

**Coronavirus (Scotland) Act 2020**  
**Supplementary Data of use of provisions in Schedule 3 of the Act**  
**Report 8**

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

All of the joint SCRA / CHS reports are available on the Children's Hearing Improvement Partnership (CHIP) website<sup>1</sup>.

Report 1 - 7<sup>th</sup> April to 20<sup>th</sup> May 2020

Report 2 - 21<sup>st</sup> May to 15<sup>th</sup> July 2020

Report 3 - 16<sup>th</sup> July to 13<sup>th</sup> September 2020

Report 4 - 14<sup>th</sup> September to 15<sup>th</sup> November 2020

Report 5 – 16<sup>th</sup> November 2020 to 17<sup>th</sup> January 2021

Report 6 – 18<sup>th</sup> January to 16<sup>th</sup> March 2021

Report 7 – 17<sup>th</sup> March to 11<sup>th</sup> May 2021

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.

This report covers 12<sup>th</sup> May to 9<sup>th</sup> July 2021.

### **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.

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<sup>11</sup> CHIP Website can be accessed here: [Coronavirus – Children's Hearings data | Children's Hearings Improvement Partnership \(chip-partnership.co.uk\)](https://chip-partnership.co.uk)

Face to face hearings re-commenced from the middle of July 2020, with a 'suite' of options available for the arrangement of children's hearings, including:

- Face to face children's hearings where all participants attend a children's hearing centre or external premises which can accommodate socially distanced hearings
- hybrid children's hearings, where some participants physically attend the children's hearings centre and others attend virtually using technology
- virtual children's hearings where all participants attend virtually using technology

The use of this suite of options allows the children's hearing system to respond quickly to any changes to the national and local levels of restrictions. When Scotland was placed back into lockdown restrictions on 4<sup>th</sup> January 2021, the children's hearing system was able to respond immediately. Hearing schedules were re-balanced in favour of virtual hearings. Face to face hearings were able to continue in line with Scottish Government guidance and these continued in limited situations, for example where required to secure the participation of a child or relevant person. As a result, children's hearings have been able to continue since the start of the year, including those hearings required to review orders for children where the Coronavirus Act had been used to add 6 months to the end date of Compulsory Supervisions Orders and where a further extension was not possible. As Scotland starts to leave lockdown once again, the suite of options available for children's hearings will start to operate and increase capacity for hearings to be held. As we 'recover' more children, families and professionals will come into SCRA buildings and we expect to be holding more face to face hearings.

Children's Hearings have operated significantly below the usual capacity since March 2020 and the planned increase in numbers of hearings was restricted by the imposition of further restrictions. The further lockdown restrictions in place since the start of 2021 further significantly impacted the capacity of the children's hearing system at a time when recovery projections anticipated an increase in hearing activity. Moving out of lockdown restrictions will mean a return to significant and sustained 'recovery' activity.

Maintaining a Hearing service with this reduced operating capacity has been possible because of the powers set out in the Coronavirus Act, particularly the addition of up to 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 use this provision has not been made in isolation and whenever possible the views of families and professionals have been taken into account. If a case requires review – because an order requires to be terminated or changed, for example, then those cases are going ahead.

While recovery in the Children's Hearing System remains a focus for 2021, the impact of the current lockdown must be factored into planning and projections on recovery. The current restrictions on travel and the need for social distancing leads to a reduction in face to face hearings and has an impact on overall hearing capacity. The impact of home schooling and child care responsibilities on people within SCRA, CHS, the Panel Member community, local authorities

and the children and families coming to children's hearings, and the resulting capacity and resource blocking, have had a material impact on service delivery and the pace of the recovery.

Notwithstanding the current situation, the following progress and milestones should be noted:

- **Recovery planning** – The Children's Hearing Improvement Partnership (CHIP) group has a multi-agency recovery plan<sup>2</sup>. All SCRA locality areas are developing their planning for 2021/22. This is based on creating a flexible response to the ongoing pandemic, using the enablers which are already in place to build capacity in the hearing system. SCRA and CHS staff continue to meet and collaborate frequently within a variety of local and national forums.
- **Enhanced cleaning regime:** There is 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. Our Hearing Centre risk assessment was reviewed by HPS in January and again in May. Since January 2021 all hearing participants have been required to wear face masks. Some SCRA premises have been spot checked by HPS and found to be fully complying with all expectations.
- **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 re-purposed to provide more spacious hearings accommodation. 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. Centres where additional infrastructure has been required, including public WIFI, have been identified and remedial works are continuing. Enhanced CCUs and other equipment will be installed as soon as possible. Panel Members continue to be issued with, and supported with, Chromebooks to improve capacity to participate in hearings. Improving SCRA's technical infrastructure continues to be a focus of our recovery work.
- **People:** The SCRA Recovery Team (a team of temporary Reporters and Assistant Reporters funded from SG COVID support) are all in post and operational in supporting SCRA Locality Teams when the team identifies a need. There is an ongoing focus on morale and wellbeing as a result of the impacts of the pandemic on all staff and volunteers involved. A recruitment campaign for approximately 700 additional Panel Members took place in Jan – Feb 2021. It is anticipated that successfully appointed Panel Members will

