

1971 No. 525 (S.72)

CHILDREN AND YOUNG PERSONS**LOCAL GOVERNMENT, SCOTLAND****Reporter's Duties and Transmission of Information, etc.
(Scotland) Rules 1971**

Made - - - - - 24th March 1971

Coming into Operation 15th April 1971

In exercise of the powers conferred on me by sections 36(8) and 45 of the Social Work (Scotland) Act 1968(a), and of all other powers enabling me in that behalf, I hereby make the following rules:—

PART I

GENERAL

Citation and commencement

1. These rules may be cited as the Reporter's Duties and Transmission of Information, etc. (Scotland) Rules 1971 and shall come into operation on 15th April 1971.

Interpretation

2.—(1) In these rules, unless the context otherwise requires—

“the Act” means the Social Work (Scotland) Act 1968;

“the Act of 1937” means the Children and Young Persons (Scotland) Act 1937(b);

“child” except in rule 9 has the meaning assigned to that term by section 30(1) of the Act;

“enactment” includes any order, regulation or other instrument made under the Act;

“parent” has the meaning assigned to that term by section 30(2) of the Act;

“reporter” includes “deputy reporter”.

(2) Any reference in these rules to any enactment shall be construed as a reference to that enactment as amended or extended, and as including a reference thereto as applied, by or under any other enactment.

(3) In these rules, unless the context otherwise requires, any reference in relation to a reporter—

(a) to the local authority shall be construed as a reference to the local authority which appointed the reporter;

(b) to a children's hearing shall be construed as a reference to a children's hearing for the area of that local authority.

(a) 1968 c. 49.

(b) 1937 c. 37.

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II

REPORTER'S DUTIES

Recording and transmission of information at beginning of case

3.—(1) Where a reporter receives information from any source of a case which may require a children's hearing to be arranged, he shall keep or cause to be kept a record of the name and address of the person from whom the information was received.

(2) Where the reporter decides that no further action on the case is required as mentioned in subsection (1) of section 39 of the Act, or refers the case to the local authority under subsection (2) of that section, or arranges a children's hearing under subsection (3) of that section, he shall—

- (a) keep or cause to be kept a record of that decision or, as the case may be, that course of action; and
- (b) if the said information was received from a local authority or an officer of a police force, notify that local authority or as the case may be the chief constable of that police force accordingly.

Liberation by reporter of child in interim detention

4.—(1) Where a reporter—

- (a) has been informed in accordance with section 37(2) of the Act that a child is detained in a place of safety under either—
 - (i) section 40 of the Act of 1937 (interim detention of child under arrest) and the reporter has been informed in accordance with subsection (3) of that section that it has been decided not to proceed with the charge against the child; or
 - (ii) section 47(1) of the Act of 1937 (interim detention of child assaulted etc. or in respect of whom certain offences committed); or
 - (iii) section 37(2) of the Act (interim detention of child prevented by vagrant from receiving education or who has taken refuge in a place of safety etc.); and
- (b) is satisfied that the further detention of the child is unnecessary in his interest and has no reason to believe that the child will run away during the investigation of his case,

the reporter may authorise the person in charge of the place of safety to liberate the child.

(2) Where the reporter so authorises he shall give notification—

- (a) to the person in charge of the place of safety and such notification shall be as nearly as may be in the form set out in the Schedule to these rules, and
- (b) to the parent of the child.

Notification of children's hearing to director of social work

5. Where the reporter arranges any children's hearing he shall notify the director of social work for the local authority area in which the children's

hearing is sitting of the date, time and place of the hearing, and of the names, date of birth and address so far as is known of the child whose case is to be considered.

Transmission of information etc., on disposal of case by children's hearing

6.—(1) Where a children's hearing have made a decision disposing of the case of a child on referral or at a review of a supervision requirement, the reporter shall as soon as reasonably practicable give notice of the said decision—

(a) to the local authority; and

(b) where the information leading to the investigation of the case of the child was given by an officer of a police force, to the chief constable of that police force.

(2) Where the said decision was to make, to continue or to vary a supervision requirement, the reporter shall send a copy of that requirement as so made, continued or varied to—

(a) the local authority; and

(b) any person, not being the local authority, responsible for the child under the requirement as so made, continued or varied.

(3) Where the said decision was to terminate or to vary a supervision requirement and by virtue of such termination or variation a person ceases to be responsible for the child under that requirement, the reporter shall as soon as reasonably practicable give notice of the said decision to the said person.

(4) Where the said decision was—

(a) to make a supervision requirement in relation to a child who has attained the age of sixteen years; or

(b) to terminate a supervision requirement relating to such a child, the reporter shall as soon as reasonably practicable give notice of the said decision to the chief constable of the police area in which the local authority area is situated and if the child resides outwith the said police area, to the chief constable of the police area in which the child resides.

(5) In this rule any reference, however expressed, to a person responsible for a child under a supervision requirement shall be construed as a reference—

(a) in the case of a requirement under section 44(1)(a) of the Act, to any person under whose supervision the requirement places the child and, where a condition as to the place where a child is to reside is imposed, any person in charge of the child by virtue of that condition;

(b) in the case of a supervision requirement under section 44(1)(b) of the Act, to the person in charge of the residential establishment named in the supervision requirement.

