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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Wednesday 3 November 2010

Session 3

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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE
28th Meeting 2010, Session 3

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Kenneth Gibson (Cunninghame North) (SNP)

COMMITTEE MEMBERS

Alasdair Allan (Western Isles) (SNP)
*Claire Baker (Mid Scotland and Fife) (Lab)
*Ken Macintosh (Eastwood) (Lab)
*Christina McKelvie (Central Scotland) (SNP)
*Elizabeth Smith (Mid Scotland and Fife) (Con)
*Margaret Smith (Edinburgh West) (LD)

COMMITTEE SUBSTITUTES

Ted Brocklebank (Mid Scotland and Fife) (Con)
Hugh O'Donnell (Central Scotland) (LD)
Cathy Peattie (Falkirk East) (Lab)
*Dave Thompson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Robin Harper (Lothians) (Green)
Adam Ingram (Minister for Children and Early Years)

CLERK TO THE COMMITTEE

Eugene Windsor

LOCATION

Committee Room 4

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Wednesday 3 November 2010

[The Convener *opened the meeting at 18:00*]

Children's Hearings (Scotland) Bill: Stage 2

The Convener (Karen Whitefield): Good evening. I open the 28th meeting in 2010 of the Education, Lifelong Learning and Culture Committee. I remind everyone present that mobile phones and BlackBerrys should be switched off for the duration of our deliberations.

We have apologies from Alasdair Allan, who is unable to be here. We have been joined by Dave Thompson, who is attending as his substitute.

The only item on the agenda is continuation of stage 2 of the Children's Hearings (Scotland) Bill. I hope that these will be the committee's final stage 2 deliberations on the bill.

I am pleased to welcome back to the committee the Minister for Children and Early Years and his officials. It seems like groundhog day.

Section 178—Legal aid and advice

The Convener: Amendment 434, in the name of the minister, is grouped with amendments 435 to 437 and 440.

The Minister for Children and Early Years (Adam Ingram): The amendments in the group are to make children's legal aid available for proceedings before a sheriff for variation or termination of a child protection order. Legal aid is currently available for those proceedings, and it was only due to an oversight that they were not covered by the legal aid provisions of the bill as introduced. Margaret Smith spotted that during stage 1; I am grateful to her for bringing the matter to my attention. At that evidence session, my officials advised that the Government would lodge amendments at stage 2 to cure the omission. The convener will recall that I wrote to her on 20 May to confirm the position. This group of amendments fulfils that undertaking.

I move amendment 434.

The Convener: No member wishes to speak to the amendment. Margaret Smith is just going to accept it and not take credit.

Amendment 434 agreed to.

The Convener: Amendment 214, in the name of Ken Macintosh, is grouped with amendment 215.

Ken Macintosh (Eastwood) (Lab): Amendments 214 and 215 would amend section 178, under which legal aid and advice will be provided specifically to children who may be subject to a compulsory supervision order. The amendments would include consideration of movement restriction orders in proceedings relevant for the purpose of children's legal aid. The argument is that a movement restriction order could place quite a considerable restriction on a child's liberty, so it is clear that access to legal advice would be necessary in such circumstances. Such a situation should be considered to be similar to placing a child in secure accommodation.

I move amendment 214.

Adam Ingram: I assume that Mr Macintosh lodged amendments 214 and 215 on behalf of the Law Society of Scotland.

Ken Macintosh: I did indeed.

Adam Ingram: Essentially, amendments 214 and 215 seek to put in place a provision that a child will automatically receive legal advice when a compulsory supervision order includes a movement restriction condition.

First, I want to make a technical, nit-picking point. The amendments refer to a movement restriction order. There is no such thing as a movement restriction order. A compulsory supervision order can contain a movement restriction condition as part of it, therefore the correct reference would be to a movement restriction condition rather than a movement restriction order.

