



Children's Hearings
Improvement Partnership

A Guide to Referral to the Children's Reporter





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What is this guide for?

This guide is for anyone who is thinking about making a referral to the Children's Reporter.

This guide explains the law and approach to take when thinking about whether a referral to the Children's Reporter at the Scottish Children's Reporter Administration (SCRA) is necessary for a child's wellbeing. The Children's Reporter can make a decision about whether a compulsory supervision order is needed by a child.

The guide also provides some practical advice.

Scotland now has the UNCRC (Incorporation) (Scotland) Act 2024. This Act means that everyone under 18 is legally a child in Scotland. However, not every child under 18 can be referred to the Children's Reporter.

No referral can be made for a child who is not yet born. Pre-birth child planning meetings may make a plan to protect a child's safety at birth, if that is needed. A Pre-birth planning meeting can decide to refer a child as soon as they are born.

A child aged over 16 can be referred to the Children's Reporter in some circumstances¹.

Children can be referred to the Children's Reporter for many reasons, some children are referred as a result of concerns about their own behaviour (which can involve conflict with the law), some children

¹ A child over 16 can be referred to the Children's Reporter if: a) the child was referred to the Children's Reporter before their 16th birthday and there has been no final outcome to that referral; b) the child is already subject to a compulsory supervision order; c) the child's case has been remitted to a children's hearing for disposal under section 49(7)(b) of the Criminal Procedure (Scotland) Act 1995 and there is no final decision by the children's hearing; d) the young person was referred by the Chief Social Work Officer under regulation 10 of The Secure Accommodation (Scotland) Regulations 2013, after they moved the young person into secure accommodation under regulation 9. The Children's (Care and Justice) (Scotland) Act 2024 will also require updates to be made to this guide.

are referred as a result of concerns about the care they receive or because they need protection. **Every child who is referred to the Children's Reporter is treated in the same way².**

There are additional guidance documents used by Police Scotland and the Crown Office and Procurator Fiscal Service when children are said to be in conflict with the law.

A referral to the Children's Reporter can result in a Children's Hearing being arranged. A Children's Hearing makes decisions about whether a compulsory supervision order is needed to ensure the protection, guidance, treatment or control of a child – decision which are normally made by a family.

Before making a referral to the Children's Reporter you should be aware that a Children's Hearing may take place and that this can change the way in which decisions are made about or for a child.



How does this fit with Getting it Right for Every Child?

The Getting It Right for Every Child or GIRFEC approach in Scotland is about children having the right support at the right time.

Any support will focus on a child's wellbeing. All children need the same things in order to grow and develop, and these are measured using eight wellbeing indicators; whether the child is safe, happy, achieving, nurtured, active, respected, responsible and included. These indicators can be found in the [GIRFEC National Practice Model](#).

When a child has any needs that are not being fully met, professionals will work with the child and family together to help them. This should happen at the earliest possible time and should address these unmet needs in a suitable way. Where this is not successful, or it is thought that it is unlikely to be successful, then compulsory measures may be required. A referral to Children's Reporter should be considered, to decide if a compulsory supervision order may be needed. This does not require previous work to have taken place.

The key question for potential referrers is whether working together with a child and family on a consensual basis is enough to meet the child's needs, or is likely to do so. This is often referred to as voluntary support or engagement. It is important to consider likelihood, as it is not necessary for voluntary supports to have been tried and failed before a referral is made.



Who can make a referral, and what needs to be considered?

Anyone can make a referral to the Children's Reporter, for a child.

In some situations, the local authority and the Police must refer a child to the Children's Reporter.

There are legal tests that set out the criteria or conditions for referral to the Reporter. These can be found in part 6 of the [Children's Hearings \(Scotland\) Act 2011](#) and are:

² The Children's Hearings System continues to be rooted in the principles of [The Kilbrandon Report](#), 'needs, not deeds' - that children who are in conflict with the law and children in need of care and protection should be dealt with in an integrated, welfare based system; fact finding should be separate to decision making about what should happen for a child; listening to and involving parents is essential to making effective decisions about children; decision making should be local and should be done by a panel comprised of lay volunteers, specially equipped to deal with the problems of childhood; children should not be in the jurisdiction of the criminal court.

the child is in need of protection, guidance, treatment or control; and

it might be necessary for a Compulsory Supervision Order to be made in relation to the child.

