
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 20

Notifying decisions

**Notifying decision of a children's hearing to the child, relevant person and appointed
safeguarder**

88.—(1) Where by virtue of the Act or any other enactment a children's hearing has been held in relation to a child the Reporter must give to the persons mentioned in paragraph (2) the information mentioned in paragraph (3) within 5 days of the children's hearing.

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder.

(3) That information is—

- (a) the decision of the children's hearing;
- (b) the reasons for that decision;
- (c) a copy of any compulsory supervision order, interim compulsory supervision order, medical examination order made, or warrant to secure attendance granted;
- (d) a notice of any right to appeal the children's hearing's decision under section 154 (appeal to sheriff against decision of children's hearing) or 160 (appeal to sheriff against relevant person determination) of the Act;
- (e) where the child or any relevant person is subject to an order under section 159 (frivolous and vexatious appeals) of the Act, confirmation of the need for that person to seek leave from the sheriff to appeal the decision;
- (f) details of any right to seek a suspension of the children's hearing's decision to make, vary, continue or terminate a compulsory supervision order under section 158 (compulsory supervision order: suspension pending appeal) of the Act;
- (g) details of the child's and each relevant person's right to seek a review of a compulsory supervision order under, or by virtue of, section 132 (right of child or relevant person to require review) of the Act.

(4) This rule does not apply where rules 66(7), 91, 92, 93 or 96 apply.

Information to be given to the implementation authority and others

89.—(1) Where rule 88 applies within 5 days of the children's hearing the Reporter must give to the persons mentioned in paragraph (2) the information mentioned in rule 88(3)(a) to (c).

- (2) Those persons are—
- (a) the chief social work officer of the implementation authority where the decision was to make a compulsory supervision order or interim compulsory supervision order and in any other case the chief social work officer of the relevant local authority for the child;
 - (b) any person who under the compulsory supervision order, interim compulsory supervision order, medical examination order or warrant to secure attendance is responsible for providing any service, support, or accommodation in respect of the child.
- (3) Where by virtue of any compulsory supervision order, interim compulsory supervision order or medical examination order the person with whom the child is required to reside is a person other than the implementation authority or a relevant person paragraph (4) applies.
- (4) The Reporter must give the information mentioned in rule 88(3)(a) to (c)—
- (a) where a social work officer from the implementation authority or relevant local authority for the child, as the case may be, attended the children's hearing resulting in the order in question, and it is reasonably practicable to do so, to that social work officer immediately following the children's hearing;
 - (b) in any other case, to the chief social work officer of the implementation authority, or relevant local authority for the child, as the case may be, no later than the end of the working day following the conclusion of the children's hearing.

Information to be given to the chief constable and use of that information

90.—(1) Where rule 88 applies and the grounds hearing has proceeded under section 91(3) (grounds accepted: powers of grounds hearing) of the Act or, where rule 68 applies, section 119(3) (children's hearing following deferral or proceedings under Part 10) of the Act, the Reporter must notify the children's hearing's decision to the chief constable of the Police Service of Scotland under section 61 (constable's duty to provide information to Principal Reporter) of the Act or section 43(5) (arrangements where children arrested) of the Criminal Procedure (Scotland) Act 1995.

(2) Where rule 88 applies and the decision of the children's hearing is to make a compulsory supervision order in respect of a person aged 16 years or older, as soon as reasonably practicable, the Reporter must notify the chief constable of the area in which the person resides.

(3) When a child subject to a compulsory supervision order reaches the age of 16 years, the Reporter must, as soon as reasonably practicable, notify the chief constable of the area in which the child resides.

(4) Where section 199(3) and (4) (meaning of "child") of the Act applies to a person, the Reporter must, as soon as reasonably practicable, notify the chief constable of the area in which the person resides of—

- (a) the application of section 199(3) and (4) of the Act to that person; and
- (b) when a relevant event in section 199(5) of the Act has taken place in relation to that person.

(5) When a person under paragraph (2), (3) or (4) is no longer subject to a compulsory supervision order, the Reporter must, as soon as reasonably practicable, notify the chief constable of the area in which that person resides.

(6) Information disclosed to the chief constable under paragraph (1), (2), (3), (4) or (5) may be used by the chief constable and police forces only for the purpose of—

- (a) enabling or assisting them to perform their functions under or by virtue of this Act, the Police Act 1997(1), or the Protection of Vulnerable Groups (Scotland) Act 2007(2);

(1) 1997 c.50.

(2) 2007 asp 14.

- (b) the prevention or detection of crime;
- (c) the apprehension or prosecution of offenders; or
- (d) the protection of children.

Notifying decision of section 45 or 46 (review of children's hearing where child in place of safety or order prevents removal of child) hearing

91.—(1) The Reporter must as soon as practicable after the hearing held by virtue of section 45 or 46 of the Act give to the persons mentioned in paragraph (2) the information mentioned in paragraph (3).

(2) Those persons are—

- (a) the child in respect of whom the child protection order is made;
- (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) any appointed safeguarder.

(3) That information is—

- (a) the decision of the children's hearing;
- (b) the reasons for that decision;
- (c) where the children's hearing's decision was to continue the child protection order, the right of those persons in paragraph (2) to make an application to the sheriff under section 48(1) of the Act to vary the order or under section 48(2) of the Act to terminate the order.

(4) The Reporter must give to the persons mentioned in paragraph (5) the information mentioned in paragraph (3)(a) and (b).

(5) Those persons are—

- (a) the chief social work officer of the relevant local authority for the child;
- (b) any person who under the child protection order is responsible for providing any service, support, or accommodation in respect of the child

Notifying decision of section 126 (review of contact direction) hearing

92.—(1) Within 5 days of the children's hearing held under section 126 of the Act the Reporter must give to the persons mentioned in paragraph (2) the information mentioned in paragraph (3).

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;

- (d) any individual who has a contact order regulating contact between the individual and the child;
 - (e) any individual who has a permanence order which specifies arrangement for contact between the individual and the child;
 - (f) any person who requested a children's hearing be held under section 126(2)(b) of the Act.
- (3) That information is—
- (a) details of the decision of the children's hearing;
 - (b) the reasons for that decision;
 - (c) notice of any right to appeal the children's hearing's decision under section 161 (appeal to sheriff against decision affecting contact or permanence order) of the Act;
 - (d) where the person is subject to an order under section 159 (frivolous and vexatious appeals) of the Act, confirmation of the need for that person to seek leave from the sheriff to appeal the decision.
- (4) The Reporter must give to the persons mentioned in paragraph (5) the information mentioned in paragraph (3)(a) and (b).
- (5) Those persons are—
- (a) the implementation authority where the decision was to make a compulsory supervision order or interim compulsory supervision order and in any other case the relevant local authority for the child;
 - (b) any person who under the compulsory supervision order, interim compulsory supervision order, medical examination order or warrant to secure attendance is responsible for providing any service, support or accommodation in respect of the child.

Notifying decision of section 158 (compulsory supervision order: suspension pending appeal) hearing

93.—(1) Where a children's hearing has been held by virtue of section 158 of the Act the Reporter must give to the persons mentioned in paragraph (2) the information mentioned in paragraph (3) within 5 days of the children's hearing.

- (2) Those persons are—
- (a) the child;
 - (b) each relevant person;
 - (c) any appointed safeguarder.
- (3) That information is—
- (a) the decision of the children's hearing;
 - (b) the reasons for that decision.