

## **Coronavirus (Scotland) Act 2020 – Supplementary Data of use of provisions in Schedule 3 of the Act – Report 2**

This is the second report produced by the Scottish Children’s Reporter Administration (SCRA) and Children’s Hearings Scotland (CHS) on the use of children’s provisions within Schedule 3 of the Coronavirus (Scotland) Act 2020.

The first report, covering the period 7<sup>th</sup> April to 20<sup>th</sup> May, was published on the Children’s Hearings Improvement Partnership (CHIP) website on the 11<sup>th</sup> June 2020.<sup>1</sup> This report extends that coverage up to the 15<sup>th</sup> July.

Information on where data has been gathered from has been included in the report along with any caveats about the data provided. Within this report there will be double counting; a hearing can be arranged for more than one purpose or multiple review requests can be received from different sources. The totals in each table always provide a unique count whether that applies to hearings or children.

### **Children’s Hearings: Context and Development during Coronavirus**

The Coronavirus (Scotland) Act 2020 came into force on 7<sup>th</sup> April 2020. By then, Scotland (and the United Kingdom) had been subject to movement restrictions and social distancing measures since 23<sup>rd</sup> March 2020.

For the children’s hearings system this meant that the way the hearings operated to make decisions had to alter over a single weekend. Hearings could not just be postponed or cancelled as there were decisions which had to be made urgently to avoid legal orders lapsing without any scrutiny. An approach was needed to deal with high numbers of hearings very quickly to enable Panel Members to review orders and to allow immediate decisions to be made. Initially only those hearings required for the urgent and immediate protection of a child/young person, or to review an order about to expire could be arranged. All non-essential hearings were rescheduled to take place at the earliest date possible.

Over time, the operating capacity of the hearings system has developed and will slowly increase over the coming weeks. As of mid-July, we are arranging Hearings when:

- Delay would be likely to cause significant detriment to the welfare of the child or young person
- It is necessary to meet a legal timescale
- It is necessary to prevent an existing order from expiring

All other Hearings are being arranged when it is practicable to do so.

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<sup>1</sup> <https://www.chip-partnership.co.uk/2020/06/11/coronavirus-scotland-act-supplementary-information/> (Accessed 27<sup>th</sup> July 2020).

Initially the Children's Hearings System focussed on providing continued legal protection for children at risk – and this impacted upon the hearing system in a number of ways, including limits on participation in emergency hearings. SCRA and CHS recognised the potentially significant negative impacts on both equalities and human rights early on. Alongside developing the virtual hearings approach, a comprehensive [Equalities and Human Rights Impact Assessment \(EHRIA\)](#) was developed by SCRA which helped clarify key areas of concern and helped formulate mitigations for the negative rights impacts identified.

Children's Hearings have been operating at a fraction of the usual capacity since March 2020. The system has been enabled to continue to operate at least in part by the use of powers in the Coronavirus Act. These allow extension of the duration of interim orders to 44 rather than 22 days and remove the automatic expiry of Compulsory Supervision Orders (CSOs) after twelve months. Those CSOs will need to be reviewed within six months of their original expiry date.

While virtual hearings continue to remain the principle method of delivering hearings, face to face hearings resumed in Glasgow, Livingston and Stirling in the week commencing 13<sup>th</sup> July and are scheduled to resume in most areas across Scotland by early August. Face to face hearings will improve participation for children, young people and families and offer them a choice in how they participate in Children's Hearings. Nevertheless continuing physical distancing requirements place significant restrictions on the number of participants who can attend a face to face hearing. The requirement for enhanced cleaning restricts the number of hearings that can take place each day. Extensive work is being undertaken to prepare hearing centres for face to face hearings with physical distancing and appropriate cleaning regimes and work is underway to deploy enabling technology to allow hybrid models of hearings which are part virtual and part face to face. SCRA are also working with the Scottish Futures Trust to identify suitable alternative premises in the public sector to accommodate face to face hearings. Given these limitations, resumption of face to face hearings will not initially increase our capacity to hold hearings and there will continue to be a need for virtual participation in many children's hearings.

A recovery plan has been developed which models a gradual increase in the numbers of hearings which can be arranged so that the use of the emergency legislation will gradually reduce and cease by the end of March 2021. The provision in the Coronavirus Act allows an expiry review of a CSO to take place up to 6 months after the original expiry date. The use of this 6 months period will be reduced incrementally as SCRA is able to increase the capacity to arrange review hearings. Initially, from October, orders that have effectively been extended by the emergency provision will be reviewed at around the end of the six month extension period. This will actively reduce to enable reviews to be scheduled within the usual 12 month period by end March 2021. It is anticipated that there will be further recovery work required to September 2021 to ensure a return to a steady state.

