

Education and Culture Committee

Correspondence from Scottish Government to the Delegated Powers and Law Reform Committee

Children and Young People (Scotland) Bill – Stage 1

This letter sets out the Scottish Government's response to the Delegated Powers and Law Reform Committee's letter of 10 September. The Scottish Government thanks the Committee for their comments and the opportunity to consider these matters. In doing so, this letter seeks to provide an explanation of the following matters:

Section 13(1)(b)(ii) – Reporting on children's services plan

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary procedure:	Negative

Given that section 13(1)(b) enables the Scottish Ministers to prescribe outcomes in relation to wellbeing of the children in an area, as regards assessment of the children's services plan for that area, how will the power achieve its stated aim of allowing the reports to reflect any changes in *children's services or related services*?

- The Scottish Government considers that section 13(1) requires to be read in its entirety. Each local authority and health board has to prepare a report setting out the extent to which services have been provided in accordance with the children's services plan (section 13(1)(a)) and the extent to which that provision has achieved the aims listed in section 9(2) and outcomes prescribed by Ministers by Order (section 13(1)(b)).
- This allows the Scottish Ministers to broaden the scope of the report to cover additional material regarding outcomes to be achieved that they consider should be taken into consideration. In that respect the power to prescribe additional outcomes will reflect changes in children's services, related services or the measures of well-being as stated in the Delegated Powers Memorandum.

How will the power be used to achieve its stated aim of reflecting "changes in the *measures of wellbeing*" when it is a power to prescribe *outcomes* in relation to wellbeing"?

- If over time the measures of wellbeing change the order making power can be used to ensure that the report prepared under section 13(1) takes these into account. These changes can be reflected in the report.

What are the reasons for taking the power?

- To support effective reporting on children's services planning across Scotland, the Scottish Government believes it to be advantageous to set a series of

common indicators, developed with stakeholders, that should feature in the preparation, and subsequent reporting on, children's services plans as set out in this part of the Bill. This would build on the extensive work that has already taken place, both within Scottish Government through the National Performance Framework, and among stakeholders, particularly SOLACE, to develop common indicators that enable a national picture of the wellbeing of children and young people to be developed on a consistent basis across Scotland. The powers set out in section 13(1)(b) are intended to enable such indicators to be developed, in consultation with local authorities, health boards and other key stakeholders, as part of the preparation for the new children's services plans under this part of the Bill.

- While a set of indicators have not yet been defined, they would need to draw upon existing datasets, be widely recognised as being able to capture the different dimensions of 'wellbeing', as defined as SHANARRI in the Bill, and allow for changes to be measured over time. This would be a minimum dataset; as part of wider community planning processes, and building on the good practice already in place for local authorities developing Integrated Children's Services Plan under the Children (Scotland) Act 1995, we would anticipate that a wider set of measures would be used by local partnerships in developing the new children's services plans. By using a common framework for considering the wellbeing of children and young people, the planning around children's services in different parts of Scotland will have a common, but not identical, basis. How the indicators will be used specifically in the development of the plans and the proposed annual reporting against those plans will be set out in guidance through discussion with stakeholders, but it is anticipated that the measures would enable progress to be considered in each local area over the period of the children's services plan and beyond.
- As the power relates to the development of a common set of measures with local stakeholders, building on the existing technical work that has already been done in this area, a negative procedure has been considered more appropriate.

Given the significance of the matters to which the power relates why it considers that the negative procedure is appropriate and that more detailed parliamentary scrutiny is not required?

- The Scottish Government considers that it is appropriate for the power to prescribe outcomes to be exercised by negative procedure. The Scottish Government does not consider that there should be a requirement to debate every Order made under this subsection given that the purpose of the Order is to add to a list of outcomes. Clearly use of negative procedure does not prevent the Order being subject to Parliamentary debate should Members have difficulties or concerns with regard to what is proposed on any occasion that the power is used.

Section 17(6) – Children's services planning: default powers of Scottish Ministers

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary procedure:	Affirmative

To clarify whether the power is to constitute a joint board comprising the local authority and health boards which are failing to exercise the function, or the local authority and health boards which have been directed to exercise the function or would be so directed were such a direction considered likely to be sufficient, or either or both of the above, and whether it considers the meaning to be sufficiently clear from the wording of section 17(6)?

