

## SPICe Briefing

# Children and Young People (Scotland) Bill as amended at Stage 2

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14/13

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Stage 3 proceedings on the Children and Young People (Scotland) Bill (the Bill) will take place on 19 February.

This briefing summarises the legislative and non-legislative recommendations made by the Education and Culture Committee in its stage 1 report and the Scottish Government's response to it. It also summarises amendments passed at stage 2 and considers important areas of debate where no amendments were passed.

SPICe briefing SB 13/38 (Kidner, 2013a) provides an overview of the Bill as introduced.



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## EXECUTIVE SUMMARY

The Children and Young People (Scotland) Bill was introduced in April 2013 and had its Stage 1 debate in November (Scottish Parliament 2013). The Bill covers a wide range of policies related to children. It includes proposals to:

- give recognition of the UN Convention on the Rights of the Child (UNCRC) in domestic legislation (Part 1) and extend the investigatory powers of the Children's Commissioner (Part 2)
- provide a statutory basis for Getting it Right for Every Child and make changes to children's services planning (Parts 3 to 5 and 13)
- extend provision for early learning and childcare (Part 6)
- extend support for kinship carers (Part 10) and care leavers (Part 8),
- create a statutory definition of corporate parenting (Part 7) and providing for counselling services for families (changed to 'relevant services' at stage 2) (Part 9)
- create a statutory adoption register (part 11) and amend the process for establishing local support structures for the Children's Hearings system (Part 12)
- make changes to the procedures for school closures (part 11A, added at stage 2)

At stages 1 and 2 the main issues of debate were:

- whether the Bill could go further in recognising the UN Convention on the Rights of the Child
- whether provisions for information sharing and for a 'Named Person' for every child were necessary and proportionate.
- whether the resources estimated for delivering the 'Named Person' provisions were adequate.
- whether provision for early education and care ought to be extended further. Most discussion was in relation to extending provision for two year olds, but there were also stage 2 amendments on out of school care. In January 2014, the Scottish Government announced that regulations under the Bill would be used to further extend provision for two year olds.

The main additions to the Bill at stage 2 were further extension of the rights of care leavers and changes to the process for school closures.

# INTRODUCTION

The Children and Young People (Scotland) Bill was introduced in the Parliament on 17 April 2013 by Alex Neil, MSP, Cabinet Secretary for Health and Wellbeing. The Bill makes changes over a wide range of policy areas, from planning children's services and support for care leavers to provision of early learning and childcare. Key elements of the Bill include:

- placing a requirement on Ministers to 'keep under consideration' how they might further the implementation of the UN Convention on the Rights of the Child (Part 1)
- giving the Children's Commissioner the power to investigate individual cases (Part 2)
- requiring health boards and local authorities to develop joint plans for children's services (Part 3)
- providing for every person up to the age of 18, to have a 'named person,' appointed by either the health board or local authority, who will be a point of contact, support and advice. Provision is also made for services to share information where there is a concern about a child's wellbeing (Part 4)
- providing for a 'child's plan' where the child needs a targeted intervention in order to meet a 'wellbeing need' (Part 5)
- requiring local authorities to provide at least 600 hours of 'early learning and childcare' to three and four year olds and to those two year olds who are 'looked after' or have a kinship care order under the Bill (Part 6)
- providing a statutory definition of 'corporate parent' in relation to looked after children and applying it to a range of public sector organisations (part 7).
- extending the obligations of local authorities to provide support to care leavers (Part 8)
- providing for local authorities to create counselling services (Part 9) (altered at stage 2 to 'relevant services')
- creating an additional framework for support and recognition of kinship carers of children who are not 'looked after' by the local authority (Part 10)
- creating a statutory adoption register (Part 11)
- changes to Children's Hearings (Part 12) and school closures procedures (Part 11A)
- providing for a statutory definition of wellbeing and requiring it to be used as the basis of assessment (Part 13)

SPICe Briefing 13/38 (Kidner 2013a) provides more detailed information on the Bill's provisions. SPICe Briefing 13/59 (Hudson 2013) covers the financial memorandum and Briefing 13/77 (Kidner 2013b) gives background to changes to school closures introduced at stage 2.