## **Use of the Provisions of Schedule 3 of the Coronavirus (Scotland) Act 2020**

What follows in this report is information on the use of the provisions of Schedule 3 of the Coronavirus (Scotland) Act.

Where possible, the data below is separated in to 2 reporting periods. The equivalent period from the prior year is given where available:

- Period 1: 7<sup>th</sup> April to 20<sup>th</sup> May 2020 (previous year equivalent = 9<sup>th</sup> April to 22<sup>nd</sup> May 2019);
- Period 2: 21<sup>st</sup> May 2020 to 15<sup>th</sup> July 2020 (previous year equivalent = 23<sup>rd</sup> May 2019 to 17<sup>th</sup> July 2019).

It should be noted that SCRA's Case Management System (CMS), which provides the majority of the data included here, does not automatically record the detail of the 2020 emergency legislation. Obtaining this data has not been straightforward and has been managed in a number of different ways.

Please also note that to enable accurate totals for the two periods to be generated, it has been necessary to re-run some reports on Period 1 again. This has resulted in small changes in some of the numbers from the previous report as the reports are based on live operational data which is subject to change over time as final returns are submitted. Live operational data is regularly adjusted by staff when issues with data integrity become apparent and as children's cases progress. This is especially prevalent in data where the time between the reporting period and the production of the report is very short.

### **Relaxation of requirement for children's panel to consist of three members and relaxation of requirement to have a gender mix on each children's hearing (Schedule 3 1 (2) & (3))**

In Period 1, 5 hearings had fewer than 3 panel members in attendance, and 1 did not have both male and female members.<sup>2</sup>

In Period 2, 22 hearings had fewer than 3 panel members in attendance, and 18 did not have both male and female members. No hearings proceeded with only 1 panel member in attendance. The total number of hearings making use of the relaxation provisions during the reporting period was 30. This differs from the total making use of the two provisions (22 and 18, above) because both provisions can be used

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<sup>2</sup> This data is from CHS. It comes from reports from Area Support Teams from 7 April – 6 May and from 7 May onwards, data is drawn from survey of Panel Members feedback on hearings in which they participated and from AST reports. 317 responses were received, of which 276 were completed in full and 41 completed in part. It should be noted that the survey responses do not reflect reports on 100% of hearings. However, the National Convener also required Area Support Teams to report when the powers have been used.

simultaneously (where, for example, a panel consists of 2 panel members of the same gender).<sup>3</sup>

Since the powers came in to force, therefore, 27 hearings have had fewer than 3 panel members in place, and 19 did not have both male and female members. Taking the possible simultaneous use of the powers in to account, this represents a maximum total of 36 individual hearings making use of the relaxation provisions (6 from Period 1 and 30 from Period 2) since the powers came in to force. It should be noted that CHS count hearings attended by panel members and some hearings may deal with cases which involve more than one child in a family.

### **Child Protection Orders (Schedule 3 2 (3) & (4))**

The Child Protection Order (CPO) is an emergency intervention requiring the applicant for the CPO to evidence why a child is at immediate risk of significant harm to a Sheriff Court, in order for the order to be granted. In extraordinary circumstances the CPO ensures that the evidence for statutory intervention is scrutinised by a Sheriff at the earliest opportunity.

If a CPO is granted as a result of the Court’s assessment of the evidence presented then a Children’s Hearing requires to be convened. Under the Children’s Hearings (Scotland) Act 2011 this children’s hearing would sit on the 2<sup>nd</sup> working day following the CPO being enforced. Under the 2020 Act this 2<sup>nd</sup> working day children’s hearing is not required - instead a children’s hearing to consider grounds for referral will sit on or before the 8<sup>th</sup> working day.

This may seem like a long time before a decision maker is considering the circumstances of a case. However, until the 8<sup>th</sup> working day a child or relevant person can make an application for the CPO to be recalled or varied to the Sheriff Court at any point – which ensures that if a decision requires re-consideration then this will happen quickly (this recourse is available until the 2<sup>nd</sup> working day children’s hearing under the 2011 Act, and for 2 days following the 2<sup>nd</sup> working day children’s hearing if the order is continued or varied by that hearing<sup>4</sup>).

