

EXECUTIVE NOTE

THE EQUALITY ACT 2010 (SPECIFICATION OF PUBLIC AUTHORITIES) (SCOTLAND) ORDER 2012

SSI 2012/XXX

The above instrument is proposed to be made in exercise of the powers conferred by section 151(3) of the Equality Act 2010 (the 2010 Act). The instrument is subject to the affirmative resolution procedure.

Policy Objectives

The Children's Hearings (Scotland) Act 2011 provides for the establishment of a new Non Departmental Public Body, Children's Hearings Scotland. This public body will be headed by a principal officer, the National Convener, who will have separate statutory responsibilities in relation to the children's hearings system.

Provisions in the 2010 Act place a general duty on public authorities and office holders to pay due regard to the need to eliminate discrimination, advance equality and foster good relations across a range of protected characteristics. Those bodies and office holders subject to specific duties, which enable better performance of the equality duty, are listed in Part 3 of Schedule 19 to the 2010 Act.

The draft Order proposes to add Children's Hearings Scotland and the National Convener of Children's Hearings Scotland to the existing list of bodies included within Part 3 of Schedule 19 to the 2010 Act.

Consultation and Consent

In-keeping with provisions at section 152(3)(b) of the 2010 Act, the Equality and Human Rights Commission was consulted on the draft Order. Further consultation was also undertaken with the Chair of Children's Hearings Scotland and the National Convener who confirmed their support.

In accordance with the requirement at section 152(3)(a) of the 2010 Act, Scottish Ministers received the consent of a Minister of the Crown before making this Order.

Impact Assessments

There are no equality impact issues

Financial Effects

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

Scottish Government

5th December 2011