We discussed the issue of legal representation in such circumstances on day 4 of stage 2 when we discussed another set of amendments that was lodged on behalf of the Law Society. The view that I expressed then remains. Unlike a secure accommodation authorisation, a movement restriction condition is not a deprivation of a child's liberty but a restriction of that liberty. It is not a punitive measure that is put in place by a children's hearing. No disposal of a hearing is punitive. As with all decisions by a hearing, the decision is made in the best interests of the child. Consideration of such a measure must follow the robust set of criteria that are set out in detail in section 97. Automatic state-funded legal representation is not necessary in situations where a movement restriction condition is considered, as it does not constitute a deprivation of liberty.

The amendments would mean that a movement restriction condition could be imposed only

following the provision of independent legal advice. It is not surprising that the Law Society takes the view that entitlement to automatic legal aid in the children's hearings system should be extended. However, I do not share its view on the need for the proposed extension of legal aid provision. I therefore strongly resist the amendments, which are not needed. I encourage Ken Macintosh to withdraw amendment 214 and not to move amendment 215.

Ken Macintosh: I do not think that the amendments were suggested by the Law Society and lodged by me because the movement restriction order is a punitive measure—there is no suggestion of that—but it does restrict a child's liberty. The fact that the Law Society may or may not have a vested interest is an aside. It is important that the committee reaches a view on whether the child should be granted legal aid.

I believe that the issue is a moot point. There is a degree of difference between secure accommodation and a movement restriction order. It is an important issue and we need to question it, but, as the minister knows, I am not hugely in favour of overlegalising the process.

Given that committee members have not jumped in to speak on the amendments, I take it that there is not huge support for them. I therefore seek leave to withdraw amendment 214.

Amendment 214, by agreement, withdrawn.

Amendment 435 moved—[Adam Ingram]—and agreed to.

Amendment 215 not moved.

Amendments 436 and 437 moved—[Adam Ingram]—and agreed to.

The Convener: Amendment 438, in the name of the minister, is grouped with amendments 439, 441, 442 and 463.

Adam Ingram: The amendments in the group make technical adjustments to the provisions to be inserted into the Legal Aid (Scotland) Act 1986 that deal with financial eligibility for children's legal aid. The bill provides that the child's means are to be assessed with regard to the financial resources of any relevant person, the financial needs of any relevant person and the dependants of either the child or any relevant person. In assessing the child's means, it will sometimes be appropriate to take account of the resources of the child's parents, but it will not always be appropriate to have regard to the means of every relevant person in relation to the child.

The amendments in the group enable the Scottish ministers to use the powers that they already have in relation to civil legal aid and advice and assistance in all contexts to make detailed provision in regulations that sets out what is and is not to be taken into account in assessing the means of the child or relevant person in connection with an application for children's legal aid.

I move amendment 438.

Amendment 438 agreed to.

Amendments 439 to 442 moved—[Adam Ingram]—and agreed to.

The Convener: Amendment 443, in the name of the minister, is grouped with amendments 444 and 448 to 456.

Adam Ingram: Amendment 443 will allow children's legal aid to be made available to a person who is seeking to be deemed a relevant person in proceedings before a court. It will also allow children's legal aid to be made available to a person whose deemed relevant person status has been taken away by a hearing under the new section inserted by amendment 319. That new section will allow the person whose deemed relevant person status has been taken away to continue to be involved in any appeal to a court against the hearing's determination in connection with a compulsory supervision order. As the person will still be entitled to bring or be involved in such an appeal, amendment 443 will allow that person to be given children's legal aid, but only for the purposes of that appeal.

The other amendments in the group are connected. They will amend provisions that the bill is to insert as new sections of the Legal Aid (Scotland) Act 1986 to ensure that those sections apply to persons who fall into the category mentioned in amendment 443, and any other category of person to whom children's legal aid be made available, in the same way that those sections will apply in relation to relevant persons.

In particular, what is to become section 28F of the 1986 act will allow the Scottish Legal Aid Board to make grants of children's legal aid subject to conditions. As presently drafted, it refers to legal aid only under sections 28D and 28E. Amendment 444 will remove that restriction so that the power to make children's legal aid available subject to conditions will also apply where children's legal aid is made available under what is to become section 28EA, which is the new section to be inserted by amendment 443. It will also allow the Scottish Legal Aid Board to impose conditions in relation to children's legal aid made available under any regulations that may be made using the powers conferred by the provision which is to be inserted by the bill as section 28K of the 1986 act.

