

Coronavirus (Scotland) Act 2020 – Supplementary Data of use of provisions in Schedule 3 of the Act – Report 4

This is the fourth 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. It is the first report produced using data derived from the new case management system being rolled out across SCRA between August and December 2020 and as a result there are some additional caveats and explanation.

The first report, covering the period 7th April to 20th May, was published on the Children’s Hearings Improvement Partnership (CHIP) website on the 11th June 2020.¹ The second report, covering the period 21st May to 15th July was published on the CHIP website on 12th August 2020. The third report, covering the period 16th July to 13th September 2020 was published on the CHIP website in October 2020. This report covers the period 14th September to 15th November 2020.

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 7th April 2020. By then, Scotland had been subject to movement restrictions and social distancing measures since 23rd March 2020.

For the children’s hearings system, this meant that the way hearings operated to make critical legal decisions for children and families had to alter over a few short days. Hearings already scheduled for this period could not just be cancelled as there were Compulsory Supervision Orders, Interim Orders and other decisions which had to be made, reviewed, varied or renewed urgently. There had to be a strict prioritisation approach to allow the core business of children’s hearings to continue. This was initially focussed only on those Hearings required for the urgent and immediate protection of children, or where required to protect an expiring order. All non-essential Hearings were rescheduled to take place at the earliest date possible. This meant a sudden and considerable decrease in the number of hearings taking place.

Since July, alongside virtual children’s hearings, SCRA has enabled hearings centres to hold face to face children’s hearings and some hybrid hearings where some participants will physically attend the children’s hearings centre and others will attend virtually, using technology. Many hearings centres reopened, all with the necessary safety measures and strict social distancing in place. In areas where hearings centres could not be adapted to allow socially distanced hearings, other venues, outwith the SCRA estate, have also been used to allow face to face hearings to restart – for example, children’s hearings in Falkirk have been using a large room in the Council chambers.

Since September the number of face to face and hybrid hearings has been increasing. CHS and SCRA have been reintroducing additional capacity into the system to enable the number of hearings of all kinds to reach the levels required under more normal circumstances and ensure that more and more children and young people are able to have hearings arranged and their circumstances considered as soon as that is necessary, and to review those children’s cases which have been directly affected by coronavirus.

¹ All Coronavirus reports are available here: <https://www.chip-partnership.co.uk/resources/coronavirus-childrens-hearings-data/> (Accessed: 27/11/20)

Children's Hearings have had to operate at a level significantly below usual capacity since March 2020. Maintaining a Hearing service with this reduced operating capacity has been enabled by the powers set out in the Coronavirus Act, particularly the addition of 6 months to the end date of any Compulsory Supervision Order if a review of that order has not been possible in advance of the expiry date. The decision to extend a CSO beyond its expiry date has not been made in isolation and whenever possible the views of professionals and families have been taken into account. If a case requires review – because an order requires to be terminated or changed, for example, then those hearings are going ahead.

Since October 2020 the cases where up to 6 months were added to orders are coming back into children's hearings. This means that the number of children's hearings is having to increase to manage these reviews which now need to go ahead.

In order to get back to normal operations the hearing system will need to cover these reviews as well as the reviews where orders are expiring at 12 months – and this will continue to be challenging for some time to come. The national recovery plan for children's hearings has been developed so that the use of the emergency legislation will gradually be reduced to the point where it will cease to be used as early as possible during 2021. Partners are also actively considering which aspects of the Emergency Legislation could possibly be suspended prior to then.

The current operating conditions continue to put considerable pressure on how the children's hearing system increases capacity. Virtual hearings remain the main method of delivering hearings and these are currently operating at around 230 per week², but capacity to increase virtual hearings is unlikely in the very short term as a result of SCRA training and national rollout of CSAS (a new case management system), staff taking outstanding leave, the impact of increased Covid19 cases amongst professionals and volunteers, and additional restrictions announced by the UK and Scottish Governments in response to the second wave of the pandemic.

