreases seen in table 1.1.

## Offence ground profiles

In 2021/22, 2,398 children aged between eight/twelve and 17 years were referred to the Reporter on offence grounds. These children were referred for 9,832 alleged offences on 5,474 referrals. The offences have been mapped to the standard police crime groupings<sup>7</sup> to provide consistency with other publications.

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

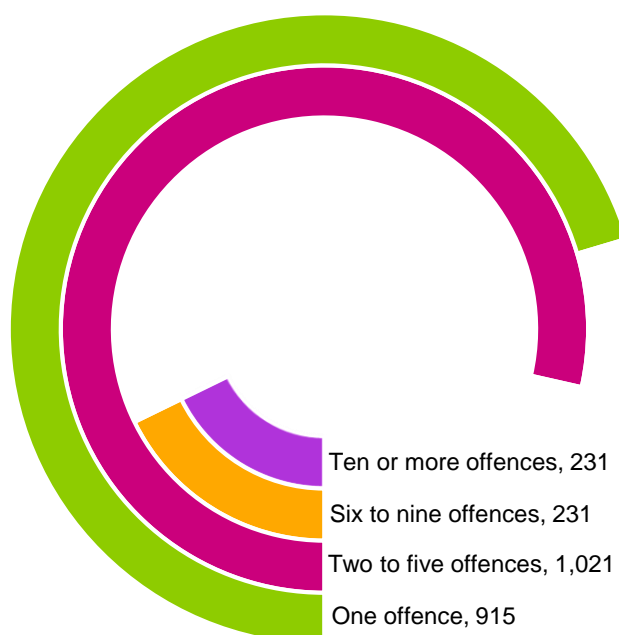
Police offence code group	2018/19	2019/20	2020/21	2021/22
Non-sexual crimes of violence	183	226	167	216
Sexual crimes	482	479	381	430
Crimes of dishonesty	2,487	1,953	1,260	1,190
Fire-raising, vandalism etc.	2,044	1,769	1,339	1,448
Other crimes	1,302	1,461	1,075	1,131
Miscellaneous offences	6,864	6,370	4,600	5,060
Motor vehicle offences	278	299	320	357
<b>Total alleged offences</b>	<b>13,635</b>	<b>12,557</b>	<b>9,142*</b>	<b>9,832</b>

\* please note, 294 referrals had no charges applied in 2020/21

Within these groupings, the most common types of alleged offences were assault, threatening or abusive behaviour 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 1.5 shows that there was a similar split between children with a single alleged offence in the year (38.2%) and those with two to five alleged offences (42.6%) in 2021/22. Also, there was an almost equal split between children with six to nine alleged offences (9.6%) and ten or more alleged offences (9.6%). Please note, any referrals with no charges will be counted for the purposes below as having one charge.

**Figure 1.5 Number of alleged offences per child referred on offence grounds in 2021/22**



<sup>7</sup> 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.

## Victim information service

SCRA provides an information service to victims of youth crime across Scotland.

The Principal Reporter has powers to give victims of offences committed the opportunity to receive information about the outcome of offence(s) against them by a child, whilst also protecting the child's right to confidentiality. In addition, the Principal Reporter can give a similar opportunity to victims of seriously harmful behaviour by children aged under 12.

The principles of SCRA's Victim Information Service are:

- To provide victims of youth crime or harmful behaviour with access to routine information about the Children's Hearings System; and
- To provide specific information to victims (and others specified, such as insurance companies of victims) about what has happened to the referral to the Reporter; and
- To protect the right of the child to confidentiality.

The process involves the victim of an offence or seriously harmful behaviour being identified from the police report when the child is referred to the Reporter. Victim Information Co-ordinators then write to victims at the initial stage of their investigation. On receiving this initial letter, victims can then opt in to receive further information regarding key stages of the investigation and the final decision.

Victim Information Co-ordinators also provide the point of contact for requests for information from the Criminal Injuries Compensation Authority and insurance companies.

## Additional and duplicate referrals

In prior years, SCRA also classified some referrals as additional or duplicate. We no longer record referrals as such so therefore will cease to report on these figures.

## Referrals to the Reporter

This section presents information about the numbers of referrals received by SCRA over the period 1st April 2021 to 31st March 2022 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 increased by 6.9% from 2020/21



77.2% of referrals were from the police



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

### Referrals received

In 2021/22, 18,269 referrals were received by the Reporter, this was a 6.9% increase from 2020/21 levels. Non-offence referrals increased by 8.4% to 12,795 while offence referrals increased by 3.6% to 5,474. Again, like the rest of this report, referrals received have been significantly impacted by the pandemic.

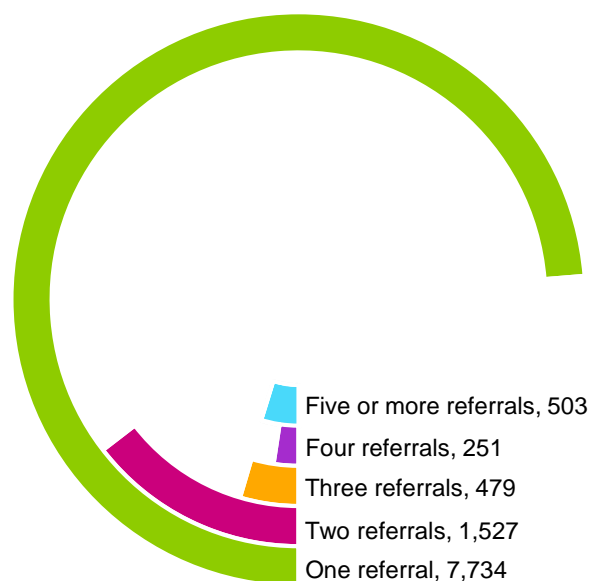
Prior to 2021/22, non-offence referrals had decreased annually since 2006/07, the exception to this being a slight increase in 2015/16. Full details of referral rates alongside other SCRA statistics over time can be accessed through SCRA's [Online Statistical Dashboard](#).

**Table 2.1 Numbers of referrals received, by type and year**

Type of referral	2018/19	2019/20	2020/21	2021/22
Offence	7,763	6,978	5,282	5,474
Non-offence	15,377	15,179	11,800	12,795
<b>Total referrals</b>	<b>23,140</b>	<b>22,157</b>	<b>17,082</b>	<b>18,269</b>

Referrals per child varies depending on the type of referral. For non-offence referrals, 78.6% had a single referral in the year, this compares with 60.6% of children referred on offence grounds having a single offence referral in the year. Overall, most children (73.7%) were referred only once in the year, with 4.8% referred five or more times. The number of referrals received per child in 2021/22 is shown in Figure 2.1.