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<sup>2</sup> Multi-Agency Recovery Plan for Children's Hearings can be found here: [Multi-agency recovery plan launched | Children's Hearings Improvement Partnership \(chip-partnership.co.uk\)](https://www.chip-partnership.co.uk/multi-agency-recovery-plan-launched)

be available to sit on hearings in summer 2021, after they have completed pre-service training.

- **CSAS:** SCRA and CHS new digital system, including a new case management system for SCRA and digital services for volunteers, is now fully live in all areas across both organisations.

The technical infrastructure and knowledge we have had to develop in order to deliver the virtual children's hearing will allow us to be innovative and creative in tailoring children's hearings to the needs, context and preferences of individuals in the future. We have embraced the virtual hearing and we intend to continue to use it as a positive additional choice for children and families coming to hearings.

The practical and logistical operation of virtual hearings has been challenging, but we have built on what we offered in March 2020 and are continuing to improve the service and the supports we can offer in relation to the service. This continuous improvement is being informed by the reflections and experiences of children, young people and their families, Panel Members and SCRA and CHS staff and the Virtual Hearings Team have worked alongside the platform providers to make improvements. Training and guidance has been refined and learning shared across the organisations. Everyone experiences some challenge in digital working from poor connectivity, the system limitations of online platforms and services, service availability, technical interruptions, individuals' varying access to equipment, and varying digital and other skills in order to operate the equipment effectively. Children's Panel Members and children's hearings are no exception.

At the beginning of March 2021 RAVHI<sup>3</sup> was launched, to give additional remote assistance to those attending virtual children's hearings, through the availability of a virtual receptionist who is able to respond quickly to any issues. The use of a different platform on Microsoft Teams for Virtual Hearings is also being piloted. These pilots are completed in June, are being evaluated with a view to national roll-out of the approach.

Our people are fundamental to this recovery. For all volunteers and staff, there is a continued focus on health and wellbeing which includes ensuring staff are safely set up for home working, supporting staff to balance work with caring for their own children, raising awareness of mental health and supportive direct line management. The ongoing impact of the pandemic on everyone's health and wellbeing cannot be underestimated.

We are continually assessing the capacity of each of our organisations and comparing this against the demands of the hearings system. 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, and particularly face-to-face elements, 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.

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<sup>3</sup> [About Virtual Hearings - SCRA](#) and [Attending your Virtual Hearing - SCRA](#) give further information about RAVHI.

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.

Previously the data below was separated in to 6 reporting periods and data for the equivalent period from the prior year was given where available. The reporting periods are as follows:

- Period 1: 7<sup>th</sup> April to 20<sup>th</sup> May 2020;
- Period 2: 21<sup>st</sup> May 2020 to 15<sup>th</sup> July 2020;
- Period 3: 16<sup>th</sup> July 2020 to 13<sup>th</sup> September 2020;
- Period 4: 14<sup>th</sup> September to 15<sup>th</sup> November 2020;
- Period 5: 16<sup>th</sup> November 2020 to 17<sup>th</sup> January 2021;
- Period 6: 18<sup>th</sup> January to 16<sup>th</sup> March 2021;
- Period 7: 17<sup>th</sup> March to 11<sup>th</sup> May 2021; and
- Period 8: 12<sup>th</sup> May to 9<sup>th</sup> July 2021

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

Please also note that to enable accurate totals for the six 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 and is therefore always going to be a feature of this report.

In this report, for some figures, we are presenting a cumulative total from the previous 6 reports, alongside the current figures. The figures from the previous 6 reports are now in Appendix 2 at the end of this document, for reference.

## 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))

The following table gives the number of hearings using the provisions during the reporting periods:

Period	Hearings with 2 Panel Members	Hearings with single gender panels	Total number of hearings using the provisions
1 <sup>4</sup>	5	1	6 (maximum)
2 <sup>5</sup>	24	18	32
3	20	11	27
4	50	41	81
5	21	15	31
6	58	32	79
7	35	17	42
8	49	29	59
<b>Total</b>	<b>262</b>	<b>164</b>	<b>357 (maximum)</b>

One hearing proceeded with one panel member in attendance.

The maximum total number of hearings making use of the relaxation provisions (357) differs from the total making use of the two provisions (262 and 164) because both provisions can be used in conjunction (where, for example, a hearing consists of 2 panel members of the same gender).

