

Good Practice Guide for Solicitors in the Children's Hearings System



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1. Introduction and purpose

Our overall aim is to promote solicitor best practice in children’s hearings in line with what children tell us is important to them and ensure children are aware of their rights to a solicitor.

This is important as children and families have the right to high quality legal advice and representation. Upholding the rights of children in their hearings requires a unique skill set. There are many examples of good practice by solicitors and of children who have positive experiences of lawyers representing them. The purpose of this work is to highlight this good practice, promote better understanding of the solicitor’s role, the child’s right to a solicitor and how a solicitor can help them.

The Promise Report from the Independent Care Review (2020) ¹ recognises the important role of solicitors in the children’s hearings system but also identifies challenges:

‘Children and their families must have a right to legal advice and representation if required. Scotland must be clear that the provision of advocacy does not replace rights to legal representation but the two roles (advocacy and legal representation) have a separate, distinct purpose. Emerging evidence is demonstrating that the presence of lawyers is supporting children to see their parents.’

‘Upholding the rights of children on the edge of and within Scotland’s system of care requires a unique skill set. The Review has also heard the language used by lawyers has been confusing and distressing. Lawyers must act in way that is accessible, understandable and not overtly adversarial.’

The role of the solicitor at the children’s hearing is to help the child or relevant person to participate effectively in the hearing. This can include giving the child or relevant person’s views directly to the hearing, assisting them to give their own views including in writing or by other means, ensuring that the hearing is taking the legal rights of the person into account in their consideration, or a combination of these roles.

Solicitors must act on the instructions of the person they are representing, irrespective of the solicitor’s personal view of whether those instructions are in the child’s best interests. Solicitors are not required to have the welfare of the child as the paramount

consideration in their representations to the hearing on behalf of the child or any other person.

A scoping study on legal support for children by Clan Childlaw (2023) ² made several findings and concluded that:

‘The legal support that children and young people experience needs to be of the highest quality possible. This means lawyers need to have a good understanding of the law, perform confidently in courts/children’s hearings, be non-judgemental, empathetic, able to build a relationship, to genuinely care, and adapt communication based on what children and young people need. It was also important to children and young people that lawyers have knowledge and understanding about trauma, the care system, and of learning disabilities.’

The report also concluded that:

‘There is a significant gap between what children and young people want, and need, from their lawyers, and what they usually experience’.

Our Hearings Our Voice (OHOV) is an independent board of children with experience of children’s hearings. Some of the young people at OHOV have had negative experiences of solicitors within hearings, and that this is an area they would like improvement on. Overall, those negative experiences mostly relate to circumstances where the solicitor is representing a relevant person and not themselves. [You can listen to a verbatim testimony about the impact of a solicitor in hearings.](#)

This good practice guide, produced in collaboration with OHOV, solicitors, practitioners, and relevant stakeholders provides a helpful resource for solicitors but also supports standard setting for expectations in hearings. In turn, we hope to improve the experience of children, young people and their families in hearings.

If you would like to find out more about how the guide was produced, how we feel it could be more impactful and some top tips for solicitors in children’s hearings, please see the appendix.

2. What children told us

We gathered what children and young people have told us is important to them from solicitors in their hearings and checked that out with selected groups of young people and adults with lived experience of hearings. The views expressed are from conversations with individuals and groups from Our Hearings Our Voice and Highland Champs.

The children we spoke to referred to solicitors representing them and being in a hearing where a relevant person was represented by a solicitor. They were not always clear about this distinction and we recognise this will have an impact on their perception of solicitors.

Pros and Cons of Solicitors in Hearings

Children have shared some benefits of solicitors in hearings, including supporting them to see their parents, making hearings more accessible and understood, holding others to account and adding fairness. Conversely, they also identified disadvantages from solicitors including their use of confusing or distressing language, making the hearing more conflictual or adversarial, focusing on their parents’ needs over their own (when representing their parents), making the hearing less child friendly and making children less willing to attend their own hearing.

The table below was shared with children and young people, with a particular focus on the qualities, drawn from several studies of children’s views on solicitors in hearings, court and custody ^{3, 4, 5}.

