

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Investigation and Referral to Children's Hearing

Investigation and determination by Principal Reporter

Section 68 – Determination under section 66: no referral to children's hearing

92. This section relates to circumstances where the Principal Reporter is satisfied that a Children's Hearing does not require to be arranged. Subsection (2) applies where a child is kept in a place of safety and places a duty on the reporter to order the release of the child from the place of safety. Subsections (3) and (4) provide that the reporter must inform the relevant local authority, as well as the child, relevant person and any person(s) who provided notice or information, of the decision not to refer the child to a hearing.
93. Subsection (5) provides for the reporter, if the reporter considers it appropriate, to refer the case to the relevant local authority for the child or such other person or body as may be specified by the Scottish Ministers by order with a view to their making arrangements for advice, guidance and assistance to the child and the child's family. Subsection (6) provides that the reporter cannot subsequently refer a child to a hearing unless the reporter receives new information to support a subsequent referral.