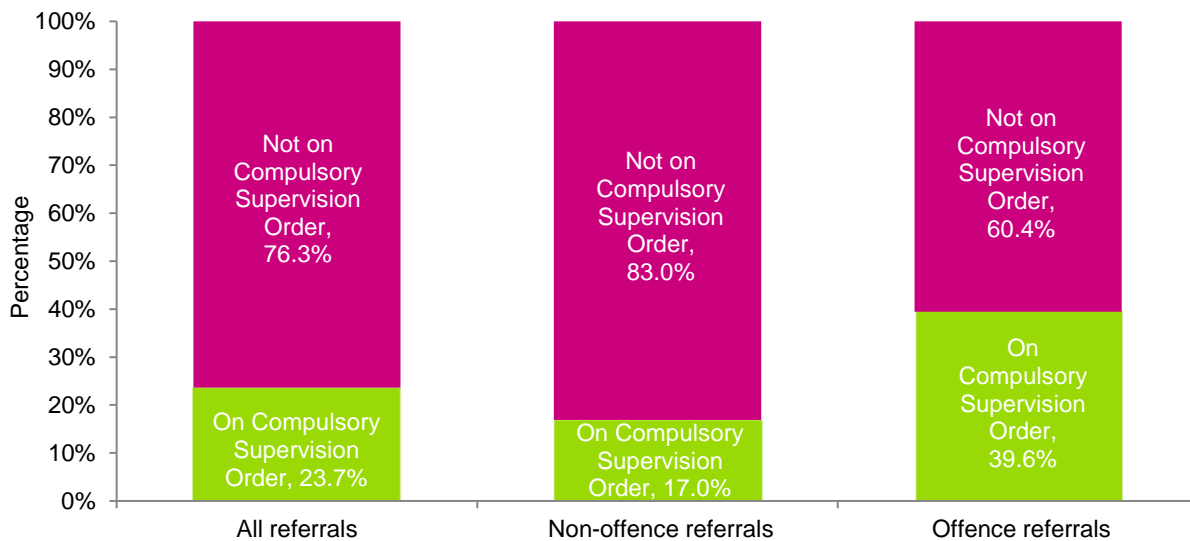
**Figure 2.1 Number of referrals received per child in 2021/22**



### 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, 23.7% of referrals received (4,336) were for children subject to a Compulsory Supervision Order at the point of referral. This was the case for 17.0% of non-offence referrals (2,169) and 39.6% of offence referrals (2,167). 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 24 contains more information about Compulsory Supervision Orders.

**Figure 2.2 Referrals received by Compulsory Supervision Order status at receipt in 2021/22**

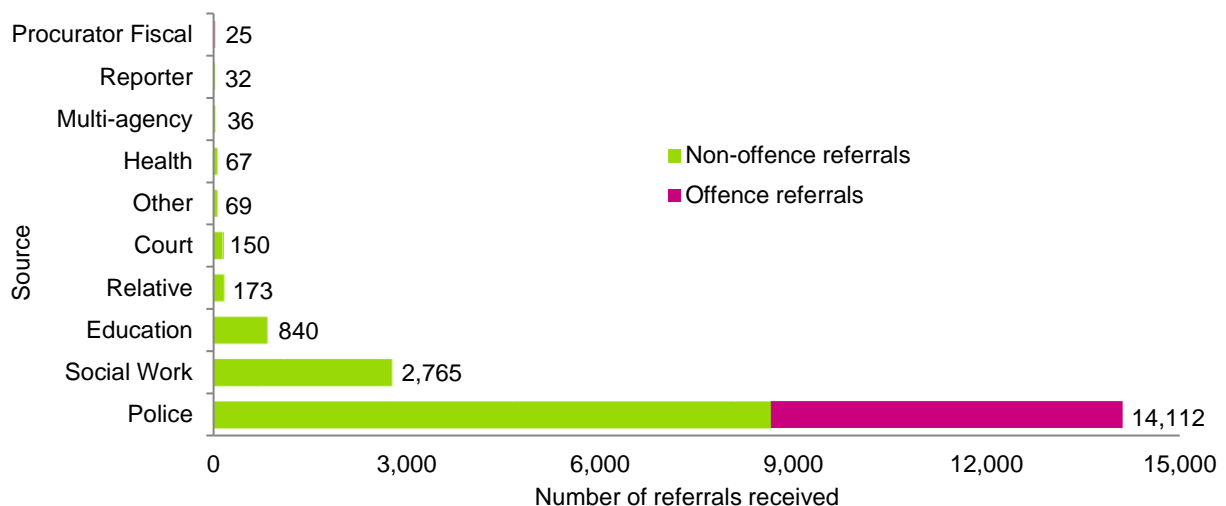


Males were more likely to be subject to a Compulsory Supervision Order at the point of receipt of a referral (25.6%) than females (21.1%). The difference is mainly due to the fact that a greater proportion of referrals for males are on offence grounds than for females; and children referred on offence grounds are more likely to be subject to a Compulsory Supervision Order at the receipt of the referral than is the case for non-offence referrals.

### Source of referrals

The police are the main source of referrals, comprising 77.2% of all referrals to the Reporter in 2021/22 - 99.7% of all offence referrals and 67.6% of all non-offence referrals. This was an increase of 2 percentage points in the proportion of non-offence referrals from the police from last year.

**Figure 2.3 Referrals received by source in 2021/22**



## 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 grounds of referral and the decisions which have been made over the period 1st April 2021 to 31st March 2022.

### Key facts:



**23%**

of children had a Reporter decision to arrange a Hearing

**'Compulsory Supervision Order not necessary and refer to local authority'**

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	2021/22
Social Work	4,976	5,773
Education	734	1,589
Health	386	451
Other	32	37
<b>Total requests</b>	<b>6,128</b>	<b>7,850</b>

Reports are now linked to investigations so the data above only includes those report requests within an investigation. Therefore, the numbers are not comparable with data published prior to 2020/21 where many report requests were linked to reviews of Compulsory Supervision Orders.

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.

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 2021/22\*, by decision**

Reporter decision	Non-offence	Offence	Total
Arrange a Children's Hearing (on new grounds)	2,304	102	2,387
No Hearing - CSO not necessary	2,256	858	3,053
No Hearing - CSO not necessary and refer to LA	2,738	650	3,270
No Hearing - Current order/measures sufficient	892	868	1,533
No Hearing - Insufficient evidence	810	137	941
No Hearing - Insufficient evidence and refer to LA	220	24	244
No jurisdiction	73	45	115
<b>Total</b>	<b>8,548</b>	<b>2,339</b>	<b>10,295</b>

\* Data in this table relates to cases decided in 2021/22 as opposed to referrals received in 2021/22.

\*\* 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.

In 2021/22, 23.2% of children (2,387) with cases decided had a Reporter decision to arrange a Children's Hearing on at least one referral. The most common decision was that a Compulsory Supervision Order was not necessary and to refer the child to the local authority (3,270 children (31.8%)). 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.

## Grounds assigned to referrals

As noted above, when making a final decision in relation to a referral, the Reporter will select the ground which reflects the principal concern(s) about the child. These grounds are set out in section 67(2) of the Children's Hearings (Scotland) Act 2011, and are summarised in Table 3.3. The table also includes splits to show whether children were subject to a Compulsory Supervision Order at the point of referral. This table counts children with referrals decided in 2021/22 whereas in prior years, grounds have been reported on against referrals received. Please note, on our new case management system, if no ground applies, a ground doesn't have to be added. Table 3.3 shows the numbers of children with no grounds added.