**Table 1**  
**Child Protection Orders (Schedule 3, 2 (3) & (4))**

	Period 1		Period 2		TOTALS	
	2019	2020	2019	2020	2019	2020
<b>Total CPO’s</b>	54	83	78	97	132	180

As of 21<sup>st</sup> May 2020 there had been no recorded applications to recall / vary a CPO – but this figure is dependent on SCTS intimating such applications to the Reporter as a party – and this intimation may not have occurred<sup>5</sup>. As of 15<sup>th</sup> July there have

<sup>3</sup> For the second reporting period, CHS introduced a survey collecting information on the composition of panels at hearings. CHS estimates that returns from this survey covered approximately 80% of hearings).

<sup>4</sup> Children’s Hearings (Scotland) Act 2011, section 48.

<sup>5</sup> Anecdotally we are aware of at least two applications to recall / vary a CPO.

been no recorded applications to recall / vary a CPO (the qualification detailed above continues to apply).

There has been an increase in the number of child protection orders issued across Scotland in comparison to the same period last year (subject to local variation).

With 83 CPO's in Period 1 2020 the Emergency Legislation has meant we did not have to hold 83 2<sup>nd</sup> working day children's hearings<sup>6</sup>. In Period 2 we did not have to hold 97 2<sup>nd</sup> working day children's hearings.

**Continuation of an order for additional 6 months past expiry date  
Coronavirus (Scotland) Act Schedule 3 3 (2) (a)**

The Children's Hearing can make one substantive statutory order, the Compulsory Supervision Order (CSO), which would normally last for a maximum of 12 months. The hearing can also make interim orders which last for a shorter time period; an interim order may offer temporary protections for a child until there is enough information available for Panel Members to make a substantive decision.

Any CSO can be reviewed whilst it remains in force – a local authority can ask for a review at any time; a child and relevant person can ask for a review 3 months after an order is made and an order will be reviewed before it expires after 12 months (if there has been no other review). The Coronavirus Act 2020 has made no changes to any of the rights to require a review of the CSO other than the 12 month 'expiry' review.

CSO's are regularly reviewed when anyone thinks there needs to be a change or when anyone is not in agreement with the child's plan or the measures which may be attached to the order. If a CSO is not reviewed it is largely because the provisions of the order in force are working and providing protection, guidance, treatment and control for the child and there is no need for any change to the order.

**Table 2  
Children's Hearings**

	Period 1		Period 2		TOTALS	
	2019	2020	2019	2020	2019	2020
<b>Total Hearings</b>	3,921	777	4,734	1,542	8,655	2,319

Fewer children's hearings have been held this year than last year. This has continued into Period 2.

**Table 3  
Reasons for Children's Hearings (1)** (a hearing may have more than one reason; the totals count each hearing once)

<sup>6</sup> 1 2<sup>nd</sup> working day children's hearing was held.

Hearing Reason	Period 1		Period 2		TOTALS	
	2019	2020	2019	2020	2019	2020
Continue ICSO	397	153	386	225	783	378
Deferred Hearing	819	199	1,002	348	1,821	547
New Grounds <sup>7</sup>	570	115	616	349	1,186	464
Review – due to expire	841	109	949	161	1,790	270
Review LA	429	106	619	236	1,048	342
Other	1,105	168	1,444	359	2,549	527
<b>Total</b>	<b>3,921</b>	<b>777</b>	<b>4,734</b>	<b>1,542</b>	<b>8,655</b>	<b>2,319</b>

All of these categories are lower than last year at the same time. This has continued into Period 2.

**Table 4**

**Reasons for Children’s Hearings (2)** (a hearing may have more than one reason; the totals count each hearing once)

In relation specifically to the expiry review affected by Schedule 3 3(2)(a) of the Coronavirus (Scotland) Act 2020:

Hearing Reason	Period 1		Period 2		TOTALS	
	2019	2020	2019	2020	2019	2020
Review – due to expire	841	109	949	161	1,790	270

Within Period 2, there have been 844 CSO’s where orders have been extended beyond their expiry date<sup>8</sup>. For Period 1, this figure was 467, leading to 1,311 CSO order extensions in total.

Children’s Hearings have continued to sit where compulsory supervision orders in force are about to expire and where there is a need for the hearing to take place (to alter the terms of the order, for example) or where a family decides they would want to have the hearing take place as a virtual hearing. Cases which were delayed by having additional time added to their existing CSO from April 7<sup>th</sup> 2020 are now being scheduled. Some cases will also have been scheduled as a need to make a change will have occurred.

