



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 4

SAFEGUARDERS

32 The Safeguarders Panel

- (1) The Scottish Ministers must establish and maintain a panel of persons (to be known as the Safeguarders Panel) from which any appointment under this Act of a safeguarder is to be made.
- (2) The Scottish Ministers may by regulations make provision for or in connection with—
 - (a) the recruitment and selection of persons who may be appointed as members of the Safeguarders Panel,
 - (b) the appointment and removal of members of the Safeguarders Panel,
 - (c) qualifications to be held by members of the Safeguarders Panel,
 - (d) the training of members and potential members of the Safeguarders Panel,
 - (e) the payment of expenses, fees and allowances by the Scottish Ministers to members and potential members of the Safeguarders Panel,
 - (f) the operation and management of the Safeguarders Panel.
- (3) For the purpose of complying with the requirements imposed by subsection (1) and regulations under subsection (2), the Scottish Ministers may enter into arrangements (contractual or otherwise) with any person other than CHS or SCRA.

Commencement Information

II S. 32 in force at 13.2.2012 by [S.S.I. 2012/23](#), [art. 2](#)

33 Functions of safeguarder

- (1) A safeguarder appointed in relation to a child by virtue of section 30 must—
 - (a) except where subsection (2) [^{F1}or (3)] applies, on being so appointed, prepare a report setting out anything that, in the opinion of the safeguarder, is relevant to the consideration of the matter before the children's hearing,

Changes to legislation: Children's Hearings (Scotland) Act 2011, Part 4 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) so far as reasonably practicable, attend the children's hearing, and
- (c) prepare any report that the safeguarder is required to prepare by a children's hearing.

(2) This subsection applies where the children's hearing directs the Principal Reporter under section 93(2)(a) or 94(2)(a) to make an application to the sheriff.

[^{F2}(3) This subsection applies where the children's hearing was arranged under section 45, 46, 50, 96, 126 or 158.]

Textual Amendments

- F1** Words in s. 33(1)(a) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 82\(a\)](#), 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.
- F2** S. 33(3) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 82\(b\)](#), 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.

Commencement Information

- I2** S. 33 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

34 Safeguarders: regulations

- (1) The Scottish Ministers may by regulations make further provision about safeguarders.
- (2) Regulations under this section may in particular make provision for or in connection with—
- (a) imposing additional requirements on safeguarders,
 - (b) conferring additional powers (including rights of appeal) on safeguarders,
 - (c) the termination of safeguarders' appointments.

Commencement Information

- I3** S. 34 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

Children's Hearings (Scotland) Act 2011, Part 4 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)