



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 18

MISCELLANEOUS

Disclosure of information

178 Children's hearing: disclosure of information

- (1) A children's hearing need not disclose to a person any information about the child to whom the hearing relates or about the child's case if disclosure of that information to that person would be likely to cause significant harm to the child.
- (2) Subsection (1) applies despite any requirement under an enactment (including this Act and subordinate legislation made under it) or rule of law for the children's hearing—
 - (a) to give the person an explanation of what has taken place at proceedings before the hearing, or
 - (b) to provide the person with—
 - (i) information about the child or the child's case, or
 - (ii) reasons for a decision made by the hearing.

Commencement Information

II S. 178 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

179 Sharing of information: prosecution

- (1) This section applies where—
 - (a) by virtue of this Act, the Principal Reporter, a children's hearing or the sheriff has determined, is determining or is to determine any matter relating to a child,
 - (b) criminal proceedings have been commenced against an accused,
 - (c) the proceedings have not yet been concluded, and

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- (d) the child is connected in any way with the circumstances that gave rise to the proceedings, the accused or any other person connected in any way with those circumstances.
- (2) The Principal Reporter must make available to the Crown Office and Procurator Fiscal Service any information held by the Principal Reporter relating to the prosecution which the Service requests for the purpose of—
- (a) the prevention or detection of crime, or
 - (b) the apprehension or prosecution of offenders.

Commencement Information

I2 S. 179 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

[^{F1}179A Request for information by person affected by child's offence or behaviour

- (1) This section applies—
- (a) where the Principal Reporter is required to make a determination in relation to a child under section 66(2) and has information which suggests that—
 - (i) the child has committed an offence, or
 - (ii) the child, while under 12 years of age, has acted or behaved in a way that falls within subsection (2), or
 - (b) where, by virtue of section 71(3)(b) or 130, the Principal Reporter is required to arrange a children's hearing in relation to a child who has pled guilty to, or been found guilty of, an offence.
- (2) Action or behaviour falls within this subsection if it—
- (a) is—
 - (i) physically violent,
 - (ii) sexually violent or sexually coercive, or
 - (iii) dangerous, threatening or abusive, and
 - (b) causes harm to another person.
- (3) A person mentioned in subsection (4) may request the Principal Reporter to provide the person with information about the action taken in relation to the offence or, as the case may be, the action or behaviour mentioned in subsection (1)(a)(ii).
- (4) The persons are—
- (a) any person against whom the offence mentioned in subsection (1)(a)(i) or (b) appears to have been committed,
 - (b) any person who appears to have been harmed by the action or behaviour mentioned in subsection (1)(a)(ii),
 - (c) where a person mentioned in paragraph (a) or (b) is a child, any relevant person in relation to that child,
 - (d) any other person or class of persons the Scottish Ministers may specify by regulations (subject to any conditions specified in the regulations).
- (5) The Principal Reporter may inform any person mentioned in subsection (4)(a), (b) or (c) of the person's right to request information under subsection (3).
- (6) Subsection (7) applies where—

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- (a) the Principal Reporter is required under section 68(3)(a) to provide information to a person, and
 - (b) that person is entitled to request information under subsection (3).
- (7) A request made by the person for information under subsection (3) is to be treated as relating only to information which the Principal Reporter is not required to provide to the person under section 68(3)(a).

Textual Amendments

F1 Ss. 179A-179C inserted (29.11.2019) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), [ss. 27\(1\), 84\(2\)](#); [S.S.I. 2019/349](#), reg. 2(b)

179B Information to which section 179A applies

- (1) The information about the action taken in relation to the offence or, as the case may be, the behaviour mentioned in subsection (1)(a)(ii) of section 179A which may be requested under subsection (3) of that section is—
- (a) in a case mentioned in section 179A(1)(a), information as to whether or not a children's hearing required to be arranged under section 69(2) for the purpose of deciding whether a compulsory supervision order should be made in respect of the child and—
 - (i) where such a hearing did not require to be arranged, the information mentioned in subsection (2)(a),
 - (ii) where such a hearing did require to be arranged, the information mentioned in subsection (2)(b),
 - (b) in a case mentioned in section 179A(1)(b), the information mentioned in subsection (2)(b).
- (2) The information is—
- (a) information as to—
 - (i) what determination the Principal Reporter made under section 66(2), and
 - (ii) any other action taken by the Principal Reporter (under section 68(5) or otherwise),
 - (b) information as to—
 - (i) whether a compulsory supervision order has been made in respect of the child or, as the case may be, whether a compulsory supervision order which is already in force in respect of the child has been terminated, varied or continued, or
 - (ii) how the referral to the children's hearing was otherwise discharged.

Textual Amendments

F1 Ss. 179A-179C inserted (29.11.2019) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), [ss. 27\(1\), 84\(2\)](#); [S.S.I. 2019/349](#), reg. 2(b)

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179C Decision by Principal Reporter following request under section 179A

- (1) The Principal Reporter may comply with a request made under section 179A(3) only if satisfied—
- (a) that the provision of the information would not be detrimental to the best interests of the child mentioned in section 179A(1) (or any other child), and
 - (b) having regard to the factors mentioned in subsection (2), that it is appropriate in the circumstances of the case to provide the information.
- (2) The factors are—
- (a) the age of the child mentioned in section 179A(1),
 - (b) the seriousness of the offence or, as the case may be, the action or behaviour mentioned in section 179A(1)(a)(ii),
 - (c) the circumstances in which the offence or action or behaviour took place,
 - (d) the effect that the offence or the action or behaviour has had on the person mentioned in section 179A(4)(a) or, as the case may be, section 179A(4)(b), and
 - (e) such other factors as the Principal Reporter considers appropriate.
- (3) The Principal Reporter must not, in providing information under subsection (1), provide any more information than is necessary to inform the person who made the request of the action taken in relation to the offence or, as the case may be, the action or behaviour mentioned in section 179A(1)(a)(ii).]

Textual Amendments

- F1** Ss. 179A-179C inserted (29.11.2019) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), ss. [27\(1\)](#), [84\(2\)](#); S.S.I. 2019/349, reg. 2(b)

180 Sharing of information: panel members

- (1) A local authority must comply with a request from the National Convener to provide to the National Convener information about the implementation of compulsory supervision orders by the authority.
- (2) The National Convener may disclose information provided by a local authority under subsection (1) to members of the Children's Panel.

Commencement Information

- I3** S. 180 in force at 24.6.2013 by [S.S.I. 2013/195](#), arts. [2](#), [3](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)