Key Qualities in Solicitors

Children’s views on what they want from solicitors representing them fall into four broad areas: knowledge, values, personal qualities or ways of being, and skills. There is overlap between each of these. The table below gives a broad overview of what children want from solicitors under each of these themes:

Knowledge	Values	Personal Qualities/ Ways of Being	Skills
Law	Non-judgemental	Demonstrates empathy	Listens/hears
Impact of trauma and neglect	Upholds dignity of the child	Uses their whole self/ is genuine	Communicates with child at their level
Child development	Honesty	Genuine care	Advocates
Learning disabilities	Respects for others	Invests time in children	Explains fully (does not oversimplify or minimise)
		Builds relationships	Holds others accountable
		Informal	Builds rapport

		Offers practical & emotional support	Amplifies the child's voice
		Follows up actions	

The following views were shared by children and young people in the discussion groups-

Solicitor's Knowledge:

There were no disagreements from participants about any of the knowledge headings in the table, but the following ones were highlighted:

- Solicitors should be trauma informed and understand the impact of a variety of adverse childhood experiences (broader than trauma and neglect and including bullying).
- They should have knowledge of children's neurodiversity and the ability to tailor communication, including non-verbal communication, to meet the needs of the individual child.

More information on improvements being made to the language children experience in their hearings (including helpful resources and an animation created by young people at Our Hearings, Our Voice) can be found on the [CHIP website](#).

Values:

There were no disagreements from participants about any of the values headings in the table, but the following ones were highlighted:

- Understanding and being open minded about what a child is experiencing or why they are communicating or behaving in a certain way.

Personal Qualities:

There were no disagreements from participants about any of the personal qualities headings in the table but the following ones were highlighted:

- The qualities a solicitor needs depend on the needs and wishes of the child involved. For example, one child may prefer an informal approach, while others do not want a relationship and prefer to keep people at arm's length so prefer formality.

- Young people also talked about the importance of solicitors following up on actions, “not just dumping them after the case is over and not being awkward if they meet them in public later”.
- Some young adults spoke about the importance of being able to choose from a selection of solicitors where possible, rather than being assigned a lawyer. They wanted to be able to select someone they could be comfortable with, which might also include their gender. The use of a biography describing each solicitor was suggested to achieve this.

Skills:

There were no disagreements from participants about any of the skill headings in the table, but the following ones were highlighted:

- Solicitors should not assume a child’s level of understanding and should get to know them before offering legal advice.
- Equally, they should not ‘talk down’ or patronise children through their language.
- Solicitor’s ability to hold others to account was valued but young people also felt it was important for them to hold themselves to high standards and always do what they say they are going to do.

Key Qualities for all Solicitors:

There was general agreement across all individual and group conversations that the table represents what is needed by solicitors and that a broad range of knowledge, skills, values and qualities are required to properly support children and young people when representing them in hearings. However, most participants said that **the values and personal qualities of solicitors are the most important aspect**. As one young person said, “knowledge and skills can be learned”. Young people stressed the need to make connections with solicitors and that this is much easier with a person who is values-centred and driven.

[An animation created in partnership with young people from Youth Justice Voices](#) is set in a children’s hearing, shares young people’s experiences of legal representation and articulates what they want from their lawyers.

Most people who responded said they prefer an informal approach with no suits, but one young man felt there can be a time for formality, to influence decision makers. Overall, there was agreement that the approach and relationship was the most important aspect of feeling well supported. The time that solicitors have available to build relationships was felt to be an important factor.

Additional Comments:

Young people felt that solicitors should not be put on a pedestal over other professionals. In fact, one person felt that if all other professionals adhered to children's rights, there would be no need for solicitors in children's hearings. Young people also shared that there can be stigma attached to having a solicitor- they felt adults then assumed they had committed a crime.

Like comments from some of the advocacy providers interviewed, young people advised that the quality of available solicitors varied across Scotland.

3. What adults told us- advocacy providers and children's Panel Members

Views from Children's Hearing Advocacy - National Providers Network (NPN)

For more information on the role of advocacy in children's hearings visit the [Hearings Advocacy website](#).

Advocacy providers were asked to reflect on the same list of what children say they want from solicitors as the children and young people had considered: falling into four broad areas of knowledge, values, personal qualities or ways of being, and skills. Members of the NPN shared the following views-

Qualities:

There were no stated disagreements with the table or broad areas of qualities children had highlighted as important in solicitors. Qualities highlighted in the discussion included being fully involved, engaged, well informed of circumstances and needs, and communicating well with the child or young person.