Transmission of information and returns

7. The reporter shall make such reports and returns and give such information as the Secretary of State may direct.

Notification of 16th birthday of child subject to supervision requirement

8. When a child subject to a supervision requirement attains the age of sixteen years, the reporter shall as soon as reasonably practicable give notice of that fact to the chief constable of the police area in which the local authority area is situated and, if the child resides outwith the said police area, to the chief constable of the police area in which the child resides.

Reporter to arrange hearings in transitional cases

9.—(1) Where a local authority make a recommendation to the reporter under article 7 (duty of relevant local authority in relation to certain approved school orders) or article 9 (duty of relevant local authority in relation to fit person orders and supervision orders) of the Social Work (Scotland) Act 1968 (Transitional Cases) Order 1971(a) that a child shall be referred to a children's hearing, the reporter shall arrange for a children's hearing to sit—

- (a) in the case of a recommendation made under paragraph (3) of article 7 as soon as may be and in any event before the expiry of the period of seven days commencing on the date on which the reporter received the recommendation; and
- (b) in the case of any other recommendation before the expiry of twenty-one days commencing on the date on which the reporter received the recommendation.

(2) In this rule "child" has the meaning assigned to that term by article 2(1) of the Social Work (Scotland) Act 1968 (Transitional Cases) Order 1971.

Reporter to arrange periodic reviews of supervision requirements

10. When a supervision requirement has not been reviewed by a children's hearing before the expiry of the period of nine months commencing on the date of the making of the requirement or the date of the last review of the requirement, whichever date last occurred (in this rule called "the relevant date"), the reporter shall arrange for a children's hearing to sit before the expiry of the period of one year commencing on the relevant date to review that requirement.

PART III

TRANSMISSION OF INFORMATION ABOUT AND CONVEYANCE OF CHILD SUBJECT TO
A SUPERVISION REQUIREMENT*Transmission by local authority of information on child subject to supervision requirement*

11.—(1) Where—

- (a) in any case a children's hearing have made, continued or varied a supervision requirement; and
- (b) a person not being the local authority is responsible for a child under that requirement; and
- (c) it appears to the local authority that the report on the child and his social background used by the children's hearing in their consideration of the case would assist the said person in the care and supervision of the child,

the local authority shall, as soon as reasonably practicable after they receive notice under rule 6 above of the making, continuation or variation of the requirement, send a copy of the said report to the said person.

(2) Where at any time while the said supervision requirement is in force it appears to the local authority that any information in their possession would assist the said person as aforesaid, they shall make that information available to him.

(a) S.I. 1971/493 (1971 I, p. 1482).

(3) In this rule any reference, however expressed, to a person responsible for a child under a supervision requirement has the same meaning as in rule 6(5) above.

Temporary accommodation of child subject to supervision requirement

12.—(1) Where—

- (a) a children's hearing have made or varied a supervision requirement; and
- (b) a child is required to reside in a residential establishment or other place specified in the requirement; but
- (c) the local authority are unable forthwith to make arrangements for his reception in that establishment or place,

the local authority may arrange for the child to be temporarily accommodated in some suitable place, other than the establishment or place specified as aforesaid, for any period not exceeding the period of twenty-one days commencing on the date of the making or variation of the requirement.

(2) If it appears to the local authority that they will be unable to make such arrangements as are mentioned in paragraph (1)(c) above before the expiry of the said period of twenty-one days, they shall, before that period has expired, recommend to the reporter that a children's hearing review the supervision requirement and where the authority so recommend—

- (a) the reporter shall arrange a children's hearing to sit to review the said requirement as soon as may be and in any event before the expiry of the period of seven days commencing on the date on which he received the recommendation; and
- (b) where the date of the sitting of the children's hearing arranged under head (a) of this paragraph occurs after the expiry of the period of twenty-one days mentioned in paragraph (1) above, that period shall be deemed to extend until that date for the purpose of that paragraph.

Conveyance by local authority of child to residential establishment etc.

13.—(1) Whenever it is necessary to convey a child to a residential establishment or other place in which he is required to reside by virtue of a supervision requirement, it shall be the duty of the local authority to ensure that the child is conveyed to that residential establishment or place and for that purpose the authority may place the child under the control of any person authorised by them.

(2) Any person having control over the said child under this rule shall have all the powers, protection and privileges of a constable, so far as these are necessary for the control of the child, while he is conveying the said child to the said residential establishment or other place.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
24th March 1971.

Rule 4

SCHEDULE

FORM OF NOTICE BY REPORTER AUTHORISING LIBERATION OF CHILD
FROM INTERIM DETENTION

I, (*full name of reporter*) reporter of (*local authority*) being satisfied that the further detention of (*name of child*) in (*name and address of place of safety*), a place of safety, is unnecessary in his interest and having no reason to believe that the said child will run away during the investigation of his case, hereby authorised the person in charge of the place of safety in which the child is detained to liberate him.

Dated the day of

.....
(Reporter)

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules define the duties of reporters appointed under the Social Work (Scotland) Act 1968 and provide for the transmission of information about and the conveyance of children subject to supervision requirements.

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