




Victims of Youth Crime

A Victim's Guide to the Children's Hearings System




If you have been a victim of a youth crime this leaflet gives you step-by-step information about the Children's Hearings System and where you can find further support and information.



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What should I do if I am a victim of a youth crime?

Crime at any level can impact upon victims in many ways, emotionally, financially, practically and physically. If you have been affected by a crime committed by a young person, this leaflet:

- will help you understand what happens following the investigation of the crime and;
- tells you how to get helpful information and support.



Following a crime

In Scotland, young people involved in offending are dealt with by the Children's Hearings System. Children's Hearings work with most young people under 16 (or up to 18 if the young person is already involved with the Hearing's System when an alleged offence takes place). Some very serious offences such as murder or assault to the danger of life may, however, be prosecuted in court.

The Children's Hearings System works with children who need help in their lives for various reasons. This could be because a child's parents are having difficulty looking after them, the child is not attending school, at risk of being harmed or where they have committed a crime. The Children's Hearings System looks at the child's general circumstances and their needs as well as what they are alleged to have done. The System is about making things better – for the child or young person, and by trying to stop or prevent behaviour that causes problems for other people.



When the police find a child whom they believe has committed a crime, they will usually refer them to the Children's Reporter



The Children's Reporter

A Children's Reporter is employed by the Scottish Children's Reporter Administration to assess and investigate cases referred to them by the police and other bodies. The Reporter will then consider what further action is required.

To help them reach a decision, the Reporter will gather information about the child and their background. They will get this from the child, the child's family, police, education department, social work and other bodies or groups involved with the child.

Before making a decision a Reporter will take into account factors such as:

- **Seriousness of incident**
- **Any previous offending behaviour**
- **Previous contact with the Reporter**
- **School progress**
- **Any other concerns about care or behaviour**
- **Reaction of child and parent/carers to the incident**
- **Whether the young person and their family will co-operate with any support or assistance offered**

Decisions that a Reporter can make

When deciding what to do about a child who has been referred, the Reporter has three key options to choose from:

Option 1: In some cases Reporters may take:

'No formal legal proceedings'

This does not mean that the problems the child has are not being dealt with. Reporters may try and use other methods to help them rather than referral to a Hearing. 'No formal proceedings' may only be decided upon in cases where:

- a) There is not enough evidence to justify taking any further action OR
- b) The child is already under supervision, and adequate measures are already in place OR
- c) The family, including the young person him/herself, has already or will satisfactorily deal with the issues OR



- d) There is formal involvement with a service or activity that isn't provided by local authority run services, e.g. restorative justice services, mediation, police warnings, voluntary support OR
- e) Compulsory measures may not be needed and the Reporter may let the child and parents know by letter or interview about the serious implications of the referral and the possible repercussions of future referrals



Option 2: Referral for 'voluntary supervision/ advice and guidance'

A referral may be made to the local authority, which usually means the social work department, to work voluntarily with the child to address their offending behaviour and offer advice, guidance and assistance to the child and their family.

Option 3: Arrange a Children's Hearing

Where the Reporter considers compulsory measures are needed, a Hearing will be arranged. (Hearings take place normally within 20 working days of a Reporter's decision).

The majority of children/young people referred to the Reporter do not need to be referred to a Children's Hearing because matters are resolved without the need for formal compulsory measures for the child.



The next section of this leaflet explains the main stages in the Children's Hearings System



Police refer young person to Children's Reporter

Reporter conducts initial investigation of child's background/circumstances – where appropriate may request background reports from school, social work etc

Reporter decides what action to take in respect of child. There are three key options:

“No Formal Legal Proceedings”

Referral to Children's Hearing – Hearing arranged

Referral to local authority for voluntary support and guidance

Hearing discusses situation with child, parent(s) and other relevant people and decide what action to take (called “disposal”)

Compulsory measures unnecessary

Compulsory measures required i.e. supervision

Hearing decides type of measures required and any conditions including residence of child

REVIEW HEARING

Discharge from Hearing System

Continuation of Compulsory Supervision

Alteration to Compulsory Supervision requirements



About the Children's Hearings

If a child's case is referred to a Children's Hearing the case will be considered by three Children's Panel Members.

Who are the Panel Members?

The Panel Members are specially trained and selected volunteers from various backgrounds in the local community. They are appointed by Scottish Ministers. Panel Members at each Hearing will include at least one female, one male and one person acting as a chair.

Where are the Hearings held?