The number of face to face hearings has been increasing incrementally, and they improve participation for children, young people and families and offer them a choice in how they participate in their children's hearing - but current physical distancing expectations place significant restrictions on the number of participants who can attend a face to face hearing

Work towards recovery in the Children's Hearing System has continued apace. The following progress and milestones should be noted :

- Enhanced cleaning regime : There is now an enhanced cleaning regime in place across all SCRA premises and external hearing premises increasing the capacity of premises to safely hold multiple face to face and hybrid hearings;
- Property alterations : Alterations have been undertaken within the estate to provide larger spaces which can safely accommodate physically distanced hearings. Hearing rooms and office space have been flipped to provide more spacious hearings accommodation.

² As of 11/11/2020 the week of 26th October 2020 indicative national count was 465 pre hearing panels / hearings; with a breakdown of face to face 174, virtual 237 and hybrid 54.

Perspex screens have been deployed where appropriate. External premises have been sourced where required.

- Enabling technology : Cloud Conferencing Units and TVs have been deployed to enable hearing participation to be extended across a number of rooms, increasing the number of hearing participants, and to enable hearing participants to take part virtually. There are now in excess of 75 tech enabled rooms across SCRA's core estate.
- Staffing : Internal Reporter and Assistant Reporter Recovery Team candidates have been appointed and recruitment of the remaining external candidates is being finalised. Mindful of the ongoing impact of the pandemic on all staff and volunteers, there is an ongoing focus on morale and wellbeing.

The majority of hearings, however, still remain online with people taking part remotely. As long as the risk of transmission of coronavirus remains a significant risk and physical distancing requirements remain in place we expect this to be the case for some months to come. How these virtual hearings operate has improved a lot since their introduction in March, building on reflections and experiences of children, young people and their families, Panel Members, SCRA and CHS staff, and other hearing participants. Training and guidance has been refined and learning shared across the organisations. Everyone experiences challenges in working remotely from sometimes poor connectivity, limitations of online platforms and services, service availability, technical interruptions, and individuals' varying access to equipment. Children's Panel Members and children's hearings are no exception. We are actively pursuing alternatives to the current set-up to ensure that virtual hearings improve in quality during national and local restrictions. The learning from these experiences will help us introduce more options and improvements for participation in the hearings system in the long term.

SCRA and CHS have the recovery of the hearings system as their main focus over the next quarter. We are continuing to identify effective and sustainable ways of delivering the number of hearings to address a backlog of hearings that has accumulated over the last nine months as a result of the pandemic and reduce the use of the emergency provisions.

Our people are fundamental to this recovery. CHS is putting in place training, support and additional measures to increase the ability of the national children's Panel to deliver both face to face and virtual hearings. We have re-engaged Panel Members who have been unable to sit on hearings during the early stages of the pandemic. SCRA has invested considerably in new staff and training to ensure sufficient Reporter capacity.

We are continually assessing how able our people are to deliver, and comparing this against the need and demand for hearings. We will continue to work together at local and national levels to ensure that these match each other as well as they can. There is a clear focus on activity to increase hearing numbers in order to accommodate the needs of children that are still waiting for hearings – whether they are already in the system or newly entering it - as swiftly as possible.

The operations and capacity of the hearing system is, of course, dependant on more than just SCRA and CHS. Both organisations have been involved in close and regular dialogue and planning with other key agencies including the Scottish Government, Social Work Scotland, COSLA, and CELCIS. This work is set out in the Multi-Agency National COVID-19 Recovery Plan

prepared by a strategic group including senior staff across all the agencies. Oversight and implementation of the plan will sit with CHIP.

SCRA recognised early on the potentially significant negative impacts of the pandemic on both equalities and human rights, in particular relating to virtual hearings. Alongside developing the virtual hearings approach, a comprehensive [Equalities and Human Rights Impact Assessment \(EHRIA\)](#) was developed which helped clarify key areas of concern and helped formulate active mitigations for the negative rights impacts identified. These active mitigations have mostly been implemented, and some are still being progressed as the children's hearing system continues to further adapt its operating model as outlined above.

