
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 2

**Selection of children's hearings and pre-
hearing panel members and duties of members**

Selection of members of children's hearing and pre-hearing panel - supplementary

3.—(1) Where a children's hearing is held in relation to a child, by virtue of the Act or any other enactment, the children's hearing may request that the National Convener select, where practicable, one of the members of that children's hearing to be a member of the next children's hearing to be arranged in relation to that child.

(2) In selecting members of a pre-hearing panel in terms of section 79(2)(a) (referral of certain matters for pre-hearing determination) of the Act the National Convener must ensure that the pre-hearing panel—

- (a) includes both male and female members of the Children's Panel; and
- (b) so far as practicable, consists only of members of the Children's Panel who live or work in the area of the local authority which is the relevant local authority for the child to whom the pre-hearing panel relates.

Selection of chairing member for pre-hearing panels and children's hearings

4.—(1) Paragraph (2) applies where a pre-hearing panel or children's hearing has been arranged by virtue of the Act or any other enactment and the National Convener or relevant area support team has not selected a chairing member for that pre-hearing panel or children's hearing.

(2) Immediately before beginning the pre-hearing panel or children's hearing, as the case may be, the members of that pre-hearing panel or children's hearing must determine which of their number is to chair the pre-hearing panel or children's hearing, as the case may be.

(3) A member may only be selected to chair a children's hearing if that member has successfully completed the relevant training provided by or on behalf of the National Convener relating to chairing a children's hearing.

Duties of members of the pre-hearing panel or children's hearing relating to documents and information

5.—(1) Any documents which are given to a member of the pre-hearing panel or children's hearing by the Reporter under, or by virtue of, the Act or these Rules must be kept securely in that member's custody and returned to the Reporter at the conclusion of the pre-hearing panel or children's hearing to which those documents relate.

(2) The member must not cause or permit any information which they have obtained by virtue of their involvement in a pre-hearing panel or children’s hearing to be disclosed, except as permitted by the Act or these Rules.

Duties of chairing member of a pre-hearing panel or children’s hearing

- 6.—(1) The chairing member of the children’s hearing or pre-hearing panel must—
- (a) take reasonable steps to ensure that the child and each relevant person are able to—
 - (i) understand the proceedings; and
 - (ii) participate in those proceedings;
 - (b) where, during the proceedings, the child wishes to express a view, make reasonable arrangements to enable the child to express those views in the manner preferred by the child;
 - (c) ensure that a record is made of—
 - (i) the decisions or determinations made by the children’s hearing or pre-hearing panel, as the case may be; and
 - (ii) the reasons for those decisions or determinations; and
 - (d) sign and date the record of the decisions or determinations.

(2) Any requirement on the chairing member to inform those attending a children’s hearing of the substance of any report, document or information or to explain any matter is subject to any decision of the children’s hearing to withhold information under section 178 (children’s hearing: disclosure of information) of the Act or by virtue of a non-disclosure request made in accordance with Part 19 of these Rules.

Procedure at children’s hearings and pre-hearing panels where not otherwise specified

7.—(1) The procedure at any children’s hearing or pre-hearing panel required to be held by virtue of the Act or any other enactment, unless that procedure is provided for under the Act or these Rules, is to be determined by the chairing member.

(2) The children’s hearing or pre-hearing panel, if it considers it appropriate to do so, may adjourn the children’s hearing or pre-hearing panel, as the case may be—

- (a) on the initiative of the children’s hearing or pre-hearing panel; or
- (b) on the request of any person attending the hearing.

(3) Where a children’s hearing or pre-hearing panel has been adjourned it must re-convene on the same day as the adjournment was made.