

# Information for journalists

## Introduction

This briefing sheet has been designed to give journalists information about the legislation that governs children's hearings. In particular, it deals with media attendance at hearings, the publication of hearings proceedings by the media and information that Children's Hearings Scotland (CHS) can provide to the media.

The legislation governing children's hearings is the Children's Hearings (Scotland) Act 2011, which came into force on Monday 24 June 2013. This replaced the Children (Scotland) 1995 Act. All hearings arranged after 24 June 2013 will take place under the new legislation. However, hearings arranged before 24 June will still take place under the Children (Scotland) Act 1995. Both pieces of legislation are similar when it comes to media attendance at hearings and publication of hearings proceedings by the media.

## Attendance at children's hearings

There are strict procedures in place regarding media attendance at a hearing. Section 78 of the Children's Hearings (Scotland) Act 2011, deals with the rights of certain persons to attend a children's hearing.

'A representative of a newspaper or news agency' may attend a hearing. However, the children's hearing may exclude them from any part of the hearing where it is satisfied that:

- it is necessary to do so to obtain the views of the child, or
- the presence of that person is causing, or is likely to cause, significant distress to the child.

The decision to exclude a journalist lies with the children's hearing. Where a person is excluded, the chairing member may explain to the person, where appropriate to do so, the substance of what has taken place in the person's absence.

CHS requests that any journalist wishing to attend a hearing complies with the following:

- arranges their attendance at a hearing in advance, by contacting Louise Farmer, Communications and Engagement Lead at Children's Hearings Scotland on 0131 244 4743 or by emailing [communications@chs.gsi.gov.uk](mailto:communications@chs.gsi.gov.uk)
- once attendance has been arranged, brings along a form of photographic identification, which clearly identifies them as a 'representative of a newspaper or news agency'.

## Reporting restrictions

Journalists should be aware that there is legislation which governs the identification of children and young people involved in the Children's Hearings System. Section 182 of the Children's Hearings (Scotland) Act 2011 deals with publishing restrictions.

It is a criminal offence to 'publish' 'protected information' if the publication of the information is intended, or is likely, to identify a child, or the child's address or school. 'Protected information' means information in relation to a children's hearing, an appeal against a decision of a children's hearing, proceedings before the sheriff or an appeal from any decision of the sheriff or sheriff principal made under this Act. It also includes information given to the Principal Reporter in respect of a child. To 'publish' includes printed media, television, radio, online and social media.

## What information can CHS provide to members of the media?

CHS will try to help journalists with the following:

- arranging an interview or obtaining comment from a member of the CHS community, CHS' National Convener/Chief Executive, or from CHS' Chair
- enquiries relating to work of Area Support Teams, the national Children's Panel and CHS
- enquiries relating to a member of CHS staff or Board, a panel member or Area Support Team member
- further information about CHS and all our published documentation can be found on our website at [www.chscotland.gov.uk](http://www.chscotland.gov.uk)

Please contact Louise Farmer, Communications and Engagement Lead on 0131 244 4743, or by emailing [communications@chs.gsi.gov.uk](mailto:communications@chs.gsi.gov.uk).

## What information can CHS not provide?

Due to the confidential and sensitive nature of the information dealt with by members of the national Children's Panel, CHS is not able to provide information on a number of areas. For example, CHS cannot comment on individual cases or provide details of individual children, young people or panel members attending children's hearings. In addition, we cannot comment on the decisions of children's hearings or decisions of a Children's Reporter.

Please note that enquiries about the work of the Scottish Children's Reporter Administration, Children's Reporters and the decisions of Children's Reporters should be directed to SCRA. Please contact Maryanne McIntyre, SCRA's Press and Communications Manager on 0131 244 8600, or by email at [maryanne.mcintyre@scra.gsi.gov.uk](mailto:maryanne.mcintyre@scra.gsi.gov.uk).