



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 1

THE NATIONAL CONVENER AND CHILDREN'S HEARINGS SCOTLAND

The National Convener and CHS

1 The National Convener

- (1) There is to be an officer to be known as the National Convener of Children's Hearings Scotland (referred to in this Act as "the National Convener").
- (2) The Scottish Ministers are to appoint a person as the first National Convener.
- (3) The Scottish Ministers must take reasonable steps to involve persons who are under 21 years of age in the process for selection of a person for appointment under subsection (2).
- (4) The period for which the person is appointed is 5 years.
- (5) The terms and conditions on which the person holds and vacates office are to be determined by the Scottish Ministers.

2 Children's Hearings Scotland

There is established a body corporate to be known as Children's Hearings Scotland (referred to in this Act as "CHS").

3 Further provision about National Convener and CHS

Schedule 1 makes further provision about the National Convener and CHS.

The Children's Panel

4 The Children's Panel

- (1) The National Convener must appoint persons to be members of a panel to be known as the Children's Panel.
- (2) The National Convener must endeavour to ensure that—
 - (a) the number of persons that the National Convener considers appropriate is appointed, and
 - (b) the panel includes persons from all local authority areas.
- (3) Schedule 2 makes further provision about the Children's Panel.

Children's hearings

5 Children's hearing

A children's hearing consists of three members of the Children's Panel selected in accordance with section 6 for the purpose of carrying out functions conferred on a children's hearing by virtue of this Act or any other enactment.

6 Selection of members of children's hearing

- (1) This section applies where a children's hearing requires to be arranged by virtue of, or for the purposes of, this Act or any other enactment.
- (2) The members of the children's hearing are to be selected by the National Convener.
- (3) The National Convener must ensure that the children's hearing—
 - (a) includes both male and female members of the Children's Panel, and
 - (b) so far as practicable, consists only of members of the Children's Panel who live or work in the area of the local authority which is the relevant local authority for the child to whom the hearing relates.
- (4) The National Convener may select one of the members of the children's hearing to chair the hearing.

7 Holding of children's hearing

The National Convener must ensure that a children's hearing is held for the purpose of carrying out any function conferred on a children's hearing by virtue of this Act or any other enactment.

8 Provision of advice to children's hearing

- (1) The National Convener may provide advice to children's hearings about any matter arising in connection with the functions conferred on children's hearings by virtue of this Act or any other enactment.
- (2) The National Convener may in particular provide—
 - (a) legal advice,

- (b) advice about procedural matters,
- (c) advice about the consequences of decisions of the children's hearing,
- (d) advice about how decisions of children's hearings are implemented.

(3) In this section, "children's hearing" includes pre-hearing panel.

9 Independence of children's hearings

Nothing in this Act authorises the National Convener or the Principal Reporter to direct or guide a children's hearing in carrying out the functions conferred on children's hearings by virtue of this Act or any other enactment.

Power to change National Convener's functions

10 Power to change National Convener's functions

- (1) The Scottish Ministers may by order—
 - (a) confer additional functions on the National Convener,
 - (b) remove functions from the National Convener,
 - (c) transfer functions from another person to the National Convener,
 - (d) transfer functions from the National Convener to another person,
 - (e) specify the manner in which, or period within which, any function conferred on the National Convener by virtue of this Act is to be carried out.
- (2) An order under this section is subject to the super-affirmative procedure (other than an order under subsection (1)(e), which is subject to the affirmative procedure).

Functions of CHS

11 Provision of assistance to National Convener

CHS must—

- (a) assist the National Convener in carrying out the functions conferred on the National Convener by virtue of this Act or any other enactment,
- (b) facilitate the carrying out of those functions.

12 Independence of National Convener

- (1) Nothing in this Act authorises CHS or any other person to direct or guide the National Convener in carrying out the functions conferred on the National Convener by virtue of this Act or any other enactment.
- (2) This section is subject to section 10(1)(e).

13 Directions

- (1) The Scottish Ministers may give CHS general or specific directions about the carrying out of its functions.
- (2) CHS must comply with a direction under subsection (1).

Status: *This is the original version (as it was originally enacted).*

- (3) The Scottish Ministers may vary or revoke a direction under subsection (1) by giving a subsequent direction under that subsection.