

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



Top tips from children and adults on supporting children in their hearings

Introduction and Aim

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 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



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.



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.



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

- 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.

Top Tips for Solicitors: what adults* say matters

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



1

Build Relationships and 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 and 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.

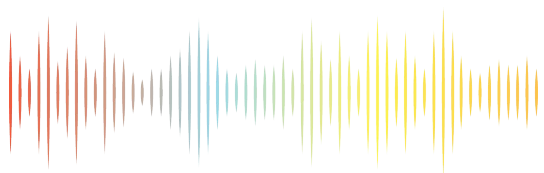
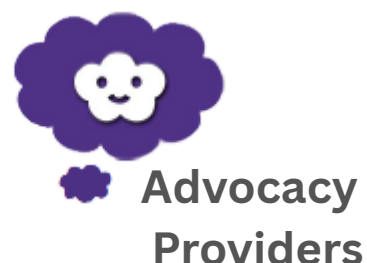
Final Thought

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."

Acknowledgements: this guidance was only possible through the knowledge, advice, sense-checking and time provided by engaged stakeholders. Thank you to young people at Our Hearings, Our Voice and Highland Champs, Scottish Children's Reporter Association, Children's Hearings Scotland, Clan Childlaw, Civil Legal Assistance Office, Scottish Legal Aid Board, Children 1st, Digby Brown Solicitors, National Provider Network for Advocacy, and Strathclyde Law School.

For more detail on what children told us, what adults told us, what we learned from legal professionals and how this good practice guide developed, please see the longer report.



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our hearings, **our voice**