By 20<sup>th</sup> May 2020 SCRA’s data management system has recorded 860 children’s hearings as ‘Covid19’ hearings – these are hearings where elements of the emergency legislation have been applied (to extend an order due to expire by 6 months; to add time onto an interim compulsory supervision order (ICSO) up to 44 days or to take a CPO straight to the 8<sup>th</sup> working day children’s hearing). In Period 2, 1,406 children’s hearings were recorded as ‘Covid19’ hearings (in addition to the 864 reported for reporting period 1. In total since 7<sup>th</sup> April 2020 2,270 children’s hearings were recorded as ‘Covid19’ hearings, across all categories). The same categories as listed above apply.

<sup>7</sup> The figures of 115 (Period 1) and 349 (Period 2) will include all the children where grounds for referral were put at the 8<sup>th</sup> working day children’s hearing.

<sup>8</sup> Calculated from a count of all CSO’s made within the reporting timescale for a period of 6 months.

In both Period 1 and 2 time periods, far fewer review children's hearings have been held:

**Table 5**  
**Review Children's Hearings**

Hearing reason	Period 1		Period 2		TOTALS	
	2019	2020	2019	2020	2019	2020
Review – child	5	1	12	8	17	9
Review – LA	429	106	619	236	1,048	342
Review – panel members	275	11	354	66	629	77
Review – relevant person	202	7	228	88	430	95
<b>Total</b>	<b>892</b>	<b>121</b>	<b>1,199</b>	<b>383</b>	<b>2,091</b>	<b>504</b>

**Table 6 (a) & (b)**  
**Review requests for Children's Hearings**

Requested by:	Period 1				Period 2			
	2019		2020		2019		2020	
	Request	Children	Request	Children	Request	Children	Request	Children
child	7	7	3	3	6	6	7	6
LA	474	441	259	242	644	608	413	389
other	28	28	25	24	75	65	73	68
RP	213	202	83	78	241	229	251	232
<b>Total</b>	<b>722</b>	<b>668</b>	<b>370</b>	<b>344</b>	<b>966</b>	<b>874</b>	<b>745</b>	<b>675</b>

Requested by:	TOTALS			
	2019		2020	
	Request	Children	Request	Children
child	13	13	10	9
LA	1,118	1,032	672	609
other	103	93	98	91
RP	454	427	334	306
<b>Total</b>	<b>1,688</b>	<b>1,505</b>	<b>1,115</b>	<b>980</b>

Of the review requests there were 27 emergency transfer requests made, for 25 children across Scotland between 7<sup>th</sup> April 2020 and 20<sup>th</sup> May 2020.

Of the review requests there were 37 emergency transfer requests made, for 36 children across Scotland between 21<sup>st</sup> May 2020 and 15<sup>th</sup> July 2020.

## Compulsory Supervision Orders (CSO's)

**Table 7**

**Total CSO's / ICCSO's<sup>9</sup> made** (including orders where emergency legislation was used)

	Period 1		Period 1		TOTALS	
	2019	2020	2019	2020	2019	2020
<b>Total CSO</b>	1,747	663	2,169	1,360	3,916	2,023
<b>Total ICCSO</b>	201	61	224	59	425	120

In Period 1 in both 2019 and 2020, 23 CSO's were made in the same period which authorised the use of secure accommodation. In Period 2 in 2019 27 CSO's were made and in 2020 19 CSO's were made which authorised the use of secure accommodation.

## Interim Compulsory Supervision Orders (Schedule 3,4 (2))

As the children's hearing system has prioritised the urgent and immediate protection of children and young people during the Covid19 response, a key order that allows this protection is the interim compulsory supervision order (ICSO).

Under the Children's Hearing's (Scotland) Act 2011 an ICSO can only last for 22 days, if issued by the children's hearing or by a Sheriff at Court. Under the 2020 Act an ICSO from a children's hearing can last up to 44 days (but does not have to last for that long) and an ICSO issued at court can last for a period determined by the court.