The remaining amendments in the group will ensure that if the power in what is to become section 28K of the 1986 act is used to make

children's legal aid available to a person other than the child or any relevant person for proceedings before a hearing, that legal aid will only be made available subject to the same eligibility criteria that are to apply in relation to relevant persons.

I move amendment 443.

Amendment 443 agreed to.

Amendment 444 moved—[Adam Ingram]—and agreed to.

18:15

The Convener: Amendment 445, in the name of the minister, is grouped with amendments 446 and 447.

Adam Ingram: The amendments in this group amend what will become section 28K of the Legal Aid (Scotland) Act 1986. That section will allow the Scottish ministers to extend the availability of children's legal aid, and it sets out the eligibility criteria that any regulations that do so must impose.

The Government's intention is that the merits test that is set out in proposed new section 28K of the 1986 act should mirror the criteria that presently govern the availability of legal representation for proceedings before a hearing under the Children's Hearings (Legal Representation) (Scotland) Amendment Rules 2002, as amended last year. As introduced, the bill did not quite achieve that aim. The current rules provide for representation to be made available to the child either in cases where there is a possibility that the hearing might make a secure accommodation authorisation or in cases where the child would be unable to participate effectively without representation. As presently drafted, new section 28K would require the child to satisfy the board that he or she could not participate effectively without representation, regardless of whether a secure accommodation authorisation was being considered.

The amendments in this group will amend the provisions that are to be inserted into the 1986 act as section 28K to ensure that, if regulations are made under that act to extend the scope of children's legal aid to proceedings before a hearing, the eligibility criteria that are specified for that legal aid will follow the criteria that are currently laid down for determining whether a child should be provided with legal representation.

I move amendment 445.

Amendment 445 agreed to.

Amendments 446 to 456 moved—[Adam Ingram]—and agreed to.

Section 178, as amended, agreed to.

After section 178

The Convener: Amendment 457, in the name of the minister, is grouped with amendments 461 and 462.

Adam Ingram: The amendments in this group are principally to allow the Scottish Legal Aid Board to enter into contracts with solicitors in private practice to provide children's legal assistance. The amendments are intended to ensure that there are enough solicitors across Scotland to provide state-funded representation in relation to children's hearings, whenever and wherever that is required.

There are various models for the provision of state-funded legal assistance. The traditional model in this country is for solicitors in private practice to find their own clients and to undertake work for them under a legal aid certificate. The risk of that largely unplanned approach is that it depends on there being enough solicitors in every part of the country who are suitably qualified and willing to take on children's hearings work under the legal aid and advice scheme. Another option is for the Legal Aid Board to employ solicitors directly to act for clients. Contracting with solicitors in private practice is a third approach.

The policy memorandum explains the objective behind part 19 of the bill as being the establishment of

"a permanent, sustainable national scheme for the provision of state-funded legal representation in children's hearings and associated court proceedings."

This group of amendments will provide another tool in the arsenal to ensure that that objective is achieved.

Amendment 462 will insert provisions to amend section 31 of the Legal Aid (Scotland) Act 1986. The amendment will abridge the entitlement of those who receive children's legal assistance to choose their own solicitor. It is a technical amendment to ensure that there will be no breach of section 31 due to the requirement that only those solicitors who are registered to provide children's legal assistance will be allowed to do so, and in cases where children's legal aid is provided by a solicitor who is employed by the Scottish Legal Aid Board or with whom the board has an exclusive contract.

I move amendment 457.

Amendment 457 agreed to.

Section 179—Formal communications

Amendment 365 moved—[Adam Ingram]—and agreed to.

Section 179, as amended, agreed to.

Section 180 agreed to.

Section 181—Subordinate legislation

The Convener: Amendment 458, in the name of the minister, is grouped with amendments 459 and 466.

