
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 62

**The Support and Assistance of Young People Leaving
Care (Scotland) Amendment Regulations 2015**

**Amendment of the Support and Assistance of Young People Leaving Care (Scotland)
Regulations 2003**

2.—(1) The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “appellant” for “or (2)” substitute “, (5A) or (5B)”⁽²⁾;
- (b) in the definition of “compulsorily supported person” after “1995 Act” insert “or, after a pathway assessment, in terms of section 29(5A)(a) of the 1995 Act”;
- (c) in the definition of “discretionarily supported person”—
 - (i) after “whom” insert “, after a pathway assessment,”;
 - (ii) for “29(2)” substitute “29(5A)(b)”;
 - (iii) after “1995 Act” insert “or a young person to whom a local authority has agreed to continue to provide advice, guidance and assistance after the person reaches the age of twenty-six in terms of section 29(5B) of the 1995 Act”;
- (d) in the definition of “pathway plan” for “or 29(2)” substitute “, (5A) or (5B)”.

(3) In regulation 7(1) (pathway assessment – general) after “compulsorily supported persons” insert “under section 29(1) of the 1995 Act”.

(4) In regulation 8(1) (pathway assessment – individual cases) after “compulsorily supported person” insert “under section 29(1) of the 1995 Act”.

(5) In regulation 9(a) (pathway assessments – timescales) after “compulsorily supported person” where it first occurs insert “under section 29(1) of the 1995 Act”.

(6) In regulation 11 (pathway plans – timescales)—

- (a) in paragraph (1) after “compulsorily supported person” insert “under section 29(1) of the 1995 Act”;
- (b) in paragraph (2)—
 - (i) omit “shall”; and
 - (ii) for “, decide whether to grant the prospective supported person’s application for advice, guidance and assistance in terms of section 29(2) of the 1995 Act.” substitute—
 - “(a) must, if satisfied that the person has any eligible needs which cannot be met other than by taking action under section 29(5A)(a) of the 1995 Act, decide that it will provide the person with such advice, guidance

(1) S.S.I. 2003/608 as amended by S.S.I. 2013/137 and S.S.I. 2013/147.

(2) Section 29(5A) and (5B) of the Children (Scotland) Act 1995 (c.36) was inserted by section 66(2)(f) of the 2014 Act.

- and assistance as it considers necessary for the purposes of meeting those needs; or
- (b) may otherwise, under section 29(5A)(b) of the 1995 Act, decide to provide such advice, guidance and assistance as it considers appropriate having regard to the person’s welfare.”;
- (c) in paragraph (4)—
- (i) for “grant of an application for advice, guidance and assistance under section 29(2) of the 1995 Act” substitute “decision under paragraph (2)”;
- (ii) for “the discretionarily supported person” substitute—
- “(a) the compulsorily supported person under section 29(5A)(a) of the 1995 Act; or
- (b) the discretionarily supported person under section 29(5A)(b) of the 1995 Act.”; and
- (d) after paragraph (4) insert—
- “(5) If a responsible authority decides under section 29(5B) of the 1995 Act to continue to provide advice, guidance and assistance to a young person after the person reaches the age of twenty-six, the responsible authority shall, within 21 days of that decision, prepare a pathway plan for that discretionarily supported person.”.
- (7) In regulation 16(1) (appeals – general) for the words from “not” to the end of the paragraph substitute—
- “(a) not to provide advice, guidance and assistance under section 29(5A) of the 1995 Act;
- (b) not to continue to provide advice, guidance and assistance under section 29(5B) of the 1995 Act; or
- (c) in relation to the level or nature of advice, guidance or assistance to be provided under section 29(1), (5A) or (5B) of the 1995 Act,
- shall be dealt with as an appeal in accordance with paragraphs (3) and (4) of this regulation, and regulations 17 to 20.”.