
From: <[Childrens Services Legislation](#)>
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Date: Tue, 3 Jun 2014 16:41:11 +0000
Subject: Implementation of the Children and Young People (Scotland) Act 2014

Dear Colleague

Implementation of the Children and Young People (Scotland) Act 2014

The Children and Young (Scotland) Act 2014 was passed in the Scottish Parliament on 19 February 2014 and received its Royal Assent on 27 March. I am writing to you to set out the Scottish Government's overarching plans for taking forward implementation of the Act.

The Act covers a variety of areas relating to the wellbeing of children and young people. These areas will principally be taken forward by each of the individual policy areas, working in cooperation with relevant stakeholders to ensure that the planning for implementing the different elements of the Act is taken forward timeously and efficiently. However, I want to focus on several areas that will require significant and wide-ranging planning.

Early Learning and Childcare

The Act will strengthen the role of early years support in children's and families' lives by increasing the amount and flexibility of free early learning and childcare from 475 hours a year to a minimum of 600 hours for 3- and 4-year olds, and for 2-year olds who are, or have been at any time since turning 2, looked after or subject to a kinship care order and who live in workless households. Commencement of this duty is 1 August 2014. By August 2015, eligibility is to be further extended to include 2-year olds who are currently eligible for free school meals. This encompasses Parts 6-8 of the Act.

Draft statutory guidance on the early learning and childcare provisions of the Act issued for consultation to key stakeholders on 19 May. In addition, commencement, ancillary and eligibility orders relating to the early learning and childcare provisions were laid on the same day.

Getting It Right For Every Child

To improve the way services work to support children, young people and families, the Act:

- ensures that all children and young people from birth to 18 years old have access to a Named Person;
- puts in place a single planning process to support those children who require it through the Child's Plan;
- places a definition of wellbeing in legislation; and

- places duties on public bodies to coordinate the planning, design and delivery of services for children and young people with a focus on improving wellbeing outcomes, and report collectively on how they are improving those outcomes.

Work on implementing the Named Person and Child's Plan provisions of the Act (Parts 4 and 5) is currently focused on developing guidance that clearly and comprehensively sets out how the duties should be taken forward and what children, young people and their families can expect. Outline guidance, setting out proposals for what should be in the final guidance, is available here: <http://www.scotland.gov.uk/Publications/2014/04/5745>. We are planning on a full public consultation of the guidance in the first quarter of 2015 with the intention of publishing the final guidance in summer 2015. Commencement for the Parts 4 and 5 duties is planned for August 2016, at the same time as duties under Part 12 which will provide families in distress with access to appropriate support.

In addition, plans are underway for a range of engagement events over the coming year which will address issues of practice for GIRFEC as a whole. We are continuing to take forward discussions with a range of stakeholders about preparation for commencement.

Children's Rights and Children's Services Planning

Under Part 3, the Act introduces new duties on a range of public bodies on planning and reporting. Specifically it:

- puts in place new arrangements for children's services plans that best safeguards, supports and promotes the wellbeing of children and young people in a particular area; and
- places the overarching responsibility for the development of plans for services that safeguard, support and promote the wellbeing of children and young people with local authorities and health boards.

In addition, under Part 1 of the Act, a range of public bodies will be expected to provide reports on actions be taken to advance meeting of requirements under the UN Convention of the Rights of the Child.

Given the common reporting requirements, we are proposing to find ways of combining the implementation duties – for example, through a common reporting format – to ease any administrative burden. To take forward this new area, we intend to set up a working group to oversee the development of guidance and secondary legislation. The group – with membership drawn from a range of stakeholder bodies with expertise and primary interest in these areas – is expected to meet for the first time over the summer to set out a work schedule for commencement of the duties, development of guidance

and regulations, arrangements for full public consultation and engagement with bodies who will be affected by these duties.

Provisions to Support Those in Care and Care-leavers

Under Parts 9-14 of the Act, there are a number of significant changes being made to the range of duties and powers that affect those in care and care-leavers. The Act:

- provides for a clear definition of Corporate Parenting, and define the bodies to which it will apply;
- provides for additional support to be given to kinship carers in relation to their parenting role through the kinship care order and provide families in distress with access to appropriate family support;
- introduces continuing care - an entitlement to stay in a care placement up to age 21, from 2015 onwards;
- extends entitlement to aftercare support from 21 to a young person's 26th birthday;
- sets the eligibility for continuing care and aftercare to 'being in care at age 16 or above; and
- puts Scotland's Adoption Register on a statutory footing.

This series of inter-related areas will entail the development of guidance and secondary legislation. Commencement of corporate parenting, continuing care, aftercare and kinship care will be from April 2015. Provisions covering Scotland's Adoption Register and services to children at risk of becoming looked after are expected to be introduced to a different timetable. Further details of stakeholder engagement and formal consultation will be provided in due course.

Regulations are being drawn up to: specify the groups of young people between 16 and 26, who will be eligible for continuing care from corporate parents; describe those care-leavers who are eligible for aftercare; define aftercare 'eligible needs'; specify an upper age limit for eligibility for continuing care; specify a period the expiry of which will be the end of the local authority's duty to provide continuing care; and make provision about when or how a local authority is to consider that either providing or continuing to provide the care would significantly adversely affect the welfare of the person. Regulations are also being drawn up to specify kinship care assistance to be provided to eligible kinship carers.

In due course, as required, regulations on other related parts of the Act – including corporate parenting – will also be drawn up. Development of the Corporate Parenting Guidance is being led by CELCIS in collaboration with the Scottish Government, and further details of this work will be set out soon. In addition we will be updating 'Supporting Young People Leaving Care in Scotland' guidance from 2004 to specify further cohorts of care-leavers, list 'eligible needs' and reflect the new continuing care provisions.

There are other areas that are part of the implementation of the Act – such as school closures (Part 15), children’s hearings (Part 16) and the provision of school meals (section 93) – but details on these different areas will be set out by the respective policy areas of the Scottish Government.

In taking forward this work, we will be mindful of how different parts of the Act link together and ensure that these links are reflected in the content and arrangements for engagement and consultation on guidance and regulations.

Best Wishes

A handwritten signature in black ink, appearing to read 'Deborah Smith', written on a light-colored background.

Deborah Smith
Deputy Director, Children’s Rights and Wellbeing
Scottish Government