- Following further discussion with COSLA, the Scottish Government now intends to seek the removal of the joint board powers from section 17 (i.e. 17(6)-(9)) by Stage 2 amendment. As a result, the power will no longer be required.

Section 30(2) – Interpretation of Part 4 (provision of named persons)

Power conferred on: The Scottish Ministers
Power exercisable by: Order
Parliamentary Procedure: Affirmative

Whether, as stated in the Delegated Powers Memorandum, the power is sought to enable changes to be made to the definition of service providers, or whether it is instead intended that the power is being taken to enable schedule 2 to be modified in the future should new relevant authorities be created, or current relevant authorities' names changed?

- The Scottish Government confirms that this power is being taken to enable Schedule 2 to be modified in the future should new relevant authorities be created, or current relevant authorities' names be changed.

Section 32(2) – Content of a child's plan

Power conferred on: The Scottish Ministers
Power exercisable by: Order
Parliamentary Procedure: Negative

Committee asks whether it agrees that the power at section 32(2) does not enable Ministers to add to, modify or remove any of the matters listed in section 32(1)?

- The Scottish Government agrees that the power at section 32(2) does not enable the Scottish Ministers to add to, modify or remove any of the matters listed in section 32(1) of the Bill. The intention in taking this power is to allow additional information to that described in section 32(1) to be added to the child's plan as appropriate, and to allow for the format of the plan to be changed as required.

To explain the reasons for taking the power, and give an example of the sort of information which might be required to be contained, or not to be contained, in a child's plan?

- The Scottish Government advises that this power is being taken because the information which may require to be contained in a child's plan may change over time. There are other existing legislative requirements relating to plans for children, which may affect the information to be included in a child's plan – for example, in respect of children who have or require a co-ordinated support plan in terms of the Education (Additional Support For Learning) (Scotland) Act 2004, or children who are “looked after” in terms of the Children (Scotland) Act 1995 and, as such, who have or require a “child's plan” in terms of the Looked After Children Regulations 2009. This power is intended to be used to specify the minimum data set in a way which takes account of these existing requirements. It also allows for changes to the child's plan to be made in response to changes in the legislation governing these other plans.

Why does the Government consider that the negative procedure is appropriate and that more detailed parliamentary scrutiny is not required?

- An order made under this section will allow for detail to be provided as to the content and format of a child's plan. As noted above, the information required to be contained in a child's plan may change over time, for example to reflect future changes in other pieces of secondary legislation. These matters relate to operational issues, and are considered too detailed to be on the face of the Bill. As noted above, an order made under this section will not allow the primary content of a child's plan, as set out in section 32(1), to be amended. They will not change policy.
- Additionally, there is a precedent for this type of power being subject to the negative resolution procedure, as the provisions relating to co-ordinated support plans in the Education (Additional Support For Learning) (Scotland) Act 2004 allow the Scottish Ministers to make regulations as to the form and content of such plans and the relevant enabling power, at section 11(8) of the 2004 Act, is subject to the negative resolution procedure.
- For these reasons, the Scottish Government considers that it is appropriate that the power in section 32(2) be subject to the negative procedure.

Section 37(5) – Child's plan: management

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary Procedure:	Negative

To explain why the negative procedure is considered to be appropriate, given the breadth of the power and the potential scope to use it to make substantive, as opposed to procedural, changes to the management of child's plans, which changes may impact on children subject to child's plans, and on their families?

- This procedure allows the Scottish Ministers to make provision about the management of a child's plan, including when and how a child's plan is to be reviewed and the keeping, disclosure and destruction of child's plans. This

power is being taken in order to make provision about the detailed operational systems which underpin the policy position as set out in the Bill. These matters are considered too detailed to be on the face of the Bill. They will not change policy. They will not amend primary legislation.

- Additionally, there is a precedent for this type of power being subject to the negative resolution procedure, as the provisions relating to co-ordinated support plans in the Education (Additional Support For Learning) (Scotland) Act 2004 allow the Scottish Ministers to make regulations as to the procedures for the review of such plans and the keeping, disclosure and destruction of such plans - the relevant enabling power, at section 11(8) of the 2004 Act, is subject to the negative resolution procedure.
- For these reasons, the Scottish Government considers that it is appropriate that the power in section 37(5) be subject to the negative procedure.