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

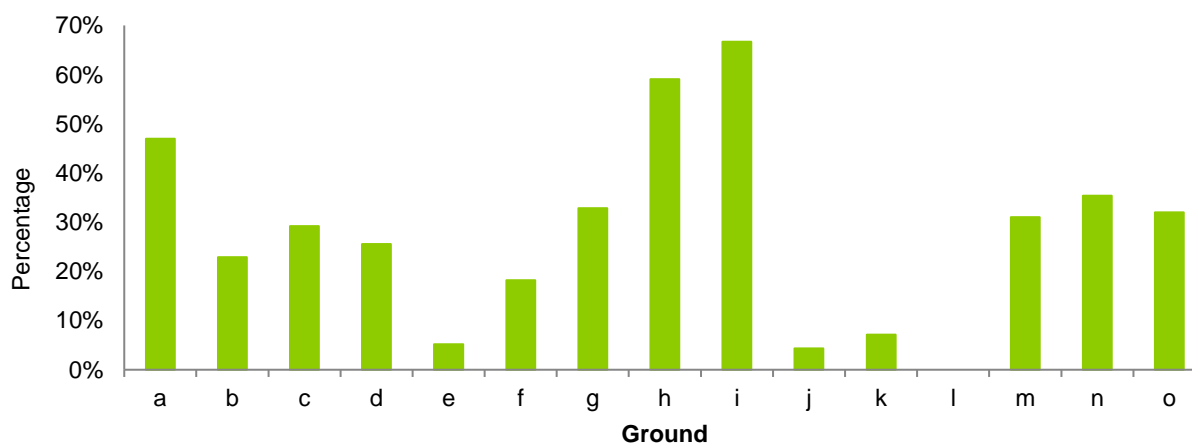


**Table 3.3 Number of children with Reporter decisions in 2021/22, by section 67 ground and Compulsory Supervision Order status at the point of referral**

Section 67 ground	On order	Not on order	Total
(a) Lack of parental care	245	3,194	3,404
(b) Victim of a Schedule 1 offence	65	686	751
(c) Close connection with a Schedule 1 offender	37	363	398
(d) Same household as a child victim of Schedule 1 offender	13	176	189
(e) Exposure to persons whose conduct likely to be harmful to child	89	480	561
(f) Close connection with a person who has carried out domestic abuse	137	1,685	1,811
(g) Close connection with Sexual Offences Act offender - Parts 1, 4 & 5	4	70	74
(h) Accommodated and special measures needed	0	22	22
(i) Permanence order and special measures needed	0	6	6
(j) Offence	710	1,733	2,339
(k) Misuse of alcohol	5	14	19
(l) Misuse of a drug	2	4	6
(m) Child's conduct harmful to self or others	268	738	967
(n) Beyond control of a relevant person	16	82	97
(o) Failure to attend school without reasonable excuse	11	519	528
(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	169	851	1,012
<b>Total children referred*</b>	<b>1,366</b>	<b>9,178</b>	<b>10,295</b>

\* 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.

Different factors are considered by the Reporter when deciding whether to arrange a grounds Hearing for a child already subject to a Compulsory Supervision Order as opposed to those children not on an order. The percentage of children with arrange Hearing decisions by assigned ground where the child was not subject to a Compulsory Supervision Order is shown in Figure 3.1. Only very low numbers of children who are already on orders will have arrange Hearing decisions on new grounds so these are excluded from the graph.

**Figure 3.1 Percentage of children with a Reporter decision to arrange Hearing by ground in 2021/22 (where the child was not already on a Compulsory Supervision Order)**

## Non-offence ground profiles

The average ages of children referred on non-offence grounds are outlined below based on their age at referral receipt. The Reporter identifies the appropriate ground when making a final decision, to reflect the principal concern about the child's welfare. Grounds codes (p) and (q) are excluded due to low or zero counts. The grounds codes are described in full in Table 3.3 on page 17.

**Figure 3.2 Average age of children with Reporter decisions on non-offence grounds in 2021/22**

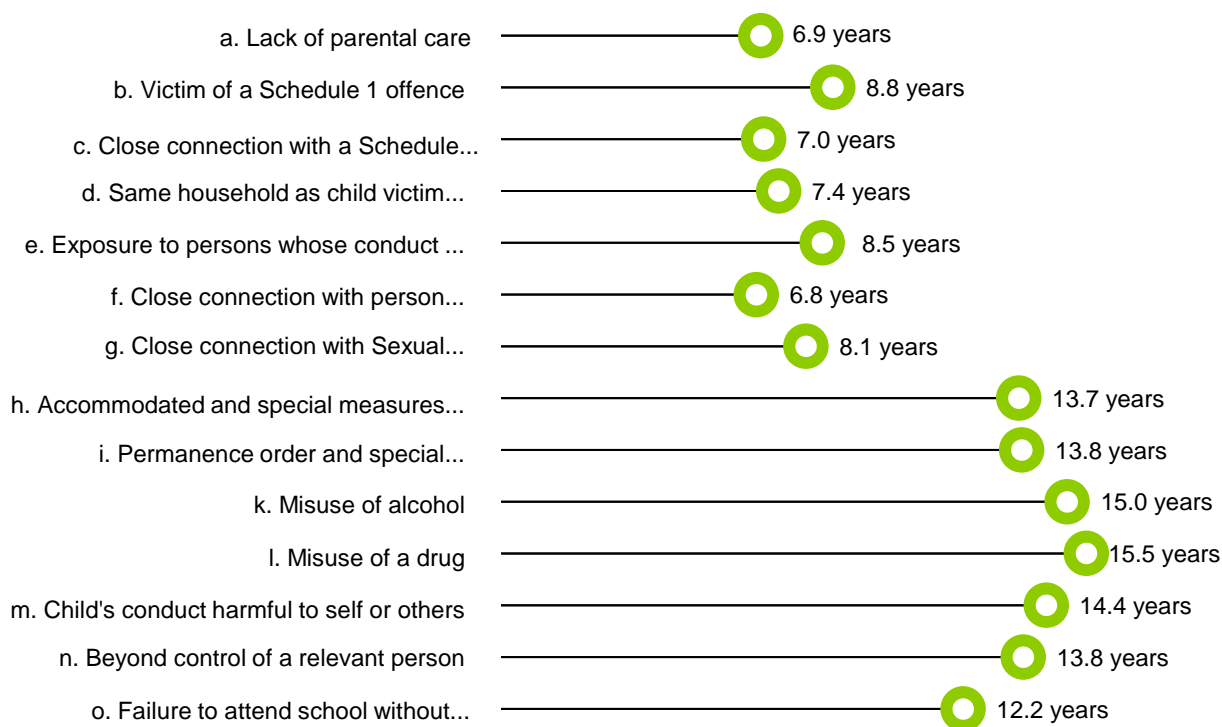


Figure 3.2 shows that there is a clear split in age profiles between children with a – g grounds, assigned by the Reporter, which have a younger average age and the other non-offence grounds where the average age is older.

For the most common ground assigned, 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 (452). This was 13.3% of the children with this ground assigned.

The number of children with 'f' ('close connection with person who has carried out domestic abuse') grounds assigned, again generally decreased with age. Very young children were more likely to have this ground assigned, with more referred in the first year of their life than any other age (172). This was 9.5% of children with this ground assigned.

Other grounds assigned, such as 'victim of Schedule 1 offence', were common throughout the childhood years but were highest for 13-15 year olds while 'exposure to persons whose conduct is likely to be harmful to child' grounds were commonly assigned throughout the childhood years.

