



CHILDREN'S HEARINGS

What is the Children's Hearing System?

Children's Hearings were set up in Scotland in the 1970s to deal with children who are in trouble with the law or who are at risk of harm in the community. This took children under 16 generally out of the criminal court system (except for very serious offences). But the system also deals with cases where the parents are accused of harming their children, or allowing them to come to harm by not looking after them properly.

What is a Children's Reporter?

The Children's Reporter administers the system, investigates cases which are referred by agencies such as the police, social workers or health visitors, and decides whether cases should be referred to the Children's Panel. They will get information about the child to help them decide – they might speak to a social worker if the child has one, or their teacher.

What is a Children's Panel?

The Children's Panel is a tribunal of three lay people, who are representatives of the community with an interest in children. They are not social workers or employees of the local authority.

Who will be at a Children's Hearing?

The child or young person, unless the Hearing has decided that they do not have to attend, the people who look after the child, three Panel Members who will make the decisions, the Children's Reporter who will record what has been decided and a social worker. There may be a person called a Safeguarder – they are there to help the panel make the right decisions for the child. The child can also bring someone along like a friend or teacher to represent and support them.

What happens at a Children's Hearing?

Children's Hearings take place in private. The Panel considers "grounds of referral" which is a statement of the reasons why the child has been brought to the Children's Hearing. If these reasons are not accepted by the child and his/her parents, then the case is referred to the Sheriff for a decision. You will require to attend at court, but you can consult a solicitor to attend with you. Legal Aid may be available. If the Sheriff decides that the reasons for the referral are well founded, then the case goes back to the Children's Panel for a decision on the future care of the child.

What decisions can the Children's Panel make?

The Panel may decide to make a Supervision Requirement, which means that social workers will be involved in monitoring the care of the child. It is also possible, in serious cases, for the Children's Panel to decide to take the child away from his/her parents to reside with other family members, foster carers or in a residential home or school.

How long does a Supervision Requirement last?

A supervision requirement should only last if it is necessary to secure the child's welfare and not longer than one year unless it has been reviewed and continued. Any supervision requirement will automatically terminate when the young person turns eighteen.

Sometimes children need separate legal advice – Legal Representation for Children and Young People