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STATUTORY INSTRUMENTS

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**1996 No. 3261**

**Children's Hearings (Scotland) Rules 1996**

**PART VI**

**MISCELLANEOUS AND SUPPLEMENTAL**

**Social background report where child in a place of safety**

**24.** Subject to the 1996 Regulations, where a children's hearing is arranged under section 65(2) of the Act, the children's hearing shall not proceed in relation to the case of the child in accordance with section 70(1) of the Act unless the Principal Reporter has made available to them a report of local authority on the child and his social background.

**Form of supervision requirement**

**25.—(1)** Subject to paragraph (2) below, a supervision requirement under section 70(1) of the Act shall be in the form of Form 1.

(2) A supervision requirement under section 70(1) of the Act with a specification under section 70(9) of the Act (residence in secure accommodation) shall be in the form of Form 2.

(3) Subject to paragraph (4) below, a continuation under section 73(9)(e) of the Act of a supervision requirement (with any variation of the requirement or insertion in the requirement mentioned in paragraph (9)(c) and (d) of that subsection) shall be in the form of Form 3.

(4) A continuation under section 73(9)(e) of the Act of a supervision requirement (with a variation of the requirement or insertion in the requirement as mentioned in relation to a specification as to secure accommodation as described in section 70(9) of the Act) shall be in the form of Form 4.

**Procedure relating to warrants, orders, and to requirements under section 69(3) of the Act**

**26.—(1)** Where a children's hearing consider in relation to a child the question whether they should—

- (a) issue or continue a warrant or order under any of the following provisions of the Act:—
  - section 45(4) and (5) (warrants to find child, keep in a place of safety and bring before a hearing);
  - section 59(4) (continuation of child protection order);
  - section 63(5) (warrant to keep child in place of safety following arrest);
  - section 66(1) and (5) (warrants where children's hearing unable to dispose of case);
  - section 69(4) (warrant for fulfilment of requirement to attend or reside at clinic, hospital, etc); and
  - section 69(7) (warrant to take child to and keep in place of safety while case continued under section 59(4) of the Act).

(b) continue under section 59(4) of the Act any direction given under section 58 (direction as to parental responsibilities or parental rights when child protection order made); or

(c) issue a warrant under the 1996 Regulations;

(d) make a requirement under section 69(3) of the Act (requirement to reside at clinic, etc.), the children's hearing shall, before they make a decision to issue that warrant or as the case may be that requirement, take steps under rule 15 to obtain the views of the child, and endeavour to obtain the views of any relevant person and of any safeguarder, if attending the hearing, on what arrangements would be in the best interests of the child.

(2) Where a children's hearing have issued or, as the case may be, continued such a warrant, order, discretion or requirement as is mentioned in paragraph (1), the Principal Reporter shall send as soon as reasonably practicable to the child, any relevant person and any safeguarder appointed in the proceedings—

- (a) a copy of the warrant, continuation of the warrant, continuation of the order, or requirement and a copy of the statement of the reasons for the decision; and
- (b) notice of the right of the child, or, as the case may be, the relevant person under section 51 of the Act to appeal to the sheriff against the decision.

### **Forms of warrants and orders for finding and keeping a child in a place of safety**

27. The orders or warrants listed and described in the left hand column of the chart below shall be in the form of the Forms (as defined in rule 2(2)(b)) opposite in the right hand column which are in the Schedule to these Rules and references to sections shall be to sections in the Act. The description in the left hand column is for ease of reference and does not reproduce the provisions of the Act in full.

LEFT HAND COLUMN	RIGHT HAND COLUMN
S45(4) & (5)	Warrant under section 45(4) or 45(5) to find a child, keep him in a place of safety and bring him before a children's hearing Form 5
S59(4)	Continuation under section 59(4) of a child protection order Form 6
	Continuation under section 59(4) of a child protection order with first authorisation to remove child and to keep child in place of safety with/without order of non-disclosure of place of safety Form 7
S63(5)	Warrant under section 63(5) to keep a child in place of safety with/without order of non-disclosure of place of safety Form 8
	Warrant under section 63(5) with order that child liable to be kept in secure accommoda Form 9

LEFT HAND COLUMN		RIGHT HAND COLUMN
	tion with/without order of non-disclosure of place of safety	
	Continuation under section 63(5) of warrant to keep a child in place of safety	Form 10
	Continuation under section 63(5) of warrant to keep a child in a place of safety with first authorisation that child liable to be kept in secure accommodation with/without order of non-disclosure of place of safety	Form 11
S66(1)	Warrant under section 66(1) to keep a child in a place of safety when hearing unable to dispose of case	Form 12
	Warrant under 66(1) to keep a child in a place of safety when hearing unable to dispose of case with order that child liable to be kept in secure accommodation with/without order of non-disclosure of place of safety	Form 13
S66(5)	Continuation under section 66(5) of warrant granted under section 66(1) to keep a child in a place of safety	Form 14
	Continuation under section 66(5) of warrant granted under section 66(1) to keep a child in a place of safety with first order that child liable to be kept in secure accommodation with/without order of non-disclosure of place of safety	Form 15
S69(4)	Warrant under section 69(4) to find a child and remove to a place of safety when requirement under section 69(3) not fulfilled (where continuation of case)	Form 16
	Warrant under section 69(4) to find child and remove to place of safety when requirement	Form 17

LEFT HAND COLUMN	RIGHT HAND COLUMN
	under section 69(3) not fulfilled with first order that child liable to be kept in secure accommodation with/without order of non- disclosure of place of safety (where continuation of case)
S69(7)	Warrant under section 69(7) to keep a child in a place of safety (where continuation of case) Form 18
	Warrant under section 69(7) to keep a child in a place of safety when there is a continuation of the case by the children's hearing with order to keep child in secure accommodation with/without order of non-disclosure of place of safety (where continuation of case) Form 19

### Miscellaneous Forms

**28.**—(1) A requirement under section 69(3) of the Act shall be in the form of Form 20.

(2) A notification by a Principal Reporter under section 60(3) of the Act shall be in the form of Form 21.