Structural/ Systemic Issues:

The real focus from NPN members present was on the issues that prevent children gaining access to solicitors with these qualities, skills, specialist knowledge or time to support and build relationships with them. The barriers mentioned include-

- Challenges in rural areas or away from big cities in accessing solicitors who can practice in this way
- No choice in selecting the right solicitor
- Perception that some firms or organisations who strive to provide specialist support to children only cover work in Glasgow and Edinburgh
- Availability of the right person
- Last minute or short notification of the need for a solicitor
- Difficulties in accessing Legal Aid to fund the solicitor

- Lack of flexibility around funding- solicitor's time/ costs being measured against tasks with no recognition of the need for time to build a relationship
- Lack of role clarity- what can a solicitor do/not do? How can advocacy providers add to clarity and bridge the gap for children to quality legal support?

It is important to acknowledge these perceptions from advocacy providers, which may reflect the difficulties children can have in gaining access to a solicitor and knowing which lawyers can help them. Children and relevant persons always have the absolute right to “hire and/or fire” their solicitor.

That solicitor does not have to be based in the same town or city that they reside in. There are accredited specialists and child certified lawyers in other cities and throughout, for example, Aberdeen & Aberdeenshire, Argyll & Bute and Highlands and Islands who can provide specialist support to children.

Children and the adults who support or care for them may not always be aware of these rights or availability.

Last minute or short notification of the need for a solicitor is an issue for children and relevant persons in hearings. Those professionals and agencies supporting children may wish to consider clearer information and referral pathways so that children can get access to help from a solicitor earlier.

The Scottish Legal Aid Board advises that they do pay for rapport building with a child by solicitors and accept that this is entirely necessary to take proper instructions from a child.

Views from Children's Panel Members

Children's Hearings Scotland (CHS) consulted the Practice and Policy Bank of their Panel Member Community about solicitor best practice in hearings, of which 66 Panel Members responded. Panel Members were asked questions about the values, qualities, skills and knowledge of solicitors in hearings. They were also asked if they had any particularly positive or negative experiences with solicitors in hearings. The responses to the questions varied.

It is relevant to note that Panel Members were asked about their general experiences of solicitors in hearings, and not specifically solicitors representing children. It is also relevant to note that in this feedback, as well as in feedback received through CHS's Feedback and Complaints function, most negative experiences of solicitors in hearings relate to solicitors representing relevant persons, rather than children.

It was clear that whilst many Panel Members had very positive experiences of solicitors, many also had negative experiences. Those who reported positive experiences of solicitors provided several examples of helpful behaviour in hearings:

- Being collaborative with the panel and other professionals in the child's life
- Knowing their client's position prior to a hearing, understanding the background of the case and engagement in the process
- Able to defuse tense situations and communicate the views of their client effectively and encourage positive participation
- Deep understanding of the Children's Hearings System
- Respectful to everyone in the hearing
- Managing client's expectations and explaining aspects of the hearing to clients.

Those with particularly negative experiences mentioned the following:

- Being combative, adversarial, dominating or disruptive
- Using legal jargon and being overly formal
- Conducting themselves in ways which take the focus of the hearing away from the best interests of the child *
- Not managing client's expectations
- Stating that they will appeal the decision whilst still in the hearing
- Being dismissive or disrespectful to Panel Members

*As noted in the introduction, a solicitor's role is to represent their client's position and put that forward. This should be framed in a way that they are putting forward what their client believes is in the child's best interests and to keep the focus on that and therefore on the child's best interests.

When focusing on the same qualities in solicitors considered by children and advocacy providers, Panel Members responded to the following questions:

What values or qualities should a solicitor have when attending a Children's Hearing?

The most common answers to this question were that a solicitor should be empathetic, focussed on the child's needs, respectful and open to discussion.

What qualities should a solicitor not have in a hearing?

Panel Members were clear that a solicitor should not be adversarial, judgmental, domineering, disengaged, unwilling to listen to others or disrespectful to those in a hearing room. They should not simply seek a 'win' for their client over what is in the best interests of the child.

What skills should a solicitor have when attending a Children’s Hearing?

Clear communication, good listening skills, the ability to collaborate, discuss complex matters and balancing the interests of the child and their clients (if their client was a parent or other individual and not the child) were classed as important skills for solicitors to have.

What knowledge should a solicitor have when attending a Children’s Hearing?

Panel Members emphasised the importance of solicitors knowing the law applicable to children and their rights, but also about the Children’s Hearings System in general and how this operates, knowing about child development, ACEs, trauma and youth justice. Solicitors should also know the views of their client and the background of each child’s circumstances.

