

Draft Order laid before the Scottish Parliament under section 100(4) of the Protection of Vulnerable Groups (Scotland) Act 2007 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

CHILDREN AND YOUNG PERSONS

**The Protection of Vulnerable Groups (Scotland)
Act 2007 (Modification of Regulated Work with
Children) (Children's Hearings) Order 2013**

Made - - - - 2013

Coming into force in accordance with article 1(2)

The Scottish Ministers make the following Order in exercise of the power conferred by paragraph 28 of schedule 2 to the Protection of Vulnerable Groups (Scotland) Act 2007⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 100(4) of that Act⁽²⁾, a draft of this Order has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) (Children's Hearings) Order 2013.

(2) This Order comes into force on the same day as section 7 (holding of children's hearing) of the Children's Hearings (Scotland) Act 2011⁽³⁾.

Modification of schedule 2 to the Protection of Vulnerable Groups (Scotland) Act 2007

2. Schedule 2⁽⁴⁾ (regulated work with children) to the Protection of Vulnerable Groups (Scotland) Act 2007 is modified in accordance with articles 3 and 4.

3. For paragraph 20 (member of children's panel etc.) substitute—

“**20.** Member of—

(1) 2007 asp 14.

(2) Section 100(4) has been modified by paragraph 5(2) of Schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(3) 2011 asp 1.

(4) Schedule 2 was amended by: S.S.I. 2010/240 and 446; 2011/211; and by the Public Services Reform (Scotland) Act 2010 (asp 8) schedule 14, paragraph 35(b) and (c) and schedule 17, paragraph 36(e).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a
Scottish Statutory Instrument: The Protection of Vulnerable Groups (Scotland) Act 2007
(Modification of Regulated Work with Children) (Children's Hearings) Order 2013 No. 203

- (a) the Children's Panel,
- (b) the Safeguarders Panel,
- (c) Children's Hearings Scotland ("CHS"),
- (d) an area support team,
- (e) CHS's staff,
- (f) the Scottish Children's Reporter Administration ("SCRA"),
- (g) SCRA's staff."

4. After paragraph 20 insert—

“**20A.** National Convener of Children's Hearings Scotland.

20B. Principal Reporter.”.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Section 91(2) of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) defines regulated work with children as work of the type described in schedule 2 to the 2007 Act. This Order modifies schedule 2 to the 2007 Act mainly in consequence of the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”).

Article 3 of this Order substitutes paragraph 20 of schedule 2 to the 2007 Act. This modification provides that members of the national Children’s Panel (which replaces the 32 local children’s panels) will be listed in schedule 2 and so will be in regulated work with children under the 2007 Act. The 2011 Act abolishes Children’s Panel Advisory Committees and article 3 also removes members of those committees, and members of joint advisory committees and sub committees, from schedule 2. Article 3 also inserts the various personnel working within the children’s hearings system, under the 2011 Act, into paragraph 20 of schedule 2. These personnel are: members of Children’s Hearings Scotland (“CHS”); members of staff of CHS; members of area support teams; members of the Scottish Children’s Reporter Administration (“SCRA”); members of staff of SCRA; and members of the Safeguarders Panel. Article 4 provides that the National Convener of CHS and the Principal Reporter will also be added to schedule 2 of the 2007 Act and so will also be in regulated work with children.