

Case Management of Children's Proceedings in Glasgow Sheriff Court

ENCJ Seminar

Sheriff Alan D Miller

November 2014

Children's Hearing Proceedings

- Child protection, behaviour and offending
- Children's Reporter (public official) investigates and initiates proceedings
- Lay tribunal decides on intervention
- Court decides if threshold 'ground for referral' is proved (if disputed)
- Court also hears appeals against tribunal decisions

Statutory Provisions: Proofs

- Reporter must apply for proof of referral within 7 days of tribunal
- Hearing must commence within 28 days
- Power to adjourn for 'reasonable time'
- No timescale for court decision
- Interim care measures must be reviewed within 21 days

Statutory Provisions: Appeals

- Appeal must be lodged within 21 days of the tribunal decision
- Broad power to determine procedure
- No timescale for court decision
- Very tight timescales fixed for appeals against interim decisions

Problems Identified in 2012

- A culture of continuation
- Unfocussed proceedings
- Excessive time for complex cases
- Absence of case management

Measures Introduced in 2013

- Specific days for procedural hearings
- Specialist sheriffs (judges)
- Case management framework

Case Management Measures

- purpose: fair & expeditious decisions
- disclosure of evidence & position
- control of use of experts: joint instruction, 'hot-tubbing' etc
- power to restrict scope of proof
- detailed timetabling for complex cases

Ongoing Pressures

- Legal aid cuts in other practice areas
- Reporters now focusing on complex cases
- Reduction in court accommodation

Proofs Concluded

	2011/12	2012/13	2013/14
Glasgow	669	632	391
SCOTLAND	3,795	3,655	2,903

*Source: Scottish Children's Reporter
Administration Online Statistics*

Appeals Concluded

	2011/12	2012/13	2013/14
Glasgow	174	219	205
SCOTLAND	714	792	805

Source: SCRA Online Statistics

Data

- All data is for 2014
- Comparator is 2013
- All based on random sample of cases

Impact on Proof Hearings

- Average timescale from lodging to decision now 12 weeks (was 13)
- Complex cases: average timescale cut from 55 to 44 weeks
- Complex cases: average time over-run cut from 131% to 0%
- Ongoing focus on complex cases

Impact on Appeal Hearings

- Average timescale from lodging to decision remains 6 weeks
- Evidential hearings now almost non-existent
- Reporters more willing to argue the merits of appeals (64%, up from 33%)

Indirect Impacts

- Children's Reporters more proactive in progressing cases
- Lawyers do not 'try it on'
- Sheriffs more confident in case management