



Children and Young People (Scotland) Act 2014

2014 asp 8

VALID FROM 30/09/2015

PART 3 **S**

CHILDREN'S SERVICES PLANNING

VALID FROM 07/10/2016

7 **Introductory S**

(1) For the purposes of this Part—

“children's service” means any service provided in the area of a local authority by a person mentioned in subsection (2) which is provided wholly or mainly to, or for the benefit of—

- (a) children generally, or
- (b) children with needs of a particular type (such as looked after children or children with a disability or a need for additional support in learning),

“other service provider” means—

- (a) the chief constable of the Police Service of Scotland,
- (b) the Scottish Fire and Rescue Service,
- (c) the Principal Reporter,
- (d) the National Convener of Children's Hearings Scotland,
- (e) the Scottish Court Service,
- (f) ^{F1}an integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.]

“related service” means any service provided in the area of a local authority by a person mentioned in subsection (2) which though not a children's service is capable of having a significant effect on the wellbeing of children,

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“relevant health board” means—

- (a) if the area of the local authority is the same as that of a health board, that health board,
 - (b) if the area of the local authority is not the same as that of a health board, the health board within whose area the area of the local authority falls.
- (2) The persons referred to in the definitions of “children's service” and “related service” in subsection (1) are—
- (a) the local authority,
 - (b) the relevant health board,
 - (c) any other service provider,
 - (d) the Scottish Ministers (but only in relation to a service provided by them in exercise of their functions under the Prisons (Scotland) Act 1989).
- (3) The Scottish Ministers may by order specify—
- (a) services which are to be considered to be included within or excluded from the definition of “children's service” or “related service” in subsection (1),
 - (b) matters in relation to services falling within either of those definitions which are to be considered to be included within or excluded from those services.
- (4) Before making such an order, the Scottish Ministers must consult—
- (a) each health board,
 - (b) each local authority, and
 - (c) where the service concerned is provided by one of the other service providers, that person.
- (5) The Scottish Ministers may by order modify the definition of “other service provider” in subsection (1) by—
- (a) adding a person or a description of persons,
 - (b) removing an entry listed in it, or
 - (c) varying an entry listed in it.
- (6) A function conferred by this Part on a local authority and the relevant health board is to be exercised by those persons jointly.

Textual Amendments

- F1** Words in s. 7(1) inserted (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), ss. 58, 72(2); S.S.I. 2014/231, art. 2

8 Requirement to prepare children's services plan **S**

- (1) A local authority and the relevant health board must in respect of each 3 year period prepare a children's services plan for the area of the local authority.
- (2) In subsection (1)—
 “3 year period” means—

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- (a) the period of 3 years beginning with such date after the coming into force of this section as the Scottish Ministers specify by order, and
 - (b) each subsequent period of 3 years,
- “children's services plan” means a document setting out their plans for the provision over that period of all—
- (a) children's services, and
 - (b) related services.

VALID FROM 07/10/2016

9 Aims of children's services plan **S**

- (1) A children's services plan is to be prepared with a view to securing the achievement of the aims in subsection (2).
- (2) Those aims are—
 - (a) that children's services in the area concerned are provided in the way which—
 - (i) best safeguards, supports and promotes the wellbeing of children in the area concerned,
 - (ii) ensures that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising,
 - (iii) is most integrated from the point of view of recipients, and
 - (iv) constitutes the best use of available resources,
 - (b) that related services in the area concerned are provided in the way which, so far as consistent with the objects and proper delivery of the service concerned, safeguards, supports and promotes the wellbeing of children in the area concerned.

VALID FROM 07/10/2016

10 Children's services plan: process **S**

- (1) In preparing a children's services plan a local authority and the relevant health board must—
 - (a) give each of the other service providers and the Scottish Ministers an effective opportunity (consistent with the extent to which the services they provide are to be the subject of the children's services plan) to participate in or contribute to the preparation of the plan, and
 - (b) consult—
 - (i) such organisations as appear to fall within subsection (2),
 - (ii) such social landlords as appear to provide housing in the area of the local authority, and
 - (iii) such other persons as the Scottish Ministers may by direction specify.

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- (2) The organisations falling within this subsection are organisations (whether or not formally constituted) which—
 - (a) represent the interests of persons who use or are likely to use any children's service or related service in the area of the local authority, or
 - (b) provide a service in the area which, if it were provided by the local authority, the relevant health board, any of the other service providers or the Scottish Ministers, would be a children's service or a related service.
- (3) In subsection (1)(b)(ii), “social landlords” has the meaning given by section 165 of the Housing (Scotland) Act 2010.
- (4) A direction under subsection (1)(b)(iii) may be revised or revoked.
- (5) Each of the other service providers is and the Scottish Ministers are to participate in or contribute to the preparation of the children's services plan in accordance with the opportunity given to them under subsection (1)(a).
- (6) The persons to be consulted under subsection (1)(b) are to meet any reasonable request which the local authority and the relevant health board make of them—
 - (a) to participate in the preparation of the children's services plan for the area,
 - (b) to contribute to the preparation of that plan.
- (7) As soon as reasonably practicable after a children's services plan has been prepared, the local authority and the relevant health board must—
 - (a) send a copy to—
 - (i) the Scottish Ministers, and
 - (ii) each of the other service providers, and
 - (b) publish it (in such manner as the local authority and the relevant health board consider appropriate).
- (8) Where the Scottish Ministers or any of the other service providers disagrees with the plan in relation to any matter concerning the provision of a service by them, they must prepare and publish (in such manner as they consider appropriate)—
 - (a) a notice of the matters in relation to which they disagree, and
 - (b) a statement of their reasons for disagreeing.