## PARLIAMENTARY CONSIDERATION

The table below gives dates and links to the various stages of parliamentary consideration at stages 1 and 2.

**Table 1: Summary of Parliamentary Consideration**

<b>Bill introduced</b>	17 April 2013
<b>Stage 1 General Principles</b>	
Education and Culture Committee	<a href="#">25 June</a> , <a href="#">3</a> , <a href="#">10</a> , <a href="#">17</a> , <a href="#">24</a> September, <a href="#">1</a> and <a href="#">8</a> October
Local Government and Regeneration Committee	<a href="#">4 September</a>
Delegated Powers and Law Reform Committee	<a href="#">10 September</a>
Finance Committee	<a href="#">18 September</a>
Stage 1 report Education and Culture Committee	<a href="#">14 November</a>
Stage 1 debate	<a href="#">21 November</a>
<b>Stage 2 Detailed Consideration</b>	
Evidence on school closure policy	<a href="#">03 December</a>
Consideration of amendments	<a href="#">17 December 2013</a> , <a href="#">7<sup>th</sup></a> , <a href="#">14<sup>th</sup></a> and <a href="#">21<sup>st</sup> Jan 2014</a>
<b>Stage 3 Final Consideration (Plenary Debate)</b>	19 February 2014

The remainder of this briefing highlights key points on the Education and Culture Committee's stage 1 report (Scottish Parliament ECC 2013), the Scottish Government's response to that report (Campbell, 2013a), the main amendments passed at stage 2 and other issues raised at stage 2 which did not result in amendment to the Bill.

## STAGE 1 KEY ISSUES

During stage 1 (consideration of general principles) the Committee took oral evidence over seven meetings which included representation from: unions (Educational Institute of Scotland, UNISON, Association of Heads and Deputies in Scotland), professional bodies (Association of the Directors of Social Work, Royal College of Nursing Scotland, Royal College of Midwives Scotland), academics (Professor Kenneth Norrie, Joan Martlew), children's organisations (Aberlour Childcare Trust, Who Cares? Scotland, Save the Children, Barnardos, Children 1<sup>st</sup>, Together, UNICEF UK, Scotland's Commissioner for Children and Young People), local authorities (COSLA, Highland Council), kinship carers (Scottish Kinship Care Alliance, Clacks Kinship Care) individual parents, Parenting Across Scotland, Scottish Human Rights Commission and the National Day Nurseries Association.

In general, the basic principles and policy intention behind the Bill were welcomed by most witnesses, but there were concerns about the practical implementation of some of the measures. The provision for a 'named person' for every child and associated information sharing powers provoked the most comment – in relation both to the practicalities and the principle underpinning it. The key issues emerging during the stage 1 discussion are summarised below.

### Incorporation of UNCRC

A number of children's organisations wanted the Bill to go much further in its recognition of the UNCRC. Whereas the Bill will require Ministers to 'keep under consideration' how they might give further effect to the convention and requires Ministers and listed public bodies to report on what they have done, an alliance of children's organisations – 'Together', along with UNICEF UK, – argued that the UNCRC ought to become part of Scottish law. Failing that, they argued for stronger obligations on Ministers and public bodies.

## **Named person and information sharing**

The proposal for a universal 'named person service' for all aged 0 to 18 attracted the most comment of any of the Bill's provisions. Some were opposed to the principle – citing the overlap with parents' role. Others, while supporting it in principle, were concerned about how it might work in practice and with the level of resources required. Part of the named person service includes a change to the threshold for sharing information about a child. Whereas, currently, information can be shared without consent only if there is a risk of significant harm, the Bill would enable information to be shared without consent if there is a risk to a child's wellbeing.

## **Extent of early learning and childcare**

While the extension of early learning and childcare provided in Part 6 of the Bill was welcomed, many wanted it to go further. In particular, there were suggestions for inclusion of two year olds in areas of deprivation. Para 159 of the Committee's stage 1 report notes that 'a minority of the Committee' would have liked the Bill to go further in its provision for early education and childcare. The Government has since announced that it will use regulations under this Bill to provide 600 hours of early learning and care to two year olds in families seeking work. This will take effect from August 2014 and will be extended in August 2015 to those two year olds in families who would, if the child was at school, qualify for free school meals (Campbell, 2014a).