There were notable differences in the ages of children referred to the Reporter with several other non-offence grounds assigned. Older children were more likely to have grounds of, 'beyond control of a relevant person', 'child's conduct harmful to self or others', 'misuse of alcohol' and 'misuse of a drug' assigned. The most common age for children with 'not attending school' grounds assigned was 14.

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’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 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 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 increased but were still largely not required in 2021/22 due to legislation



Children’s Hearings increased by 35% from 2020/21



90 % 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;
- whether to excuse a child or relevant person from the obligation to attend the Children’s Hearing;
- whether an individual has participation rights; and
- whether an individual should be allowed to attend only by electronic means.

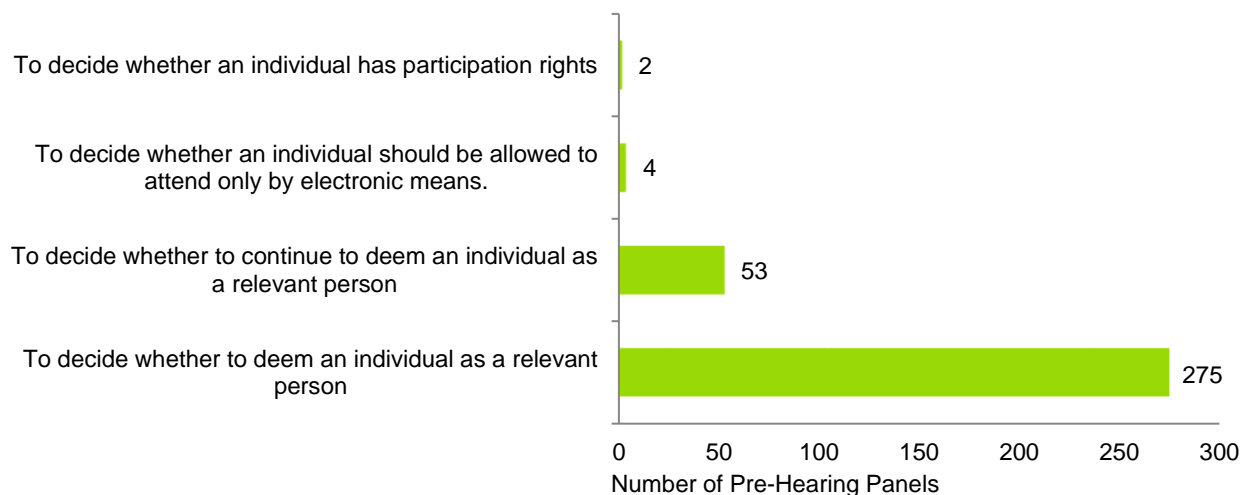
The final two arrangements in the list above are new purposes for Pre-Hearing Panels which came into effect at the end of July 2021.

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**

	2018/19	2019/20	2020/21	2021/22
<b>Number of Pre-Hearing Panels</b>	3,809	3,873	293	328

**Figure 4.1 Pre-Hearing Panels held, by reason\* in 2021/22**



\* 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 2021/22, 328 Pre-Hearing Panels were held for 320 children, this is a 11.9% increase from the previous year. Figure 4.1 will not fully reflect the total number of decisions made in each category as Pre-Hearing Panel matters can also be considered at the start of a Child’s Hearing. This option of considering Pre-Hearing Panel matters at the start of a Children’s Hearing has been much more common during and after the pandemic and associated restrictions.

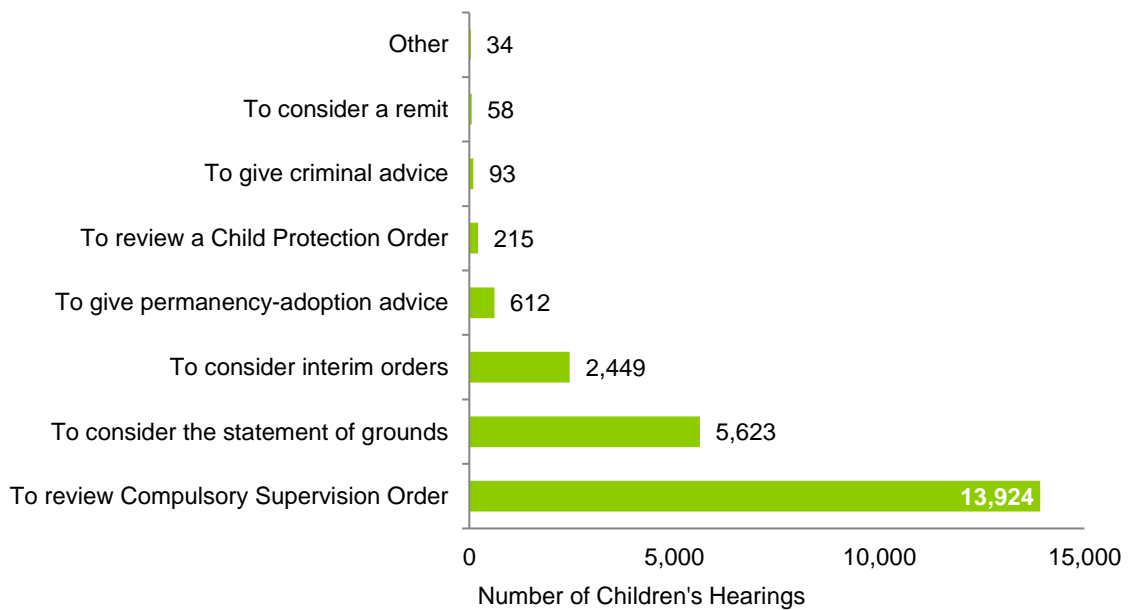
## Children's Hearings held

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 to arrange a Hearing for the child to consider whether compulsory measures of supervision are required.

**Table 4.2 Children’s Hearings held, by year**

	2018/19	2019/20	2020/21	2021/22
<b>Number of Children’s Hearings held</b>	31,653	30,363	16,248	21,909

**Figure 4.2 Considerations by Children’s Hearings\* in 2021/22**



\* Children can have more than one reason considered at a single Children’s Hearing. The totals in Table 4.2 count each Hearing once. Some Children’s Hearings may also consider Pre-Hearing Panel matters such as the deeming of relevant persons.

In 2021/22, 21,909 Children’s Hearings were held for 10,902 children. This was a 34.8% increase from 2020/21. The specific part of the emergency legislation provisions which significantly reduced the requirement for Hearings across 2020 and 2021 ended at the end of September 2021. These had allowed Compulsory Supervision Orders to be extended for an additional six months and interim orders being able to last 44 rather than 22 days. 2<sup>nd</sup> working day Hearings for Child Protection Orders were not also not required. As these have once again been required, we have seen gradual increases in Hearing volumes.

The 21,909 Children’s Hearings were part of 16,236 Hearing slots in 9,263 Hearing sessions. A session is a block of time, usually the morning or afternoon, which panel members are allocated to for the purposes of making legal decisions for children. A slot is a specific time period within that, allocated to one or more children within a family and a Hearing is a count of each individual child within that slot.

Of the children with Children’s Hearings in the year, 51.2% had a single Hearing, with 6.6% having five or more Hearings. SCRA are now able to record child attendance, while we don’t have complete data for 2021/22, we have recorded that 4,477 children attended at least one Hearing in the year.

