



SHERIFFDOM OF LOTHIAN AND BORDERS
COVID 19 CONTINGENCY ARRANGEMENTS
IN RESPECT OF CASES INVOLVING
THE SCOTTISH CHILDREN’S REPORTER ADMINISTRATION

[1] Given the current situation with the Covid 19 pandemic the court proposes to deal with cases involving the Scottish Children’s Reporter Administration (SCRA) utilising the following general approach:

1. Proofs fixed (re applications under section 93(2) or 94(2) of the Children’s Hearings (Scotland) Act 2011) – Unless parties contact the sheriff clerk by **5pm on 26 March 2020** (to advise that the proof has resolved or of some other exceptional reason) all proofs will be discharged on the court’s own motion and, of new, a proof fixed on a date to be afterwards fixed. If a proof has resolved (whether before or after 5pm on 26 March 2020) both parties should email the court to confirm this and SCRA should also email the court a very brief written submission (together with any relevant supporting documents, such as the social work report and any written statements) detailing any amendments to be made to the statement of facts and setting out very briefly why the grounds of referral ought to be established. The court will then consider whether to determine the application without hearing evidence and without need for appearance of the parties.
2. Procedural hearings fixed (re applications under section 93(2) or 94(2) of the Children’s Hearings (Scotland) Act 2011) – All procedural hearings will be discharged on the court’s own motion and, of new, a procedural hearing fixed on a date to be afterwards fixed.

3. First callings (re applications under section 93(2) or 94(2) of the Children's Hearings (Scotland) Act 2011) – The sheriff clerk requires to fix an evidential hearing within 28 days after the day on which the application is lodged (see Rule 3.45(1C) of the Act of Sederunt (Child Care and Maintenance Rules 1997)). The sheriff clerk will immediately assign a hearing which will not require any appearance and will be adjourned, on the court's motion, to a date to be afterwards fixed.
4. Appeal from the Children's Hearing to the Sheriff (apart from 3 day appeals) – For new appeals a hearing needs to be assigned no later than 28 days after the lodging of the appeal (Rule 3.54(5) of the 1997 Rules). The sheriff clerk will assign a hearing within that time scale and also provide parties with a date to advise the court if they have any objection to the assigned hearing being adjourned, on the court's own motion, to a date to be afterwards fixed. If such an objection is received the court will advise on next steps. Any appeal currently in the system will be adjourned on the court's own motion to a date to be afterwards fixed. If any party has an objection to that course of action they should contact the sheriff clerk by **5pm on 26 March 2020**. Parties are also reminded that a child or relevant person is able to require a review at any time after three months beginning on the day on which the order was made (see section 132 of the 2011 Act and *M v Locality Reporter Manager* 2015 SC 71 at para 42).
5. Appeal from the Children's Hearing to the Sheriff (3 day appeals). The court will advise as regards how these appeal will proceed. It is likely to involve either written submissions and authorities sent by email or submission made by telephone conference.
6. Applications for an Interim Compulsory Supervision Order (ICSO) – SCRA will email these to the court and the court will order intimation by email or text or telephone call or post (see Rule 3.64A(4) of the 1997 Rules) and provide a date by which parties should advise whether the application is opposed. If it is not opposed, the application will be granted without any further communication being required. If it is opposed the court will advise on next steps, which is likely to involve either written submissions and authorities sent by email or submissions by telephone conference.

[2] The above sets out the general approach of the court (which will be kept under review) but parties are able to contact the sheriff clerk to seek a different approach in *exceptional circumstances*. These procedures will be implemented subject to resources being available. Parties should, however, be mindful that the sheriff clerk's office is under extreme pressure with very few staff available to support court procedures. This is exacerbated by repeated telephone calls and emails asking about individual cases. Please only contact the sheriff clerk's office in cases of exceptional urgency unless you are proceeding as advised in this guidance.

Sheriff Principal M M Stephen QC
25 March 2020