

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 – Attendance at Children's Hearing

Section 76 – Power to exclude relevant person from children's hearing

102. This section provides discretion for the hearing to exclude a relevant person from the hearing. There are two grounds for exclusion: that the presence of the relevant person is preventing the hearing from obtaining the views of the child; or that significant distress is being or is likely to be caused to the child.
103. Subsection (3) provides that the chairing member of the Children's Hearing must explain to each excluded person what has taken place in their absence. Section 178 provides that a Children's Hearing can withhold information about a child from any person if the hearing considers that disclosing it would be likely to cause significant harm to the child.