## Children’s Hearings deferred

In most Children’s Hearings, Panel Members can defer (postpone) the Children’s Hearing until a later date if required. Overall, 22.4% of Children’s Hearings (4,904) 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 2021/22, there were 224 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 2021/22, Children’s Hearings considered the cases of 479 children with 487 Child Protection Orders under sections 45 or 46 of the Children’s Hearings (Scotland) Act 2011. As there was no requirement to hold a 2<sup>nd</sup> working day Hearing for much of the year, there are no accompanying figures around those which were continued, continued and varied or recalled.

Children’s Hearings also made, varied or continued 5,446 interim orders as defined under sections 86 and 140 of the Children’s Hearings (Scotland) Act 2011 for 2,200 children in 2021/22.

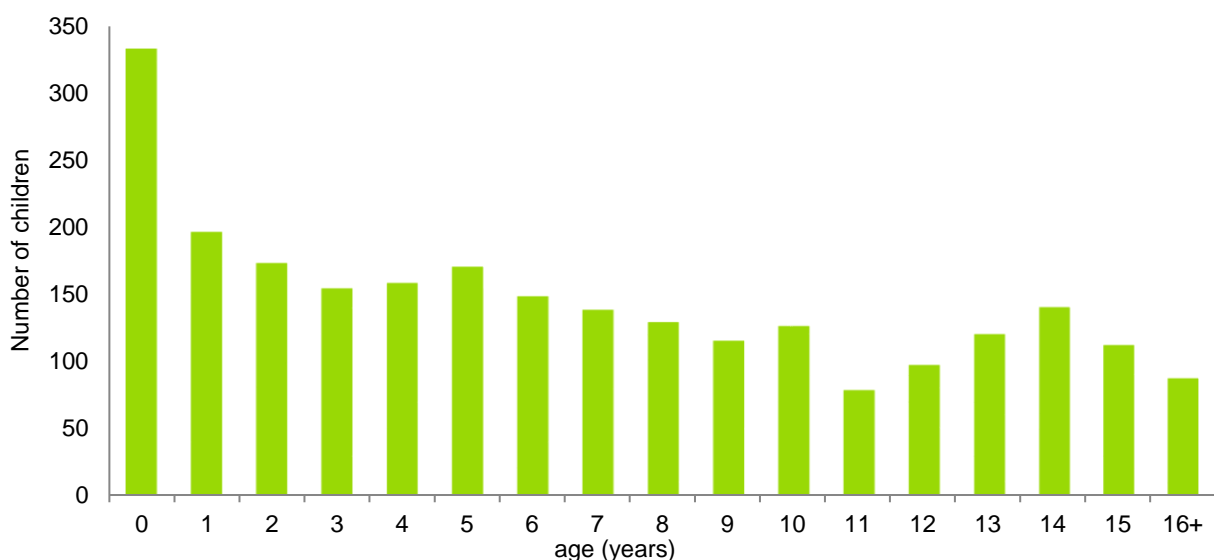
Interim orders in the form of Interim Compulsory Supervision Orders can be used to protect the child whilst grounds for referral are in the process of being determined at proof. Interim Variations of Compulsory Supervision Orders can also be made which can change the measures attached to a current Compulsory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

**Table 4.3 Children with interim orders, by year**

	2018/19	2019/20	2020/21	2021/22
Number of children	2,614	2,499	2,037	2,200

Interim orders numbers are highest for children aged under one, but are also common for all age groups. Numbers are showing an increase from the prior year.

**Figure 4.3 Children with interim orders made by Children’s Hearings, by age, in 2021/22**



## 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 is unable to 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, 2,072 applications were determined for 2,039 children in 2021/22 and 90.1% 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**

	2018/19	2019/20	2020/21	2021/22
<b>Number of applications determined</b>	2,837	2,763	1,699	2,072

The number of concluded applications for proof increased by 22.0% from the previous year. Applications for proof may require several callings (court dates) before the application is determined.

**Table 4.5 Average working days for proofs to be determined in 2021/22**

	0-19	20-39	40-59	60-79	80-99	100+
<b>Average working days first to final calling</b>	423	450	335	234	186	444

The average length of time for proof applications to be determined from the first to the final court calling dates are shown in the table above. Court information is still a developing area in our new case management system and reporting around it will expand in future years.

**Table 4.6 Number of callings for proofs to be determined in 2021/22**

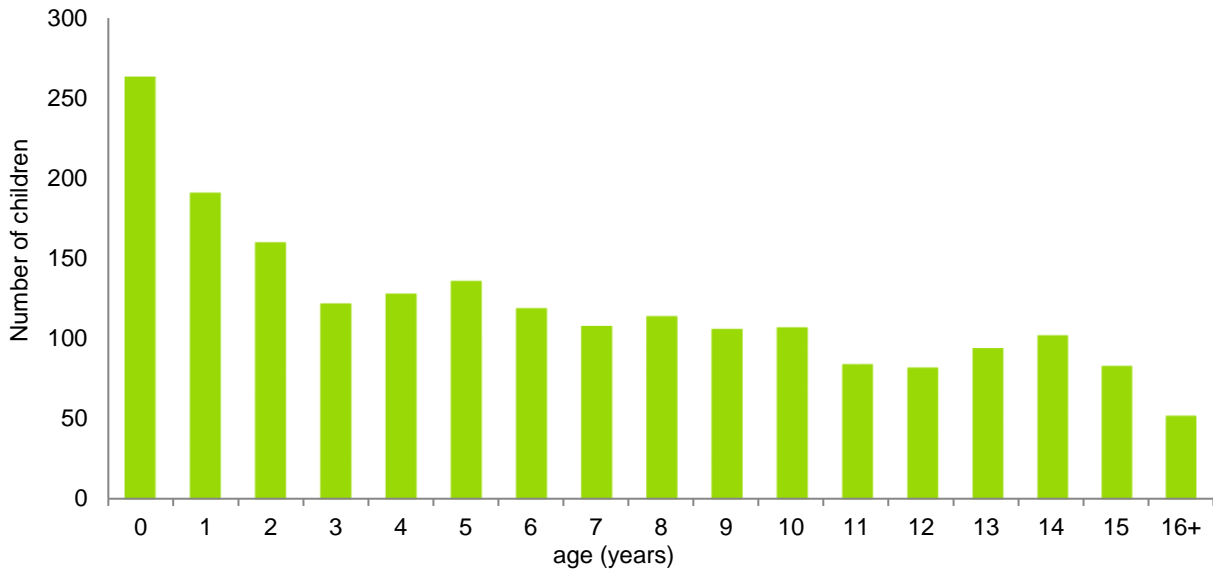
	1	2	3	4	5	6	7	8	9	10+
<b>Number of callings</b>	263	384	359	352	251	184	114	73	24	68

The number of court callings for proofs to be determined are profiled in table 4.6 above. Tables 4.5 and 4.6 show that in many cases, proofs can be determined within one or two callings and within 40 working days but a significant number can take a longer time and take multiple callings.

Including applications not yet determined, there were 9,435 callings recorded for 2,569 children in 2021/22. SCRA are now able to record child attendance at court, while we don't have complete data for 2021/22, we have recorded that 134 children attended at least one court calling in the year.

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 4.4 below.