4. What we learned from legal professionals- best practice and challenges

We undertook more detailed focus group discussions with solicitors and other interested legal parties. We considered examples of best practice with children in hearings, any barriers to that, what would be helpful to contain in the guidance and how we can reach the right people. We will consider these in turn.

Examples of Best Practice

Before the hearing:

- Giving choice in the way you communicate or meet with the young person- this can include talking on the phone, using text or WhatsApp, or meeting the child where they are most comfortable, for example, in the child’s house or less formal places away from offices or courts. Solicitors from different organisations recognised this could be heavily influenced by the culture they work in.

“We are also primarily outreach so we can meet people in a place that suits them; home, a café, school etc. Some people choose to come into the office” (Clan ChildLaw).

- Importance of tailoring communication to each young person – and this is based on getting to know someone. Asking the young person if they understand is so important.

“WhatsApp is commonplace. Everyone I encounter prefers that level of accessibility. We should tailor our communication to the client. That’s

***possible by getting to know them and seeing what their preferences and understanding is. Some people like reading masses of information but struggle with meetings or eye contact, others don't. Listening is equally, if not more important in terms of effective communication"* (Solicitor).**

- Providing sufficient time with young people, getting to know them and building rapport. This can sometimes be achieved through offering consistency of solicitor across the legal journey the child is on. Recognising the importance of pre-existing relationships – they may be the family solicitor, and this is why young people might feel comfortable with them.

***"Sometimes I have the same clients and children over and over again, which gives me a chance to get to know them. Sometimes children don't actually want the formality of coming into the office and reading over papers. They're happy with a few minutes on the phone or a WhatsApp to confirm I'll be at the hearing. If a child is in the police station, I'll try to go the extra mile. I'll go to the police station and meet with the child when they're feeling vulnerable. This helps to build trust, being there in their time of need..... It helps that people can speak confidentially to solicitors and know that what they say won't be reported. Social workers have to report what their clients tell them, but we don't have to, and that helps build trust too"* (Solicitor).**

- Working closely with advocacy providers can be beneficial for all- joint meetings can be very helpful. Advocacy workers are useful in sharing information about children's preferences and understanding. They can also help children understand the role of the solicitor in advance.

***"SCRA can't refer children to advocacy, we aren't allowed to. Solicitors don't have this same restriction so maybe they should be signposting children to advocacy"* (Reporter).**

The reporter does not refer a child to an advocacy service but may ensure the child knows where to access relevant information. Those directly involved with the child are well placed to offer support to the child in relation to referral.

***"It would be great if there was a way to share children's preferences before meeting with a solicitor – e.g. how they like to communicate, where they like to meet, what level of formality they are comfortable with. Advocacy is great for this – they can tell the solicitor what their clients appreciate and what they want"* (Solicitor).**

- Importance of being clear with a young person (e.g. if their time is limited) and managing expectations. Explain your role.

- Being there for the young people when they really need them or are most vulnerable – e.g. calls from police stations; this can be the most challenging time for young people.
- Explain the duty of confidentiality that solicitors have to their clients.
- Preparing children for their hearings: one solicitor advised they will spend considerably more time with child clients (2/3 times more on average than with adult clients) to help explain the process and help them be prepared. They will have multiple meetings with a child prior to their hearing and approach matters in a staged way. This also allows a focus on building up the rapport with the child/client.

“When meeting a child client for the first time, don’t immediately discuss the legal issue/ case. Take time initially to discuss school, hobbies etc., before going near the big stuff” (Solicitor).

- Consider the attire you are wearing and if possible, change into less formal clothes, however this will not always be possible.
- Explain to the client that the hearing will want to hear from them directly as the Panel Members will often find that to be best way to hear their views. However, if they don’t feel happy speaking, a solicitor can speak for them.
- Discuss different ways a client can participate during the hearing and establish the extent to which they want their solicitor to speak for them.
- Prepare the client for what to expect and give the option to have a break if things get too much. Agree a sign, e.g., “tap my arm/leg” the client can use to either indicate when they are not managing the hearing and want a break/timeout or want their solicitor to start speaking for them.
- Provide advice to the young person on how they may wish to communicate their views in the hearing.

“Try to advise the client not to get too riled up although that can be very difficult as there will be a bunch of people in the hearing that people have never met before” (Solicitor).

