

The Children's Hearing: What Educational Practitioners should know



For Scotland's Learners, with Scotland's Educators



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

Information and Resources for Educational Practitioners

Introduction

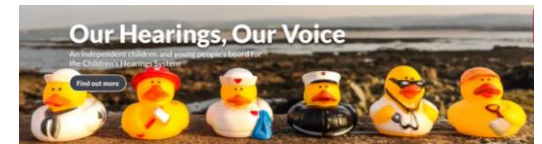
The Children's Hearing is the distinct way that Scotland makes statutory child protection and youth justice decisions, and has been designed to ensure the safety and wellbeing of vulnerable children through a decision making tribunal called a Children's Hearing. The Children's Hearing is the largest tribunal in Scotland and is made up of over 2,500 specially trained volunteer lay Panel Members from local communities across Scotland.

This resource provides educational practitioner's information about:

- The key parts of what is often called the [Children's Hearing System](#) (but which is not really a system at all!) and links to more information
- What are, and what are not, [grounds for referral](#)?
- Key [supporting agencies](#)
- [Resources](#) for educational practitioners who support children and families before, at, and after a hearing?
- Latest relevant [research](#)
- [Latest news](#) from the Children's Hearings Improvement Partnership (CHIP); including updates on Covid 19
- [Social Work Scotland updates](#) and information on contact & Covid 19

How do we listen to the 'voice' of children and young people involved in the Children's Hearing?

[Our Hearings, Our Voice](#) is the independent board for children and young people from across Scotland between the ages of 8-18, who have experience of the Children's Hearing.



The Children's Hearing 'System'

To find out more about the key elements of the Children's Hearing 'System' use the links below:

- The **legislation** made simple: [The Children's Hearing \(Scotland\) Act 2011](#)
- [The Children's Panel](#) – power, purpose and composition
- Key [definitions](#)
- [National standards for the Children's Panel](#)

Grounds for referral

A fundamental principle of the children's hearing is that children and young people who are involved in **offending behaviour**, and children and young people who need **care and protection**, are supported in the same way. Care and protection and offending are the two main reasons for referral to the [Children's Reporter](#). Poor behaviour in school or truanting (that does not pose a risk to themselves or others) may not meet the criteria for a referral to the Reporter, however, long-term or regular non-attendance at school or behaviours in school which place the child or others at risk, might. A referral should not be made for the sole purpose of acquiring services for a child or family. If a Reporter considers a child's circumstances and decides that a children's hearing is required they will decide which ground for referral from [section 67](#) of the [Children's Hearing \(Scotland\) Act 2011](#) is the most relevant.

Click [here](#) for further guidance on referrals to the Reporter.

Practitioners can contact the Reporter directly if they have any questions using the contact details on the [SCRA website](#).

New participation rights for 'brothers and sisters' in a Children's Hearing

Since July 2021, provided certain criteria are met, 'brothers and sisters'¹ have the right to attend for part of their siblings Hearing. This legislation has wide ranging implications for the practitioners who support 'brothers and sisters' to attend a hearing and for the children in terms of potential upset and interruption to their learning.

Supporting Agencies

A number of organisations work together within the Children's Hearing to deliver care, protection and support services including education, social work, the police, and the Scottish Children's Reporter Administration (SCRA). Click [here](#) for links to these organisations.

¹ Or those with a brother or sister-type relationship. For example, the child of a foster carer from a previous placement

