
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 15

Procedure at grounds hearing and children's hearings to which section 119 (children's hearing following deferral or proceedings under Part 10) or 137 (duty to arrange children's hearing) of the Act applies

Procedure where report required under section 141 (preparation of report in circumstances relating to permanence order or adoption) of the Act

65.—(1) Where a children's hearing is required to produce a report under section 141 of the Act, subject to sections 73 (child's duty to attend children's hearing), 74 (relevant person's duty to attend children's hearing), 75 (power to proceed in absence of relevant person) and 79 (referral of certain matters for pre-hearing determination) of the Act, the chairing member must—

- (a) explain to the child and each relevant person the purpose of the report to be prepared;
- (b) inform the child and each relevant person of the substance of any document or information which is material to the advice to be contained in the report to be prepared by the children's hearing.

(2) Before preparing the report the children's hearing must subject to sections 73, 74, 75 and 79 of the Act—

- (a) discuss the case with the child and each relevant person and any safeguarder appointed;
- (b) seek the views of the child, each relevant person and the safeguarder on the arrangements which would be in the best interests of the child; and
- (c) confirm the advice to be contained in the report.

(3) The chairing member must—

- (a) make, or cause to be made, a report of the advice;
- (b) sign and date the report; and
- (c) give the report to the Reporter at the conclusion of the hearing.

(4) The Reporter must give a copy of the report within 5 days of receiving it under paragraph (3) to—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;
- (d) the court which requires to come to a decision about an application of the type mentioned in section 131(2)(c) or (e) (duty of implementation authority to require review) of the Act;
- (e) the chief social work officer of the implementation authority;

- (f) the couple making the application under section 29 (adoption by certain couples) of the Adoption and Children (Scotland) Act 2007⁽¹⁾ or the person making the application under section 30 (adoption by one person) of that Act, as the case may be.

⁽¹⁾ 2007 asp 4.