**Figure 4.4 Children with applications determined, by age, in 2021/22**



### 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 could be extended to 44 days under the emergency legislation.

Sheriffs made, varied or continued 4,008 interim orders in 2021/22 for 1,273 children.

## Compulsory Measures of Supervision

This section presents information about Children's Hearings decisions and Compulsory Supervision Orders in force in 2021/22. It also covers the number of secure authorisations and non-disclosure measures put in place by Children's Hearings in 2021/22 with comparisons to previous years.

### Key facts:



Compulsory Supervision Orders have decreased for the twelfth 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 2021/22, 2,012 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 2021/22**

Children's Hearing decision	Non-offence	Offence	S49 Remit	Total
Grounds accepted/established and new Compulsory Supervision Order made	1,972	36	10	2,012
Grounds accepted/established and considered in review of existing Compulsory Supervision Order	40	14	11	64
Grounds discharged	190	18	26	232
<b>Total*</b>	<b>2,191</b>	<b>56</b>	<b>47</b>	<b>2,283</b>

\* 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 2022, 7,265 children were subject to Compulsory Supervision Orders. This is 0.8%<sup>8</sup> of all children in Scotland. The number of children subject to Compulsory Supervision Orders has decreased for a twelfth consecutive year. Children aged under eight (at the start of the order) subject to Compulsory Supervision Orders at 31 March 2022 decreased by 7.8% to 2,998, while children aged eight and over (at the start of the order) decreased by 9.3% (to 4,267).

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

	2019	2020	2021	2022
<b>Number of Compulsory Supervision Orders in force</b>	9,206	8,875	7,959	7,265

Of the 7,265 children subject to Compulsory Supervision Orders at the year-end, 26% (1,856) were recorded as having home supervision with 74% (5,409) having supervision away from home.

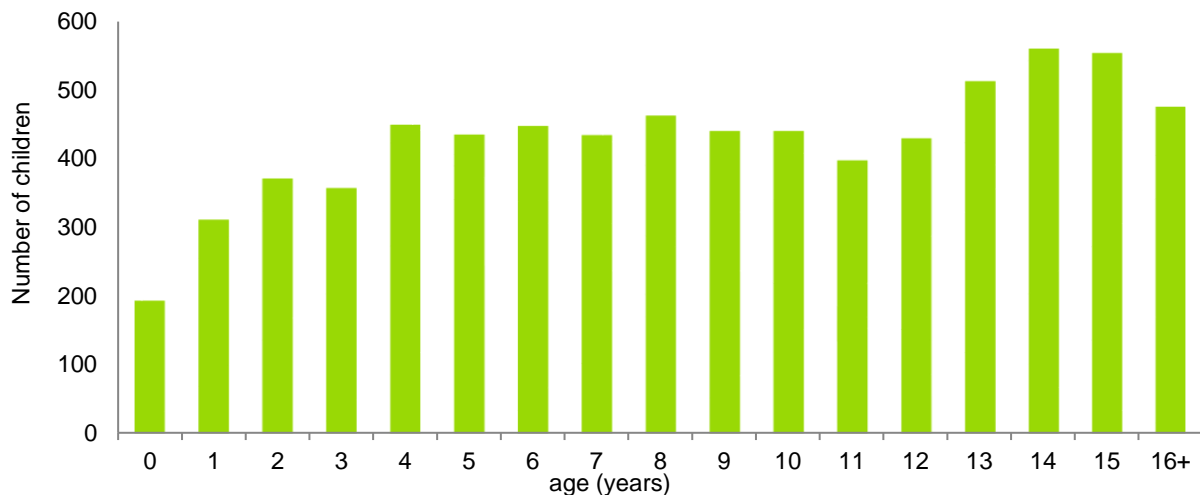
<sup>8</sup> 8 % of population aged under 16 years, based on mid-year estimates for 2021 from the National Records of Scotland.



## 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 2022**



## 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 under 1 year.

**Table 5.3 Number of children with Compulsory Supervision Orders in place at 31 March 2022, by length of order**

Length of Compulsory Supervision Order	Count	Percentage
Under 1 year	1,951	26.9%
1 – 2 years	1,001	13.8%
2 – 3 years	1,329	18.3%
3 – 4 years	901	12.4%
4 – 5 years	578	8.0%
5+ years	1,505	20.7%
<b>Total</b>	<b>7,265</b>	<b>100.0%</b>

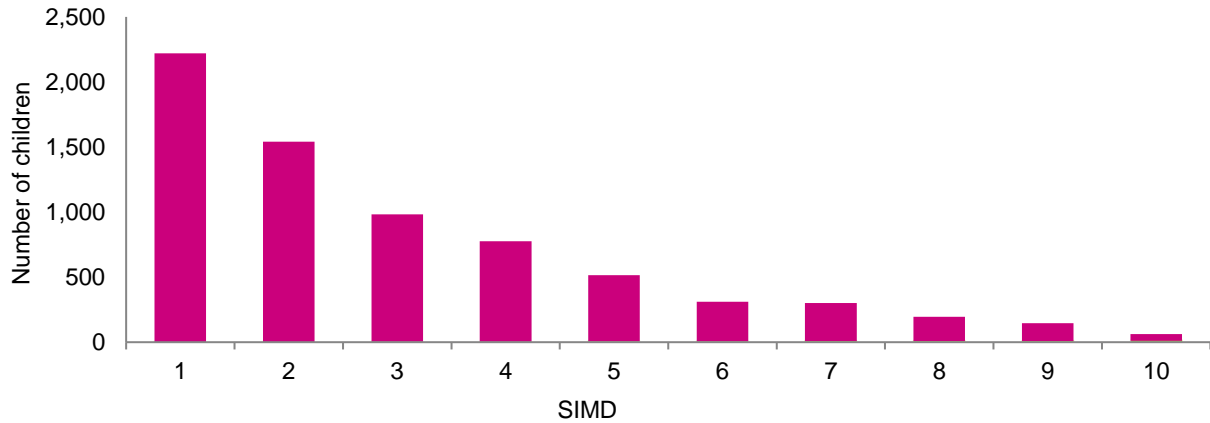
For the majority of children subject to Compulsory Supervision Orders, the reasons which they came into the Children's Hearings' System was as a result of non-offence referrals. Of the 7,265 children subject to a Compulsory Supervision Order as at the 31<sup>st</sup> March 2022, 86.6% have only ever been referred on non-offence grounds.

## Compulsory Supervision Orders and deprivation

The Scottish Index of Multiple Deprivation (SIMD) is a relative measure of deprivation across 6,976 small areas (called data zones). If an area is identified as 'deprived', this can relate to people having a low income but it can also mean fewer resources or opportunities. SIMD looks at the extent to which an area is deprived across seven domains: income, employment, education, health, access to services, crime and housing.

SIMD is the Scottish Government's standard approach to identify areas of multiple deprivation in Scotland. SIMD data here is used to categorise the home postcodes of children subject to Compulsory Supervision Orders at 31<sup>st</sup> March 2022 in groups of 10 percentage points from the most deprived (1) to the least deprived (10).