Adam Ingram: The amendments relate to subordinate legislation. Amendment 458 is a minor drafting amendment that seeks to clarify that all of the subordinate legislation for which the bill provides is subject to negative procedure unless specific provision is made for affirmative procedure. That is in keeping with the original policy intention.

I am pleased to bring forward amendment 459, which provides that a commencement order under section 191, which does not require parliamentary procedure, cannot include incidental, supplementary or consequential provision. In my responses to the Subordinate Legislation Committee during the stage 1 process, I indicated that I would lodge such an amendment.

Amendment 466 is consequential on amendment 459.

I move amendment 458.

Amendment 458 agreed to.

Amendment 459 moved—[Adam Ingram]—and agreed to.

Section 181, as amended, agreed to.

Sections 182 and 183 agreed to.

Section 184—Meaning of "child"

The Convener: Mr Harper is supposed to be here. I could continue, but I am a bit reluctant to do so, given that he was in committee at 9 o'clock this morning. We are trying to contact him, but I will not give him terribly long—[*Interruption*.] He is here. I was going to suspend the meeting for five minutes, in the hope that we could locate him, but he has arrived on cue. I will allow him time to sit down.

Amendment 66, in the name of Robin Harper, is grouped with amendments 67, 336 and 337. I draw members' attention to the pre-emption information that appears on the list of groupings.

Robin Harper (Lothians) (Green): The groups that asked me to lodge amendment 66 are aware that there are consequentials and are happy for me to lodge it as a probing amendment. That will allow us to return to the idea and the concerns to which it relates at stage 3. I will listen carefully to the committee's responses. If I am encouraged to press the amendment, I will do so, but I have yet to meet the minister to discuss it.

Amendment 66 is enormously important and could add value to the legislation. The committee will be well aware that young people can stay under the care of the children's panel up to the age of 18 on a voluntary basis. For some time, the children's panel has used that extended arrangement to good effect to look after young people who really need that after they have reached 16.

From the work that has been done in Parliament and representations that we have received from young people, the committee will be aware of the continuing problems that face young people who leave care, and the fact that the best supports and on-going care are not immediately available. Some local authorities have very good examples of on-going care, but there are gaps, and there is nothing to make certain that that care is given.

Amendment 66 would mean that young people who are over 16 and under 18 could be referred to the panel even if they have not been under the care of the panel or social services beforehand. We want to pre-empt as much as we possibly can the situations in which young people under 18 get involved in minor problems with the law or end up in jail. If we take the route proposed in the amendment and raise to 18 the age limit in the definition of a child, which is accepted by the United Nations, children could be referred to the children's panel, their problems could be addressed, and appropriate care arrangements—even compulsory care—could be made. We should do anything to keep those children out of jail.

It costs £31,000 per year to keep a young person in jail; that money could be much better spent on supporting and keeping outside jail new arrivals in the legal system who are between the ages of 16 and 18.

The Convener: Thank you, Mr Harper. Will you move amendment 66 please? Procedurally, I require you to move the amendment at this stage, but you will have the opportunity to seek leave to withdraw it later.

Robin Harper: I will move the amendment because I would like to bring it back at stage 3 after further discussions if I do not get the result that I am looking for.

I move amendment 66.

The Convener: That is what I was looking for.

Robin Harper: I have done this before, but I do forget.

Christina McKelvie (Central Scotland) (SNP): Amendments 336 and 337 are quite simple. There

is a provision that prevents some cases from being considered by the panel if the child will reach their 16th birthday before proceedings have had a chance to get going. Therefore, some cases that might be more fruitfully considered under the children's hearings system could be referred elsewhere and get caught up in the adult court system. Even worse, protection orders needed by the young person might not be put in place, and the protection measures might not then be implemented.