Section 43(2)(c)(ii) – Duty to secure provision of early learning and childcare

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary Procedure:	Negative

- **To explain further the choice of negative procedure, given that:**
 - **setting the eligibility criteria for early learning and childcare may be considered a matter of substance with a potentially significant impact on children and families; and**
 - **Provision in relation to the mandatory amount of early learning and childcare (section 44) and the way in which an education authority must deliver early learning and childcare (section 47) is set out on the face of the Bill, with power to modify that provision being subject to affirmative procedure in each case.**
- The Scottish Government comments that the current policy of securing early learning and childcare for eligible children is part of a longer term ambition to increase and improve early learning and childcare for **all** children. There is a strong consensus and wide support for this ambition, with pressure to increase the categories of eligible children, e.g. 2 year olds living in deprivation; 2 year olds who have a disability or additional support needs; all 2 year olds.
- The power will allow the Scottish Ministers to specify additional categories of “eligible pre-school child” in the future, which provides maximum flexibility and enables work towards this longer term ambition. The Scottish Government agrees that the setting of eligibility criteria for early learning and childcare is a matter of substance with a significant impact on children. However, that does not necessarily mean that it is appropriate to make the power subject to affirmative procedure, but it is considered that negative procedure is appropriate in the circumstances.

- The power in section 43(2)(c)(ii) of the Bill contrasts with the powers in section 44 and 47 of the Bill. The potential effect of these powers could mean a significant change to the infrastructure and funding of early learning and childcare and therefore it is appropriate that those powers are afforded a more detailed level of scrutiny in the form of affirmative procedure.
- In contrast, the power in section 43(2)(c)(ii) will not modify primary legislation. The power cannot be used to modify the categories of “eligible pre-school child” already listed in section 43(2)(a), (b) and (3) of the Bill; instead the power will either (i) add to the categories of eligible pre-school child as part of the longer term ambition discussed above, or (ii) provide more detail about the age range or description of such eligible pre-school children. The power therefore will be used to put more meat on the bones of the fundamental longer term policy ambition to increase and improve early learning and childcare for **all** children.
- The Scottish Government would also add that there is precedent for this type of power being subject to negative resolution procedure as the precursor to the power contained in section 43(2)(c)(ii) of the Bill which was contained in section 1(1A) of the Education (Scotland) Act 1980 (the 1980 Act) was also subject to negative procedure (in terms of section 1(4A) of the 1980 Act).
- For these reasons, the Scottish Government would submit that it is appropriate that the power in section 43(2)(c)(ii) be subject to negative procedure.

Section 61(3) – Provision of counselling services to parents and others

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary Procedure:	Negative

The Committee asks the Scottish Government whether there are further reasons for the choice of negative procedure.

- When deciding on whether to use affirmative or negative procedures, the Scottish Government has sought to strike a balance between making proper use of valuable Parliamentary time and focusing a more detailed level of Parliamentary scrutiny where appropriate. The Scottish Government’s view is that changes to the description of “eligible child” are unlikely to be controversial and consequently it would not be good use of Parliamentary time to initiate a debate on each occasion the power is used. Any change to eligibility would most likely be to extend eligibility rather than narrow it – therefore improving the provision of counselling services to parents and others and ensuring we continue to meet the needs of children and families in need. In addition, given the nature of the counselling services provided in each area, no change to provision could be effected without substantial consultation and engagement with the service providers and users across each local authority area, which would be undertaken by the Scottish Government.

The Committee asks the Scottish Government in what respect does the power in section 61(3) to specify eligibility for counselling services differ from the power in section 60(2), so as to make negative procedure more appropriate?

- The Scottish Government's view is that given the high level of interest in what might constitute the eligible needs of those requiring aftercare by a wide range of stakeholders (including the Scottish Parliament) and the fact that eligible needs are not otherwise defined in our Bill amendments to section 29 of the Children (Scotland) 1995 Act (as amended by Bill section 60), the affirmative Parliamentary procedure is more appropriate. The legal definition of "eligible needs" in an order made under section 29(8) of the Children (Scotland) 1995 Act will have such a large bearing on whether or not a young person will receive aftercare, it is felt that Parliamentary debate would constitute appropriate use of valuable Parliamentary time and that Parliamentary scrutiny would be useful here.

