

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 – Subsequent Children's Hearings

Section 119 – Children's hearing following deferral or proceedings under Part 10

175. This section applies where a Children's Hearing is arranged following: a deferral by a grounds hearing; withdrawal of grounds determination by the reporter; a grounds determination by the sheriff; a recall of grounds determination by the sheriff; the establishment by the sheriff of a new ground for referral on review of grounds determination; or the hearing has deferred making a decision under section 119(2). Subsection (2) provides for a Children's Hearing, where it considers it appropriate, to defer making a decision on whether to make a compulsory supervision order until a subsequent hearing. Deferral of a decision may be considered appropriate, for example, because a particular report has not been completed in time, or the accuracy of a report is being challenged or because the child requires further assessment in order to fully determine the child's needs.
176. Subsection (3) provides that if the Children's Hearing does not defer making a decision, the hearing must either make a compulsory supervision order for the child or discharge the referral. The hearing may only make a compulsory supervision order if it is satisfied that it is necessary for the protection, guidance, treatment or control of the child. Subsections (4) and (5) make clear that where the hearing defers making a decision and the child or relevant person had been excused from attending that hearing, the hearing may defer to a subsequent hearing without further excusing the child and the relevant person from attending at the subsequent hearing.