EXECUTIVE NOTE

THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (CONSEQUENTIAL PROVISIONS) AND PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (AMENDMENT OF SPECIFIED AUTHORITIES) ORDER 2011

SSI 2011/xxx

The above instrument is proposed to be made in exercise of the powers conferred by section 204 of the Children's Hearings (Scotland) Act 2011 and section 3(2) of the Public Appointments and Public Bodies etc (Scotland) Act 2003. The instrument is subject to the affirmative resolution procedure.

Policy objectives

In establishing a new public office, the National Convener, and a new public body, Children's Hearings Scotland, to support the Children's Panel it is intended that they should be subject to the same scrutiny and regulation as existing, similar office holders and bodies. To that end, this instrument amends the Social Work (Scotland) Act 1968 and the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

The Social Work (Scotland) Act 1968 provides at section 6A that Ministers may cause an inquiry to be held into the carrying out of functions by various bodies, including the Principal Reporter. This instrument amends section 6A to make similar provision which will allow Ministers to carry out an inquiry if there are concerns about the way in which the National Convener is carrying out their functions under the 2011 Act.

The Public Appointments and Public Bodies etc. (Scotland) act 2003 (asp 4) provides for the Commissioner for Public Appointments in Scotland to prepare and publish a code of practice to govern appointments, or recommendations for appointments, by Scottish Ministers to offices or bodies specified in schedule 2 to that Act. This instrument amends schedule 2 to include Children's Hearings Scotland, as members of the board of CHS will be Ministerial appointments.

Consultation

There has been no public consultation on this instrument as the changes it makes are entirely supplemental to the Children's Hearings (Scotland) Act which was the subject of full consultation. These provisions will ensure that the National Convener and Children's Hearings Scotland are subject to well established and appropriate legislative scrutiny in the same way as similar public office holders and public bodies.

Impact assessments

There are no equality impact issues. Equality is one of the seven principles governing the Office of the Commissioner for Public Appointments in Scotland's Code of Practice on Ministerial appointments.

Financial effects

The Minister for Children and Early Years confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or business.

Scottish Government
Children and Families Directorate.

1 February 2011