Amendments 336 and 337 would allow the reporter and the panel to continue to consider the case after the child's 16th birthday if they were referred to the panel just before their 16th birthday. That would allow the panel to complete its work as if the child had not passed that milestone birthday during the proceedings. The outcome of the hearing, including any orders, would have the same effect as if they were in force when the child reached the age of 16. Compulsory supervision orders would also continue to have effect until the child reached 18. That would offer the child a bit more protection and care.

A child's vulnerability does not end at the stroke of midnight on their 16th birthday. In order to maintain the welfare-based/care approach to children, I ask the committee to support amendments 336 and 337.

18:30

Ken Macintosh: I welcome Robin Harper's amendments 66 and 67, which give us a chance to debate the issue. I am aware that many children's organisations are keen both to see us raise the age limit for the children's hearings system to 18 and for the Parliament to discuss the matter.

I am conscious of the fact that we have a two-tier system in the sense that, if a 16-year-old is already in the system, they are likely to stay in it, whereas a 16-year-old or 17-year-old who commits a new offence has no choice but goes straight into the adult criminal justice system. That is rather anomalous.

In the report, "Sweet 16? The age of leaving care in Scotland", the previous children's commissioner highlighted the fact that, as Robin Harper said, our care systems sometimes let down young adults and teenagers—particularly those aged 17 and 18—in a way that families would not. Most good families and parents do not abandon their children when they reach the age of 16—or even the age of 18.

Christina McKelvie: The children might abandon them, right enough.

Ken Macintosh: It could be a mutual decision, yes.

There is a range of issues. Many 16 and 17-year-olds who find themselves in trouble are very immature and their needs must be addressed by the care system. It is questionable whether they should be subjected to the harshness of the adult criminal justice system. I am also aware that there is a range of age thresholds; the Scottish Parliament has been unable to provide any logic for that across the board. At 16, someone can marry, which is obviously a very adult thing to do, but they cannot drive until they are 17, they cannot see an adult film until they are 18 and many of the drinking and smoking thresholds are now 21. Am I also right in thinking that the Commissioner for Children and Young People (Scotland) Act 2003 treats all young people up to the age of 21 as children or young people? There is no cut-off point, mainly because people do not mature overnight on their 16th birthday, as Christina McKelvie pointed out. The issue is complicated.

I was quite happy for Robin Harper to lodge amendment 66, but I baulked at lodging such an amendment myself because, as I said, the issue is complicated. In some ways, we should discuss it in the context of the full criminal justice system. I would be worried about amending the Children's Hearings (Scotland) Bill in such a way without exploring the issue fully, taking evidence on it and considering it in that context. Our colleagues who considered the Licensing (Scotland) Act 2005 had a huge debate about raising the age of criminal prosecution, and this would be an equally important measure.

Therefore, much as I have a lot of sympathy for amendment 66 and think that there are arguments to be had and unfairnesses to address, I do not think that this is the moment at which we should change the law, and I do not think that we should do that through the bill.

Margaret Smith (Edinburgh West) (LD): I agree with a great deal of what Ken Macintosh has said. I am supportive of Christina McKelvie's amendments, which are highly sensible and would allow the panel to carry on with the work that has been put in train. One of the difficulties is the fact that people mature at different times, and an arbitrary cut-off point at 16 or 18 would not take into account some of the difficulties for some of the people involved.

Some young people who are coming out of care will probably require continuing care, and the approach of the children's panel system would seem to make sense for them. On the other hand, there are 17 and 18-year-olds who have utterly exhausted all the potential sanctions, orders or anything else that can be dealt with through the children's hearings system. We all represent

constituents, and constituencies, who know those young people, some of whom are heading to the adult court system and ultimately prison, despite the best efforts, over many years, of people in the children's hearings system. It could be argued that an extra year or two in the children's hearings system will not divert them from where they will ultimately end up.

That takes us into the wider issues around social deprivation and early years intervention in education, to which Ken Macintosh alluded, and all sorts of other things that go way beyond amendment 66 and indeed the bill.

Although some children who are being dealt with in the children's hearings system are themselves victims and although the basis of the system is absolutely right—it should be about the care of the child and what is in their best interests—ultimately it comes down to the fact that, somewhere between 16 and 18, people have to start taking full responsibility for the decisions that they make.

