

An insider's view on the Children's Hearings System

30th October 2013



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Children's Hearings Overarching Principle

- The best interests of the child throughout their childhood

What does a Reporter do?

- Referrals – assess, inform, request information
- Final Decision – are compulsory measures needed?
- No Hearing – no action, voluntary measures
- Hearing – ‘grounds’, evidence, witnesses
- Set up Hearing – ‘Relevant Persons’, Hearing date, reports available

What does a Reporter do?

- Hearings: support fair process, statutory functions, independent impartial tribunal.
- ECHR requires model to be adversarial and sees Reporter as adversary of child and Relevant Persons.

What does a Reporter do?

- Grounds denied or child too young to accept (generally under 12)
- Application to Court for proof – care standard of proof is on the balance of probabilities
Offence grounds – criminal standard, beyond reasonable doubt
- Court may appoint Safeguarder, parents usually seek legal representation, issues of equality of arms

What does a reporter do?

- Court with Sheriff, Reporter, Relevant Persons and representatives, Safeguarder
- Approx 90% cases settle following negotiation and amendment of grounds
- Small percentage require evidence to be led
- Very small number are difficult or complicated cases, issues around balance of parents' v children's rights

What does a reporter do?

- **LOTS** of administration!!!
- Setting up Hearings, reviews, checking information being sent out, non-disclosure, outcomes, warrants, appeals, secure accommodation, court preparation, writing grounds, liaising with partner agencies

Children's Hearings and Youth Justice

Overarching principal is the best interests of the child

Vast majority of referrals relate to welfare concerns:

Last year 26,017 children were referred for care and protection concerns

and

5,604 children were referred for offence reasons

Children's Hearings and Youth Justice Edinburgh

- Early Intervention
- Restorative Justice
 - Diversion
 - Transition
- Jointly Reported Cases

Children's Hearings and Youth Justice Early Intervention

- How early?
- Importance of assessment tools, likelihood of re-offending
- Addressing wider issues contributing to children's involvement in future offending behaviour : school attendance, care and protection, support for parenting, housing etc
- Early action aims to provide support for children and families and avoid compulsory measures

Children's Hearings and Youth Justice Early Intervention Offence issues

- Pre referral screening
- Jointly reported cases
- Transition between Children's Hearings and Adult system

Offence Hearings

- Lacking punitive element
- Focussing on whole of child's situation: input from Youth Offending Social Worker, school, youth workers, family support
- The value of having grounds read formally in a Hearing

Offence Grounds

- Balance between grounds reflecting current situation and not wanting to criminalise young person
- Serious issues, sexually aggressive behaviour, behaviour that may mean child meets criteria for secure accommodation

Participation - my own views

- Expectation is that all children attend their Hearings
- Often tokenistic e.g. babies. Panel Members think to assess quality of attachment
- Can be very distressing for children: parents in chains, parents under the influence – baby who was dropped
- Children with emotional social behavioural problems, children with conflicting loyalties - child who howled

Participation

- Written, drawn, videoed input
- Use of trusted persons, Children's Rights Officers, Safeguarders
- Need to think and act creatively to ensure safe, empowering and effective participation by children.

I asked Reporters, support, panel members,
social workers:

What do we do well as a system?

Responsive; small scale; three lay decision
makers; not criminalising children; holistic
organic approach; we do our best to listen to
children; approachable; as informal as
possible; open and honest decision making;
unique; family centred; needs not deeds.