

Key Legislation relevant to Children's Hearings

<p>Social Work (Scotland) Act 1968 (legislation.gov.uk)</p>	<p>This is the FIRST act which established children's hearings in Scotland. It has been replaced by subsequent legislation, but is included because it articulates the principles that still underpin the system very clearly.</p>
<p>Children (Scotland) Act 1995 (legislation.gov.uk)</p>	<p>This Act replaced the 1968 Act. Aspects of the Act are still in force in relation to parental rights and court orders for contact/residence but much of the Act has been superseded.</p>
<p>Children's Hearings (Scotland) Act 2011 (legislation.gov.uk)</p>	<p>This is the CURRENT Act which governs the operation of children's hearings. The Act is detailed, specific and focussed very much on due process.</p>
<p>Children and Young People (Scotland) Act 2014 (legislation.gov.uk)</p>	<p>This legislation promotes a focus on rights and on GIRFEC / wellbeing. It isn't related specifically to children's hearings but the umbrella ethos of the act now also underpins the work of the hearing.</p>
<p>Children (Scotland) Act 2020 (legislation.gov.uk)</p>	<p>This new legislation is still to come into force, with significant provisions of the Act commencing at the end of July 2021. This Act will ensure that the voice of a child is clearly present in any statutory or legal decision making about the child and also places a duty on a local authority in relation to brothers and sisters. Additional individuals can also acquire some specific / limited participation rights in children's hearings.</p>
<p>Age of Criminal Responsibility (Scotland) Act 2019 (legislation.gov.uk)</p>	<p>This Act increased the Age of Criminal Responsibility from 8 to 12 years. It includes a clause which requires reconsideration of the age (12); possibly raising it even further. Since the Act received Royal Assent on 11th June 2019 the Children's Reporter has not been dealing with any children under 12 on offence grounds although full commencement of all the provisions of the Act has not yet happened.</p>

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<p>Children (Equal Protection from Assault) (Scotland) Act 2019 (legislation.gov.uk)</p>	<p>This Act determined that there is no longer a defence of 'reasonable chastisement' for any physical assault on a child. The tabloid press referred to this as a 'smacking ban.'</p>
<p>Adoption and Children (Scotland) Act 2007 (legislation.gov.uk)</p>	<p>This Act altered the process of adoption and permanent placement in Scotland.</p>
<p>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 (legislation.gov.uk)</p>	<p>These rules give additional information about how the Children's Hearings (Scotland) Act should work in practice.</p>
<p>Child Care and Maintenance Rules (scotcourts.gov.uk)</p>	<p>These rules govern what happens in court processes where children are involved.</p>
<p>The Secure Accommodation (Scotland) Regulations 2013 (legislation.gov.uk)</p>	<p>These rules cover the processes when secure accommodation is required for a child.</p>
<p>The Looked After Children (Scotland) Regulations 2009 (legislation.gov.uk)</p>	<p>These rules cover decisions and processes where a child is required to live out with their birth family. The rules followed the 2007 Adoption (Scotland) Act.</p>
<p>The Looked After Children (Scotland) Amendment Regulations 2021 (legislation.gov.uk)</p>	<p>These are amendments to the 2009 rules following the Children (Scotland) Act 2020.</p>
<p>The Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 (legislation.gov.uk)</p>	<p>These rules relate to the commencement of section 122 of the Children's Hearings (Scotland) Act 2011 – and are about Advocacy Service Provision & Training.</p>
<p>Children and Young Persons (Scotland) Act 1937 (legislation.gov.uk)</p>	<p>This Act is still relevant in relation to Children's Hearings as one of the most frequently used grounds for referral in relation to a 'schedule 1' offence comes from section 12 of the 1937 Act – wilful ill treatment / neglect / abandonment.</p>