I am rather uneasy with an arbitrary limit of 16, so I appreciate the flexibility that there is on that, which is right. At the same time, I am not totally convinced that we should have an arbitrary provision that up to the age of 18 everyone should be dealt with in the children's hearings system. I do not have a problem with the matter being discussed further by Mr Harper and the minister.

As well as the more philosophical points about how we deal with the issue, I am interested in some of the practicalities involved. Figures that we received the other day showed an increase in the work of children's hearings. We are imposing on the children's hearings system and panel members a large amount of change as a result of the bill. Would it be almost a step too far to increase their workload by increasing the age limit to 18? What would be the implications for workload and cost—taking into account the valid point that Mr Harper made about the cost to us of keeping a young person in prison, which will probably always be greater than the cost of keeping them out of prison?

Before I could be convinced that what Mr Harper suggests is the right direction to go in, I would need not only to have my concerns and fears assuaged in relation to the philosophical issues, which are a matter of balance, but to get more information on some of the practical implications for the children's hearings system and panel members and on the costs for the system.

Adam Ingram: I agree with much of what Margaret Smith and Ken Macintosh have said.

I am a little unclear as to whether Mr Harper's intention, through amendments 66 and 67, is to allow or require 16 and 17-year-olds to be dealt with in the children's hearings system. In either case, I do not support the amendments. It is important to be clear about the value and flexibility of the system that we have.

The statement in section 184 that a child

"is under 16 years of age"

allows the children's hearings system to focus its efforts, and the resources that can follow, on identifying and addressing the welfare needs of the youngest and most vulnerable in our society. Accepting the amendments could well dilute a system that prioritises the needs and welfare of a group whose needs—and the risks associated with them—will, in the vast majority of cases, become evident long before their 16th birthday. Although attractive in principle, a carte blanche raising of the age at which children can be considered by the children's hearings system is something that I cannot support.

I believe that the current system already allows an appropriate measure of flexibility in dealing with those aged 16 and 17. First, as I think Ken Macintosh pointed out, the option of maintaining 16 and 17-year-olds in the children's hearings system already exists. Supervision requirements can—and do—continue beyond the age of 16; in many cases, they continue until the child reaches 18. Section 184(4) of the bill provides for that practice to continue.

Secondly, in the context of offending behaviour, which I know is of particular concern to Mr Harper, I point out that courts already have the power in some cases to choose to seek advice from a hearing or to remit a 16 or 17-year-old back to the hearings system for disposal, whether or not they have been in the hearings system before. We have a good adult court system and a good children's hearings system, and we need to consider how the systems can be used effectively to manage appropriately the needs of these young people and the risks that are associated with them. Although I am perfectly happy to discuss the issue before stage 3, I suspect that we need to develop the debate, and extensive consultation would be needed to determine the potentially profound impacts that such a change would have on policing, the courts and the children's hearings system. The basic point, however, is that a change to the existing provision is not needed to get the best out of the current systems.

For example, the committee might be aware of some of the work that the Scottish Government is carrying out with partner organisations through the reducing reoffending programme to divert 16 and 17-year-olds away from formal measures, where appropriate. All that is taking place against the backdrop of a fall in the numbers of young people appearing before the adult courts in each year

since 2006-07 and a fall in the number of 16 and 17-year-olds in prison over the past year. I believe not only that flexibility is the key to best focusing our resources on those most in need but that the current system provides it. Although I understand Mr Harper's intentions, I am concerned that his amendments would put that flexibility at risk. As a result, I do not support them and hope that he will withdraw amendment 66 and not move amendment 67.

Christina McKelvie's amendments 336 and 337, which also seek to amend the definition of a child, are welcome and address an important issue. It cannot be right that a child who is 15 at the point of referral might not be able to enter the system because they have turned 16 before a hearing makes a decision about them. Amendments 336 and 337 address that concern by seeking to provide that the reporter and the hearing can continue to consider a child's case. They also seek to provide that, where a compulsory supervision order is eventually made, the child is treated in the same way as any child who was subject to an order on their 16th birthday. I support amendments 336 and 337 and hope that the committee will as well.