**Figure 5.2 Children with Compulsory Supervision Orders in force, by SIMD, at 31 March 2022**

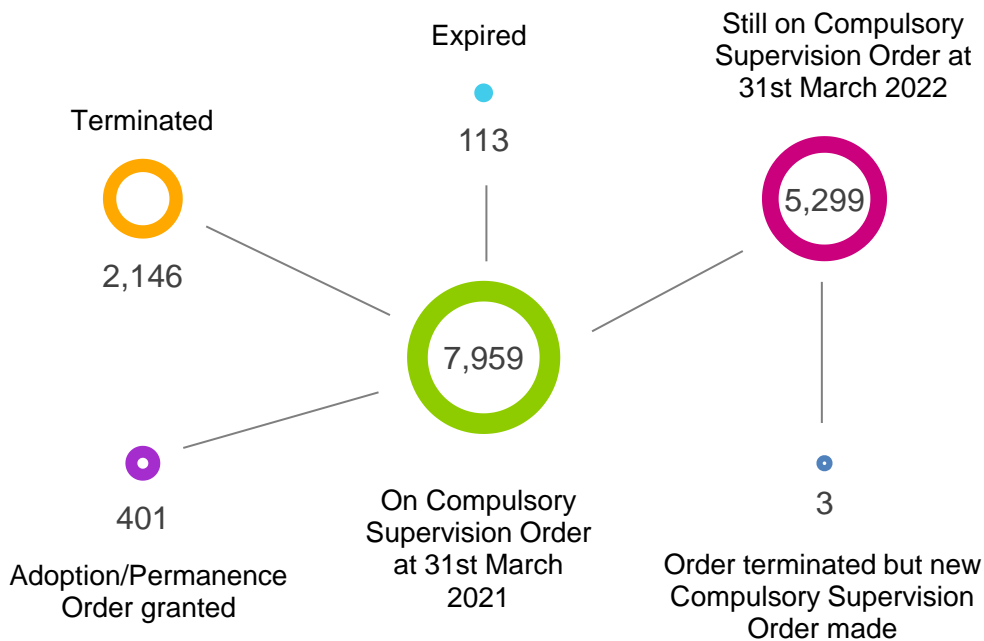


This graph is based on the home postcodes of the child as at the year-end so may differ from the postcode at the time the order was made. Additionally, 270 orders (3.7%) had no recorded postcode, incomplete postcodes or had postcodes outside of Scotland. These are excluded from the counts above. The graph shows a clear relationship between deprivation and supervision with over half of children with Compulsory Supervision Orders having home postcodes within the two most deprived data zones.

### Tracking Compulsory Supervision Orders

To provide more context around Compulsory Supervision Orders we have tracked forward the 7,959 orders which were reported as in force at the 31<sup>st</sup> March 2021.

**Figure 5.3 Children with Compulsory Supervision Orders in force, by age, at 31 March 2021 tracked forward to 31 March 2022**



Of the 7,965 children with Compulsory Supervision Orders at 31<sup>st</sup> March 2021, the majority were still on an order a year later, 67% (5,299). 401 (5%) ended due to an adoption or permanence order being granted and the Sheriff terminating the order. The 401 is a higher figure than table 5.4 below as often it takes a long time for us to receive the orders from the court so many of them actually pre-dated the 31<sup>st</sup> March 2021.

### 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, the Sheriff can end Compulsory Supervision Orders if a court grants a Permanence or Adoption 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	2018/19	2019/20	2020/21	2021/22
Compulsory Supervision Order terminated	2,776	2,658	1,883	2,297
Permanence or Adoption Orders granted and Compulsory Supervision Order terminated by the Sheriff	418	452	196	347
<b>Compulsory Supervision Orders terminated</b>	<b>3,194</b>	<b>3,110</b>	<b>2,079</b>	<b>2,644</b>

Please note that permanence and adoption orders are not currently recorded within SCRA’s case management system. The data for 2021/22 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 rather than a hearing being arranged just before the child’s 18th birthday. These will be included in the terminated figure above. Because many orders are terminated at 17, the graph below deviates from the rest of the report where ages 16 and 17 are combined to be 16+.

**Figure 5.4 Children with Compulsory Supervision Orders terminated, by age**



### 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	2018/19	2019/20	2020/21	2021/22
Within interim orders	116	97	73	68
Within Compulsory Supervision Orders	97	96	69	65

Children with Secure Authorisations included in interim orders decreased by 6.8% while those included in Compulsory Supervision Orders decreased by 5.8%. In total in 2021/22, 83 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	2019	2020	2021	2022
Interim order	76	81	84	70
Compulsory Supervision Order	776	749	723	746
<b>Total non-disclosure measures<sup>9</sup></b>	<b>843</b>	<b>823</b>	<b>807</b>	<b>816</b>

As at the 31st March 2022, 746 children had non-disclosure measures attached to Compulsory Supervision Orders and 70 children had non-disclosure measures attached to interim orders. Overall, nine more children (1.1%) 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 31<sup>st</sup> March 2021. SCRA continues to work with partner agencies to ensure that non-disclosure is only used where necessary and in line with statutory criteria as well as internal work to review all current non-disclosure cases.

<sup>9</sup> 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 2021/22 with comparisons to previous years.

### Key facts:



Children with appeals concluded increased for the first time since 2014/15



55 % of appeals were refused (Children's Hearing decision upheld)

### Appeals

Children and/or their relevant persons can appeal to the Sheriff against decisions made by Children's Hearings and Pre-Hearing Panels. In 2021/22, 435 children had 568 appeals concluded, a 9.9% increase. A child may have multiple appeals within the year.

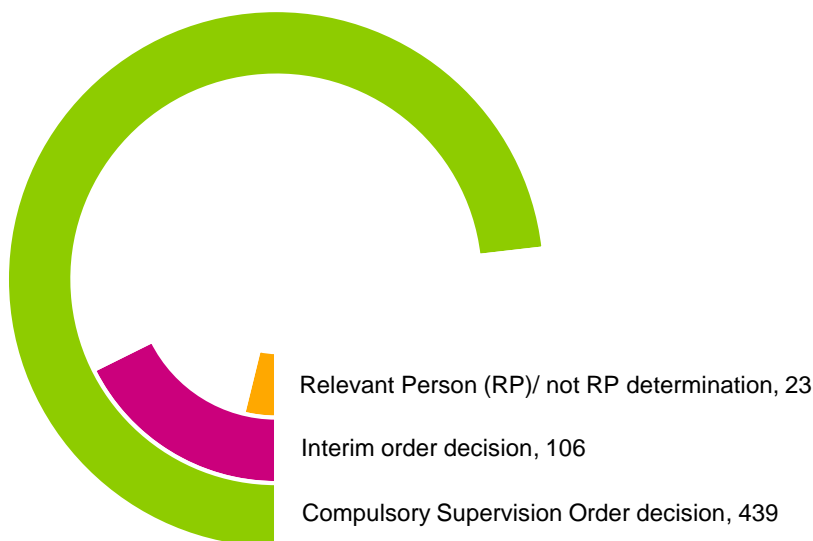
**Table 6.1 Number of appeals to the Sheriff**

Appeal outcomes	2018/19	2019/20	2020/21	2021/22
Number of children	651	557	397	435
Number of appeals concluded	824	686	517	568
% with Hearings' decisions upheld (appeal refused)	57%	56%	54%	55%

At appeal, 55.5% of Hearing decisions were upheld (the appeal was refused) by the Sheriff. 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). Appeal outcomes are complex in terms of defining what is upheld. For the purposes of this report, refused appeals are those abandoned, dismissed as incompetent or where the Hearing decision is upheld and the Sheriff didn't identify a change of circumstances. Successful appeals are those where the Hearing decision wasn't justified or there was a change of circumstances identified by the Sheriff.

