1. CCPS is pleased to provide a brief submission to the Committee in connection with its scrutiny of the financial memorandum accompanying the Children and Young People (Scotland) Bill. We welcome the Government’s policy objectives of enhancing children’s rights and improving services, among others, and support the general principles in the Bill.

2. This brief submission focuses on Part 3 of the Bill which introduces new arrangements for the planning of children’s services. These arrangements are of particular interest to our members in their capacity as providers of children’s services. In that regard, we would like to highlight the scope of provision of children’s services by the voluntary sector. Approximately 27% of all registered children’s services (excluding childminding; 11% including childminding) are provided by the voluntary sector. The voluntary sector makes a particularly significant contribution, proportionally, in respect of day care, and of residential child care, fostering and adoption (in other words, care and support for looked after children). In addition, the voluntary sector is a leading provider of care and support to disabled children and their families in their own homes.

3. Part 3 of the Bill places new duties on local authorities and health boards to jointly plan children’s services in their area. This includes a duty to consult with voluntary sector service providers, among others (s. 10(1)). In addition, it appears to place duties on third sector providers to participate in the preparation of children’s services plans (s.10(6)) upon reasonable request, as well as to provide information, advice or assistance in relation to services planning (s.14). While we have questions about whether it is appropriate or even possible to place duties on non-statutory bodies, we obviously support the policy intention of wide participation in the planning process. We have expanded on this point in our evidence to the Education Committee which is available on our website.

4. However, for the purposes of the Finance Committee scrutiny, the point we want to raise is that the financial memorandum anticipates no extra costs as a result of these planning proposals. This is based on the assumption that local authorities already have a statutory duty to produce integrated children’s services plans. Unfortunately, there is no consideration given to the costs that might come with wider participation in the planning process by voluntary sector service providers and other non-statutory partners, as anticipated in the ‘duty to meet reasonable requests to

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participate’ laid out in s.10(6), or in the ‘duty to provide information, advice or assistance in connection with the planning functions of Part 3’ contained in s.14. We think this is a worrying gap in the analysis of the financial implications of the Bill and believe that some additional resource will be required in order for the participation of non-statutory partners to be effective and sustainable.

5. CCPS members have also raised concerns about the scope of the information sharing provisions in s.26, and in particular s.26(3) and (4), which appear to propose very wide ranging duties that extend beyond the functions of the named person, and that would, by virtue of s.26(7), apply to voluntary sector providers. We have asked the Scottish Government and the Education Committee for clarification of the policy intention behind these provisions and raise it here because we believe there may be resource implications for voluntary sector providers should the provisions be interpreted and applied in their broadest sense. The financial memorandum is silent on this. While further clarification of these duties, either by amending the bill or through guidance and regulation may allay fears about resources, we suggest that, in the meantime, there should be some consideration of these potential costs as part of the overall financial impact analysis.

6. It is worth noting that the financial memorandum in connection with the Public Bodies (Joint Working) (Scotland) Bill provisions on joint strategic planning contains no consideration of the resource implications for engagement of voluntary sector providers in the integration planning process, despite indicating that ‘the full involvement of the third and independent sectors, service users and carers, will be embedded as a mandatory feature of the commissioning and planning process.’ We raise this here not because we disagree with the principle of engagement - on the contrary, we support it and are advocating for it to be strengthened. But it will take some resource, and doubly so, given the proliferation of planning processes being developed across a range of proposed and existing legislation (e.g. community planning partnerships) and the expectation (and indeed hope) that community engagement in planning (including service providers) will contribute to the transformational change that public service reform needs to achieve.

*This evidence is submitted by CCPS for and on behalf of its children’s services members:* Aberlour Child Care Trust; Action for Children; Barnardo’s Scotland; Camphill Scotland; Capability Scotland; Children 1st; Cornerstone; Crossreach; Includem; Kibble; NSPCC Scotland; Penumbra; Quarriers; Royal Blind; Sense Scotland; The Mungo Foundation; Who Cares? Scotland; VSA.
About CCPS
CCPS is the coalition of care and support providers in Scotland. Its membership comprises more than 70 of the most substantial care and support organisations in the voluntary sector, including the leading sector providers of services for children, young people and their families. Collectively, CCPS children’s services members:
• support more than 150,000 children, young people and families in Scotland
• employ 5,800 staff
• manage a combined total income in Scotland of over £160 million, of which more than 80% relates to publicly-funded service provision.
Services provided cover the range of services to children, young people and families including early years provision; family and parenting support; residential child care and other support for looked after children; support for children and young people who have experienced abuse and neglect; support for disabled children and young people and their families; young people with mental health problems; and services for young offenders.