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 4 reporting periods. The equivalent period from the prior year is given where available:

- Period 1: 7th April to 20th May 2020 (previous year equivalent was 9th April to 22nd May 2019);
- Period 2: 21st May 2020 to 15th July 2020 (previous year equivalent was 23rd May 2019 to 17th July 2019).
- Period 3: 16th July 2020 to 13th September 2020 (previous year equivalent was 18th July 2019 to 15th September 2019).
- Period 4: 14th September to 15th November 2020 (previous year equivalent was 16th September 2019 to 17th November 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 four periods to be generated, it has been necessary to re-run some reports on previous periods 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.³

³ 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.

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 simultaneously (where, for example, a panel consists of 2 panel members of the same gender).⁴

In Period 3, 18 hearings had fewer than 3 panel members in attendance, and 11 did not have both male and female members⁵. No hearings proceeded with only one panel member in attendance. The total number of hearings making use of the relaxation provisions during the reporting period was 26.

In Period 4, 47 hearings had fewer than 3 panel members in attendance, and 38 did not have both male and female members. No hearings proceeded with only one panel member in attendance. The total number of hearings making use of the relaxation provisions during the reporting period was 77.

This reporting period has seen an increase in the number of hearings using the emergency legislation compared to previous reporting periods. There are two key contextual factors to this increase (1) increasing hearing activity will result in a natural rise in numbers associated with hearings taking place and (2) at the start of the fourth reporting period, the National Convener authorised the planned use of the emergency legislation where it is known in advance that it would not be possible to rota a 3-member, mixed gender panel to a hearing. Using the emergency legislation is deemed preferable to delaying hearings as a result of panel members of either gender being unavailable. Use of the emergency legislation remains, however, a last resort when all other possibilities have been exhausted.

Since the powers came in to force, therefore, 92 hearings have had fewer than 3 panel members in place, and 68 did not have both male and female members. As noted above, there will be instances where both provisions were used at the same hearing. It is not possible to provide the exact total number of individual hearings making use of the relaxation powers since they came in to force, as the recording of this was not introduced until the second reporting period. The maximum total, however, would be 139 hearings (6 from the first reporting period, 30 from the second, 26 from the third, and 77 from the fourth).

It is anticipated that, as hearings activity continues to increase and as local restrictions continue to change in line with infection rates, there will be increased necessity to use the emergency powers to ensure decisions can still be made for the children and young people entering the hearings system and those who have their hearings delayed due to COVID.

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

⁴ For the second reporting period, CHS introduced a survey collecting information on the composition of panels at hearings.

⁵ The data for the third reporting period is a combination of responses to the survey on the composition of panels at hearings, and Area Support Team notifications to the National Convener of when the powers have been used.

this children’s hearing would sit on the 2nd working day following the CPO being enforced. Under the 2020 Act this 2nd working day children’s hearing is not required - instead a children’s hearing to consider grounds for referral will sit on or before the 8th working day.

This may seem like a long time before a decision maker is considering the circumstances of a case. However, until the 8th 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 2nd working day children’s hearing under the 2011 Act, and for 2 days following the 2nd working day children’s hearing if the order is continued or varied by that hearing⁶).

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

Total CPOs	2019	2020
CV Report 1	54	83
CV Report 2	78	99
CV Report 3	93	92
CV Report 4	122	105
Total	347	379

As of 15th November there have been five recorded applications to recall / vary a CPO (the qualifications detailed above continue to apply).

In periods 1 & 2, there was an increase in the number of child protection orders issued across Scotland in comparison to the same period last year (although this will be subject to local variation). In period 3, the numbers are similar for this year and last year. In period 4 the numbers are lower than the numbers recorded for the previous year.

With 83 CPOs in CV Report 1, the Emergency Legislation has resulted in us not having to hold 83 2nd working day children’s hearings⁷. In CV Report 2 we did not have to hold 99 2nd working day children’s hearings. In CV Report 3 we did not have to hold 92 2nd working day children’s hearings. In CV Report 4 we did not have to hold 105 2nd 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.

