
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 13

Appointment of safeguarder and safeguarders' reports

Appointment of safeguarder by pre-hearing panel or children's hearing

- 56.**—(1) Where the pre-hearing panel appoint a safeguarder for the child the Reporter must—
- (a) inform the safeguarder of the date, time and place (if known) of the next children's hearing to be held in relation to the child; and
 - (b) give to the safeguarder the information mentioned in paragraph (3), as soon as practicable before the intended date of the hearing.
- (2) Where the children's hearing appoint a safeguarder for the child the Reporter must—
- (a) inform the safeguarder of the date, time and place (if known) of the next children's hearing to be held in relation to the child, or the hearing to take place under Part 10 (proceedings before sheriff) of the Act, as the case may be; and
 - (b) give to the safeguarder the information mentioned in paragraph (3) as soon as practicable and no later than 7 days before the intended date of the hearing.
- (3) That information is—
- (a) any information given to the three members of the children's hearing under these Rules;
 - (b) a copy of the pre-hearing panel's or the children's hearing's decision and the reasons for that decision; and
 - (c) the reasons for the decision by the pre-hearing panel or the children's hearing to appoint a safeguarder.
- (4) Where the safeguarder is required to prepare a report under section 33(1)(a) (functions of safeguarder) of the Act, within 35 days of being appointed the safeguarder must prepare and give a report or interim report to the Reporter.
- (5) Where an interim report is given to the Reporter under paragraph (4) the safeguarder must also give to the Reporter—
- (a) a statement explaining the reasons for the production of an interim report;
 - (b) details of further investigations or information to be sought by the safeguarder; and
 - (c) an estimate of how much more time the safeguarder requires to complete the report.

Duty of Reporter on receipt of report from safeguarder

- 57.**—(1) Where the Reporter receives from a safeguarder any report or interim report prepared under section 33(1)(a) or (c) (functions of safeguarder) of the Act, as soon as practicable after

receiving that report or interim report the Reporter must arrange a children's hearing to decide whether to make a compulsory supervision order or to review the compulsory supervision order in effect in relation to the child, as the case may be.

(2) Where the Reporter arranges a children's hearing under paragraph (1) and the children's hearing is to make a decision on whether to make a compulsory supervision order the provisions of section 119 (children's hearing following deferral or proceedings under Part 10) of the Act apply to that hearing as if it was arranged by virtue of section 119(2) of the Act.

(3) Where the Reporter arranges a children's hearing under paragraph (1) and the children's hearing is to review the compulsory supervision order in effect in relation to the child section 137 (duty to arrange children's hearing) of the Act applies to that hearing as if it was arranged by virtue of section 137(2) of the Act.