Definitions	<p>Relevant person - Any parent (whether or not they have parental rights or responsibilities) or any other person who has parental rights and responsibilities (obtained through the courts).</p> <p>Children's Reporter - The first contact a child or family will have with the Children's Hearing. A Reporter will investigate a referral by getting information from a number of sources – they might speak to a social worker if your child has one, or their teacher. Anyone can be asked to provide the Children's Reporter with information about a child. Anyone can make a referral. After receiving and considering relevant information the Children's Reporter will decide if a child has to attend a children's hearing.</p> <p>Safeguarder – an independent person who may be appointed by any children's hearing to 'safeguard' the child.</p> <p>Advocacy worker – an independent advocacy worker may be involved to support the child and help them give their view to the children's hearing. Advocates do not have to be professionals - friends, family and carers can also act as advocates. Advocates are also available for brothers and sisters who attend the Hearing of a sibling.</p> <p>Legal representative - a solicitor who can be instructed by a child or a relevant person to represent them at a children's hearing or in associated children's hearing court proceedings.</p> <p>Sheriff – a decision maker in associated children's hearing court proceedings which take place in the Sheriff Court.</p> <p>Integrated assessment and child's plan – a report which combines assessments and views from all necessary agencies into a single document, and is written alongside a GIRFEC 'plan' laying out how the needs of the child will be met and each agencies role in that plan.</p> <p>Section 67 Grounds – the reasons stated by a Children's Reporter which form the basis for the statutory intervention of the Children's Hearing in the family life of a child.</p> <p>Compulsory supervision order (CSO) - This order is made at a children's hearing and can contain measures stating where the child is to live and/or other measures with which the child must comply. A local authority is responsible for making sure that what is stated in the CSO is happening, and that the child is getting the help that they need. A CSO has no set time limit, but should last only as long as is necessary. It must be reviewed by a children's hearing at least once a year when it can be continued, varied or stopped.</p>
Supporting Agencies and Groups	<p>Scottish Children's Reporter Administration (SCRA)</p> <p>Children's Hearings Scotland (CHS)</p> <p>Health and Social Care Partnerships</p> <p>COSLA - Local Authorities (Education and Social Work Services)</p> <p>Crown Office and Procurator Fiscal Service (COPFS)</p> <p>Police Scotland</p> <p>Children's Hearings Improvement Partnership (CHIP)</p>

<p>Resources</p>	<p>Useful information webpages and downloadable leaflets: For Children –webpage and leaflet For Young people – webpage and leaflet For Parents and Carers – webpage and leaflet For Foster Carers - leaflet For the Relevant person (leaflet) For teachers (leaflet) For Victims (leaflet) Disclosure (Education Scotland National Improvement Hub) and Rehabilitation of Offenders (leaflet) Children's Advocacy Guidance - Guidance on how to support children and young people to make informed decisions on matters which influence their lives. Click here for a pdf of the poster to the right-> Supporting learners who offend, or who are at risk of offending (Education Scotland National Improvement Hub)</p> <p>Films: Pre- hearing visit Going to a Hearing Hearings and Young People with Autism What is a children's hearing? For parent's and carers with learning disabilities Compulsory Supervision Order's (CSOs) Going to court For more resources and podcasts visit the CHS and SCRA websites</p> <p>Professional learning: Multi-agency professional learning resource links</p>
<p>Research</p>	<p>Compulsory Supervision Orders (CSOs) in the Hearings System Complexity in the lives of looked after children and their families in Scotland: 2003 to 2016 Decision making on continuation of Compulsory Supervision Orders past young people's 16th birthdays' An exploration of ethnic minority communities' understanding and awareness of child protection and the Children's Hearings System in Scotland The Next Steps Towards Better Hearings Supporting Sibling Relationships of Children in Permanent Fostering and Adoptive Families Sexual Exploitation of children involved in the Children's Hearing System</p>



Education Scotland

Denholm House

Almondvale Business Park

Almondvale Way

Livingston EH54 6GA

T **+44 (0)131 244 4330**

E **enquiries@educationscotland.gsi.gov.uk**

www.education.gov.scot

© Crown Copyright, Choose an item.

You may re-use this information (excluding images and logos) free of charge in any format or medium, under the terms of the Open Government Licence providing that it is reproduced accurately and not in a misleading context. The material must be acknowledged as Education Scotland copyright and the document title specified.

To view this licence, visit <http://nationalarchives.gov.uk/doc/open-government-licence> or e-mail: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.