A Local Authority and Police Scotland **must** refer a child when these conditions apply. Any other person **may** do so. If you are thinking of making a referral you should consider these tests before making a referral to the Reporter.

Getting a service. A referral to the Children's Reporter should not be made to force a service to be provided for the child.

Significant harm. A referral to the Children's Reporter is not based on the test of actual or likely significant harm. This is a test which would apply to a child protection order, but not to a referral.

Anyone working with a child or their wider family network should be alert to and ideally understand, the option of referring a child to the Children's Reporter.

Those working within the local authority or police should understand their legal duties to refer where the conditions apply.



Are there other things to think about before referral?

The following things are also areas you may want to consider before making a referral for a child:

Getting it right for the child. In every assessment all practitioners should ask the five key questions from the National Practice Model:

- What is getting in the way of this child's wellbeing?
- Do I have all the information I need to help this child?
- What can I do now to help this child?
- What can my agency do to help this child?
- What additional help – if any – may be needed from others?

Further questions and considerations about whether a compulsory supervision order may be needed can be found at Appendix 3.

Age. Anyone under 18 is a child, and can be referred to the Children's Reporter. The exception at the moment are 16 and 17 year olds not already in the hearing system. If in doubt, check with the local Reporters Office. If a child meets the test for referral then a referral should be made, regardless of how close to their 16th birthday a child may be.

You may also want to think about what outcome you want for a child, based on your assessment of their wellbeing and how a compulsory supervision order may help achieve this outcome.



Other things you may want to consider?

Sometimes it is necessary to take emergency action to protect a child.

If it is necessary to take a child protection order or the Police use their emergency powers under section 56 of The Children's Hearings Act 2011 then a referral to the Children's Reporter **MUST** be made.

Sometimes there is also a need to refer a child quickly, without trying voluntary support first. When there is this urgency the people around the child should provide the information they have when they make the referral. This information can give a clear picture of the current needs, concerns and risks for the child.



Can I speak to the Reporter before I make a referral?

Yes. 😊

You should do this if a discussion with the Children's Reporter will help to clarify your thinking about making a referral. It should help you understand the referral criteria and can also help you think about what information you will need to include in the referral. Any decision- to refer or not- is the responsibility of the person making the referral. The Children's Reporter cannot require or prevent a referral.

You can get in touch with the Children's Reporter here -[SCRA Office Locations](#).



What happens after a referral is made?

After a referral, the Children's Reporter must decide two things:

1. Is there sufficient evidence of a ground (a "[section 67 ground](#)") for referral to the Children's Hearing?
2. If there is evidence of a ground, is a Compulsory Supervision Order necessary?

To make these decisions the Children's Reporter may ask people to give them information about the child's life. This information will be used to assess whether there is enough evidence of any ground for referral to the Children's Hearing. The Children's Reporter will also investigate if there is any need for a Compulsory Supervision Order.

When the Children's Reporter decides that both a ground applies and a Compulsory Supervision Order is necessary, then the Children's Reporter must arrange a Children's Hearing.

If the Children's Reporter decides that either of the two conditions does not apply, they will not arrange a Hearing. The Children's Reporter may refer the child to the relevant Local Authority for voluntary support. This voluntary support will be in the form of advice, guidance and assistance³.



What happens if there is a Children's Hearing?

If the Children's Reporter arranges a Hearing, they will write a 'Statement of Grounds'. This is a document which sets out which ground, or grounds, the Reporter considers best explains the concern they have for the child.

The Children's Hearings (Scotland) Act 2011 has a series of 'grounds' for referral included, at section 67. One or more of the section 67 grounds will apply for a child and will be presented alongside additions 'statements of fact'. This is factual information in support of the section 67 ground for referral.

