
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 7

Specific provision for arranging grounds hearings

Additional information to be given to the child and each relevant person in relation to a grounds hearing

27.—(1) Where the Reporter is required to arrange a grounds hearing, when notifying the date, time and place of the intended children's hearing under rule 22 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; and
- (c) any appointed safeguarder (except the information mentioned in paragraph (3)(b)).

(3) That information is—

- (a) a copy of the statement of grounds prepared under section 89 (Principal Reporter's duty to prepare statement of grounds) of the Act in relation to the child;
- (b) information relating to the retention of the child's DNA and other records kept in connection with the acceptance by the child and relevant person, or the establishment by the sheriff, of an offence specified in an order made by the Scottish Ministers under section 113A(6)(ba) (criminal record certificates) of the Police Act 1997(1);
- (c) a copy of any relevant requirement made by a sheriff under section 156(3)(a) (determination of appeal) of the Act.

(4) Where the Reporter is required to arrange a grounds hearing, no later than 3 days before the intended date of the hearing the Reporter must also give to the persons mentioned in paragraph (5) the information mentioned in paragraph (6).

(5) Those persons are—

- (a) the child;
- (b) each relevant person; and
- (c) any appointed safeguarder (except the information mentioned in paragraph (6)(a)).

(6) That information is—

- (a) a copy of any available report or interim report prepared by a safeguarder under section 33(1)(a) (functions of safeguarder) of the Act;

(1) 1997 c.50. Section 113A(6)(ba) is inserted by section 188 of the Act.

- (b) a copy of any report or information provided by the local authority to the Reporter under section 66(4) (investigation and determination by Principal Reporter) or 69(4) (determination under section 66: referral to children's hearing) of the Act;
 - (c) a copy of any views of the child given to the Reporter by the child or any other person;
 - (d) a copy of any other report or other document material to the children's hearing's consideration.
- (7) This rule does not apply where rule 29 applies.

Information to be given to the members of the grounds hearing

28.—(1) Wherever practicable 7 days before, and no later than 3 days before, the intended date of the grounds hearing the Reporter must give to the three members of the children's hearing a copy of the statement of grounds.

(2) No later than 3 days before the intended date of the grounds hearing the Reporter must give to the three members of the children's hearing—

- (a) a copy of any relevant requirement made by a sheriff under section 156(3)(a) (determination of appeal) of the Act;
 - (b) a copy of any available report or interim report prepared by a safeguarder under section 33(1)(a) (functions of safeguarder) of the Act;
 - (c) a copy of any report or information provided by the local authority to the Reporter under section 66(4) (investigation and determination by Principal Reporter) or 69(4) (determination under section 66: referral to children's hearing) of the Act;
 - (d) a copy of any views of the child given to the Reporter by the child or any other person;
 - (e) a copy of any other report or other document material to the children's hearing's consideration.
- (3) This rule does not apply where rule 29 applies.

Provision of information for a grounds hearing where section 69(3) (determination under section 66: referral to children's hearing) of the Act applies or following the making of a child protection order under section 38 (consideration by sheriff: application by local authority only) or 39 (consideration by sheriff: application by local authority or other person) of the Act

29.—(1) This rule applies where—

- (a) section 69(3) of the Act applies; or
 - (b) following receipt of a notice under section 43 (notice of child protection order) of the Act of the making of a child protection order the Reporter is required to arrange a children's hearing under section 69(2) of the Act which is to be held no later than—
 - (i) where the order contains an authorisation of the type mentioned in section 37(2) (b) (child protection orders) of the Act, the end of the period of 8 working days beginning on the day the child was removed to a place of safety; or
 - (ii) where the order does not contain such an authorisation, the end of the period of 8 working days beginning on the day the order was made.
- (2) As soon as practicable before the beginning of the grounds 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) any appointed safeguarder;
- (d) 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;
- (e) the three members of the children's hearing;
- (f) 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 (c) such of the information mentioned in paragraph (5) as is available.

(5) That information is the information mentioned in rules 23, 26, 27 and where applicable rule 30.

(6) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(e) the information mentioned in paragraph (7) as is available.

(7) That information is—

- (a) the information mentioned in rules 26, 28 and where applicable rule 30;
- (b) a copy of any relevant child protection order made in relation to the child under section 38 or 39 of the Act.

(8) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(d) the information mentioned in rule 24.

Arranging a grounds hearing where a compulsory supervision order is already in force in relation to the child

30.—(1) This rule applies where a grounds hearing is to be arranged and a compulsory supervision order is already in force in relation to the child to whom the hearing relates.

(2) No later than 3 days before the intended date of the children's hearing the Reporter must in addition to the information to be given under this Part 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 notice by the implementation authority under section 131 (duty of implementation authority to require review) of the Act.

(5) This rule does not apply where rule 29 applies.