**Table 8**

**Interim orders** (some children will have had more than one interim order issued in the period)

Interim Order Type	Period 1		Period 1		TOTALS	
	2019	2020	2019	2020	2019	2020
<b>ICSO</b>	584	314	676	471	1,260	785
<b>IVCSO</b>	250	178	339	209	589	387
<b>Court ICSO / IVCSO (including following appeal)</b>	471	337	622	522	1,093	859
<b>Total</b>	1,305	829	1,637	1,202	2,942	2,031
<b>Children</b>	<b>678</b>	<b>656</b>	<b>778</b>	<b>805</b>	<b>1,069</b>	<b>966</b>

**Table 9**

**Interim orders where the 2020 Act emergency legislation was applied** (some children will have had more than one interim order issued in the period & this count includes orders which authorised secure accommodation)

<sup>9</sup> CSO – Compulsory Supervision Order; ICCSO – Interim Continuation of a Compulsory Supervision Order



	Period 1	Period 2	TOTALS
<b>Interim Order Type</b>			
<b>ICSO</b>	284	371	655
<b>IVCSO</b>	152	158	310
<b>Court ICSO / IVCSO (including following appeal)</b>	244	262	506
<b>Total</b>	<b>680</b>	<b>791</b>	<b>1,471</b>

**Table 10**

**Interim orders which authorised secure accommodation** (some children will have had more than one interim order issued in the period and includes order issued under 2020 Act emergency legislation)

Interim Order Type	Period 1		Period 2		TOTALS	
	2019	2020	2019	2020	2019	2020
<b>ICSO</b>	9	5	8	8	17	13
<b>IVCSO</b>	13	10	19	19	32	29
<b>Court ICSO / IVCSO (including following appeal)</b>	7	1	1	2	8	3
<b>Total</b>	<b>29</b>	<b>16</b>	<b>28</b>	<b>29</b>	<b>57</b>	<b>45</b>
<b>Children</b>	<b>20</b>	<b>12</b>	<b>22</b>	<b>21</b>	<b>39</b>	<b>28</b>

Of the 29 interim orders authorising the use of secure accommodation between 21<sup>st</sup> May 2020 and 15<sup>th</sup> July 2020, 13 applied the extended timescales of the Coronavirus (Scotland) Act 2020<sup>10</sup>.

### **Coronavirus (Scotland) Act Schedule 3 5 (2)**

Since 7<sup>th</sup> April 2020 there have been no reported Interim Compulsory Supervision Orders authorising a place of safety under Children’s Hearings (Scotland) Act section 109(7), following a grounds determination by a Sheriff. This figure isn’t generated in SCRA’s Case Management System and has been gathered through an email survey of SCRA’s Locality Reporter Managers. As the response was less than 100% this is indicative only. Whilst not often used, this provision remains important for those cases where it would apply.

### **Coronavirus (Scotland) Act Schedule 3 6 (2)**

Since 7<sup>th</sup> April 2020 we have had <5 young people who have been kept in secure accommodation for longer than 72 hours and for a maximum of 96 hours before a children’s hearing (this is an indicative figure only as this information required to be gathered from Locality Reporter Managers and there was not a 100% information

<sup>10</sup> Information on the use of the emergency powers and secure accommodation authorisation will be more accurate when gathered retrospectively – at the moment some of the orders granted between 21<sup>st</sup> May and 15<sup>th</sup> July are still in force so it is difficult to draw conclusions. This figure as reported may alter in the next reporting cycle.

return). Whilst not frequently used, this provision remains important for those cases where it does apply.

## Appeals

### Coronavirus (Scotland) Act Schedule 3 7 (2) & (3)

The Coronavirus (Scotland) Act 2020 adjusts the timescales available for those with the right to appeal a decision of a children’s hearing ( those mentioned in the specific relevant provisions of the Children’s Hearings (Scotland) Act 2011 and including children, relevant people and safeguarders) to appeal the decisions made, by giving appellants more time to lodge an appeal. The Coronavirus (Scotland) Act 2020 also adjusts the timescales for Courts to deal with appeals.

SCRA’s appeal data has been run for 2020 only – there is no comparative data available for previous years. We have also run the data for the period 7<sup>th</sup> April to 15<sup>th</sup> July – not as 2 separate reporting cycles. SCRA’s data does not report on the specific provision of the Coronavirus Act either, in order to do so we would need to record the date appeals were lodged with the Sheriff Court and we do not routinely capture this information. Instead we are able to report on two things:

**1)** the average days between the date of the children’s hearing and the date of a decision being made in respect of an appeal at the Sheriff Court, by the decision of the Court and

**2)** the counts of appeals determined in the period when the Coronavirus (Scotland) Act 2020 has been in force (so excluding appeals which occurred between 7<sup>th</sup> April 2020 and 15<sup>th</sup> July 2020 but which related to children’s hearing decisions from before 7<sup>th</sup> April 2020 and so the Coronavirus (Scotland) Act provisions do not apply.

We hope the data gives an indication of the numbers of appeals; the decisions being made at appeal and the time this process is taking for children and families.