⁶ Children’s Hearings (Scotland) Act 2011, section 48.

⁷ 1 2nd working day children’s hearing was held.

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

Total Hearings	2019	2020	2020 as % of previous yr total
CV Report 1	3,921	777	19.82%
CV Report 2	4,734	1,522	32.15%
CV Report 3	4,910	2,441	49.71%
CV Report 4	5,346	3,835	71.74%
Total	18,911	8,575	45.34%

Fewer children's hearings have been held this year than last year. This has continued into CV Report 4 though volumes are steadily increasing, and the new column, which shows 2020 as % of previous year, demonstrates this across the reporting periods.

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

Hearing Reason	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Continue ICSO	397	153	386	222	415	428	516	443	1,714	1,246
Deferred Hearing	819	199	1,002	344	1,086	478	1,140	723	4,047	1,744
New Grounds	570	115	616	348	704	347	732	487	2,622	1,297
Review – due to expire	841	109	949	149	1,060	287	1,072	1,012	3,922	1,557
Review local authority	429	106	619	235	530	436	549	476	2,127	1,253
Other	1,105	168	1,444	358	1,427	720	1,672	1,077	5,648	2,323
Total	3,921	777	4,734	1,522	4,910	2,441	5,346	3,835	18,911	8,575

For reporting periods 1 & 2, all of these categories were lower than last year at the same time. With the exception of continuation of ICSO Hearings, this continued into CV Report 3. For reporting period 4 all the categories were again lower than last year at the same time.

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	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Review – due to expire	841	109	949	149	1,060	287	1,072	1,012	3,922	1,557

Within the first reporting period there were 467 CSOs, where orders were extended beyond their expiry date⁸. Within the second reporting period there were 865 CSOs, where orders were extended beyond their expiry date. In the third reporting period there were 956 CSOs where orders were extended beyond their expiry date. In the fourth reporting period there were 1,039 CSOs where orders were extended beyond their expiry date. This provision has only been used to the extent necessary driven by the practicalities of holding children’s hearings in the current context, and the extent of use will vary as the safety and operational contexts develop. Due to the severe restriction in the number of children’s hearings which could be held, this provision has had the effect of extending a number of orders.

Although the provision has been used extensively, the number of expiry review Hearings that have actually taken place has been increasing over the period. During the first reporting period there were 109 children’s hearings when CSOs were due to expire. During the second reporting period there were 149 children’s hearings when CSOs were due to expire. In the third reporting period there were 287 children’s hearings when CSOs were due to expire. In the fourth reporting period there were 1,012 children’s hearings when CSOs were due to expire. The SCRA has developed a recovery plan which models review of all CSOs where the use of the emergency legislation will gradually be reduced and will cease to be used. This provision in the first Scottish Act allows an expiry review of a CSO to take place up to six months after the original expiry date. The use of this six month period will be reduced incrementally as the SCRA increases its capacity, and its ability to arrange expiry review hearings becomes more practicable. In order to recover SCRA will need to arrange the expiry reviews within a given month alongside those reviews where the end date of extant orders have been extended by virtue of the legislation.

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 7th 2020 are now being scheduled. Some cases will also have been scheduled as a need to make a change will have occurred.

By 20th May 2020 SCRA’s data management system had recorded 863 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 8th working day children’s

⁸ The data on this provision and all of the children’s hearings provisions that follow is from the SCRA. Its case management system was not set up for recording the detail of this legislation so generating figures has been complex. To enable SCRA to provide accurate totals for the four periods, it has had to re-run period one, two and three data. This has resulted in small changes in some of the figures as the report is based on live operational data which will be subject to change over time. SCRA’s live operational data is regularly adjusted by staff when issues with data integrity become apparent and as cases progress. This is especially prevalent in SCRA data where the time between the reporting period and the production of the report is short.

hearing). In CV Report 2, 1,421 children’s hearings were recorded as ‘Covid19’ hearings (in addition to the 863 reported for reporting period 1. In Report 3, that figure was 1,706. In Report 4, that figure was not able to be gathered as a result of SCRA’s transition to a new case management platform which utilises different methodologies to record extended orders and CPOs. In total between 7th April 2020 and 13th September 2020 3,990 children’s hearings were recorded as ‘Covid19’ hearings, across all categories). The same categories as listed above apply.

