

EXECUTIVE NOTE

THE ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT 2000 (DEVOLVED PUBLIC BODIES AND STIPULATED TIME LIMIT) AND THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (SCOTTISH PUBLIC AUTHORITIES) AMENDMENT ORDER 2011

SSI 2011 No.113

The above instrument is made in exercise of the powers conferred by sections 3(2) and 28(2) of the Ethical Standards in Public Life etc (Scotland) Act 2000 and section 4(1) of the Freedom of Information (Scotland) Act 2002. The instrument is subject to the negative resolution procedure.

Policy objectives

In establishing a new public body, Children's Hearings Scotland, to support the Children's Panel it is intended that it should be subject to the same scrutiny and regulation as existing, similar bodies. To that end, this instrument amends the Ethical Standards in Public Life etc (Scotland) Act 2000 and the Freedom of Information (Scotland) Act 2002.

The Ethical Standards in Public Life etc. (Scotland) Act 2000 established a framework to ensure that the highest standards of behaviour were maintained by local authority councillors and members (such as board members) of certain public bodies. It introduced codes of conduct which these councillors and members must comply with at all times in their duties. Section 3 of the 2000 Act provides that "devolved public bodies" must submit to Ministers a draft code of conduct for their members. Schedule 3 to the Act lists the bodies ((including a number of Executive non-departmental public bodies) that are included as devolved public bodies for the purposes of the Act. Article 2 of this instrument amends schedule 3 to include Children's Hearings Scotland as a devolved public body. Children's Hearings Scotland will therefore be required to produce a code of conduct for its members.

Section 3(1) of the 2000 Act provides that this code must be produced within a stipulated time limit. Article 3 of this instrument therefore stipulates that Children's Hearings Scotland must submit a draft code to Ministers by 1 October 2011.

The Freedom of Information (Scotland) Act 2002 provides a right of access to information held by "Scottish public authorities". Schedule 1 to the Act list those bodies defined as Scottish public authorities and includes a range of Executive non-departmental public bodies at Part 7 of that schedule. This instrument amends schedule 1 to include Children's Hearings Scotland, as a Scottish public authority for freedom of information purposes.

Consultation

There has been no public consultation on this instrument as the changes it makes are entirely supplemental to the Children's Hearings (Scotland) Act which was the subject of full consultation. These provisions will ensure that Children's Hearings Scotland and its members are subject to the same well established and appropriate procedures as similar public office holders and public bodies.

Impact assessments

There are no equality impact issues.

Financial effects

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

**Scottish Government
Children and Families Directorate.**

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