During the Hearing:

- Avoid an overly legalistic and confrontational approach. You can still make an effective legal argument and promote someone’s rights without mentioning “human rights”, and “ECHR” repeatedly.

- Solicitors need to be able to read the room when making a point, pick up on things and understand what is required. This is something that often only comes with experience.
- Be mindful of the words you are using and how your behaviour is interpreted by others.
- If you think that your client is finding the hearing too stressful or becoming agitated, you can suggest that the hearing adjourn for a short period.

After the Hearing

- Taking time with the client post hearing to de-brief & explain the outcome/consequences.
- Checking in with the young person to ensure they understand what has been decided and what that means for them.

Challenges or Barriers to Best Practice

- Time to properly advise the child is huge, especially with people who have different levels of understanding.
- Some solicitors felt that Legal Aid restrictions and payments can be an issue impacting on the time they have available to support children or relevant persons in hearings. They felt that time to re-acquaint with the family or issues, and to build a relationship with the child was not always recognised as important.

“Sometimes solicitors won’t be paid for what is deemed unimportant, e.g. spending time re-familiarising yourself with paperwork/notes from a family you’ve worked with in the past. They probably won’t pay for the time you spend getting to know a child and building a rapport/relationship.” (Solicitor).

- Further analysis by SLAB on these and related issues can be found in this [report](#). SLAB advise that they will pay for rapport building and other components, as long as the solicitor advises and justifies the time needed.
- Whilst there are quality assurance provisions in relation to solicitors on the Children’s Legal Assistance Register, this only extends to files and paperwork: there are no quality assurance in relation to how a solicitor acts or operates in a hearing room.
- You can have a good practice guide with lots of examples, but ultimately the key thing is the interaction between all parts of the system and recognition of the solicitor role. Without that, it is going to be very difficult to reduce instances of, or more importantly perceptions of, bad practice.
- Solicitors are there to do the best job they can for their client and that can sometimes be wrongly perceived as being adversarial and confrontational. For example, putting across an argument that is not in line with the social work

recommendation is often taken as being adversarial and making the proceedings adversarial, or not acting in the child's best interest. Solicitors can often be seen as the only contrary opinion in the room.

“We recognise that solicitors are representing their clients, but children’s needs should always come first in the hearing room. We do need to do our jobs effectively, but as adults we also have a fundamental responsibility to reduce children’s exposure to trauma. This applies to all adults in attendance, not just solicitors”. (Children’s Reporter)

“Solicitors doing this type of working are not trying to be adversarial or to create difficult situations. There is a real issue with perception, how solicitors are perceived and a lack of understanding of our role. Indeed, you could have a solicitor complying with best practice, yet others may still perceive that solicitor as not complying” (Solicitor).

- Solicitors are often met with a more hostile reaction when appearing in their capacity as a solicitor than if they are appearing as a safeguarder.

“When trying to get a point across, panel members and other professionals can be very dismissive; they won’t let you finish your point, will talk over you, or not come back to you at the end to summarise your client’s position before making their decision. That can then create a situation where you have to be more forceful in how you put your point across when ideally you don’t want to be. Whilst these situations do arise, they are often isolated incidents and come down to others in the room misunderstanding the role of the solicitor” (Solicitor).

5. Conclusions

Children, solicitors, Panel Members advocacy providers, and associated professionals are all agreed on the key qualities solicitors need to bring to their support of children in hearings.

Everyone agreed that consistently being caring, respectful, communicating well, having a personalised approach and putting the child's needs first matters most – legal knowledge is important, but how you treat the child makes the biggest difference. Young people said that values and personal qualities matter most.

More detail on how to do the above can be found in the best practice examples and top tips from children and solicitors within this report and appendix.

There remain challenges to delivering such practice consistently, including sufficient time, funding, availability and role confusion. Some steps to resolving these structural and organisational difficulties are suggested: local, multi-agency training; building awareness of the key role of solicitors in the hearings system; developing local solicitor and multi-agency networks to build upon insights and promote shared understanding of roles; providing input into law degree programmes; and consideration of how this work fits into accreditation and registration of solicitors.

Appendix

Appendix A: How was this good practice guide developed?