18:45

Robin Harper: Before I seek leave to withdraw amendment 66, I make it clear that the spirit behind my amendments was not to require but to allow and, indeed, encourage courts, the police and individuals to take account of the possibility of self-referring. I have taken careful note of the minister's comments and the committee's response, but I just want to take a minute to tell the committee what it is like for a young person to be sent down for the first time. They are taken from the court; they are not allowed to see anyone; they are locked in the cell beneath the courts for up to six hours with nothing but a toilet for company; and they are then taken to their place of incarceration, where they have their clothes and belongings taken away from them and are given a number and something else to wear. When a staff member of Her Majesty's prisons inspectorate for Scotland put himself through the process to see what it was like—miming it, if you like—he said that, by the end of it, he felt that he had been completely stripped of his self-respect, his humanity and his sense of being as a person. That is what happens to young people on the first day we send them to jail. We should recognise that and do what we can in other contexts to think about how we treat young people in such situations.

I seek leave to withdraw 66 and look forward to the discussions that I hope to have with the minister on other ways of taking the issue forward, if it cannot be taken forward in the bill.

Amendment 66, by agreement, withdrawn.

Amendment 67 not moved.

Amendments 336 and 337 moved—[Christina McKelvie]—and agreed to.

Amendment 169 moved—[Adam Ingram]—and agreed to.

Section 184, as amended, agreed to.

Section 185—Meaning of "relevant person"

Amendments 326 and 327 moved—[Adam Ingram]—and agreed to.

Amendment 216 not moved.

Section 185, as amended, agreed to.

Section 186 agreed to.

Section 187—Interpretation

Amendments 374, 366, 477, 367, 478 and 368 moved—[Adam Ingram]—and agreed to.

Amendments 217 and 218 not moved.

Amendment 64 moved—[Adam Ingram]—and agreed to.

The Convener: Amendment 460, in the name of the minister, is in a group on its own.

Adam Ingram: This is a technical amendment to section 187, which is the interpretation provision.

The definition of "working day" in the bill as introduced varies slightly from that contained in the 1995 act, as it includes bank holidays and makes provision to deal with Christmas falling on a Saturday or Sunday. In the bill, the term "working day" is used only in connection with the emergency measure of child protection orders and the emergency transfer of a child who is subject to a compulsory supervision order. However, the bill may have the unintended consequence of lengthening the period before those emergency children's hearings must be held, so amendment 460 reverts back to the 1995 act definition of "working day" to ensure that such a delay does not occur.

I move amendment 460.

Amendment 460 agreed to.

Amendment 328 moved—[Adam Ingram]—and agreed to.

Section 187, as amended, agreed to.

Section 188 agreed to.

Schedule 5

Minor and consequential amendments

Amendment 375 not moved.

Amendments 461 to 463 moved—[Adam Ingram]—and agreed to.

Amendment 105 not moved.

Amendments 170 and 171 moved—[Adam Ingram]—and agreed to.

Schedule 5, as amended, agreed to.

Schedule 6

Repeals

Amendments 378, 475, 464, 480 and 379 moved—[Adam Ingram]—and agreed to.

Schedule 6, as amended, agreed to.

Sections 189 and 190 agreed to.

Section 191—Short title and commencement

Amendments 465, 479 and 466 moved—[Adam Ingram]—and agreed to.

Section 191, as amended, agreed to.

Long title agreed to.

The Convener: We will all be delighted—particularly audience members who have sat through not only the evidence taking but stage 2—that that ends stage 2 consideration of the bill.

I remind members that the committee will meet next Wednesday at 9.30 am.

Adam Ingram: Will I get an invitation to that?

The Convener: You might get a pass to stay away that day, but if you really want to come I am sure that Mr Russell would happily let you substitute for him.

Adam Ingram: I will take a wee break. Thank you.

Meeting closed at 18:55.

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