³ The Children's hearings (Scotland) Act 2011, Section 68 (5) [Children's Hearings \(Scotland\) Act 2011 \(legislation.gov.uk\)](#)

A Children's Hearing will decide whether to make a Compulsory Supervision Order if the child, and relevant persons⁴, accept a ground. If a child or parent does not accept, or understand the grounds for referral, a sheriff may also establish if these are factual.

When deciding whether to make a Compulsory Supervision Order, the paramount consideration of a Children's Hearing is safeguarding and promoting the welfare of the child throughout their childhood. The Children's Hearing will not make any order, unless it considers doing so is better for child than not doing so. The same standard applies to the inclusion of any measure in any order, for example where the child may live or who they may see.

The Children's Hearing, pre-hearing panel (sometimes held to for example, to decide if someone can be deemed a relevant person) or Sheriff must give the child an opportunity to express their view and must give due regard to any view that is expressed⁵.

How do I let a family know?

The consent of a child and family is not needed for a referral to the Children's Reporter.

It is good practice to inform a child and family but there may be occasions where that is not appropriate. For example, where it is likely to endanger the child or another person or lead to the family moving away.

The Children's Reporter will write letters to those with parental rights and responsibilities and any other relevant persons and, where appropriate, the child about any referral. If anyone making a referral thinks this would not be appropriate or safe then they must tell the Children's Reporter. Where a family has not been told that a referral is being made please let the Children's Reporter know.

What about children who are already the subject of a Compulsory Supervision Order?

For a child who already have a Compulsory Supervision Order, many changing circumstances or needs can be considered by a Children's Hearing at any review of the order. This may avoid the need for any additional referral.

Any child may be referred to the Children's Reporter, by any agency or person, at any time.

Where a child's welfare indicates that new grounds should be considered by the Children's Hearing, or that the Compulsory Supervision Order should be varied, a new referral may be needed.

In making any further decisions the Children's Reporter will consider:

- The circumstances of the new referral.
- The seriousness of the incident or concerns.
- The extent of any similarity to the previous grounds.
- The response and attitude of child and family to the incident or concerns in the referral.

⁴ A relevant person in the children's hearing is any parent, with or without parental rights or responsibilities (except a parent who at one time had parental rights and responsibilities which have all been removed); Any person with parental rights or responsibilities; Any person who has been deemed to be a relevant person by a pre-hearing panel or children's hearing.

⁵ The Children's Hearings (Scotland) Act 2011, Section 27 [Children's Hearings \(Scotland\) Act 2011 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2011/10/section/27)

- Whether there is a measure in the current order which already addresses the new referral.
- The co-operation with, progress and impact of the Child's Plan.
- The length of time since the last Children's Hearing.

Find out more at the websites of the Scottish Children's Reporter Administration – www.scra.gov.uk and Children's Hearings Scotland – www.chscotland.gov.uk .





Appendix 1- What information can be provided in a referral?

1. A referral from an agency or professional must be made in writing.
2. GIRFEC requires that children should get the help they need, when they need it. A Children's Reporter can make a decision without undue delay when they seek and are provided with full, relevant information. However, a lack of information should not delay a necessary referral.
3. Where possible, an assessment of wellbeing and the child's plan should be submitted. If the Local Authority makes a referral, it must provide relevant and proportionate information about the child. The same applies to referrals from Police Scotland.
4. To consider the need for a Compulsory Supervision Order, the Children's Reporter will balance:
 - The extent of concern regarding a child's welfare. To do this they will use the national practice model My World Triangle and the resilience matrix.
 - Any history of previous co-operation.
 - The impact of any previous intervention.
 - The current motivation to change.
 - The current willingness to co-operate with support.
5. Where it is available as much of the following information as possible should be provided. This information will probably be in the form of the assessment of need and child's plan. The information will be used by the Children's Reporter to contact the family, and so has to be as accurate as possible. If information is not accurate or believed to be accurate, it should not be provided:
 - a. The reason for the referral / assessment.
 - b. Information about the child and family background.
 - c. Any information which covers protected characteristics for the child and others.
 - d. A chronology of significant events.
 - e. Information about where the child lives.
 - f. Information about who the child lives with.
 - g. Information about who has parental rights and responsibilities in relation to the child.
 - h. Information about any other parent who does not have rights and responsibilities in relation to the child.
 - i. Information about any other person who cares for the child or is involved (or has recently been involved) in their upbringing.
 - j. Information about other persons, such as brothers or sisters, siblings or other people important to the child.
 - k. Information about persons with a contact right.
 - l. Relevant evidence about any section 67 ground.
 - m. An action plan.
 - n. The view across all relevant agencies.
 - o. The child's and 'relevant persons' views.
 - p. A clear recommendation.