- We gathered a project team which included OHOV board members with experience of hearings, representation from solicitor firms, Children’s Hearings Scotland, Scottish Children’s Reporter Administration, Clan ChildLaw, Civil Legal Assistance Office, Children 1st and advocacy providers.
- We reviewed recent literature and research on what children involved in hearings or in conflict with the law want from solicitors.
- Key themes from this review were identified and then sense checked by two groups of young people with hearings experience- OHOV and a local champions board (Highland).
- These themes were also shared with Panel Members by Children’s Hearings Scotland and comments gathered.
- We convened focus groups for solicitors to enable them to respond to what children and young people told us they want and need from solicitors.
- Solicitor focus groups also shared examples of good practice as well as what supports that or can get in the way. Participants were also able to recommend how the guidance could be most effective in creating change.
- A national provider network for advocacy was also able to contribute ideas for the guide and share some of the structural factors that can inhibit good practice by solicitors in hearings.
- All of this has been used to create guidance for solicitors involved in children’s hearings which makes clear what a good lawyer looks like to children and young people, provides practical steps a solicitor can take to ensure they display these attributes within hearings and supports them to take a trauma informed approach to working in children’s hearings.

Appendix B: Making the Guide Impactful

Solicitor focus groups suggested the following actions:

- Sharing experiences in multiple and multi-agency forums to really enhance best practice.

“There needs to be a bigger focus on teaching new solicitors about these things at the point of their basic law degree. We can be really guilty of focusing on knowledge rather than skills and values. Because we’re talking about subjective qualities it would be good to illustrate exactly what these skills and qualities look like” (Law Lecturer).

- Share the guide with Bar Associations.
- Joint training for Panel Members and Solicitors- understanding that reciprocal learning is required would be positive.

“When we’re at a hearing representing a parent you’re regarded differently. It’s the same when you’re representing a sibling. The panel treat you differently and you have a harder time than when you’re representing the child. People just respond differently to you and it’s not easy. It’s almost like the air has chilled. The panels have to have an appreciation of the role of a solicitor. Panels are resistant to the fact that parents have the right to ask for contact or to appeal decisions panels have made. There definitely has to be work done with panels. It’ll be easier for solicitors to digest the training if there’s a recognition that there’s work and learning to be done on both sides” (Solicitor).

- Guidance will need to be carefully pitched; the guide cannot be a condescending document otherwise solicitors will not pay attention to it.
- Improve understanding of the difference between a solicitor versus an advocacy/Children’s Rights Officer’s role. E.g. where a child simply wants to express a view, a solicitor might not be required.
- Opportunities for relationship building with SCRA, CHS and social work departments. Solicitors being invited to local networks where Panel Members, social workers and SCRA already meet. Solicitors felt this would be worth trying to see what they could get out of it but there would need to be “buy-in”, i.e., everyone would need to be on the same page with what is trying to be achieved.
- Have the guide in leaflet form at SCRA and social work offices – including the role of the solicitor and how they can help people.
- Word of mouth, gently filtering it through, will help spread the messages from the guide.

Appendix C: Top tips from children and adults on supporting children in their hearings

The role of the solicitor at the children’s hearing is to help the child or relevant person to participate effectively in the hearing. This can include giving the child or relevant person’s

views directly to the hearing, assisting them to give their own views including in writing or by other means, ensuring that the hearing is taking the legal rights of the person into account in their consideration, or a combination of these roles.

Solicitors must act on the instructions of the person they are representing, irrespective of the solicitor's personal view of whether those instructions are in the child's best interests. They cannot offer that view.

Solicitors are not required to have the welfare of the child as the paramount consideration in their representations to the hearing on behalf of the child or any other person.

The tips below take this role into account and are **primarily concerned with the role of solicitors in representing children in their hearings**. However, when solicitors are representing relevant persons, the children involved will, of course, benefit from solicitors and all adults involved being caring, respectful, communicating well, having a personalised approach and having a high regard for the child's needs.

Top Tips for Solicitors: what *children* tell us they need

1. Know Your Stuff

- Understand the law, child development, trauma, neurodiversity, and how to communicate in different ways (including non-verbally).
- Be aware of how difficult experiences (like bullying, neglect, or trauma) can affect children. Consider what has happened to them, not what's wrong with them.

2. Show You Care

- Be kind, honest, and respectful – don't judge.
- Treat every child with dignity and take the time to understand their situation.
- Build trust and make them feel valued.

3. Be the Right Fit for Them

- Every child is different – some want a friendly, relaxed approach, while others prefer to keep it formal. Try asking them their preference.
- If possible, let young people choose their solicitor (e.g., from a short bio or description), including choosing someone they feel comfortable with.