Section 64(4) – Assistance in relation to kinship care orders

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary Procedure:	Negative

The Committee asks the Scottish Government what the reasons are for the choice of negative procedure.

- As above, the Scottish Government's view is that changes to the description of "eligible child" are unlikely to be controversial and consequently it may not be good use of Parliamentary time to initiate a debate on each occasion the power is used. The reasons for this would be that any change would likely be to extend rather than narrow terms of eligibility – ensuring we continue to meet the needs of children living in kinship arrangements. No change to the eligibility description specified would be effected without substantial consultation and engagement with the service providers and users across each local authority area, which would be undertaken by the Scottish Government.

The Committee asks the Scottish Government in what respect does the power in section 64(4) to specify eligibility for kinship care assistance differ from the power in section 60(2) power, so as to make negative procedure more appropriate?

- As previously noted, the Scottish Government's view is that the changes effected by the power in 64(4) are unlikely to be controversial and would be subject of thorough consultation with the sector therefore negative procedure is felt to be most appropriate. However, given the legal definition of "eligible needs" in section 60(2) of the Bill will have such a large bearing on whether or not a young person will receive aftercare it is felt that greater Parliamentary scrutiny would be useful here making the affirmative parliamentary procedure more appropriate.

Adoption Register

The Committee notes that the Bill does not define what information the Register is to contain or make provision about what it is to be used for and

asks for an explanation as to why that is the case, and why the wide powers taken in section 13A(2) to make provision about the Register are not limited or defined in any way?

- As stated in the Delegated Powers Memorandum, given that this is likely to be a lengthy list of very detailed information, and given the information which is prescribed is likely to be amended from time to time as the adoption process changes, it is considered to be more appropriate for it to be provided for in regulations than the Bill. Although the Bill does not contain a definition as such of what information the Register is to contain, it is submitted that it is clear from the examples of the types of information which may be included in the Register which are provided for in subparagraphs (i) to (v) of section 13A(2)(a) that the information will all relate in some way to the children who are considered suitable for adoption, or to the prospective adoptive parents.
- As to limitations on the power, we think that paragraphs (a), (b) and (c) of section 13A(2) do go some way to limit the power. As stated above, it is submitted that it is clear from the examples provided for in paragraph (a) that the information which is likely to be included in the Register will be restricted to information which is relevant to adoption. It is also the Scottish Government's view that it is clear from paragraphs (b) and (c) that the regulations will be limited to or restricted to making provision for how this information is to be stored and to other administrative matters associated with the operation of the Register.

To give the reasons for taking powers in section 13C(1), (2)(a)(ii) and (3) to use regulations under section 13A(2) to make provision about the supply of information for the Register, as no explanation of these powers is provided in the Delegated powers Memorandum?

- Section 13C(1) provides that regulations under section 13A(2) may prescribe the information which must be provided to the Scottish Ministers by an adoption agency about children who it considers ought to be placed for adoption or persons who were included in the Register as such children and persons who it considers as suitable to have a child placed with them for adoption or persons who were included in the Register as such persons.
- The reason for providing that regulations under section 13A(2) may also prescribe this information, is to enable the Scottish Ministers to specify what information must be supplied by adoption agencies for entry in the Register. As with section 13A(2) above, this will be a lengthy list of detailed information which may be amended from time to time, therefore it is considered more appropriate to provide for this in regulations as opposed to in the Bill.
- Section 13C(2)(a)(ii) provides that regulations under section 13A(2) may also prescribe those persons whose consent must also be obtained before an adoption agency may pass information in relation to a child to the Scottish Ministers for entry in the Register.
- The reason for providing that regulations under section 13A(2) may also prescribe this information, is to give the Scottish Ministers the flexibility to amend the list of those persons whose consent has to be obtained before information is

shared with Ministers should this be required, without having to amend primary legislation.

- Section 13C(3) provides that regulations under 13A(2) may (a) provide that information is to be provided to a registration organisation instead of to the Scottish Ministers, (b) provide for how and by when information is to be provided, (c) prescribe a fee which is to be paid by an adoption agency when providing that information and (d) prescribe the form in which consent is to be given for the purposes of subsection (2).
- The reason for providing that regulations under section 13A(2) may also provide for the above is to enable the Scottish Ministers to prescribe the detailed processes for operating the Register and to allow changes to be made to the processes if required (without the need to amend primary legislation).
- The procedure in relation to all of the above is affirmative, as the power to make the regulations is in section 13A(2). This allows Parliament a more detailed level of scrutiny which is considered appropriate given it relates to the establishment of a new statutory Register and how it will develop to meet any changes in the adoption process.