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 357 hearings.

The National Convener continues to allow 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 not being available to form a 3-member mixed-gender panel. Use of the emergency legislation remains, however, a last resort when all other possibilities have been exhausted.

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

The Child Protection Order (CPO) is an emergency intervention requiring the CPO applicant 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.

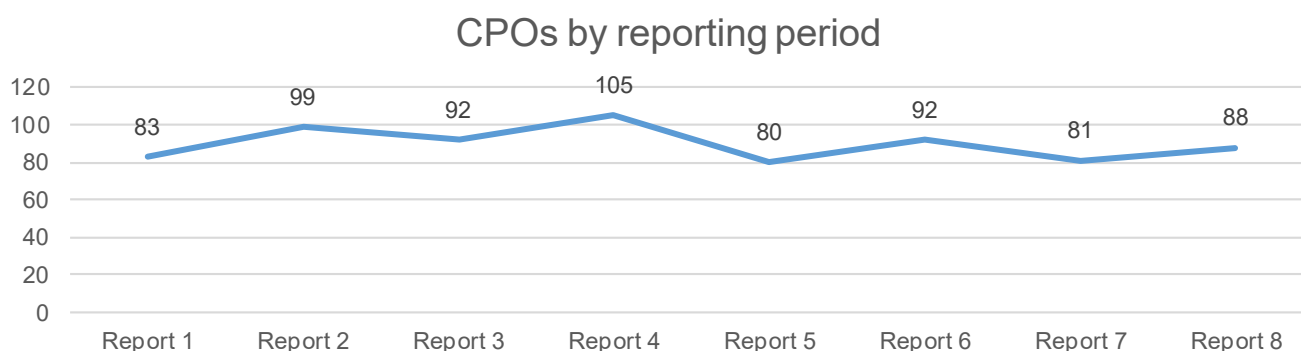
<sup>4</sup> This data is from CHS. It comes from reports from Area Support Teams (ASTs) from 7 April – 6 May and from 7 May onwards, data is drawn from a survey of Panel Members and from AST reports. It should be noted that the survey responses do not reflect reports on 100% of hearings. However, the National Convener also requires ASTs to report when powers had been used.

<sup>5</sup> For the second reporting period onward, CHS introduced a survey collecting information on the composition of panel at hearings. This data is combined with any notifications by ASTs of the use of the provisions to produce the numbers given here.

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>6</sup>).

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



In 2020 there were three recorded applications to recall / vary a CPO during the emergency legislation period. This figure is dependent on SCTS intimating such applications to the Reporter as a party – and this intimation may not have occurred. Under SCRA’s new case management system we are currently unable to accurately record the numbers of CPO’s subject to recall / vary as our workaround to process CPO’s does not capture recall / vary decisions.

Between Reports 1 and 7 we did not have to hold 632 2<sup>nd</sup> working day children’s hearings. In Report 8 we did not have to hold 88 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)**

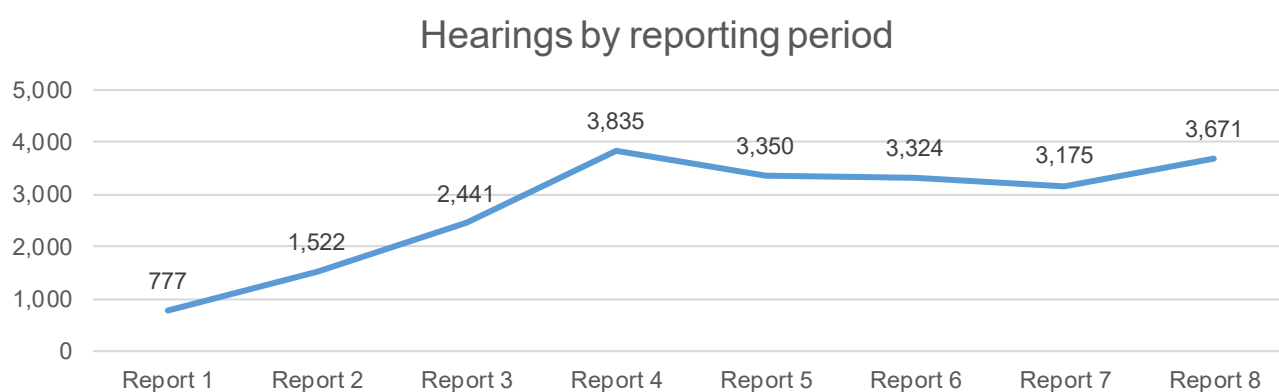
The Children’s Hearing can make one substantive statutory order, the Compulsory Supervision Order (CSO), which would normally last for a maximum of 12 months. The hearing can also make interim orders which last for a shorter time period; an interim order may offer temporary protections for a child until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

<sup>6</sup> Children’s Hearings (Scotland) Act 2011, section 48.

