



PUBLIC PETITION NO.

PE01675

Name of petitioner

James Mackie

Petition title

Attendance at Children's Hearings

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to urgently change the requirement that all children from birth to 18 years of age have to attend Children's Hearings, unless the Panel agrees to excuse them.

Action taken to resolve issues of concern before submitting the petition

Discussions with MSPs, councillors, Children's Hearing Panel Members of Children's Hearings and staff of Scottish Children's Reporter Administration.

Petition background information

Children's Hearings in Scotland are part of the child protection service.

Current requirements state that when a Children's Hearing is called the child mentioned must attend the hearing, unless the Panel agrees to excuse them. The child is those between birth and 18 years if they are on a Compulsory Supervision Order or a Child Protection Order.

The reason given is that the child(ren) can take part in the discussions. It is generally accepted (especially in Criminal and Civil Courts of Law) that children under the age of 12 years and especially those less than 10 years of age have no or very little knowledge or understanding of procedures and discussions. Children of all ages with learning disabilities/difficulty have great difficulty understanding procedures and become very anxious when in a room with stranger adults. Children below the age of 6 years have absolutely no knowledge or understanding of the situation they are required to attend and cannot give an explanation or opinion on the proceedings and the things said about their parents/carers and their own situation. Children are expected to attend these hearings that last on average one hour and to sit quiet, hear all the debate and take part. Children under the age of 10 years are put under extreme emotional and psychological stress by attending these hearings. Many show severe signs of anxiety and stress during and for periods after the Hearing. A parent/carer will lose concentration in the Hearing while trying to protect innocent, stressed and anxious children in their care.

Every time a Children's Hearing is called, instructions to the parents/carers are that the children must attend. If the parent/carer is of the opinion that the child should not

attend the hearing, they must apply to the Children's Hearing for a Pre Hearing Meeting to give their reasons why a child should not attend the Hearing. Common sense should dictate that the age at which a child is mentally and emotionally able to attend and take part in such Hearings is at least 10 years of age if not 12 years. That age may be higher if the child has health issues and/or learning disabilities/difficulties.

In many cases a child is separated from one parent by reason of being in a house during domestic abuse. The parent/carer responsible for the domestic abuse may be legally denied access to the child yet is allowed to come to a Children's Hearing. In some cases there is great friction between parents and by making a young child attend Hearings that are acrimonious adds greater stress short and long term to that child. Even if the parents are in agreement it is emotional and psychological trauma for a young child to sit through a Hearing listening to strangers giving reports suggesting that their parents are "bad parents". Children's Hearings can and often do become argumentative and aggressive due purely to the stress that parents/carers are under due to the circumstances of the situation. There are examples of cases where a father guilty of domestic abuse was taken to Children's Hearings in handcuffs and escorted by prison officers. Studies supposedly show that it is harmful to children to be present during heated debate.

In some family situations where there are a number of children with different fathers, a separate Hearing is held for each child. That means that a parent/carer has to make arrangements for somebody to look after the different children outside the Hearing Room while one child's case is being heard. As said the different children can be aged between birth and 18 years of age. In cases where one parent has left the family home or even been banned from contact with the children, they have the right to either appear in person or to use video link. It is a major emotional and stressful time for the children to see absent parents who are no longer involved in their lives.

The Petitioner asks that children should not be summoned to appear in Children's Hearings if they are under the age of 10 years. Also asks that Children's Hearings can make rulings that older children may not have to attend any number of future hearings if there are real concerns and evidence of learning disabilities/difficulties or other health issues, especially mental health issues. Argues that if a child under the age of 10 years is required to attend such a Hearing, the Children's Hearing must produce good evidence as to why they should attend. Children's Hearings, if they require the views of a child who is not capable of attending a Children's Hearing because of age or other health issues, should use the services of a safeguarder or a one way video link to see and speak to the child outwith the Hearing.

Recent SCRA statistics show that of those aged 15/16 years of age and under a Compulsory Supervision Order, that approximately 60% of females and 30% of males have mental health issues. How much of that is induced by having to attend Children's Hearings as very young children?

Having Pre Hearing Meetings to determine if a child should or should not attend a Hearing is a waste of resources and adds further stress to parents and carers.

Unique web address

<http://www.parliament.scot/GettingInvolved/Petitions/PE01675>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

23 / 10 / 2017

Comments to stimulate online discussion

Do you agree that vulnerable children should be forced to attend Children's Hearings when they are aged from birth to 10 or 12 years of age or have a learning disability/difficulty?

Do you believe attendance at Children's Hearings at this age can cause future mental health and behavioural problems for the child?

Do you believe it is correct and in the best interests of the child that parents involved in domestic abuse and no longer living with the family should have the right to appear at Children's Hearings?

Is the current practice of forcing children of all ages to attend Children's Hearings psychologically harmful to them in the long term?