
STATUTORY INSTRUMENTS

1996 No. 3261

Children's Hearings (Scotland) Rules 1996

PART IV

**CHILDREN'S HEARINGS ON REFERRAL AND AT
REVIEW OF SUPERVISION REQUIREMENTS, ETC**

Conduct of children's hearing considering case on referral or at review of supervision requirement

20.—(1) This rule applies to a children's hearing considering under section 65 of the Act a case on referral or at a review under section 73(8) of the Act of a supervision requirement.

(2) Unless a children's hearing consider the case of a child in the absence of the child, any relevant person and any representative, the chairman shall, before the children's hearing proceeds to consider the case, explain the purpose of the hearing to such persons as are present.

(3) In proceeding with the case the children's hearing shall—

- (a) consider a report of a local authority on the child and his social background, and any judicial remit or other relevant document and any relevant information available to them;
- (b) consider any report submitted by the manager of any residential establishment in which the child is required to reside;
- (c) discuss the case with the child, any relevant person, any safeguarder and representative if attending the hearing;
- (d) take steps under rule 15 to obtain the views of the child, and endeavour to obtain the views of any relevant person and of any safeguarder, if attending the hearing, on what arrangements would be in the best interests of the child.

(4) The chairman shall inform the child and any relevant person of the substance of any reports, documents and information mentioned in paragraph (3)(a) and (b) if it appears to him that this is material to the manner in which the case of the child should be disposed of and that its disclosure would not be detrimental to the interests of the child.

(5) After the children's hearing have considered the case of the child and made a decision disposing of the case, but before the conclusion of the hearing at which the decision is made, the chairman shall inform the child, any relevant person, any safeguarder, and any representative, if attending the hearing, of—

- (a) the decision of the hearing;
- (b) the reasons for the decision;
- (c) the right of the child and of the relevant person under section 51(1) of the Act to appeal to the sheriff against the decision and, where the appeal is against a decision relating to a supervision requirement, to apply to the children's hearing for suspension of the requirement appealed against.

(6) The children's hearing shall not dispose of the case by making a supervision requirement under section 70(1) of the Act requiring the child to reside at any place or places specified in the requirement (which for the purposes of this rule is a place or places where he is to be under the charge or control of a person who is not a relevant person) unless—

- (a) they have received and considered a report from the local authority for the purposes of paragraph (3)(a), together with recommendations from that authority on—
 - (i) the needs of a child;
 - (ii) the suitability to meet those needs of the place or places in which the child is to reside by virtue of the supervision requirement, and of the person or persons who is or are to have charge of or control over the child, and
- (b) the local authority have confirmed to the hearing that in compiling the report they have carried out the procedures and gathered the information described in regulation 15 of the Fostering of Children (Scotland) Regulations 1996⁽¹⁾.

⁽¹⁾ S.I.1996/3263.