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.

**Figure 2**  
**Children’s Hearings**



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

Hearing Reason	Reports 1 to 7	Report 8	Total
Continue ICSO	2,161	350	2,511
Deferred Hearing	3,745	735	4,480
New Grounds	2,368	475	2,843
Review – due to expire	4,707	925	5,632
Review local authority	2,382	474	2,856
Other	4,229	777	5,006
<b>Total</b>	<b>18,424</b>	<b>3,671</b>	<b>22,095</b>

In report 8 there were 101 CSO’s continued beyond their expiry date<sup>7</sup>.

<sup>7</sup> Calculated from a count of all CSO’s made within the reporting timescale for a period of 6 months or where the CSO start date does not match a Hearing date.



**Table 2**

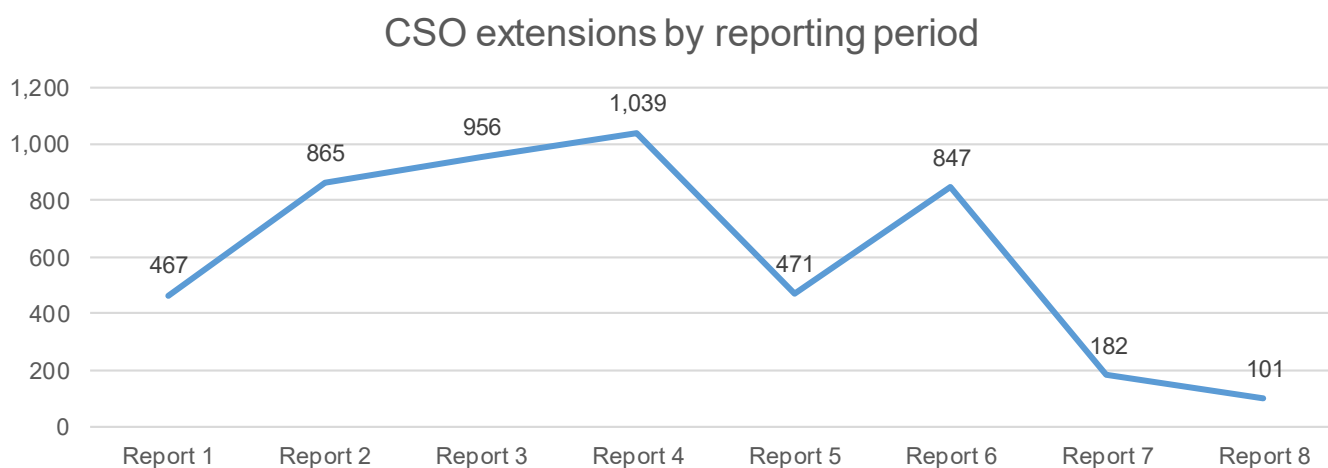
**Reasons for Children’s Hearings (2)** (a hearing may have more than one reason; the totals count each hearing once)

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

Hearing Reason	Reports 1 to 7	Report 8	Total
Review – due to expire	4,707	925	5,632

The number of expiry review Hearings that took place in period 8 was:

**Figure 2**  
**CSO extensions**



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.

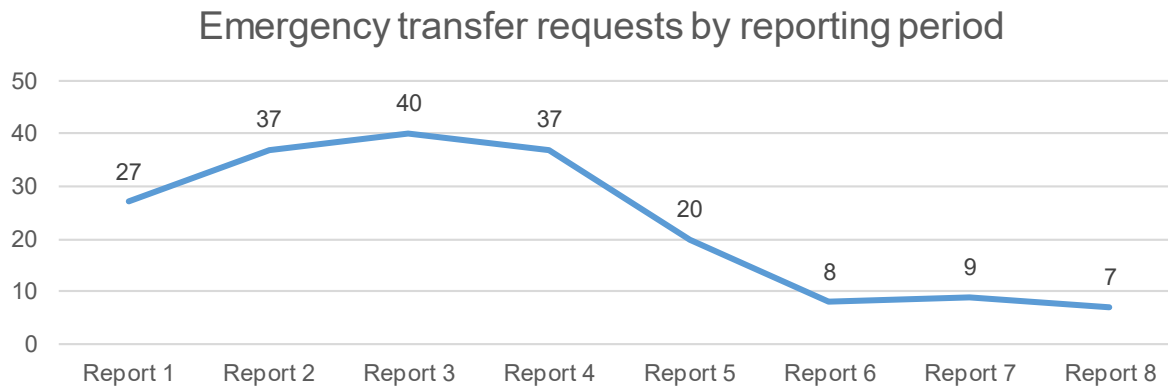
Across all the reporting periods fewer hearings are being held than in pre-COVID years.