To explain the reasons for taking powers in section 13D(2) and (3) to use regulations under section 13A(2) to make provision about disclosure of information, as again no explanation of these powers is provided in the Delegated Powers Memorandum?

- Section 13D(2) provides that regulations under section 13A(2) may authorise Ministers or a registration organisation to disclose information derived from the register to an adoption agency for the purposes set out in subparagraphs (i) and (ii) of paragraph (a) or to any person (whether or not established or operating in Scotland) specified in the regulations for the purposes set out in subparagraphs (i) to (v) of paragraph (b).
- The reason for providing that regulations under section 13A(2) may also provide for the above, is to enable the Scottish Ministers to authorise disclosure of information from the Register to adoption agencies for the purposes set out in subsection (2)(a), to specify any other person that this information may be disclosed to provided it is disclosed for the purposes set out in subsection (2)(b), to set out the detailed terms and conditions for such disclosures, the detailed steps to be taken by adoption agencies receiving this information and to allow the Scottish Ministers to prescribe a fee in respect of a disclosure of information. As above, this will be detailed information which may need to be amended or added to from time to time and therefore it is not considered appropriate to make provision for this in the Bill.

To explain further in what way it is currently anticipated the Register may alter and extend beyond containing information about children and adopters, and what sort of information might be included in it?

- There are no current plans to extend the Register beyond containing information about children and adopters (though the type of information about children and adopters required may be extended in future)

Inserting section 13E(1) into the Adoption and Children (Scotland) Act 2007

Power conferred on:	The Scottish Ministers
Power exercisable by:	Regulations
Parliamentary Procedure:	Affirmative

The Committee therefore asks the Scottish Government to explain the reasons for taking the power.

- This power enables the Scottish Ministers to authorise a registration organisation or any other person to act as an agent for the payment or receipt of sums payable by adoption agencies to other adoption agencies and may require adoption agencies to pay or receive such sums through the organisation.
- The reason for providing that regulations under section 13A(2) may also enable the Scottish Ministers to authorise a registration organisation or other person to act as agent is because the Scottish Ministers may or may not choose to make such an authorisation (hence it is not provided for in the Bill). Further, if the Scottish Ministers do choose to exercise the power to authorise either a registration organisation or some other person to act as agent, they may wish to exercise the power subsequently to amend this authorisation and this power would then allow them to choose a different person to act as agent for the payment.
- However it is appreciated that the power in section 13E differs from the power in section 13B(1), which is a power to make arrangements to authorise an organisation to carry out the Scottish Ministers functions relative to the Register.

Section 78(b) – Ancillary provision

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary procedure:	Generally negative but affirmative procedure if making textual changes to an Act.

To confirm that the power is subject to negative procedure other than where it makes textual amendment of the Bill or any other Act, in which case it is subject to affirmative procedure notwithstanding the alternative statement and justification provided in the Delegated Powers Memorandum?

- The Scottish Government confirms that the power in section 78(b) is subject to negative procedure (by virtue of section 77(4)) other than where it makes textual amendment of the Bill or any other Act, in which case it is subject to affirmative procedure (by virtue of section 77(3)) notwithstanding the alternative statement and justification provided in the Delegated Powers Memorandum.

Section 79(2) - Commencement

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order
Parliamentary procedure:	Laid in accordance with section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

Whether it considers that section 79(3) enables the same transitional, transitory or saving provision to be made in a commencement order under section 79(2) as could be made in an ancillary order under section 78(b)?

- The Scottish Government considers that whilst there is some degree of overlap between the two powers, in practical terms the power in section 79(3) is more likely to be used for simple transitional, transitory or savings provisions whilst the power in section 78(b) is more likely to be used for more complex transitional, transitory or savings provisions.

If so, why is it considered that both powers are necessary, and what considerations are likely to determine which power is used to make provision in any individual case?

