



Children and Young People (Scotland) Act 2014

2014 asp 8

VALID FROM 26/01/2015

PART 16

CHILDREN'S HEARINGS

82 Safeguarders: exceptions to duty to prepare report on appointment

In section 33 of the 2011 Act—

- (a) in subsection (1)(a), after “(2)” insert “ or (3) ”,
- (b) after subsection (2), insert—

“(3) This subsection applies where the children's hearing was arranged under section 45, 46, 50, 96, 126 or 158.”.

83 Maximum period of child protection order

In each of paragraphs (c) and (d) of section 54 of the 2011 Act, after “day” insert “ after the day on which ”.

84 Power to determine that deeming of person as relevant person to end

(1) The 2011 Act is amended as follows.

(2) In section 79—

- (a) in subsection (1), for “This section applies” substitute “ Subsections (2) to (5) apply ”,
- (b) after subsection (1), insert—

“(1A) Subsection (5A) applies (in addition to subsections (2) to (5)) where the children's hearing is—

- (a) a subsequent children's hearing under Part 11, or

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- (b) held for the purposes of reviewing a compulsory supervision order.”,
- (c) after subsection (5), insert—
 - “(5A) The Principal Reporter—
 - (a) must refer the matter of whether an individual deemed to be a relevant person by virtue of section 81 should continue to be deemed to be a relevant person in relation to the child for determination by a pre-hearing panel if requested to do so by—
 - (i) the individual so deemed,
 - (ii) the child, or
 - (iii) a relevant person in relation to the child,
 - (b) may refer that matter for determination by a pre-hearing panel on the Principal Reporter's own initiative.”.

(3) After section 81, insert—

“81A Determination that deeming of person as relevant person to end

- (1) This section applies where a matter mentioned in section 79(5A)(a) is referred to a meeting of a pre-hearing panel.
- (2) Where the matter is referred along with any other matter, the pre-hearing panel must determine it before determining the other matter.
- (3) The pre-hearing panel must determine that the individual is no longer to be deemed to be a relevant person if it considers that the individual does not have (and has not recently had) a significant involvement in the upbringing of the child.
- (4) Where the pre-hearing panel makes a determination as described in subsection (3), section 81(4) ceases to apply in relation to the individual.
- (5) Where, by virtue of section 80(3), the children's hearing is to determine a matter mentioned in section 79(5A)(a), references in subsections (2) to (4) to the pre-hearing panel are to be read as references to the children's hearing.”.

85 Grounds hearing: non-acceptance of facts supporting ground

In section 90 of the 2011 Act—

- (a) in subsection (1), for paragraph (a) substitute—
 - “(a) explain to the child and each relevant person in relation to the child—
 - (i) each section 67 ground specified in the statement of grounds, and
 - (ii) the supporting facts in relation to that ground,”,
- (b) after subsection (1) insert—
 - “(1A) In relation to each ground that a person accepts applies in relation to the child, the chairing member must ask the person whether the person accepts each of the supporting facts.

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(1B) Where under subsection (1A) any person does not accept all of the supporting facts in relation to a ground, the ground is taken for the purposes of this Act to be accepted at the grounds hearing only if the grounds hearing considers that—

- (a) the person has accepted sufficient of the supporting facts to support the conclusion that the ground applies in relation to the child, and
- (b) it is appropriate to proceed in relation to the ground on the basis of only those supporting facts which are accepted by the child and each relevant person.

(1C) Where a ground is taken to be accepted for the purposes of this Act by virtue of subsection (1B), the grounds hearing must amend the statement of grounds to delete any supporting facts in relation to the ground which are not accepted by the child and each relevant person.

(1D) In this section, “supporting facts”, in relation to a section 67 ground, means facts set out in relation to the ground by virtue of section 89(3)(b).”.

86 Failure of child to attend grounds hearing: power to make interim order

In section 95 of the 2011 Act, after subsection (2) insert—

“(3) Subsection (4) applies where under subsection (2) the grounds hearing requires the Principal Reporter to arrange another grounds hearing.

(4) If the grounds hearing considers that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary as a matter of urgency that an interim compulsory supervision order be made, the grounds hearing may make an interim compulsory supervision order in relation to the child.

(5) An interim compulsory supervision order made under subsection (4) may not include a measure of the kind mentioned in section 83(2)(f)(i).”.

87 Limit on number of further interim compulsory supervision orders

In section 96(4) of the 2011 Act, for the words from “the effect” to the end substitute “ it would be the third such order made under subsection (3) in consequence of the same interim compulsory supervision order made under section 93(5) ”.

88 Area support teams: establishment

(1) The 2011 Act is amended as follows.

(2) In schedule 1—

(a) in paragraph 12—

- (i) in sub-paragraph (1), omit “and maintain”,
- (ii) for sub-paragraph (3), substitute—

“(3) The National Convener—

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- (a) must keep the designation of areas under sub-paragraph (1) under review, and
- (b) may at any time revoke a designation or make a new one.

(3A) In exercising the powers to make and revoke designations, the National Convener must ensure that at all times each local authority area falls within an area designated under sub-paragraph (1).

(3B) Revocation of a designation under sub-paragraph (1) has the effect of dissolving the area support team established in consequence of the designation.

(3C) Before deciding to make or revoke a designation under sub-paragraph (1), the National Convener must consult each affected local authority.

(3D) In sub-paragraph (3C), “affected local authority” means—

- (a) in the case of making a designation, each local authority whose area falls within the area proposed to be designated,
- (b) in the case of revoking a designation, each constituent authority for the area support team established in consequence of the designation.

(3E) On making or revoking a designation under sub-paragraph (1), the National Convener must notify each local authority which was consulted under sub-paragraph (3C) in relation to the decision to make or revoke the designation.”

(b) in paragraph 13—

- (i) in sub-paragraph (1), the words “the National Convener establishes an area support team under paragraph 12(1)” become sub-sub-paragraph (a),
- (ii) after that sub-sub-paragraph insert “, and
 - (b) the area of the area support team consists of or includes a new area.”,
- (iii) in sub-paragraph (4)(a), for “area of the area support team” substitute “ new area concerned ”,
- (iv) in sub-paragraph (7), after the definition of “Children's Panel Advisory Committee” insert—

““new area” means an area which has never previously been the area (or part of the area) of an area support team.”.

(3) An area support team established before this section comes into force continues in existence as if it were established under paragraph 12(1) as amended by this section.

89 Area support teams: administrative support by local authorities

- (1) The 2011 Act is amended as follows.
- (2) In schedule 1, in paragraph 14, after sub-paragraph (8) insert—

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“(9) A constituent authority must provide an area support team with such administrative support as the National Convener considers appropriate.

(10) In sub-paragraph (9), “administrative support” means staff, property or other services which the National Convener considers are required to facilitate the carrying out by an area support team of its functions.”.

90 Interpretation of Part 16

In this Part, “the 2011 Act” means the Children's Hearings (Scotland) Act 2011.

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