**Table 3**  
**Review Children’s Hearings**

Hearing reason	Reports 1 to 7	Report 8	Total
Review – child	54	4	58
Review – local authority	2,382	474	2,856
Review – panel members	628	178	806
Review – relevant person	1,102	226	1,328

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 Appendix 1.

### Figure 3 Emergency transfer requests<sup>8</sup>



These figures are for children where a placement has to be reviewed quickly – including children on existing orders who have been moved to secure accommodation.

The figures are indicative of the numbers involved in these emergency hearings, as the 'count' is different across SCRA's old and new systems. In the old CMS system it was a count of all emergency transfer requests; in the new CSAS system it is a count of secure transfer as the reason for the children's hearing. Reporting periods 4 & 5 are a combination of data from CMS and CSAS (with an incremental use of data from CSAS as more SCRA staff are rolled out into the new system).

This will mean that as the data is all counted from CSAS (SCRA's new system) in Reporting Period 6 this figure will be lower, as it will no longer include emergency transfers that were not into secure accommodation. The numbers are included to give a sense of how many children and families in the reporting period have had to come to children's hearings at short notice, meaning there is truncated time for people to prepare for the hearing. In Report 8 there were 7 emergency transfers of children to secure accommodation.

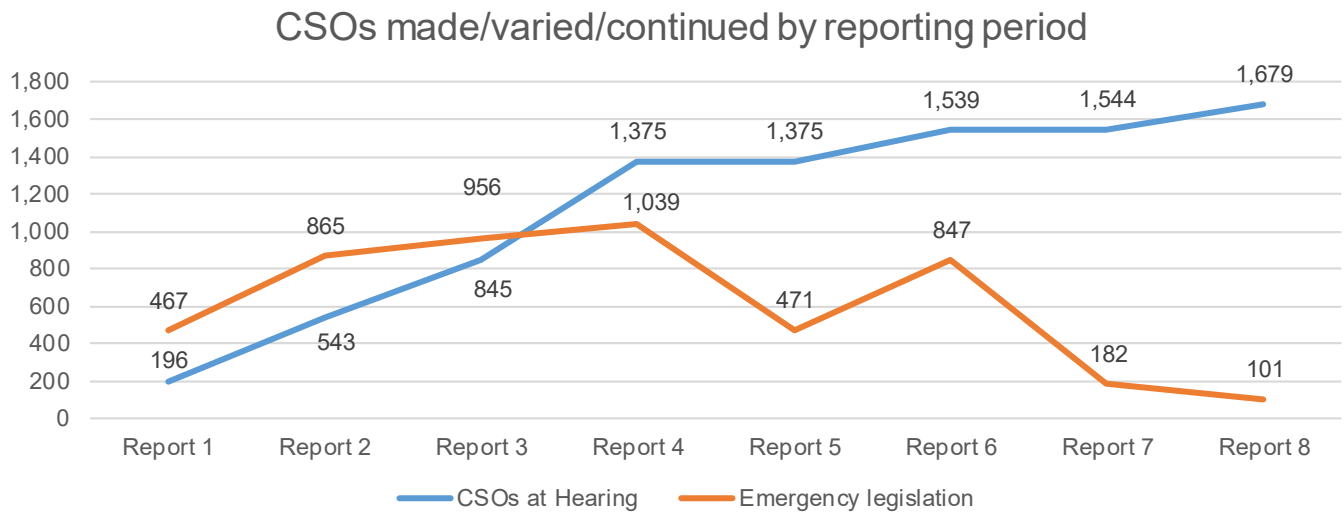
### Compulsory Supervision Orders (CSO's)

In Report 8 there were 11 CSO's which authorised the use of secure accommodation<sup>9</sup>.