The meetings are conducted in private in local premises provided by the Reporter.



Who will be there?

Typically:

- The child (who must normally attend)
- Parents/carers (legally they must attend)
- Others relevant to the case (e.g. the social work department, school etc.)
- The Reporter and
- The Panel Members

As the victim will I have to be there?

Victims are not invited to attend a Hearing as private family information about the child and their background will be discussed.



What is a Hearing?

The purpose of a Hearing is to decide if compulsory measures are needed for a child or young person. These measures can be tailor-made to fit the particular needs of each child; e.g. a child may be required to attend a local project that looks at offending related to motor cars.

The Reporter is present at the Hearing and may advise the Hearing on points of law or procedure if requested, but the Hearing itself has sole responsibility for decision making.

- **The Hearing will discuss the circumstances of the child with all those present to inform the decision making**
- **The decisions made at the Hearing are legally binding**



What happens at a Hearing?

The Panel Members will begin by asking the child and their parents if they agree with the grounds for the referral e.g. that they have committed the particular offence.

What if the grounds are not accepted?

If the grounds for referral are not accepted by the child or parent/or other carer, or are not understood, the case may be referred to a Sheriff. The Sheriff will consider the evidence in court and decide whether there are sufficient grounds to say that an offence has been committed. If the Sheriff says that an offence has happened (s)he will ask the Children's Hearing to deal with the case and decide what is best.

In some cases victims may need to be called as a witness to this court process. Victim Support can explain this to you and/or support you if it happens.

Sometimes there are a number of offences to be considered. If not all of the offences are accepted, the Hearing can decide to go ahead and look at the offences which **ARE** agreed.



What happens when the grounds are accepted?

Where the grounds are accepted after an opportunity for full discussion with everyone present at the Hearing, the options will be to either:

- a) Discharge the referral, i.e. decide that no formal measures are needed. (However this may still mean voluntary measures happen) OR
- b) Impose a compulsory supervision requirement if they feel that compulsory guidance, control and help are needed.

Sometimes the Hearing may feel that they do not have enough information to make a decision there and then and so another Hearing will be called for a final decision to be made.



Compulsory Supervision

If a Hearing decides a child is in need of compulsory measures of supervision, the local authority will be required to work with the child and their family. Most young people will remain at home under the supervision of a social worker, although in some cases the Hearing may decide that an alternative residence, such as a residential home or school may be required.

What else can the Hearing do?

The Hearing can also attach specific conditions to the supervision of the child. Where appropriate, supervision may involve attending projects or programmes to address offending behaviour. Conditions may also relate to where a child should live, with whom they have contact and other programmes they may be required to take part in.



Reviews

Compulsory supervision requirements last as long as they are needed but must be reviewed within one year. Hearings can set an earlier review date. The social work department may also request a review at any time, whilst the child and their family may request a review after three months. Supervision requirements may be altered, extended or discharged at review hearings dependent on the child's behaviour, co-operation or other circumstances.



Appeals

Children and their parents/carers may appeal against a Hearing's decision within 21 days of the Hearing.

Appeals are made to the Sheriff and must be heard within a further 28 days.

The Sheriff will examine the Hearing's decision to see if it was reasonable. The Sheriff will consider the existing evidence and can also call for further reports. The Reporter presents the Hearing's decision and its reasons, whilst a solicitor will usually represent the family.


The Sheriff has the option to discharge the case, uphold the decision, vary the supervision requirement or send the case back to the Hearing for consideration.



Further support available

The Children's Hearings System is a complex system. Victim Support can help you to understand how the System works.





If you have been a victim of youth crime you may have reported this to the police. If so, the police will have passed your details to Victim Support unless you asked them not to. Victim Support will get in touch with you and offer you a range of support services including answering your questions about this leaflet and listening to your concerns.

If you have not reported the crime to the police or have been a victim of youth crime in the past and require information, support or assistance you can still call Victim Support.


Victim Support Scotland's local call rate number is:

0845 603 9213 Monday – Friday 9am – 4.30pm

Alternatively, look for your nearest Victim Support office in the telephone directory.

If you need to talk to someone outside these hours you can call the UK Victim Support line on:

**0845 303 0900 Monday – Friday 9am – 9pm,
weekends 9am – 7pm and Bank Holidays 9am – 5pm**



Victim Support Scotland values diversity and is committed to working towards equality in all aspects of the service.

Please contact us on 0141 553 1726 if you would like further copies or if you would like this document in Braille, large print, audiotape, computer format or a community language.

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