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Douglas Ross MSP
Convener
Education, Children and Young People Committee
The Scottish Parliament

21 October 2025

Dear Convener,

Following the recent officials' evidence session, information was requested on the proposed change to the statutory referral test to the Principal Reporter of the Scottish Children's Reporter Administration, how this aligns with Keeping the Promise, and what impact it will have on the number of children referred. In particular, the Committee were interested in how the proposed change in legislation will support a reduction in unnecessary referrals, while ensuring that appropriate referrals are not missed.

The proposal in the Bill stems from the recommendations of the *Hearings for Children* report, covered in Chapter 3 ([hearings-for-children-the-redesign-report.pdf](#) p.100), which recommended that the threshold for referral should change. The report states "At present, there is inconsistent application of the referral criteria to the Children's Hearings System across different agencies and geographical areas." (p.104) The proposal in the Bill is a signal change which reflects our expectations that referring agencies make referrals for potential compulsory supervision at the right time, however it is only one component of the broader efforts which are required to achieve this.

Minimum intervention – often described as the 'no order principle' – has been a long-established precept of the children's hearings system. Children should not be subject to compulsory supervision orders unless necessary – this is expressed in current statute in section 28 of the Children's Hearings (S) Act 2011.

Over the past nine years, the average "conversion rate", where a referral to the Reporter results in the Reporter convening a children's hearing, was 24.5%, and this has remained relatively steady despite a 35% decrease in children with Reporter decisions (when comparing 2016/17 to 2024/25). In that same period, the percentage of cases directed by the Reporter to the Local Authority for 'advice and assistance' or voluntary measures has steadily increased from 26.2% in 2016/17 to 33.3% in 2024/25 while the percentage of children with decisions that current measures are sufficient has reduced from 19.3% to 13.9% reflecting the overall trend of reducing numbers of Compulsory Supervision Orders.

The Scottish Government supports the view set out in the *Hearings for Children* report that national guidance must be available for all referring agencies, and that referral processes should be “rights-based and unpinned by the key principles of proportionality, consistency’ and timeliness.” (p.104) A consistent and clear understanding of when referrals should be made will be key in achieving the aims set out in the *Hearings for Children* report, and significant work is already underway to achieve this in practice.

As part of a time-limited project, The Scottish Children’s Reporter Administration (SCRA) have deployed a reporter to work within Police Hubs in three Police Divisions. The project will operate for approximately 6 months, with a view to supporting the first establishment of a “Children’s Hearings Champion” model within these Divisions of Police Scotland. This work will involve significant training delivery activities which will create subject matter leads on the hearings system within these police divisions, to enhance institutional professional knowledge of the hearings system and how Police Scotland interact with it. Should the project demonstrate the anticipated benefits, it will enable Police Scotland, as the largest source of referrals to the Reporter, to consider this model as a means to operate more effectively with the hearings system, particularly to ensure that the right children are referred at the right time.

We are of the view that, along with other referrers, Police Scotland will benefit from the development of tools to support their assessment as to the appropriateness of Reporter referral. It will also assist the Police to know whether a child is already on a Compulsory Supervision Order (CSO) before making a referral. SCRA are engaging with Police Scotland to improve the flow of information which will ensure that police officers will be able to make an informed consideration of whether a new referral is necessary, or whether support could be offered more quickly and effectively through an existing CSO.

More work in relation to learning for professionals is also underway. Earlier this year, SCRA began the “Learning Leads” project, which is a multi-agency group established to support professionals in the system. It aims to develop the learning and knowledge of professionals to know how best to engage with the system and will include the development of widely available training material on making a referral. This project has so far reached at least 1,100 professionals with its live “hearings system induction” webinars, and demand for training remains high.

The concern that referrals might be missed was considered by the *Hearings for Children* report and Sheriff Mackie heard anecdotally of relevant instances. This must be addressed through effective guidance and training for professionals who will then be supported with the knowledge of when it is appropriate to make a referral. It is clear from the work undertaken so far by SCRA that education and understanding of the hearings system is key for the staff most commonly responsible for referrals. Children will be best protected by professionals who know when and how to refer to the Reporter based on a thorough assessment of the needs of individual children. The change to the referral test proposed in the Bill will bring a degree of focus to this area. When supported through clear and robust guidance and training, this will result in clearer expectations being met by empowered, informed and confident professionals.

Yours sincerely,

Brian Taylor
Deputy Director, Children’s Rights, Protection and Justice