A Children's Reporter can act more quickly when they are provided with sufficient, relevant information about the child and their circumstances.



Appendix 2- Referral to the Children's Reporter at SCRA

This front page should accompany any referral in the form of an assessment and care plan.

1.	Child's Name	
2.	Child's date of birth	
3.	Child's home address	
4.	Child's correspondence address (if not the same as home)	
5.	Mother or parent / carer name (1)	
6.	(1) Address	
7.	Father or parent / carer name (2)	
8.	(2) Address	
9.	Any known brothers or sisters, siblings or people with children's or adult service involvement?	
10.	Why do you think the child is in need of protection, guidance, treatment or control; and it might be necessary for a Compulsory Supervision Order to be made? <i>(the checklist of considerations may be useful).</i>	Y/N
11.	Is this an individual, multi-agency / single agency / single professional referral? <i>Please detail referral source.</i>	
Information included:		
12.	Please outline the current concern which is the basis for the referral below.	
Referral source:		
13.	Is there professional agreement about referral?	Y/N
14.	Is the family aware of the referral?	Y/N
15.	Is the family in agreement with the referral?	Y/N
16.	Does the child know about the referral?	Y/N
17.	Do you have the views of the child about this referral?	Y/N
Views of the child:		
18.	Are you including any additional information with this referral? (if Y, please detail below)	Y/N
Current basis for this referral:		
19.	Is there a current team around the child?	Y/N
People in the team around the child:		
20.	What do you want to happen as a result of this referral?	Y/N
Key actions in the plan:		



Appendix 3- Additional things for referrers to think about

The five key questions from the National Practice Model:

1. What is getting in the way of this child's wellbeing?
2. Do I have all the information I need to help this child?
3. What can I do now to help this child?
4. What can my agency do to help this child?
5. What additional help – if any – may be needed from others?

These questions should help to determine whether compulsory measures might be necessary.

While is not a complete list, further questions to consider are:

6. How significant are the concerns about the child's welfare or behaviour, taking account of health, education and development?
7. What supports by agencies or the wider family are available to the child/family.
8. How long have supports been in place and what evidence is there, of those supports effecting any change and improvement in the child's circumstances?
9. What degree of co-operation is given by child/family?
10. Is there any sign of a willingness and ability to change?
11. Where a relevant person has a drug/alcohol problem, does he/she acknowledge the causes of concern e.g. recognition of a drug/alcohol problem and its potential impact on the child's wellbeing and development?
12. Where a relevant person has a recognised problem, are there appropriate treatments and care interventions available which are likely to be used?
13. If the concerns relate to a specific incident of conduct either by or towards a child, how significant is that incident in relation to the child's needs for protection, guidance, treatment and control?
14. Have there been previous referrals in respect of the child or other children in the family which are relevant to the current concerns or which are sufficiently serious and recent to justify a referral?
15. Is there any previous conduct, criminal or otherwise, of any relevant person which is relevant to the current concerns or sufficiently serious and recent to justify a referral?
16. If the concerns relate to a pattern of behaviour of a relevant person, in particular in cases where parental neglect is alleged, how long has that pattern been going on and has there been any evidence of change, or likelihood of such happening?
17. Are there concerns related to the child's wellbeing which are not being met at present and which could be better addressed through the introduction of compulsory measures?
18. Are there any referrals already being considered for the child by the Reporter or is the child already subject to a Compulsory Supervision Order?



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