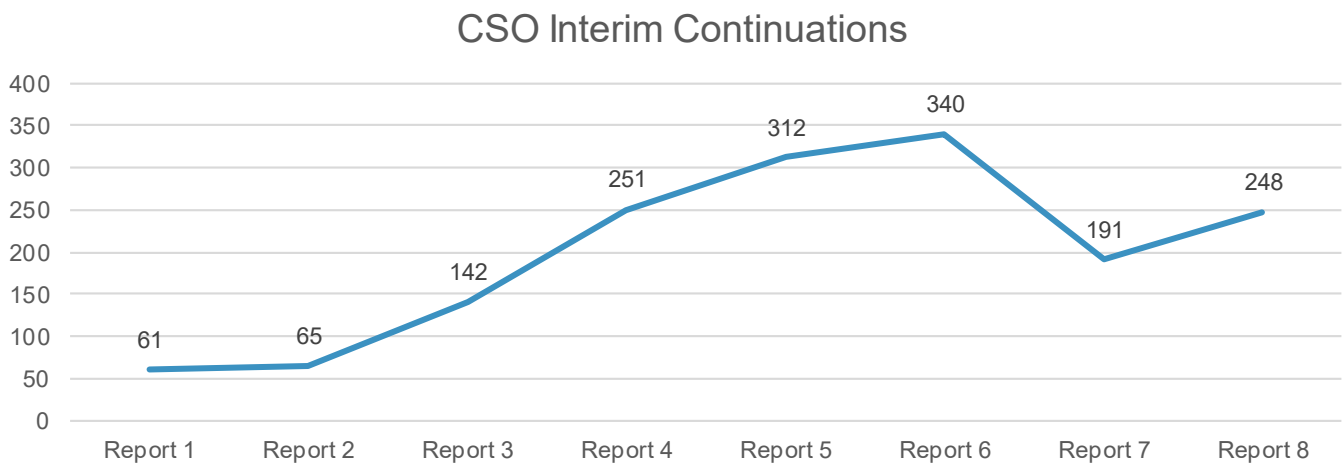
<sup>8</sup> These numbers are now counting those cases with an emergency transfer to secure accommodation.

<sup>9</sup> There is likely to be some counting of IVCSO's within this count as a result of the way the new CSAS case management system records variations to current Compulsory Supervision Orders.

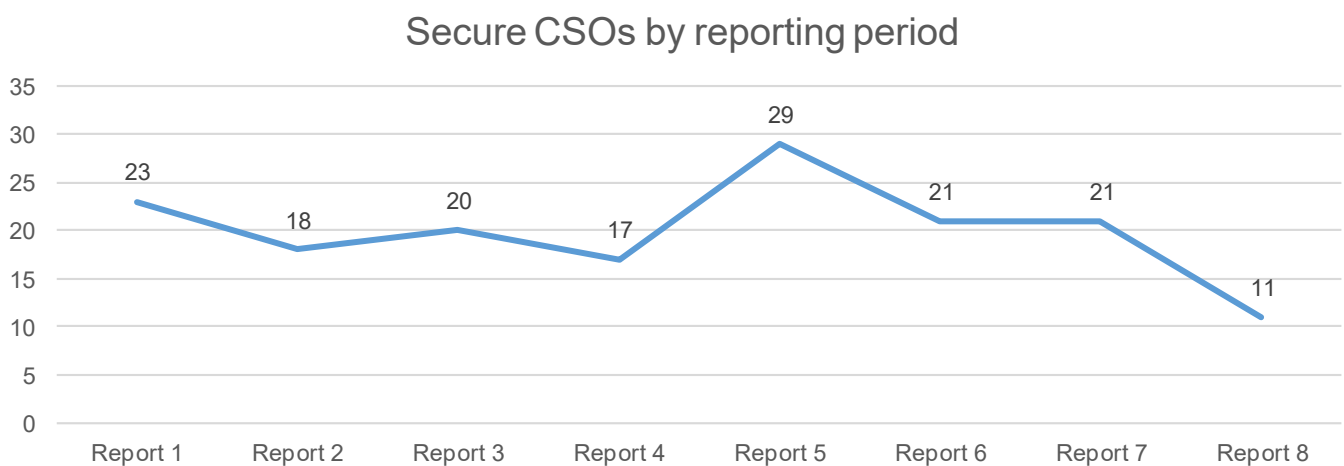
**Figure 4a Compulsory Supervision Orders**



**Figure 4b Interim Continuations of Compulsory Supervision Orders**



**Figure 4c Secure Compulsory Supervision Orders**



**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 7**

**Standard Interim orders<sup>10</sup>** (some children will have had more than one interim order issued in the period)

Interim Order Type	Reports 1 to 7	Report 8	Total
ICSO	3,747	675	4,422
IVCSO	1,515	241	1,756
Court ICSO / IVCSO (including following appeal)	3,218	341	3,559
<b>Total</b>	<b>8,480</b>	<b>1,257</b>	<b>9,737</b>

These orders have been made for 2,713 children.

**Table 8**

**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	Reports 1 to 7	Report 8	Total
ICSO	3,091	624	3,715
IVCSO	1,190	203	1,393
Court ICSO / IVCSO (including following appeal)	1,954	300	2,254
<b>Total</b>	<b>6,235</b>	<b>1,127</b>	<b>7,362</b>

<sup>10</sup> New name for the table.

**Table 9**

**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	Reports 1 to 7	Report 8	Total
ICSO	54	4	58
IVCSO	61	7	68
Court ICSO / IVCSO (including following appeal)	25	2	27
<b>Total</b>	<b>140</b>	<b>13</b>	<b>153</b>

Of the 13 interim orders authorising the use of secure accommodation between 12<sup>th</sup> May 2021 and 9<sup>th</sup> July 2021, 11 of them used the extended timescales of the Coronavirus (Scotland) Act 2020.