(3) A notification by a Principal Reporter under section 60(5) of the Act shall be in the form of Form 22.

(4) A report of a children's hearing of advice under section 60(10) of the Act shall be in the form of Form 23.

(5) A report of a children's hearing order section 73(13) of the Act shall be in the form of Form 24.

### Authentication of documents

**29.**—(1) A report of any decision, a statement of reasons for a decision or of advice, a warrant or continuation of warrants for finding and keeping a child in a place of safety, or any other writing, authorised or required by Chapter 2 or 3 of the Act or these Rules to be made, given, issued or granted by a children's hearing or by the chairman of a children's hearing shall be sufficiently authenticated if it is signed by the chairman, or, if he is unavailable, by a member of that hearing.

(2) Any document authorised or required by these Rules to be made or executed by the Principal Reporter shall be sufficiently authenticated if it is signed by the Principal Reporter or by a person duly authorised by him.

(3) Any copy of any document authorised or required by these Rules to be given or issued by the Principal Reporter may be certified as a true copy by the Principal Reporter or by a person duly authorised by him.

### **Service of notification and other documents**

**30.**—(1) Any notice in writing or other document and any oral notification authorised or required under these Rules to be given or issued by the Principal Reporter may be given or issued by the Principal Reporter or by a person duly authorised by him or by any constable.

(2) Any notice in writing or other document authorised or required by these Rules to be given or issued to a child or to a relevant person may be—

- (a) delivered to him in person; or
- (b) left for him at his dwellinghouse or place of business or where he has no known dwellinghouse or place of business, at any other place in which he may at the time be resident; or
- (c) where he is the master of, or a seaman or other person employed in, a vessel, left with a person on board thereof and connected therewith; or
- (d) sent by post in a registered or first class service recorded delivery letter to his dwellinghouse or place of business.

(3) Where the Principal Reporter or a person duly authorised by him gives to any relevant person a notification in writing under paragraph (1) of rule 7 above, or an oral notification under that paragraph as read with paragraph (4) of that rule, he shall execute a certificate of notification in the form of Form 25.

(4) Where a notice under rule 6 or 7 or a copy of such a statement as is mentioned in rule 18 is sent by post in accordance with paragraph (2)(d) of this rule, the notification or copy shall be deemed, for the purpose of rule 6, 7 or 18, as the case may be, to have been given the day following the date of posting.

### **Reports of proceedings of children's hearing**

**31.**—(1) In relation to the case of any child which comes before a children's hearing, it shall be the duty of the Principal Reporter to keep a report of the proceedings of that hearing and the report—

- (a) shall include the information specified in paragraph (2) below; and
- (b) may include such other information about the proceedings as the Principal Reporter thinks appropriate.

(2) The information referred to in paragraph (1)(a) above is as follows—

- (a) particulars of the place and date of the hearing;
- (b) the full name and address of the child and his sex and date of birth;
- (c) the full name and address (so far as these can be obtained) of the father, the mother and any other relevant person in relation to the child;
- (d) a record as to which (if any) of the persons mentioned in sub-paragraphs (b) and (c) above was present;
- (e) the full name and address of any representative attending the hearing;
- (f) the full name and address of any safeguarder;
- (g) the terms of any decision disposing the case of the child, or of any decision to issue a warrant, made by the children's hearing or any other course of action taken by them with respect to the child; and
- (h) in any case where the children's hearing proceed in accordance with section 65 of the Act—
  - (i) particulars of the grounds of referral which are accepted or, as the case may be, not accepted, and by whom;

- (ii) a record of any direction under subsection (7) or (9) of section 65 to make application to the sheriff for a finding under that section; and
- (iii) a record of whether the children's hearing proceeded to consider that the case at a hearing.

#### **Travelling and subsistence expenses**

**32.**—(1) Subject to paragraph (2), the local authority for the area of a children's hearing shall, if a claim is made to them, pay to or in respect of any child, or to any relevant person, or to any one representative of either attending any children's hearing, a sum equal to such travelling expenses and such expenses or subsistence as have, in the opinion of the local authority, been reasonably incurred by or in respect of the child or, as the case may be, by the relevant person or by any representative of either for the purpose of enabling the said child, relevant person or representative to attend that hearing.

(2) A claim under this rule shall be in writing and shall be made before the expiry of the period of one month commencing with the date of the children's hearing to which the claim relates.

#### **Notification of 16th birthday of child subject to supervision requirement**

**33.** When a child subject to a supervision requirement attains the age of 16 years, the Principal Reporter shall as soon as reasonably practicable give notice of that fact to the chief constable of the police area.