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Education and Skills Committee Comataidh Foghlam is Sgilean

The Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 (Draft)



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Education and Skills Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills.



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es.committee@parliament.scot

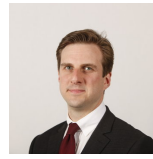


0131 348 5204

Committee Membership



Convener
Clare Adamson
Scottish National Party



Deputy Convener
Daniel Johnson
Scottish Labour



George Adam
Scottish National Party



Kenneth Gibson
Scottish National Party



Iain Gray
Scottish Labour



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Scottish Conservative
and Unionist Party



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and Unionist Party



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Scottish National Party



Alex Neil
Scottish National Party



Beatrice Wishart
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Democrats

Introduction

1. At its meeting on 28 October 2020, the Education and Skills Committee considered a piece of subordinate legislation which is subject to the affirmative procedure.

This report summarises the purpose and scrutiny of the instrument as well as the Committee's decision.

Instrument overview

2. The Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 (Draft) was laid by the Scottish Government on 11 September 2020.
3. The purpose of the instrument as listed in the policy note is to 'Section 122 makes provision in relation to children's advocacy services, which are defined under section 122(7) as "services of support and representation provided for the purposes of assisting a child in relation to the child's involvement in a children's hearing". These regulations are made under section 122(4), which allows the Scottish Ministers to make provision for or in connection with children's advocacy services. The regulations set out, amongst other things, the qualifications to be held by persons providing children's advocacy services and the training they require to undertake. It also makes provision regarding the payment of expenses, fees and allowances by the Scottish Ministers to persons providing children's advocacy services.

Delegated Powers and Law Reform Committee consideration

4. The Delegated Powers and Law Reform Committee considered the instrument on 22 September 2020 and made no comment on the draft order.

Education and Skills Committee

consideration

5. At its meeting on 28 October 2020 the Committee considered the Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 (Draft).
6. The Minister for Children and Young People, Maree Todd MSP, outlined the purpose of the instrument:

” The objective of the draft regulations is to ensure that the right support is available for children and young people, and that the arrangements for providing children's advocacy are effective. The draft regulations set out the qualifications that are to be held by persons who provide children's advocacy services and the training that they are required to undertake.

Source: Education and Skills Committee 28 October 2020, The Minister for Children and Young People (Maree Todd), contrib. 3¹

7. Members asked the Minister about what consultation or engagement had been undertaken with stakeholders. The Minister set this out:

” We have an expert reference group that consists of stakeholders who helped us to develop the regulations and who have connections with a variety of organisations in the sector. We felt that that covered appropriately what was required.

One of the criticisms of the situation that we are in is how long it has taken to develop the advocacy service. The service has been robustly scrutinised all the way through development. There have been a number of pilots and opportunities for people to raise questions. Although that has taken time, it has enabled us to hit the ground running with a system that we know will work, and with which the vast majority of people are comfortable.

Source: Education and Skills Committee 28 October 2020, Maree Todd, contrib. 6²

8. Members also asked whether the regulations will prohibit anyone who currently provides advocacy, either because they are not qualified or because they have not received the necessary training, and if so what support would be offered by the Government. The Minister replied:

” A bespoke course on making advocacy real in modernised hearings goes along with the regulations. The bulk of people who are operating will achieve the qualifications easily. About 60 to 90 people already offer advocacy in the system and about the same number—more than 70—completed the course over the summer. The qualifications will not be a barrier to people who are operating in the system, and the evidence is that over the summer we vastly increased—almost doubled—the number of people who can work in the system.

Source: Education and Skills Committee 28 October 2020, Maree Todd, contrib. 8³

Conclusions

9. Minister for Children and Young People, Maree Todd MSP, moved S5M-22706- That the Children's Hearings (Scotland) Act 2011 (Children's Advocacy Services) Regulations 2020 [draft] be approved.

10. The motion was unanimously agreed to.

- [1] Education and Skills Committee 28 October 2020, The Minister for Children and Young People (Maree Todd), contrib. 3, <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=12904&c=2289549>
- [2] Education and Skills Committee 28 October 2020, Maree Todd, contrib. 6, <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=12904&c=2289552>
- [3] Education and Skills Committee 28 October 2020, Maree Todd, contrib. 8, <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=12904&c=2289554>

