
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Children's Hearings (Scotland) Act 2011 (Rules
of Procedure in Children's Hearings) Rules 2013**

PART 11

Arranging other children's hearings

Arranging a children's hearing under section 45 (review by children's hearing where child in place of safety) or 46 (review by children's hearing where order prevents removal of child) of the Act – 2nd working day hearing

39.—(1) This rule applies where section 45(2) or 46(2) of the Act applies.

(2) As soon as practicable before the beginning of the children's hearing, the Reporter must notify the persons mentioned in paragraph (3) of the date, time and place of the children's hearing.

(3) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any individual other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (d) the person who applied for the child protection order or child assessment order, as the case may be;
- (e) the person specified in the child protection order under section 37(2)(a) (child protection orders) of the Act;
- (f) any other person prescribed by rules of court for the purposes of section 48 (application for variation or termination) or 49 (notice of application for variation or termination) of the Act;
- (g) the three members of the children's hearing;
- (h) any appointed safeguarder;
- (i) the chief social work officer of the relevant local authority for the child;
- (j) the National Convener.

(4) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(a) to (i) such of the information mentioned in paragraph (5) as is available.

(5) That information is—

- (a) a copy of the child protection order;
- (b) a copy of the application for the child protection order, or child assessment order, as the case may be;

- (c) a copy of any report or other document which is relevant to the children's hearing's consideration.

Arranging a children's hearing under section 50 (children's hearing to provide advice to sheriff in relation to application) of the Act

40.—(1) Where a hearing is to be arranged under section 50 of the Act, as soon as practicable after determining to arrange the hearing the Reporter must notify the persons mentioned in paragraph (2) of the date, time and place of the children's hearing.

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any individual other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (d) the person who applied for the child protection order, or child assessment order, as the case may be;
- (e) the person who applied for the child protection order to be varied or terminated;
- (f) the person specified in the child protection order under section 37(2)(a) (child protection orders) of the Act;
- (g) any other person, to whom the applicant for variation or termination of a child protection order is required to give notice of the making of the application, prescribed by rules of court for the purposes of section 48 (application for variation or termination) or 49 (notice of application for variation or termination) of the Act;
- (h) the three members of the children's hearing;
- (i) any appointed safeguarder;
- (j) the chief social work officer of the relevant local authority for the child;
- (k) the National Convener.

(3) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (2)(a) to (j) such of the information mentioned in paragraph (4) as is available.

(4) That information is—

- (a) a copy of the child protection order;
- (b) a copy of the application for the child protection order or child assessment order, as the case may be;
- (c) a copy of the application under section 48 of the Act for the variation or termination of the child protection order;
- (d) any other relevant document or information.

Provision of information for a children's hearing under section 96(2) (children's hearing to consider need for further interim compulsory supervision order)

41.—(1) This rule applies where a children's hearing under section 96(2) of the Act is to be arranged by the Reporter.

(2) Wherever practicable when issuing notice under rule 22 and in all cases no later than 7 days before the intended date of the children's hearing, the Reporter must give to the persons mentioned in paragraph (3) the information mentioned in paragraph (4).

- (3) Those persons are—
 - (a) the child;
 - (b) each relevant person;
 - (c) any appointed safeguarder;
 - (d) the three members of the children's hearing;
- (4) That information is—
 - (a) copies of all decisions and reasons for those decisions made by all pre-hearing panels and children's hearings arranged in relation to the child;
 - (b) a copy of any interim compulsory supervision order made in relation to the child;
 - (c) any relevant document or other information for the consideration of the children's hearing.

Arranging a children's hearing under section 126 (review of contact direction) of the Act

42.—(1) Where section 126 of the Act applies, the Reporter must, as soon as practicable and no later than 3 days after the children's hearing mentioned in section 126(1)(a) of the Act, inform those persons mentioned in paragraph (2) of the place, date and time of any children's hearing to be held under section 126(2)(a) or (b) of the Act and the right of those mentioned in paragraph (2) (a) to (g) to attend that hearing.

- (2) Those persons are—
 - (a) the child;
 - (b) each relevant person;
 - (c) any person other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
 - (d) any person who has a contact order regulating contact between the individual and the child;
 - (e) any person having a right of contact with the child under a permanence order;
 - (f) any person who requested a children's hearing be held under section 126(2)(b) of the Act;
 - (g) any appointed safeguarder;
 - (h) the three members of the children's hearing;
 - (i) the chief social work officer of the implementation authority or relevant local authority for the child as the case may be;
 - (j) the National Convener.

(3) Wherever possible when informing the persons mentioned in paragraph 2(a) to (h) and in all cases no later than 3 days prior to the intended date of the children's hearing under section 126 of the Act, the Reporter must give to those persons—

- (a) a copy of the contact direction in the relevant order made by the children's hearing mentioned in section 126(1) of the Act and the reasons for that contact direction;
 - (b) any document or part of any document which is relevant to the children's hearing to be held under section 126 of the Act.
- (4) In this rule "relevant order" means—
- (a) a compulsory supervision order;
 - (b) an interim compulsory supervision order;
 - (c) a medical examination order.

Arranging a children's hearing under section 142 (review of determination that person be deemed a relevant person)

43.—(1) This rule applies where a children's hearing under section 142(3) of the Act deferred determining the review under section 142(2) of the Act until a subsequent children's hearing.

(2) Wherever practicable when issuing notice under rule 22 and in all cases as soon as practicable before the beginning of the children's hearing to be held by virtue of section 142 of the Act, the Reporter must give to the persons mentioned in paragraph (3) any relevant document or other information for the consideration of the children's hearing.

(3) Those persons are—

- (a) the child;
- (b) any relevant person;
- (c) any appointed safeguarder;
- (d) the three members of the children's hearing.

Arranging a children's hearing for the purposes of section 49 (reference or remit to children's hearing) of the Criminal Procedure (Scotland) Act 1995

44.—(1) Where a children's hearing is required to provide a report under section 49(1)(b), (3) or (6) of the Criminal Procedure (Scotland) Act 1995⁽¹⁾, as soon as practicable and no later than 7 days before the intended date of the hearing the Reporter must notify the persons mentioned in paragraph (2) of the date, time and place of the hearing.

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;
- (d) the three members of the children's hearing;
- (e) the chief social work officer of the relevant local authority for the child;
- (f) the National Convener.

(3) As soon as practicable and no later than 3 days before the intended date of the hearing, the Reporter must give to the persons mentioned in paragraph (2)(a) to (c) such of the information mentioned in paragraph (4) as is available.

(4) That information is—

- (a) a copy of any relevant remit by a court under section 49 of the Criminal Procedure (Scotland) Act 1995;
- (b) copies of all decisions and reasons for those decisions made by all pre-hearing panels and children's hearings arranged in relation to the child;
- (c) confirmation of the child's duty to attend the children's hearing under section 73 (child's duty to attend children's hearing) of the Act;
- (d) confirmation of the relevant person's duty to attend the children's hearing under section 74 (relevant person's duty to attend children's hearing) of the Act;
- (e) information on the means by which the child may express views to the children's hearing;
- (f) confirmation of the right of the child and each relevant person to give any report or other document for the consideration of the children's hearing.

(1) 1995 c.46.

(5) As soon as practicable and no later than 3 days before the intended date of the hearing, the Reporter must give to the persons mentioned in paragraph (2)(d) such of the information mentioned in paragraph (4)(a) and (b) as is available.