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

Since 7<sup>th</sup> April 2020 we have had some 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. In reporting period 8 there were fewer than 5 cases reported, but this is indicative only as was based on incomplete operational recall. 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) – this section from Reports 1-6 has been moved to Appendix 2 as it no longer applies.**

### **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 as a cumulative figure over all reporting periods, not for each separate period. 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 9<sup>th</sup> July 2021 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. The average time for an appeal – from children’s hearing to the appeal determined, across all appeal types, was 37 days in the period 7<sup>th</sup> April 2020 to 9<sup>th</sup> July 2021. There were a total of 534 appeals of children’s hearing decisions in the period 7<sup>th</sup> April 2020 to 9<sup>th</sup> July 2021 which were in relation to hearings which occurred under the Coronavirus (Scotland) Act 2020 and where the provisions of the Act applied.

**Table 10**

**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	51 (30)		35 (17)		45 (47)
Decision Justific / No change of circumstances	36 (1)				36 (1)
Decision Justified		27 (8)		10 (3)	22 (11)
Decision Justified / Change of Circumstances	43 (11)		16 (6)		33 (17)
Decision Justified / Change of Circumstances [Not Opposed]	14 (1)		13 (2)		13 (3)
Decision Justified / Change of Circumstances Not Considered	50 (62)		18 (67)		33 (129)
Decision Justified / No Change of Circumstances	47 (51)		22 (20)		40 (71)
Decision Not Justified	51 (125)	13 (1)	20 (54)	21 (9)	41 (189)
Decision Not Justified [Not Opposed]	44 (26)	22 (1)	20 (35)		30 (62)
Dismissed as Incompetent	58 (1)	22 (2)	28 (1)		33 (4)
<b>Average (Total)</b>	<b>49 (308)</b>	<b>24 (12)</b>	<b>21 (202)</b>	<b>18 (12)</b>	<b>37 (534)</b>

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

In the period 7<sup>th</sup> April 2020 to 9<sup>th</sup> July 2021 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.

In reporting period (8) there were no new appeals which used the extended timescale of the Coronavirus (Scotland) Act 2020. In the previous reporting period (7) there was one new appeal to the Court of Session that used the extended timescale of the Coronavirus (Scotland) Act 2020.

### **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 took place in Scotland since 23<sup>rd</sup> 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 May 4<sup>th</sup> 2020 every 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.

## APPENDIX

(Previous tables now not produced following move to new case management system)

### Previous 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
<b>Total</b>	<b>722</b>	<b>373</b>	<b>966</b>	<b>755</b>	<b>862</b>	<b>803</b>	<b>2,550</b>	<b>1,931</b>

### Previous 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
<b>Total</b>	<b>668</b>	<b>346</b>	<b>874</b>	<b>680</b>	<b>791</b>	<b>737</b>	<b>2,158</b>	<b>1,627</b>

## APPENDIX 2

(Tables previously included in Reports 1 – 6)

### Previous Table 1

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

Total CPOs	2019/20	2020/21
CV Report 1	54	83
CV Report 2	78	99
CV Report 3	93	92
CV Report 4	122	105
CV Report 5	90	80
CV Report 6	77	92
<b>Total</b>	<b>514</b>	<b>551</b>

### Previous Table 2

#### Children's Hearings

Total Hearings	2019/20	2020/21	As % of previous yr total
CV Report 1	3,921	777	<b>19.8%</b>
CV Report 2	4,734	1,522	<b>32.2%</b>
CV Report 3	4,910	2,441	<b>49.7%</b>
CV Report 4	5,346	3,835	<b>71.7%</b>
CV Report 5	4,765	3,350	<b>70.3%</b>
CV Report 6	5,232	3,324	<b>63.5%</b>
<b>Total</b>	<b>28,908</b>	<b>15,249</b>	<b>52.8%</b>



### Previous 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		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	19/20	20/21
Continue ICSSO	397	153	386	222	415	428	516	443	537	377	438	285	2,689	1,908
Deferred Hearing	819	199	1,002	344	1,086	478	1,140	723	1,018	657	1,181	748	6,246	3,149
New Grounds	570	115	616	348	704	347	732	487	607	296	735	331	3,964	1,924
Review – due to expire	841	109	949	149	1,060	287	1,072	1,012	859	1,124	1,117	1,153	5,898	3,834
Review local authority	429	106	619	235	530	436	549	476	472	374	552	335	3,151	1,962
Other	1,105	168	1,444	358	1,427	720	1,672	1,077	1,554	688	1,507	570	8,709	3,581
<b>Total</b>	<b>3,921</b>	<b>777</b>	<b>4,734</b>	<b>1,522</b>	<b>4,910</b>	<b>2,441</b>	<b>5,346</b>	<b>3,835</b>	<b>4,765</b>	<b>3,350</b>	<b>5,232</b>	<b>3,324</b>	<b>28,908</b>	<b>15,249</b>

