

EXPLANATORY NOTES

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

INTRODUCTION

OVERVIEW

COMMENTARY ON SECTIONS

PART 1 – RIGHTS OF CHILDREN

Section 1 – Duties of Scottish Ministers in relation to the rights of children

Section 2 – Duties of public authorities in relation to the UNCRC

PART 2 – COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE IN SCOTLAND

Section 5 – Investigations by the Commissioner

Section 6 – Requirement to respond to Commissioner's recommendations

PART 3 – CHILDREN'S SERVICES PLANNING

Section 7 – Introductory

Section 8 – Requirement to prepare children's services plan

Section 9 – Aims of children's services plan

Section 10 – Children's services plan: process

Section 11 – Children's services plan: review

Section 12 – Implementation of children's services plan

Section 13 – Reporting on children's services plan

Section 14 – Assistance in relation to children's services planning

Section 15 – Guidance in relation to children's services planning

Section 16 – Directions in relation to children's services planning

Section 17 – Children's services plan: default powers of Scottish Ministers

PART 4 – PROVISION OF NAMED PERSONS

Section 19 – Named person service

Section 20 – Named person service in relation to pre-school child

Section 21 – Named person service in relation to children not falling within section 20

Section 22 – Continuation of named person service in relation to certain young people

Section 23 – Communication in relation to movement of children and young people

Section 24 – Duty to communicate information about role of named persons

Section 25 – Duty to help named person

Section 26 – Information sharing

Section 27 – Disclosure of information

Section 28 – Guidance in relation to named person service

Section 29 – Directions in relation to named person service

Section 30 – Complaints in relation to Part 4

Section 31 – Relevant authorities

PART 5 – CHILD’S PLAN

Section 33 – Child’s plan: requirement

Section 34 – Content of a child’s plan

Section 35 – Preparation of a child’s plan

Section 36 – Responsible authority: general

Section 37 – Responsible authority: special cases

Section 38 – Delivery of a child’s plan

Section 39 – Child’s plan: management

Section 40 – Assistance in relation to child’s plan

Section 41 – Guidance on child’s plans

Section 42 – Directions in relation to child’s plans

Section 43 – Complaints in relation to Part 5

Section 44 – Listed Authorities

Section 45– Interpretation of Part 5

PART 6 – EARLY LEARNING AND CHILDCARE

Section 46 – Early learning and childcare

Section 47 – Duty to secure provision of early learning and childcare

Section 48 – Mandatory amount of early learning and childcare

Section 49 – Looked after 2 year olds: alternative arrangements to meet wellbeing needs

Section 50 – Duty to consult and plan on delivery of early learning and childcare

Section 51 – Method of delivery of early learning and childcare

Section 52 – Flexibility in way in which early learning and childcare is made available

Section 53 – Interpretation of Part 6

PART 7 – POWER TO PROVIDE SCHOOL EDUCATION FOR PRE-SCHOOL CHILDREN

Section 54 - Duty to consult and plan in relation to power to provide school education for pre-school children

PART 8 – DAY CARE AND OUT OF SCHOOL CARE

Section 55 - Duty to consult and plan in relation to day care and out of school care

PART 9 – CORPORATE PARENTING

Section 56 – Corporate parents

Section 57 – Application of Part: children and young people

Section 58 – Corporate parenting responsibilities

Section 59 – Planning by corporate parents

Section 60 – Collaborative working among corporate parents

Section 61 – Reports by corporate parents

Section 62 – Duty to provide information to Scottish Ministers

Section 63 – Guidance on corporate parenting

Section 64 – Directions to corporate parents

Section 65 – Reports by Scottish Ministers

PART 10 – AFTERCARE

Section 66 – Provision of aftercare to young people

PART 11 – CONTINUING CARE

Section 67 – Continuing Care: looked after children

PART 12 – SERVICES IN RELATION TO CHILDREN AT RISK OF BECOMING LOOKED AFTER, ETC.

Section 68 – Provision of relevant services to parents and others

Section 69 – Relevant services: further provision

PART 13 – SUPPORT FOR KINSHIP CARE

Section 71 – Assistance in relation to kinship care orders

Section 72 – Orders which are kinship care orders

Section 73 – Kinship care assistance: further provision

PART 14 – ADOPTION REGISTER

Section 75 – Scotland’s Adoption Register

Section 13A – Scotland’s Adoption Register

Section 13B – Registration organisation

Section 13C – Supply of information for the Register

Section 13D – Disclosure of information

Section 13E – Fees and other payments

Section 13F – Use of an organisation as agency for payments

Section 13G - Supplementary

PART 15 - SCHOOL CLOSURE PROPOSALS, ETC

Section 77 – Restriction on closure proposals

Section 78 – Financial implications of closure proposals

Section 79 – Correction of proposal paper

Section 80 – Special provision for rural school closure proposals

Section 81 – Call-in of closure proposals

PART 16 – CHILDREN’S HEARINGS

Section 82 – Safeguarders: exceptions to duty to prepare report on appointment

Section 83 – Maximum period of child protection order

Section 84 – Power to determine that deeming of person as relevant person to end

Section 85 – Grounds hearing: non-acceptance of facts supporting ground

Section 86 – Failure of child to attend grounds hearing: power to make interim order

These notes relate to the Children and Young People (Scotland) Act 2014 (asp 8)

Section 87 – Limit on number of further interim compulsory supervision orders

Section 88 – Area support teams: establishment

Section 89 – Area support teams: administrative support by local authorities

PART 17 – OTHER REFORMS

Detention of children in secure accommodation

Section 91 – Appeal against detention of child in secure accommodation

Children’s legal aid

Section 92 – Power of Scottish Ministers to modify circumstances in which children’s legal aid to be made available

Provision of school meals

Section 93 – Provision of free school lunches

Licensing of child performances

Section 94 – Extension of licensing of child performances to children under 14

Wellbeing

Section 95 – Consideration of wellbeing in exercising certain functions

PART 18 - GENERAL

Section 96 – Assessment of wellbeing

Section 98 – Modification of enactments

Section 99 – Subordinate legislation

Section 100 – Guidance and directions

Section 101 – Ancillary provision

Section 102 – Commencement

Section 103 – Short title

Schedule 1 – Authorities to which section 2 applies

Schedule 2 – Relevant authorities

Schedule 3 – Listed Authorities

Schedule 4 – Corporate parents

Schedule 5 – Modification of enactments

PARLIAMENTARY HISTORY