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 2021/22**



## Performance

This section presents information about operational performance within SCRA during 2021/22, with comparisons to previous years. Detailed performance against targets contained within our Corporate and Business Plans will be reported through SCRA's Annual Report 2021/22. It will also include commentary around performance as well as wider progress against SCRA's plans and will be published on the 27<sup>th</sup> October 2022<sup>10</sup>.

### Key facts:



Performance decreased in the measurable time interval standards

**187 days**  
non-offence

average working days from referral receipt to Hearing decision

**95 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 2001<sup>11</sup>. 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 2021/22**

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	18,331 referrals	12,600 referrals	69%
Standard TI6 – Hearings will be scheduled to take place within a maximum of 20 working days of the Reporter's decision	2,506 referrals	1,261 referrals	50%
Standard TI14 – The child and family will be sent written notification of the outcome of a Hearing within 5 working days of the Hearing	57,969 notifications	46,845 notifications	81%

Performance against the Time Interval Standards remained below prior years as expected due to the pandemic, especially in terms of being able to schedule Hearings. Standard TI8 (ensuring Hearings continuations are kept to a minimum) was not reportable due to system changes.

**Table 7.2 Performance against Time Interval Standards, by year**

Time Interval (TI) Standard	2018/19	2019/20	2020/21	2021/22
TI4	78%	75%	71%	69%
TI6	75%	74%	54%	50%
TI14	97%	95%	83%	81%

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.

<sup>10</sup> SCRA's publications can be accessed here: <https://www.scra.gov.uk/resources/>.

<sup>11</sup> Scottish Executive (2001) Blueprint for the Processing of Children's Hearings Cases. Inter-agency Code of Practice and National Standards.

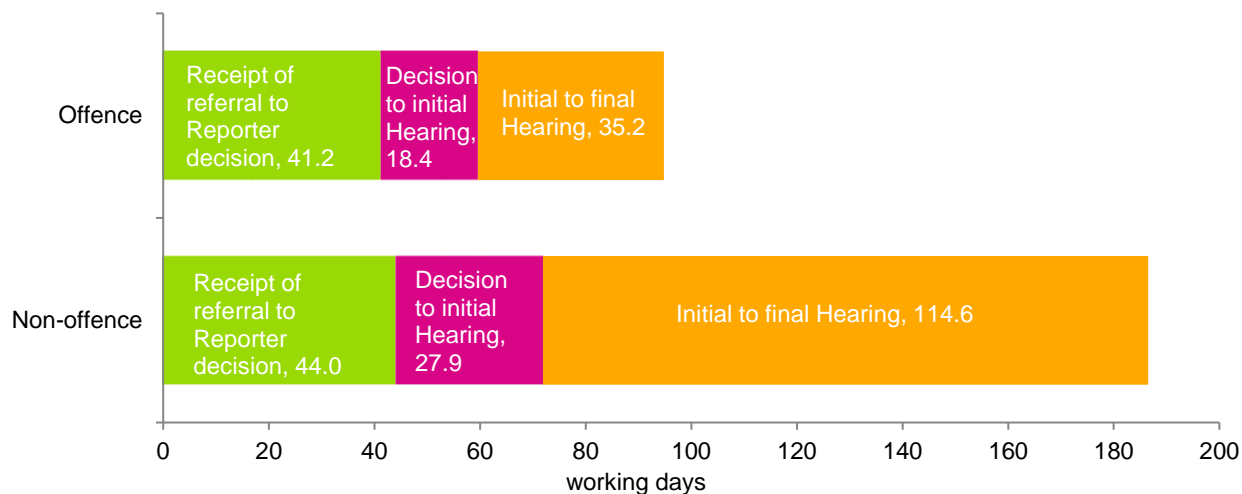
## Working days from referral receipt to Hearing decision

Of the 2,191 children with non-offence based Hearing decisions and the 56 children with offence based Hearing decisions (Table 5.1), the average working days from referral receipt to Hearing decision were 187 and 95 days respectively, see Figure 7.1.

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

Please note that the methodology for counting working days for non-offence referrals has changed from prior years as non-offence 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. Offence referrals remain unchanged as each charge is treated separately.

**Figure 7.1 Average working days from referral receipt to Children's Hearing decision in 2021/22**



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 non-offence referrals was 199 days against 101 where a proof application was not required. While for offence referrals, the averages were 164 days and 63 days respectively.

The median for offence referrals was 72.5 days against an average of 94.9 days, while the median for non-offence referrals was 164 days against an average of 186.5 days. The difference between the average and the median (22.5 days for both offence referrals and non-offence referrals) illustrates the effect that prolonged cases have on the overall performance on this measure.

To provide context, the average working days were 193 for non-offence referrals and 105 for offence referrals respectively in 2020/21.

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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

In line with Official Statistical guidance, error margins around the key areas within this report are included Below. If data falls below the quality that we expect from an Official Statistics publication, then it will be removed from the report. Where data quality issues have been identified, manual checks and amendments to the figures have been undertaken.

### Referral data

Police referrals and charges are now automatically processed into our system for the majority of offence referrals. In addition, there are no longer additional or duplicate categories which caused issues previously, therefore our error margin is expected to be very low, <1%.

### Joint reports

There can be issues around receiving joint reports for children who are over 16 and have no open referrals or current orders. In effect, these shouldn't have been received. In addition, we have discovered marking issues with custody reports which we have manually corrected. Therefore, we expect an error margin of around 5%.

### Child Protection Orders

With the coronavirus legislation not requiring 2<sup>nd</sup> working day Hearings, we had to record Child Protection Orders differently, this has led to some being miscategorised as standard referrals. We have manually corrected the ones we have found but we could be undercounting these orders by around 5%.

### Children's Hearings

Only Children's Hearings with outcomes have been included and any cases where there is more than one Children's Hearing for a child on the same day have been checked. Therefore, our error margin is expected to be very low, <1%. There are issues around ground disposals at Children's Hearings with inconsistencies between the Children's Hearing decision and the ground outcome in terms of either outcome or dates. We have manually fixed those we can but there may be an error margin of up to 10%.

### Compulsory Supervision Orders

Compulsory Supervision Orders are well recorded and checked. Our error margin is expected to be very low, <1%. Issues do occur in identifying those which are terminated due to permanency or adoption as there is no flag or date field for these so they are checked manually. For this subset there may be an error margin of up to 10%.

### Court

All court disposals have been checked. Therefore, our error margin is expected to be very low, <1%. Issues occur is around court interim orders which have errors in recording. Whilst we have tried to cross reference available data to minimise this, there may be an error margin of up to 10% in court orders.

### Appeals

Many appeals in the year had no outcome recorded. These have been manually corrected but there are limited cross reference points for appeals so it is difficult to know whether all appeals have been captured. Therefore, there may be an error margin of up to 10% in appeals.

### Time intervals

For standard T114 – The child and family will be sent written notification of the outcome of a Hearing within 5 working days of the Hearing, there is no sent date currently so we use the creation date. Not all family relationships can be identified also for picking up communications, therefore there may be an error margin of up to 10%.