### Previous 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		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	19/20	20/21
Review – due to expire	841	109	949	149	1,060	287	1,072	1,012	859	1,124	1,117	1,153	<b>5,898</b>	<b>3,834</b>

### Previous Table 5

**Review Children's Hearings**

Hearing reason	CV Report 1		CV Report 2		CV Report 3		CV Report 4		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	19/20	20/21
Review – child	5	1	12	8	12	6	8	8	12	9	8	8	57	40
Review – local authority	429	106	619	235	530	436	549	476	472	374	552	335	3,151	1,962
Review – panel members	275	11	354	66	278	99	482	153	393	104	442	106	2,224	539
Review – relevant person	202	7	228	88	233	210	245	237	256	167	251	165	1,415	874
<b>Total</b>	<b>892</b>	<b>121</b>	<b>1,199</b>	<b>382</b>	<b>1,042</b>	<b>716</b>	<b>1,264</b>	<b>912</b>	<b>1,110</b>	<b>617</b>	<b>1,230</b>	<b>509</b>	<b>6,737</b>	<b>3,257</b>

### Previous Table 6 Emergency transfer requests<sup>i</sup>

Emergency transfers	Requests	Children
CV Report 1	27	25
CV Report 2	37	36
CV Report 3	40	38
CV Report 4	37	36
CV Report 5	20	20
CV Report 6	8	8

### Previous Table 7(a)

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

CSOs & ICCSOs	CV Report 1		CV Report 2		CV Report 3		CV Report 4		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	19/20	20/21
Total CSO	1,747	663	2,169	1,408	2,230	1,801	2,321	2,414	1,977	1,846	2,136	2,386	12,580	10,518
Total ICCSO	201	61	224	65	221	142	267	251	261	312	316	340	1,490	1,171

### Previous Table 7(b)<sup>i</sup>

**Total CSO's made authorising secure accommodation**

CSOs	CV Report 1		CV Report 2		CV Report 3		CV Report 4		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	19/20	20/21
Secure	23	23	27	18	24	20	29	17	25	29	31	21	164	128

### Previous Table 8

**Standard Interim orders<sup>i</sup>** (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		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	previous	current
ICSO	584	326	675	487	715	579	849	636	840	624	757	561	4,420	3,213
IVCSO	250	179	339	212	310	247	397	252	368	251	350	218	2,014	1,359
Court ICSO / IVCSO (including following appeal)	472	377	620	572	607	563	661	566	804	388	789	394	3,953	2,860
Total	1,306	882	1,634	1,271	1,632	1,389	1,907	1,454	2,012	1,263	1,896	1,173	10,387	7,432
Children	680	661	778	810	785	941	869	953	855	849	887	816	2,534	2,136

### Previous 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	CV Report 5	CV Report 6	Total
ICSO	270	366	452	489	510	512	<b>2,599</b>
IVCSO	151	147	174	176	200	191	<b>1,039</b>
Court ICSO / IVCSO (including following appeal)	223	271	291	243	278	326	<b>1,632</b>
<b>Total</b>	<b>644</b>	<b>784</b>	<b>917</b>	<b>908</b>	<b>988</b>	<b>1,029</b>	<b>5,270</b>

### Previous 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		CV Report 5		CV Report 6		Totals	
	2019	2020	2019	2020	2019	2020	2019	2020	19/20	20/21	19/20	20/21	19/20	20/21
ICSO	9	5	8	8	3	11	4	7	11	11	4	5	<b>39</b>	<b>47</b>
IVCSO	13	10	19	18	21	15	31	8	18	1	10	1	<b>112</b>	<b>53</b>
Court ICSO / IVCSO (including following appeal)	7	1	1	2	5	2	2	7	3	7	4	5	<b>22</b>	<b>24</b>
<b>Total</b>	<b>29</b>	<b>16</b>	<b>28</b>	<b>28</b>	<b>29</b>	<b>28</b>	<b>37</b>	<b>22</b>	<b>32</b>	<b>19</b>	<b>18</b>	<b>11</b>	<b>173</b>	<b>124</b>
<b>Total children</b>	<b>20</b>	<b>12</b>	<b>22</b>	<b>21</b>	<b>21</b>	<b>23</b>	<b>27</b>	<b>20</b>	<b>21</b>	<b>15</b>	<b>15</b>	<b>9</b>	<b>94</b>	<b>70</b>

### 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 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.