
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 21

**Specific provision for children's hearings arranged under the
Children's Hearings (Scotland) Act 2011 (Implementation of Secure
Accommodation Authorisation) (Scotland) Regulations 2013**

Provision of information for review of secure accommodation authorisation

94.—(1) This rule applies where a children's hearing is to be arranged by virtue of regulation 9 of the Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013(1) ("the 2013 Regulations").

(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 hearing.

(3) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) the chief social work officer who made the decision under regulation 4 or 7 of the 2013 Regulations;
- (d) the head of unit who made the decision under regulation 6 of the 2013 Regulations;
- (e) any appointed safeguarder;
- (f) any individual other than a relevant person who appears to the Reporter to have or recently have had a significant involvement in the upbringing of the child;
- (g) the three members of the children's hearing; and
- (h) the National Convener.

(4) The Reporter must, when issuing the notice under paragraph (2), provide those persons mentioned in paragraph (3)(a) to (g) with a copy of—

- (a) all decisions and reasons for those decisions made by all pre-hearing panels and children's hearings arranged in relation to the child;
- (b) the decision of the chief social work officer made under regulation 5 of the 2013 Regulations; and
- (c) the decision of the head of unit made under regulation 6 of the 2013 Regulations.

Procedure where children's hearing to review secure accommodation authorisation

95.—(1) This rule applies where a children's hearing is to be held by virtue of regulation 9 of the Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013 ("the 2013 Regulations").

(2) The children's hearing must provide the following persons with the opportunity to make representations if they are present at the hearing:—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;
- (d) the chief social work officer who made the decision under regulation 4 or 7 of the 2013 Regulations; and
- (e) the head of unit who made the decision under regulation 6 of the 2013 Regulations.

(3) Each member of the children's hearing must state their decision in relation to the secure accommodation authorisation and the reasons for that decision.

(4) The chairing member must—

- (a) confirm and explain the decision of the children's hearing in relation to the secure accommodation authorisation;
- (b) state the reasons for that decision; and
- (c) inform the child, each relevant person and any safeguarder appointed of any applicable right to appeal the children's hearing's decision under section 154 (appeal to sheriff against decision of children's hearing) of the Act within 21 days of that decision.

Notifying decision of review of secure accommodation authorisation

96.—(1) Within 5 days of the children's hearing held under regulation 9 of the Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013 ("the 2013 Regulations") 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) the chief social work officer who made the decision under regulation 4 or 7 of the 2013 Regulations;
- (e) the head of unit who made the decision under regulation 6 of the 2013 Regulations.

(3) The information is—

- (a) 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 154 (appeal to sheriff against decision of children's hearing) of the Act.