4. Communicate Well

- Listen carefully and explain things in a way they understand – don't 'talk down' or make things sound too simple.
- Check what they know before giving advice – don't assume.
- Keep them updated and follow through on promises.

5. Stick Around and Follow Up

- Don't just disappear after the case – check in, and don't act awkward if you see them later.
- Show you are reliable and will do what you said you would.

Top Tips for Solicitors: what *adults** say matters

*Solicitors, other legal professionals, panel members and advocacy providers

1. Build Relationships & Take Time

- Spend time getting to know the child – before, during, and after the hearing.
- It takes a special person to represent children- try to put yourself in the children's shoes and see how they see things.
- Offer different ways to communicate – phone, text, WhatsApp, or meeting in places they feel comfortable.
- Be clear and manage expectations – explain your role and what will happen.
- Be honest with the child about what decisions could be made. If the child may not return home or could be placed in secure care, they need to know that and will not trust you if you keep that from them.
- Follow through on what you say you'll do – don't disappear after the hearing.

2. Focus on the Child

- Keep the focus on the child - try to see things from the child's point of view and, if you are representing a relevant person, on what your client believes is in the child's best interests.
- Tailor your approach to the child – ask what works best for them.
- Involve advocacy workers – they can help you understand what the child needs and prefers.
- Help children feel prepared and supported – support the child to participate in their children's hearing and in their preferred manner, e.g. speaking to the panel alone, etc.

3. Communicate Clearly

- Avoid legal jargon – speak in ways the child understands.
- Check their understanding – don't assume they get it.
- Explain their rights, but don't overwhelm them with legal terms.
- After the hearing, explain what happened, what it means for them and what the next steps are: this can make a child feel more comfortable about the hearing and future hearings.

4. Show You Care

- Be empathetic, respectful, and approachable – don't be intimidating.
- Adapt your style – some children prefer informal chats, others like it formal.
- Think about your appearance – dressing less formally can help some children feel at ease.

- Be there when they need you most – e.g., at a police station when they may be feeling vulnerable.

5. Stay Calm & Professional in Hearings

- Be collaborative with Panel Members and professionals in the hearing room
- Communicate the views of the client effectively and encourage positive participation
- Be respectful to everyone in the hearing
- Read the room – know when to push a point and when to ease off. Hearings should be as non-adversarial as possible.
- Help the child participate – speak for them if needed but encourage their voice.
- Support breaks if they're struggling – agree on a sign (like tapping your arm) if they need time out. If the hearing becomes adversarial or tense, consider explaining your role in case there is misunderstanding about this, or suggest a short adjournment/ break for your client.

Final Thought:

Everyone agreed that **being caring, respectful, communicating well, having a personalised approach and putting the child's needs first matters most** – legal knowledge is important, but **how you treat the child makes the biggest difference**. Young people said that **values and personal qualities matter most** – as one put it:

"Knowledge and skills can be learned, but being a good person is what really counts."

Appendix 4: References

¹ Promise Report from the Independent Care Review (2020) [the-promise.pdf](#)

² Lightowler, C. Improving Legal Support for Children and Young People in Conflict with the Law (2023) [\Scotland\dc2\DCGroup_CH_SG1\Ochil\OHOV\Solicitors Good Practice Guide\07233-Clan-Childlaw-Improving-Legal-Support-Report-v7.pdf](#)

³ Dyer, F. and Beaton, I. (2021) Representing Care Experienced Children and Young People in Police Custody: A Good Practice Guide. [CYCJ-Good-Practice-Guide-WEB.pdf](#)

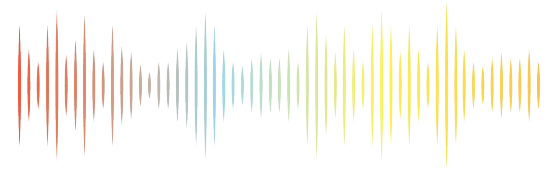
⁴ Lightowler, C. (2020) Rights Respecting? Scotland's approach to children in conflict with the law. [Scotland's approach to children in conflict with the law](#)

⁵ Porter, R. B., Welch, V. and Mitchell, F. (2016) The Role of the Solicitor in the Children's Hearings System. Glasgow: CELCIS.

Gordon Main (on behalf of the Solicitor Good Practice Guide collaborators)
8th August 2025



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