

EXPLANATORY DOCUMENT

THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 MODIFICATION ORDER 2013

SSI 2013/192

1. The above Order is made in exercise of the powers conferred on Scottish Ministers by section 15(2) of the Public Services Reform (Scotland) Act 2010 (“the 2010 Act”).

Legislative Background

2. The 2010 Act enables Scottish Ministers to make provision for the purpose of improving the exercise of public functions, having regard to efficiency, effectiveness and economy. “Public functions” are defined as being functions of the bodies listed in Schedule 5 of the 2010 Act. Schedule 5 of the 2010 Act currently lists Children’s Panel Advisory Committees (“CPACs”) and local authority Children’s Panels.

Policy Objectives

3. The Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) repeals the parts of the Children (Scotland) Act 1995 which created CPACs and local authority Children’s Panels. When the 2011 Act comes into force, local Children’s Panels will be abolished. Instead, there will be a national Children’s Panel, whose members will be appointed by the National Convener of a new body corporate, Children’s Hearings Scotland, established under section 2 of the 2011 Act. This body will support the Children’s Hearing system, for example, by supporting the National Convener in the recruitment, selection and training of panel members.
4. This Order therefore removes the references to Children’s Panels and CPACs from the list of public bodies in Schedule 5 of the 2010 Act and adds Children’s Hearings Scotland to the list.

Commencement Date

5. This Order will come into force at the same time as section 7 (holding of children’s hearing) of the 2011 Act.

Consultation

6. In accordance with section 25(4) of the 2010 Act, Children’s Hearings Scotland has been consulted in relation to the proposal to make this Order. The consultation took place between 22 August 2012 and 5 September 2012. Children’s Hearings Scotland confirmed that they agreed with the proposal,

and no other representations were received. No changes to the proposal were therefore necessary.

Impact Assessments

7. There are no equality impact issues.

Financial Effects

8. The instrument would not impose any additional costs on local authorities or any other bodies, individuals or businesses.

Scottish Government
Children and Families Directorate

April 2013