**Table 11**

**Section 154 Appeal periods - average time in days from children’s hearing to appeal determination, by appeal type and decision with counts in brackets.**

	Appeal Against CSO Decision	Appeal Against Hearing RP/Not-RP Determination	Appeal Against Interim Order Decision	Appeal Against PHP RP/Not-RP Determination	Average (Total)
Abandoned by Appellant	49 (1)		17 (2)		27 (3)
Decision Justified / No change of circumstances	36 (1)				36 (1)
Decision Justified		24 (1)		12 (1)	18 (2)
Decision Justified / Change of Circumstances	13 (2)				13 (2)
Decision Justified / Change of Circumstances [Not Opposed]	14 (1)		13 (2)		13 (3)

Decision Justified / Change of Circumstances Not Considered	36 (1)		14 (27)		15 (28)
Decision Justified / No Change of Circumstances	17 (1)		26 (6)		24 (7)
Decision Not Justified	12 (1)		15 (7)		15 (8)
Decision Not Justified [Not Opposed]	47 (6)		15 (15)		24 (21)
Decision Not Justified	36 (1)				36 (1)
<b>Average (Total)</b>	<b>34 (15)</b>	<b>24 (1)</b>	<b>15 (59)</b>	<b>12 (1)</b>	<b>19 (76)</b>

The average time for an appeal – from children’s hearing to the appeal determined, across all appeal types, was 19 days in the period 7<sup>th</sup> April 2020 to 15<sup>th</sup> July 2020.

There were a total of 76 appeals of children’s hearing decisions in the period 7<sup>th</sup> April 2020 to July 15<sup>th</sup> 2020 which were in relation to hearings which occurred under the Coronavirus (Scotland) Act 2020 and where the provisions of the Act applied.

### **Coronavirus (Scotland) Act Schedule 3 7 (4)**

In the period 7<sup>th</sup> April 2020 to 15<sup>th</sup> July 2020 SCRA systems have recorded no appeals under section 161(6) of the Children’s Hearings (Scotland) Act 2011 - an Appeal in relation to a decision affecting contact or a permanence order (Schedule 3 7 (4))

### **Appeals to Higher Courts**

**Section 163(8) Appeal to Sheriff Principal / Court of Session (Schedule 3 7 (6))**

**Section 164(4) Appeal to Sheriff Principal / Court of Session (Schedule 3 7 (7))**

**Section 165(4) Appeal to Sheriff Principal / Court of Session (Schedule 3 7 (8))**

This information is not recorded in SCRA’s management information systems.

One appeal to the Sheriff Appeal Court commenced during lockdown and is ongoing.

A judicial review by Highland Council commenced and has been concluded and SCRA are being notified of a new judicial review on 15<sup>th</sup> July 2020 in relation to the implementation of contact.

Of the cases which commenced before lockdown:

- one judicial review was not proceeded with
- a number of appeals are at various stages of being abandoned
- one appeal is likely to be abandoned
- one appeal SCRA are not opposing
- one appeal is proceeding

### **Coronavirus (Scotland) Act Schedule 3 8 2(b)**

#### **Rule 19 applying 'if a person is unable to attend because of a reason relating to coronavirus'**

Up until 13<sup>th</sup> July 2020, all the children's hearings which have taken place in Scotland since 23<sup>rd</sup> March 2020 have been 'virtual children's hearings' as children, family members, professionals, reporters and the decision makers (panel members) have been unable to attend the public spaces in children's hearings centres. Since May 4<sup>th</sup> 2020 effort has been made to try and facilitate the virtual participation of all of those with a right to attend the children's hearing under the Children's Hearings (Scotland) Act 2011. Children's hearings have continued to sit for a variety of reasons.

The practical effects of the Coronavirus (Scotland) Act provisions in Schedule 3 8 2(b) mean that the obligation to attend the children's hearing has been removed from children and relevant persons. Their right to participate in the children's hearing and to have their views taken into account by the decision maker remains unchanged. We do not have the information to report on why children and relevant persons have not attended the virtual children's hearing. There may be a number of reasons for this, including that a child or relevant person has decided not to participate.

### **Authentication of documents**

#### **Coronavirus (Scotland) Act Schedule 3 9)**

Since 7<sup>th</sup> April 2020 all documents sent to Panel Members and other participants in virtual children's hearings have been provided digitally via a secure website platform, rather than in paper copy. Documents have been authenticated digitally by either the Children's Reporter or the Chairing panel member in the children's hearing.