**Table 5
Review Children’s Hearings**

Hearing reason	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Review – child	5	1	12	8	12	6	8	8	37	23
Review – local authority	429	106	619	235	530	436	549	476	2,127	1,253
Review – panel members	275	11	354	66	278	99	482	153	1,389	329
Review – relevant person	202	7	228	88	233	210	245	237	908	542
Total	892	121	1,199	382	1,042	716	1,264	912	4,397	2,131

Tables 6 (a) and 6 (b) from the previous reports can no longer be generated as a result of SCRA’s transition to a new case management platform. The information for Reports 1 – 3 is included in this report as an endnote.

Table 6 Emergency transfer requests⁹

Emergency transfers	Requests	Children
CV Report 1	27	25
CV Report 2	37	36
CV Report 3	40	38
CV Report 4	37	36
Total	108	100

Of the review requests there were 27 emergency transfer requests made, for 25 children across Scotland between 7th April 2020 and 20th May 2020; of the review requests there were 37 emergency transfer requests made, for 36 children across Scotland between 21st May 2020 and 15th July 2020; of the review requests there were 40 emergency transfer requests for 38 children across Scotland between 16th July 2020 and 13th September 2020.

Between 14th September 2020 and 15th November 2020 there were 36 emergency transfers of children to secure accommodation.

Compulsory Supervision Orders (CSOs)

⁹ These numbers are now counting those cases with an emergency transfer to secure accommodation.

Table 7(a)**Total CSOs / ICCSOs¹⁰ made** (including orders where emergency legislation was used)

CSOs & ICCSOs	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Total CSO	1,747	663	2,169	1,408	2,230	1,801	2,321	2,414	8,467	6,286
Total ICCSO	201	61	224	65	221	142	267	251	913	519

Table 7(b)¹¹**Total CSOs made authorising secure accommodation**

CSOs	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Secure	23	23	27	18	24	20	29	17	103	78

In CV Report 1 in both 2019 and 2020, 23 CSOs were made in the same period which authorised the use of secure accommodation. In CV Report 2 in 2019 27 CSOs were made and in 2020 18 CSOs were made which authorised the use of secure accommodation. In CV Report 3 in 2019 24 CSOs were made and in 2020 20 CSOs were made which authorised the use of secure accommodation. In CV Report 4 there were 29 CSOs in 2019 and 17 CSOs in 2020 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**Standard Interim orders¹²** (some children will have had more than one interim order issued in the period)

Interim Order Type	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
ICSO	584	326	675	487	715	579	849	636	2,823	2,028
IVCSO	250	179	339	212	310	247	397	252	1,296	890

¹⁰ CSO – Compulsory Supervision Order; ICCSO – Interim Continuation of a Compulsory Supervision Order

¹¹ A new table.

¹² New name for the table.

Court ICSO / IVCSO (including following appeal)	472	377	620	572	607	563	661	566	2,360	2,078
Total	1,306	882	1,634	1,271	1,632	1,389	1,907	1,454	6,479	4,996
Children	680	661	778	810	785	941	869	953	1,827	1,609

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)

Interim Order Type	CV Report 1	CV Report 2	CV Report 3	CV Report 4	Total
ICSO	270	366	452	489	1,577
IVCSO	151	147	174	176	648
Court ICSO / IVCSO (including following appeal)	223	271	291	243	1,028
Total	644	784	917	908	3,253

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	CV Report 1		CV Report 2		CV Report 3		CV Report 4		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
ICSO	9	5	8	8	3	11	4	7	24	31
IVCSO	13	10	19	18	21	15	31	8	84	51
Court ICSO / IVCSO (including following appeal)	7	1	1	2	5	2	2	7	15	12
Total	29	16	28	28	29	28	37	22	123	94
Total children	20	12	22	21	21	23	27	20	73	56

Of the 22 interim orders authorising the use of secure accommodation between 14th September 2020 and 15th November 2020, 16 of them used the extended timescales of the Coronavirus (Scotland) Act 2020¹.

