

## Education: Information requests for children appearing in court

In the event of a child (aged 12 or over) having to attend a court hearing, in order for the court to carry out their duties to children they will require relevant information. To inform the court, social work services may request information regarding the child's education to inform their investigations and assessment. In certain situations, education authorities will have a duty to provide this information under the [Criminal Procedure \(Scotland\) Act 1995 \(Section 42\)](#) and in others this information sharing would be in accordance with GIRFEC and the [information sharing guidance](#), which for those children in conflict with the law is reflected in the Whole System Approach. The underpinning principles are about upholding children's rights. This guidance is designed to ensure the person tasked with the request understands what information may be helpful and their legal duty to provide it.

Information requested could include an assessment of the child's needs and information about any support or modifications the child may require in order to attend court or participate in court proceedings related to for example:

- speech, language and communication needs (which may require consideration of referral to specialist services);
- additional support needs;
- preferences and knowledge of how they best communicate, including where English is not their first language;
- information about who is best able to support them practically and emotionally;
- scheduled breaks in proceedings to allow the child to speak to a supportive adult alone to digest information;
- physical adaptations to the set-up of the court room.

Information may be requested for children currently or who have previously been enrolled in an educational provision. Education in this context includes all types of provision<sup>1</sup>. Depending on local arrangements, the designated person responsible for providing information about the child's education to the relevant social work contact may vary. It will be for each education authority to determine who will receive and respond to these requests (including during periods of school closure-local procedures in this event must be referred to). However, the legal duty to supply the information is the same.

The information provided by education staff will help to:

- promote the rights of children appearing in court and assist the court in disposal of children's cases as per the above mentioned duties;
- meet the child's rights under articles 12 and 13 of the UNCRC to have their views heard and considered in all decisions impacting them, and have information provided to them in a way they can understand, and to allow decisions to be made in their best interests, in line with article 3.

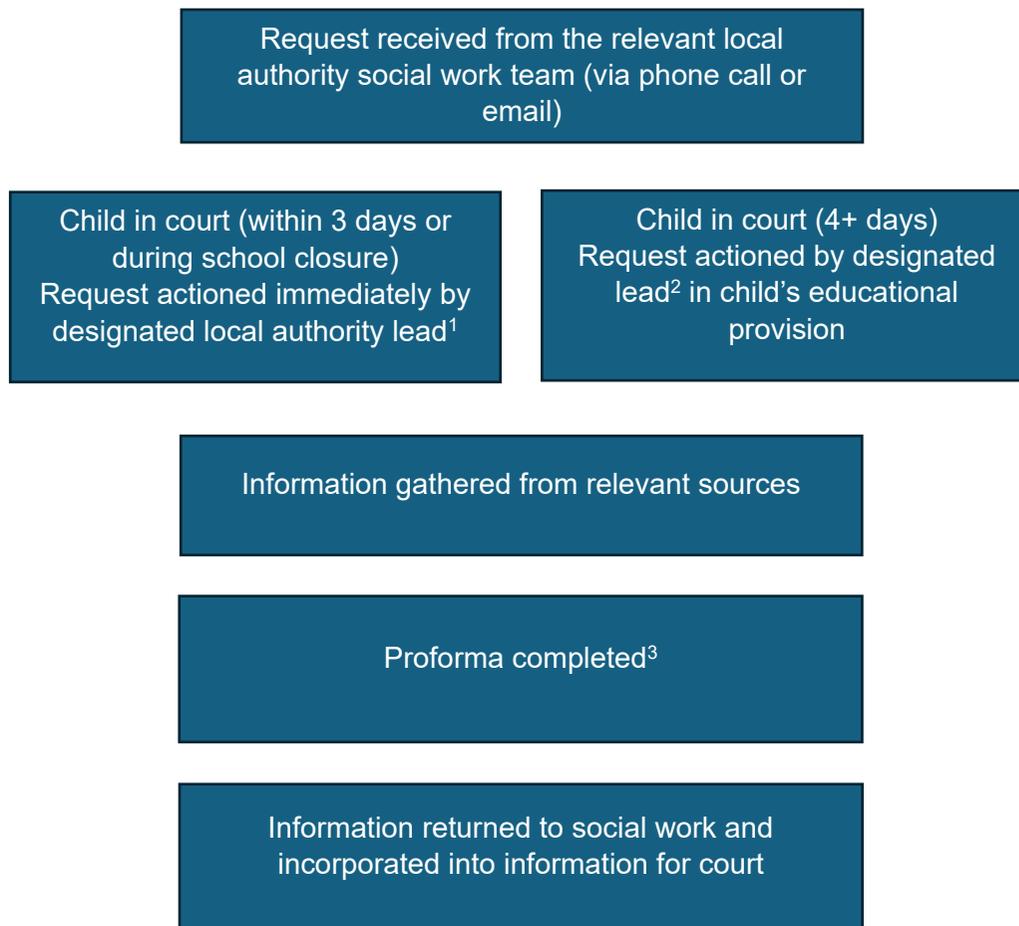
Timescales for requests for information may be short (ranging from a few hours to a few months) and will be determined by the court. This information is important- for example, one of the initial decisions to be made by the court will be whether the child can be released into the community or whether the child requires to be remanded, which this information could help to inform.

