

POLICY NOTE

THE CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014 (MODIFICATION OF SCHEDULES 2 AND 3) ORDER 2016

SSI 2016/

The above instrument is made in exercise of the powers conferred by sections 31(2)(a) and 44(2)(a) of the Children and Young People (Scotland) Act 2014. The instrument is subject to affirmative procedure.

Policy Objectives

1. Part 4 of the Children and Young People (Scotland) Act 2014 (“the Act”) concerns the provision of named persons, and sets out the duty of health boards, local authorities, directing authorities (of independent or grant-aided schools and residential establishments comprising secure accommodation) and the Scottish Ministers (via the Scottish Prison Service) to make arrangements to provide a named person service for particular children and young people (that is, to identify an individual to exercise the named person functions in relation to those children or young people). Part 4 of the Act also sets out certain duties of “relevant authorities” (those listed in schedule 2 to the Act).
2. Part 5 of the Act makes provision as to the requirement for a child’s plan, and as to the preparation, content, delivery and management of a child’s plan for those children who need one. Particular duties are conferred on certain authorities (including health boards, local authorities and the directing authorities of grant-aided/independent schools) in relation to these matters. Part 5 of the Act also sets out the duty of authorities listed in schedule 3 to the Act to provide information, advice and assistance in relation to a child’s plan in certain circumstances.
3. This instrument modifies the list of persons who are specified as relevant authorities in schedule 2 to the Act, and the list of persons who are specified as listed authorities in schedule 3 to the Act, to add the Principal Reporter to each.
4. The policy objective behind this instrument is to ensure that the Principal Reporter is subject to the duties of a relevant authority as specified in Part 4 of the Act, and the duties of a listed authority as specified in Part 5 of the Act. These duties include the provision of information and assistance to named person service providers, and to organisations exercising functions in relation to a child’s plan. The Principal Reporter has operational responsibility in relation to children’s hearings, and as such holds information about children’s wellbeing. It may be appropriate for the Principal Reporter to provide information and assistance to named person service providers. Similarly, the Principal Reporter may be in a position to provide information and assistance to organisations exercising functions in relation to a child’s plan.

Consultation

5. The Principal Reporter and the Scottish Children's Reporter Administration have been consulted on the proposed addition to schedules 2 and 3 to the Act, and are content with this proposal.

Impact Assessments

6. An Equality Impact Assessment (EQIA), a Business and Regulatory Impact Assessment (BRIA) and a Privacy Impact Assessment (PIA) were completed on the Children and Young People (Scotland) Bill prior to its introduction to Parliament. No further impact assessments have been completed in relation to this instrument, as the instrument will not alter the impact of the original Bill.

Financial Effects

7. The Minister for Children and Young People confirms that no further Business and Regulatory Impact Assessment (BRIA) is necessary as, in line with the Financial Memorandum, the Scottish Government will fully fund the additional costs of measures in the 2014 Act. The Financial Memorandum was developed in conjunction with key stakeholder bodies including COSLA.

Scottish Government
Children and Families Directorate
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