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11 Children's services plan: review **S**

- (1) A local authority and the relevant health board—
 - (a) must keep the children's services plan for the area of the local authority under review, and
 - (b) may in consequence prepare a revised children's services plan.
- (2) The following provisions apply to a revised children's services plan as they apply to a children's services plan—
 - section 9,
 - section 10, and
 - subsection (1) of this section.

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12 Implementation of children's services plan **S**

- (1) During the period to which a children's services plan relates, the persons mentioned in subsection (2) must, so far as reasonably practicable, provide children's services and relevant services in the area of the local authority in accordance with the plan.
- (2) Those persons are—
 - (a) the local authority,
 - (b) the relevant health board,
 - (c) the Scottish Ministers,
 - (d) the other service providers.
- (3) The duty in subsection (1) to provide services in accordance with the plan—
 - (a) does not apply to the extent that the person providing the service considers that to comply with it would adversely affect the wellbeing of a child,
 - (b) does not apply in relation to the Scottish Ministers or the other service providers to the extent of any matter within a notice published by them under section 10(8) in relation to the plan.

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13 Reporting on children's services plan **S**

- (1) As soon as practicable after the end of each 1 year period, a local authority and the relevant health board must publish (in such manner as they consider appropriate) a report on the extent to which—
 - (a) children's services and related services have in that period been provided in the area of the local authority in accordance with the children's services plan, and
 - (b) that provision has achieved—
 - (i) the aims listed in section 9(2),
 - (ii) such outcomes in relation to the wellbeing of children in the area as the Scottish Ministers may by order prescribe.
- (2) In subsection (1), “1 year period” means—
 - (a) the period of 1 year beginning with the date specified under section 8(1), and
 - (b) each subsequent period of 1 year.

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14 Assistance in relation to children's services planning **S**

- (1) A person mentioned in subsection (2) must comply with any reasonable request made of them to provide a local authority and the relevant health board with

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information, advice or assistance for the purposes of exercising their functions under this Part.

- (2) Those persons are—
- (a) any of the other service providers or the Scottish Ministers (but only in so far as the information, advice or assistance relates to a children's service or a related service which it is a function of the person to provide),
 - (b) any of the persons mentioned in section 10(1)(b).
- (3) Subsection (1) does not apply where the person considers that the provision of the information, advice or assistance concerned would—
- (a) be incompatible with any duty of the person, or
 - (b) unduly prejudice the exercise of any function of the person.

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15 Guidance in relation to children's services planning **S**

- (1) A person or the persons mentioned in subsection (2) must have regard to any guidance issued by the Scottish Ministers about the exercise of functions conferred by this Part (other than the function of complying with section 12).
- (2) Those persons are—
- (a) a local authority and the relevant health board,
 - (b) each of the other service providers.
- (3) Before issuing or revising guidance, the Scottish Ministers must consult—
- (a) any person to which it relates, and
 - (b) such other persons as they consider appropriate.

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16 Directions in relation to children's services planning **S**

- (1) A person or the persons mentioned in subsection (2) must comply with any direction issued by the Scottish Ministers about the exercise of functions conferred by this Part (other than the function of complying with section 12).
- (2) Those persons are—
- (a) a local authority and the relevant health board,
 - (b) each of the other service providers.
- (3) Before issuing, revising or revoking a direction, the Scottish Ministers must consult—
- (a) any person to which it relates, and
 - (b) such other persons as they consider appropriate.

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17 Children's services planning: default powers of Scottish Ministers **S**

- (1) This section applies where the Scottish Ministers consider that a local authority and the relevant health board—
 - (a) are not exercising a function conferred on them by this Part (other than the function of complying with section 12), or
 - (b) are in exercising such a function not complying with section 15(1).
- (2) The Scottish Ministers may direct that the function—
 - (a) is to be exercised in a particular way, or
 - (b) is to be exercised instead by such of the persons mentioned in subsection (3) as the Scottish Ministers consider appropriate.
- (3) Those persons are—
 - (a) the local authority,
 - (b) the relevant health board,
 - (c) another local authority or health board.
- (4) A direction under subsection (2)(b) may include such provision as the Scottish Ministers consider appropriate as to the making by a person who is not to be exercising the function of payment to a person who is to exercise the function by virtue of the direction.
- (5) Before issuing, revising or revoking a direction under subsection (2) the Scottish Ministers must consult—
 - (a) the local authority and relevant health board whose failure is to be, or is, the subject of the direction, and
 - (b) such other persons as they consider appropriate.
- (6) The persons to whom a direction under subsection (2) is addressed must comply with the direction.

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18 Interpretation of Part 3 **S**

In this Part—

“children's services plan” has the meaning given by section 8(2),

“service” means any service or support—

- (a) which must be provided by the person concerned, or
- (b) which the person concerned has power to provide.

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