

# Information about the Children's Hearings System for people affected by the offending or harmful behaviour of a child

In line with the United Nations Convention on the Rights of the Child, the Scottish Children's Reporter Administration (SCRA) refers to all those aged under 18 as children in this leaflet.

If you have been affected by an offence committed by a child over 12 or by the harmful behaviour of a child under 12, this leaflet is for you. It will:

- Help you understand what happens following police investigation of the offence or behaviour
- Help explain how the Children's Hearings System works
- Provide information on how to get support



SCOTTISH  
**CHILDREN'S REPORTER**  
ADMINISTRATION

## After an offence

In Scotland, children in conflict with the law are normally dealt with by the Children's Hearings System, which can consider children up to the age of 16 and 18 in certain circumstances.

The Children's Hearings System deals with children who may require protection, guidance, treatment or control through a Compulsory Supervision Order. This may be necessary for a number of reasons including:

- the child may have committed an offence
- the child's behaviour is causing serious concern
- there is a lack of parental care
- the child is a victim of an offence
- the child is exposed to people whose conduct is causing serious concern.

Whatever the initial reason for the child coming into the Children's Hearings System, their whole circumstances are taken into account in deciding what to do.

## Role of the Children's Reporter

Any person who considers that a child might need a Compulsory Supervision Order can refer them to the Reporter.

The Reporter must then decide whether to arrange a Children's Hearing. The Reporter does this by deciding whether they think:

- (1) there is sufficient evidence to arrange a Children's Hearing, and
- (2) that the child needs a Compulsory Supervision Order.

To help them reach a decision, the Reporter may gather information from a range of people about the child and their circumstances.

## Decisions a Reporter can make:

When making a decision about a child the Reporter has three options:

### Option 1 – Arrange a Children’s Hearing

If the Reporter thinks there is sufficient evidence to arrange a Children’s Hearing and that a Compulsory Supervision Order is necessary, the Reporter must arrange a Hearing.

### What happens at a Children’s Hearing?

A Children’s Hearing has three panel members who make the decisions about the child. The Reporter will attend, but does not take part in the decision-making.

The child, their parents and some other people can attend the Children’s Hearing. The panel members, the child, their parents and some other people will receive written information about the child and their circumstances. Hearings are held in private and victims or those directly affected by an incident, are not invited to attend.

The written information includes the reasons in law for the Children’s Hearing. These are known as the ‘statement of grounds’. Examples of what the statement of grounds might say are:

- That the child has committed an offence – it will then include details of the offence.
- That the child has caused serious harm to another person – it will then include details of the child’s behaviour. The Reporter may choose this ground even if the Police charged the child with an offence.

If the child and their parents (and sometimes their carers) accept the statement of grounds, the Children’s Hearing will discuss the child’s situation with those present. The Hearing will then decide whether to make a Compulsory Supervision Order.

If the child and their parents do not accept the statement of grounds, the Children's Hearing may either discharge the referral and formally end the proceedings or direct the Reporter to apply to the sheriff for the sheriff to decide whether the statement of grounds is true or not.

## **What happens if the grounds go to the Sheriff?**

The Reporter, the child and their parents can lead evidence to enable the sheriff to decide whether the grounds are true or not. A person affected by the offence or behaviour may be called to give evidence. If the Reporter thinks you can help and intends to call you as a witness, the Reporter will contact you to explain the process and the support that may be available.

If the sheriff finds the grounds are true, the sheriff will refer the matter back to the Children's Hearing. The Hearing will then consider whether to make a Compulsory Supervision Order in the same way as if the grounds had been accepted in the first place. If the sheriff decides that the grounds are not true, the sheriff will discharge the referral and formally end the matter.

## **Involvement of people affected by the crime or harmful behaviour**

A person affected by the offence or behaviour is not invited to attend a Children's Hearing or sheriff court proceedings (except potentially as a witness in court) since all of these proceedings are held in private. The Children's Hearing however, can take into account all relevant information and that can include the effect of the child's behaviour on other people.

## **Compulsory Supervision Order**

A Compulsory Supervision Order is a legal order and the local authority has a duty to give effect to it. The order may contain measures about different things including for example where the child must live, restrictions on their movements, and other conditions that must be

complied with. A Compulsory Supervision Order lasts for up to a year but it will be reviewed by a Children's Hearing within that period and can be continued and/or varied. A Compulsory Supervision Order cannot last beyond the child's 18th birthday.

## **Option 2 – Referral for voluntary measures**

The Reporter may refer the child to the local authority to work voluntarily with the child and their family. This can include addressing the child's behaviour. The voluntary involvement can last for as long as it is required.

## **Option 3 – Not to arrange a Children's Hearing**

The Reporter cannot arrange a Hearing if the Reporter thinks that there is not enough evidence or that the child does not need a Compulsory Supervision Order.

This does not mean that the child's behaviour, or any other concerns, are not being dealt with. The Reporter will have taken into account whether other methods are more appropriate to address the specific offence or behaviour and any other concerns, rather than arranging a Hearing.

The Reporter will decide not to arrange a Hearing if any of the following apply:

- There is not enough evidence for a statement of grounds.
- The child is already subject to a Compulsory Supervision Order and the new referral can be adequately dealt with under that order.
- The new referral can be adequately dealt with by referring the child to the local authority for voluntary advice, guidance and support.
- The child and their family have already adequately dealt with the issue, or they will do so.

## Information for people affected by an offence or behaviour

The Reporter may be able to give you certain information about the decisions made by the Reporter, a Children's Hearing or a sheriff. This information is restricted to decisions about the offence (or the child's behaviour if they are under 12) that involve you.

Another restriction applies if the Reporter decides to arrange a Children's Hearing for a child over 12 without specifying in the statement of grounds that an offence was committed. The Reporter may choose to include the behaviour by the child in a different way. The Reporter cannot tell you when this happens; in these circumstances the Reporter can only tell you that a Hearing was not arranged in relation to the offence, even though a Hearing will consider the child's behaviour.

## More information and support

For more information visit our website [www.scra.gov.uk](http://www.scra.gov.uk) where there is a section with useful victim information.

You can also contact your Victim Information Co-ordinator whose contact details will be on the letter sent with this leaflet.

Crime at any level can affect victims in many ways – emotionally, financially, practically and physically. You may wish to contact the Victim Support Service who may be able to provide you with practical help after the crime, listen to your concerns and talk to you confidentially. The national helpline number is 0800 160 1985 and website is [www.victimsupport.scot](http://www.victimsupport.scot).

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