



CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

JANUARY 2013

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IMPLEMENTATION PROGRESS

- Date of Implementation June 24th 2013
- Current Activity Drafting Secondary Legislation & Court Rules



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THEMES OF ACT

- Modernisation
- Involving the Child
- Ensuring HR Compliance



NEW GROUNDS

- 12 grounds rise to 17
- Some go eg moral danger, gluesniffing
- Others change or are new



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MODERNISATION

New Grounds – s.67

- c – Child has or is likely to have a close connection with a person who has committed a schedule 1 offence
- f – the child has or is likely to have a close connection with a person who has carried out domestic abuse



New Grounds continued

- m – the child's conduct has had or is likely to have a serious adverse effect on the health safety or development of the child or another relevant person
- p – the child
 - Is being or is likely to be subjected to physical emotional or other pressure to enter into a marriage or civil partnership; or
 - Is or is likely to become a member of the same household as such a child



NEW POWERS

- Interim Compulsory Supervision Order
- Medical Examination Order
- Child referred when 15 but 16 before decision



NEW ORGANISATIONS

- Children's Hearings Scotland (CHS)
- Safeguarders— Managed by Children 1st on behalf of Scottish Government



INVOLVING THE CHILD

- s.121 – Confirming reports reflect the child's views
- s.122 - Children's advocacy services
- s.178 - Disclosure of information



INVOLVING CHILDREN & YOUNG PEOPLE

- Culture and communication
- Participation in developing policy e.g. modern apprentices
- Effective means of communication-forms, letters and electronic
- Venues and people



ECHR COMPLIANCE

- Relevant person
- Legal aid
- Appeals



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RELEVANT PERSON STATUS

- s.200 – Definition of relevant person
- s.81 – Pre hearing panel determination of those who have or has recently had a significant involvement in the upbringing of the child
- s.126 – Contact reviews



LEGAL AID

- Current legal rep scheme ends
- SLAB assume responsibility for appointments via legal aid scheme
- Main test of effective participation remains
- Duty solicitor scheme for emergency hearings
- Code of practice for childrens cases being developed



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RIGHTS OF APPEAL

- s.154 - Main rights of appeal against decision of children's hearing
- s.160 - Right of appeal against relevant person determination
- s.161 - Right of appeal against decision on contact review
- s.162 - Right of appeal against decision to implement secure order authorisation
- s.166 - Right of appeal by local authority about being named as relevant local authority



TRANSITIONAL ARRANGEMENTS

- Cases in process under 95 Act likely to remain under 95 Act until conclusion
- Existing SRs likely to be treated as CSOs at 'go live' date
- New processes starting after 'go live' will operate under 2011 Act