

SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 6

Arranging children's hearings – general

Application of Part

21. This part does not apply where rule 29 or 36 applies.

Notification of children's hearings - general

22.—(1) Where a children's hearing is to be held in relation to a child by virtue of section 69(2) (determination under section 66: referral to children's hearing) or Parts 9 to 11 (children's hearing; proceedings before sheriff; subsequent children's hearings) or 13 (review of compulsory supervision order) of the Act the Reporter must notify the persons mentioned in paragraph (2) of the date, time and place of the children's hearing, as soon as practicable and no later than 7 days before the intended date of the children's hearing.

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- [^{F1}(ba) any individual who is to be afforded an opportunity to participate in relation to the children's hearing by virtue of rule 2A;]
- (c) any [^{F2}other individual] who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (d) any appointed safeguarder;
- (e) the chief social work officer of the relevant local authority for the child;
- (f) the National Convener.

F1 Rule 22(2)(ba) inserted (26.7.2021) by [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(5)(a)**

F2 Words in rule 22(2)(c) substituted (26.7.2021) by [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(5)(b)**

Other information to be given with notification of a children's hearing to the child and each relevant person

23. The Reporter must when issuing the notice under rule 22(1) to the child and each relevant person also give to the child and each relevant person—

- (a) information on the availability to the child and relevant person of legal advice;
- (b) confirmation of the child's duty to attend the children's hearing under section 73 (child's duty to attend children's hearing) of the Act;
- (c) confirmation of the relevant person's duty to attend the children's hearing under section 74 (relevant person's duty to attend children's hearing) of the Act;
- (d) confirmation of the right of the child and each relevant person to request a pre-hearing panel or children's hearing to determine whether—
 - (i) a particular individual should be deemed to be a relevant person;
 - (ii) the child or relevant person should be excused from all or part of the children's hearing;
 - (iii) it is likely that the children's hearing will consider making a compulsory supervision order including a secure accommodation authorisation in relation to the child;
- (e) information on the means by which the child [^{F3}and each relevant person] may express views to the children's hearing;
- (f) confirmation of the right of the child and each relevant person to give any report or other document for the consideration of the children's hearing or pre-hearing panel.

F3 Words in rule 23(e) inserted (26.7.2021) by [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(6)**

[^{F4}Other information to be given with notification of a children's hearing to individuals with an opportunity to participate

23A. The Reporter must when issuing the notice under rule 22(1) to an individual who is to be afforded an opportunity to participate in relation to the children's hearing by virtue of rule 2A also give to the individual—

- (a) confirmation of the individual's right to attend the hearing in accordance with rule 19,
- (b) information on the means by which the individual may express views to the hearing,
- (c) confirmation of the individual's right to give any report or other document for the consideration of the hearing or pre-hearing panel.]

F4 Rule 23A inserted (26.7.2021) by [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(7)**

Other information to be given with notification of a children's hearing to certain other persons

24.—(1) Where rule 22 applies, when issuing the notification required under that rule the Reporter must also give to 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 the information mentioned in paragraph (2).

(2) That information is confirmation of the right of the individual to require a pre-hearing panel or a children's hearing to determine whether the individual should be deemed to be a relevant person.

Information to be sent to the members of the children's hearing

25. Wherever practicable 7 days before, and no later than 3 days before, the intended date of the children's hearing the Reporter must give to the three members of the children's hearing notification of the date, time and place of the hearing.

Provision of information prior to children's hearing

26.—(1) Where the child or any relevant person wish to give to a children's hearing to be held by virtue of section 69(2) (determination under section 66: referral to children's hearing) or Parts 9 to 11 (children's hearing; proceedings before sheriff; subsequent children's hearings), or 13 (review of compulsory supervision order) of the Act any report or other document for the consideration of the children's hearing the child or relevant person, as the case may be, must give a copy of the report or other document to the Reporter, so far as practicable, no later than 4 days before the intended date of the hearing.

(2) Wherever practicable the Reporter must give a copy of any report or other document given under paragraph (1) to the persons mentioned in paragraph (4) (except where that person gave the report or other document to the Reporter) no later than 3 days before the intended date of the hearing.

(3) Where the Reporter obtains any information (including any views of the child given orally to the Reporter) or document which is material to the children's hearing and has not previously been given to the persons mentioned in paragraph (4) the Reporter must give that information or a copy of the document to those persons as soon as possible before the beginning of the children's hearing.

(4) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;
- (d) the three members of the children's hearing.

[^{F5}(5) Where an individual is to be afforded an opportunity to participate in relation to a children's hearing by virtue of rule 2A, the Reporter must—

- (a) as soon as practicable before the hearing begins, give the individual a copy of any contact direction that regulates contact between the individual and the child, and
- (b) give the individual any information (including information contained in a document) that—
 - (i) the Reporter is required by these Rules to give to a relevant person, and
 - (ii) is about—
 - (aa) the individual,
 - (bb) contact between the child and the individual, or
 - (cc) how contact or the possibility of contact between the child and the individual may be affected by a decision of the children's hearing.

(6) But paragraph (5)(b) does not require the Reporter to give an individual the statement of grounds prepared by the Reporter under section 89 of the Act (Principal Reporter's duty to prepare statement of grounds).

(7) Where the Reporter is required by these Rules to give a copy of a report or other document to the members of a children's hearing before the hearing begins, the Reporter must also give a copy of the report or other document to—

- (a) the chief social work officer of the relevant local authority for the child, or

Changes to legislation: There are currently no known outstanding effects for the *The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013, PART 6. (See end of Document for details)*

(b) if the child is subject to a compulsory supervision order or an interim compulsory supervision order, the chief social work officer of the implementation authority.

(8) Paragraph (7) does not require the Reporter to give the chief social work officer of an authority a copy of a report or other document prepared, or given to the Reporter, by the authority.]

F5 Rule 26(5)-(8) inserted (26.7.2021) by [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(8)**

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