- The Scottish Government considers that it is necessary and appropriate that there should be two mechanisms for the making of transitional, transitory or savings provisions for the purposes of, or in connection with, the coming into force of the Bill. The commencement order power under section 79(2) and (3) of the Bill would likely be used to make simple transitional, transitory or saving provision, whilst the power in section 78(b) would be used for more complex transitional, transitory or savings provisions.

The Committee asks the Scottish Government to explain why the difference in Parliamentary procedure is thought appropriate?

- The Scottish Government considers that, in light of our comments above, where a commencement order made under section 79 of the Bill contains simple transitional, transitory or savings provisions then it is appropriate that the order is simply laid and not subject to any further Parliamentary procedure. However, where an order is made under section 78(b) and which as mentioned above is likely to contain more complex transitional, transitory or savings provisions then it is appropriate that such an order be subject to more detailed Parliamentary scrutiny.

Section 28(1) – Guidance in relation to named person service

Power conferred on:	The Scottish Ministers
Power exercisable by:	Guidance
Parliamentary procedure:	None

Section 29(1) – Directions in relation to named person service

Power conferred on: The Scottish Ministers
Power exercisable by: Direction
Parliamentary procedure: None

Whether it considers that it would be appropriate to publish guidance or directions issued under the powers in sections 28(1) and 29(1), in light of the potential impact of the named person service on children or young people, and their families?

- The Scottish Government confirms that it does consider it appropriate and therefore intends to publish guidance and, if relevant, directions under the powers in sections 28(1) and 29(1) of the Bill.

Section 39(1) – Guidance on child’s plans

Power conferred on: The Scottish Ministers
Power exercisable by: Guidance
Parliamentary procedure: None

Section 40(1) – Directions in relation to child’s plans

Power conferred on: The Scottish Ministers
Power exercisable by: Direction
Parliamentary procedure: None

Whether it considers that it would be appropriate to publish guidance or directions issued under the powers in sections 39(1) and 40(1), in light of the potential impact of the exercise of functions relating to child’s plans on children and their families?

- The Scottish Government confirms that it does consider it appropriate and as such intends to publish guidance and, if relevant, directions under the powers in sections 39(1) and 40(1) of the Bill.

Section 68 – Scotland’s Adoption Register

Inserting section 13A(1) into the Adoption and Children (Scotland) Act 2007

Power conferred on: The Scottish Ministers
Power exercisable by: Arrangement
Parliamentary procedure: None

Why it is considered appropriate to authorise a registration organisation to perform the Scottish Ministers’ functions in respect of the Register, and to provide for payments to be made to that organisation, by way of arrangements rather than in subordinate legislation?

- There is an organisation which currently operates a non-statutory adoption register in Scotland and the Scottish Ministers may consider it to be appropriate to authorise this organisation to carry out their functions in relation to the

Register going forward, given the organisation has the relevant skills and experience which may be required. For this reason, it is considered that this authorisation would be more appropriate to be made by arrangement as opposed to by subordinate legislation.

- It is not considered appropriate to provide for payments to the registration organisation to be in subordinate legislation given that funding arrangements are already in place for the non-statutory register and therefore that these may be used as a basis for the arrangements for the funding of the new register.

In what respect the power differs from the power in section 13E(1) of the 2007 Act to authorise a registration organisation or any other person to act as agent in respect of payments by adoption agencies, which power is to be exercised by way of regulations subject to the affirmative procedure?

- At present there is no requirement for adoption agencies to use the non-statutory adoption register and there is no organisation or person which currently acts as agent in relation to payments by adoption agencies. Once use of the statutory register becomes a requirement, there may or may not be a need for the Scottish Ministers to authorise an organisation or person to act as agent, although it is not currently envisaged that this power will be used. If it is used, as previously noted, the Scottish Ministers may subsequently seek to amend the person acting as agent.

What the intentions are regarding publication of the proposed arrangements?

- It is expected that the details will be made available on the website of Scotland's Adoption Register.

Section 74(3) – Assessment of wellbeing

Power conferred on:	The Scottish Ministers
Power exercisable by:	Guidance
Parliamentary procedure:	None

The Committee asks the Scottish Government whether it considers that it would be appropriate to publish guidance on how the wellbeing indicators are to be used by those with functions under the Bill to assess the wellbeing of a child or young person?

- The Scottish Government confirms that it does consider guidance on wellbeing indicators an appropriate mechanism to set out further detail, therefore it is the intention for guidance to be published.

