



# Children and Young People (Scotland) Act 2014

2014 asp 8

## PART 2

### COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE IN SCOTLAND

#### 5 Investigations by the Commissioner

(1) The Commissioner for Children and Young People (Scotland) Act 2003 is amended as follows.

(2) In section 7—

(a) for subsections (1) and (2), substitute—

“(1) The Commissioner may carry out an investigation into—

(a) whether, by what means and to what extent a service provider has regard to the rights, interests and views of children and young people in making decisions or taking actions that affect those children and young people (such an investigation being called a “general investigation”);

(b) whether, by what means and to what extent a service provider had regard to the rights, interests and views of a child or young person in making a decision or taking an action that affected that child or young person (such an investigation being called an “individual investigation”).

(2) The Commissioner may carry out a general investigation only if the Commissioner, having considered the available evidence on, and any information received about, the matter, is satisfied on reasonable grounds that the matter to be investigated raises an issue of particular significance to—

(a) children and young people generally; or

(b) particular groups of children and young people.

(2A) The Commissioner may carry out an investigation only if the Commissioner, having considered the available evidence on, and any

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*Status: This is the original version (as it was originally enacted).*

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information received about, the matter, is satisfied on reasonable grounds that the investigation would not duplicate work that is properly the function of another person.”,

- (b) in subsection (3), omit paragraph (b),
- (c) after that subsection, add—

“(4) Subsection (5) applies in relation to a matter about which the Commissioner may carry out an individual investigation.

(5) Where the Commissioner considers that the matter may be capable of being resolved without an investigation, the Commissioner may with a view to securing that outcome take such steps as the Commissioner considers appropriate.”.

(3) In section 8—

- (a) in subsection (1), for paragraph (b) substitute—

“(b) take such steps as appear to the Commissioner to be appropriate with a view to bringing notice of the investigation and terms of reference to the attention of persons likely to be affected by it.”,
- (b) in subsection (2), for “An” substitute “A general”,
- (c) after that subsection, add—

“(3) An individual investigation is to be conducted in private.”.

(4) In section 11—

- (a) in subsection (1), for “lay before the Parliament” substitute “prepare”,
- (b) in subsection (3), for “laid before the Parliament” substitute “finalised”,
- (c) after that subsection, add—

“(4) The Commissioner must lay before the Parliament the report of a general investigation.

(5) The Commissioner may lay before the Parliament the report of an individual investigation.”.