Coronavirus (Scotland) Act Schedule 3 5 (2)

Since 7th April 2020 we have a few 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 is used when it is required and remains very important for those cases where it would apply.

Coronavirus (Scotland) Act Schedule 3 6 (2)

Since 7th 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 return). This provision has not been used at all during the Report 4 period as it was suspended after Report 3.

Whilst not frequently used this provision was important for those cases where it applied - although SCRA does try and manage cases where a young person is subject to secure accommodation within the quickest possible timescales.

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 7th April to 15th November – not as 4 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 7th April 2020 and 15th November 2020 but which related to children's hearing decisions from before 7th 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.

The average time for an appeal – from children's hearing to the appeal determined, across all appeal types, was 30 days in the period 7th April 2020 to 15th November 2020.

There were a total of 260 appeals of children's hearing decisions in the period 7th April 2020 to November 15th 2020 which were in relation to hearings which occurred under the Coronavirus (Scotland) Act 2020 and where the provisions of the Act applied.

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.

Appeals by type and outcome	Against CSO Decision	Against Hearing RP/Not-RP Determination	Against Interim Order Decision	Against PHP RP/Not-RP Determination	Average (Total)
Abandoned by Appellant	48 (12)		33 (13)		40 (25)
Decision Justified / No change of circumstances	36 (1)				36 (1)
Decision Justified		34 (3)		12 (1)	28 (4)
Decision Justified / Change of Circumstances	31 (5)		12 (3)		24 (8)
Decision Justified / Change of Circumstances [Not Opposed]	14 (1)		13 (2)		13 (3)
Decision Justified / Change of Circumstances Not Considered	50 (30)		16 (50)		29 (80)
Decision Justified / No Change of Circumstances	52 (8)		22 (16)		32 (24)
Decision Not Justified	45 (20)	13 (1)	19 (30)		29 (51)
Decision Not Justified [Not Opposed]	44 (26)	22 (1)	20 (35)		30 (62)
Dismissed as Incompetent		22 (2)			22 (2)
Average (Total)	46 (103)	26 (7)	20 (149)	12 (1)	30 (260)

Coronavirus (Scotland) Act Schedule 3 7 (4)

In the period 7th April 2020 to 13th September 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. SCRA were notified of a judicial review on 15th July 2020 in relation to the implementation of contact.

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 13th July 2020, all the children's hearings which took place in Scotland since 23rd March 2020 were 'virtual children's hearings' as children, family members, professionals, reporters and the decision makers (panel members) were unable to attend the public spaces in children's hearings centres. Since July the majority of hearings have continued to be virtual, but an increasing number of physical hearings have also been taking place.

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 7th April 2020 all documents requiring to be signed have been authenticated digitally by either the Children's Reporter or the Charing panel member in the children's hearing. Electronic authentication is also being used for Face to Face and hybrid Hearings as this reduces the need to handle physical documents between people.

ⁱ Table 6 (a) Review requests for Children's Hearings – request count

Review Request	CV Report 1		CV Report 2		CV Report 3		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020
child	7	3	6	7	14	15	27	25
local authority	474	260	644	422	553	440	1,671	1,122
other	28	25	75	72	30	99	133	196
relevant person	213	85	241	254	265	249	719	588
Total	722	373	966	755	862	803	2,550	1,931

Table 6 (b) Review requests for Children's Hearings – child count

Review Request	CV Report 1		CV Report 2		CV Report 3		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020
child	7	3	6	6	12	14	25	23
local authority	441	242	608	398	525	410	1,486	981
other	28	24	65	67	30	97	120	187
relevant person	202	80	229	232	243	240	653	532
Total	668	346	874	680	791	737	2,158	1,627