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<sup>1</sup> Some parents choose to educate their child at home however many education authorities will collaborate or assist a parent in this task particularly with regard to meeting any additional support needs the child may have (see [Home education guidance](#)).

Social work at the earliest opportunity will inform the child or their family why this information is being gathered, what will be shared, with whom and how it will help. In addition to the court, the information will also be shared with the child's solicitor. Information provided by education may also be shared with the child. Social work will discuss with the child any concerns they have about sharing information with the court.

### Flowchart for process



<sup>1</sup>Local Authority Lead requires access to child's educational records. Timings may allow for liaison with lead in the child's educational provision

<sup>2</sup>Lead in child's educational provision should liaise with those adults who know the child and their needs best

<sup>3</sup>Depending on the information shared the proforma should be stored with the child's pastoral notes, or in their confidential/child protection records

## Proforma of information that is required

Please consider the child's strengths, needs and risks. Where the provision of information is constrained by timescales for the child appearing at court, initial information should be provided, along with highlighting any further information that could be subsequently shared or sought and how or when this could be achieved.

<b>Child's Name</b>	Date of Birth	Address held by education
<b>Person completing the form</b>	Designation	Contact details
<b>Relevant current or past history</b>	Details (such as strengths; living situation; known trauma or adversity; any legal order; any risk management measures)	Details of involved specialist services and contacts (CAMHS, SALT etc..)
<b>Supportive adults:</b>	Details of who has contact/engaged with the child's education and the extent of their engagement/contact	Contact details
<b>Educational information</b>	Details of attendance, engagement, exclusions, attainment	Any other relevant information
<b>Needs information</b> (including any known, assessed or suspected specific conditions)	Yes/No/Needs assessment required Details include sensory, cognitive, processing or health issues)	Additional support/specialist services already provided including any staged intervention and related support plans
<b>Developmental stage and maturity</b> relative to age/peers	General <b>presentation</b> and behaviours of note	<b>Ongoing strengths or issues</b> (peer relationships, significant events)
<b>Support or modifications</b> to help promote participation or communication	Details of formal strategies or informal support such as reducing the word load, speaking more slowly, one person speaking at a time, one to one discussion better managed over group; repeating/ writing down information to aid recall/ comprehension	

**Spoken language** how well do they communicate verbally, and understand spoken language? Is English their 2<sup>nd</sup> language? If so, how well do they speak English? What is their primary language? Do they need an interpreter?

**Written communication** how well do they comprehend information, read and write? Any noted issues?