## **Support to care leavers**

The proposals in Part 8 to extend support for care leavers were welcomed, but some wanted them to go further. In oral evidence, Aberlour Childcare Trust explained their proposals for widening the eligibility for aftercare and creating a 'right to return' to care (Scottish Parliament ECC 2013b). Successful Government amendments provide for a right to stay in the care placement. Regulations are expected to specify a right to stay until the age of 21.

## **Resource issues**

The report from the Finance Committee (2013) concluded that: "the Committee has a number of concerns in relation to the robustness of the estimates and assumptions upon which the financial memorandum is predicated." The main issues are summarised below together with the Scottish Government response (Campbell, 2013b).

The Committee was concerned about resources for providing the 'named person' service, particularly in relation to training costs. In reply, the Scottish Government set out the costs, noting that training would be 'in-house', building on existing practice, that extensive work had already been done on awareness raising and that, from the second year, training would be incorporated into continuing professional development.

The Committee was concerned about the lack of detail in the financial memorandum about the savings from GIRFEC. In reply, the Scottish Government noted where they had set out savings but that, "as with other preventative approaches, financial savings cannot be easily calculated."

The Committee queried the rates paid by local authorities to 'partner providers' for early learning and childcare. In reply, the Scottish Government said that setting the rate was a matter for local authorities. While the issue will be covered in guidance, they will not "monitor and micromanage local authority statutory responsibilities within the block grant they receive from the Scottish Government."

The Committee asked for further clarification of the £4.5m funding for two year olds. The breakdown of this funding is: £1.5m from the Early Years Change Fund for the existing non-statutory provision of 475 hours to vulnerable two year olds, plus the £1.1m mentioned in the

financial memorandum in the Bill to provide the extra 125 hours. Extra funding of £1.9m in the draft budget was added to this to bring the total to £4.5m to provide the 600 hours.

The Committee was concerned about the disparity between the views of local authorities and the Government on the costs of the new kinship care provisions. In reply, the Scottish Government noted the difficulty in assessing these costs. The Minister clarified that: "kinship carers with a Kinship Care Order will be primarily supported from the benefits system in keeping with their parenting role. Therefore, the local authority will not be required to provide the full financial support as they do with formal kinship care. The net impact of this is a set of savings to local government."

## STAGE 1 REPORT

The table below summarises the recommendations made by the Committee in its stage 1 report and the response to these by the Scottish Government (Campbell, A. 2013a). Areas where amendments were indicated are highlighted in bold. Liz Smith, MSP dissented from para 7 and 120 insofar as it includes Part 4, provision of named person service. Neil Bibby, MSP and Jayne Baxter, MSP provided alternative wording to para 120 on the general principles of GIRFEC.

**Table 2: Committee stage 1 report recommendations and response**

Report para	Recommendation	Scottish Government Response
<b>UN Convention of the Rights of the Child (Part 1)</b>		
40	<b>Reports should include action Ministers intend to take as well as action they have taken.</b> Govt. should explain how it will raise awareness of children's rights	<b>Government amendments at stage 2 to require 3 year plans</b>
41, 42	<b>Whether various reporting duties created by the Bill could be better integrated</b>	While open to suggestions, the Minister stated that this will be pursued through guidance.
43	<b>To incorporate articles 3 (best interests) and 12(children's views) of UNCRC</b>	While having some reservations, the Minister is continuing to work with the Children's Commissioner on how Part 1 of the Bill might be strengthened.
44	Child rights impact assessments should be undertaken for relevant future legislation	The Government is developing a Children's Rights Impact Assessment Tool, but does not consider that these assessments need to be a legislative requirement.
<b>Children's Commissioner individual investigations (Part 2)</b>		
58, 59	Need clarity about the new powers, and further consideration of the workload created by the new powers	The Government considers that provisions in this part of the Bill are clear and that the financial estimates are fair.
<b>Getting it Right for Every Child (Parts 3, 4, 5, 13)</b>		
75	Explain how children's services plans will fit within wider policy	These will feed into the wider community planning process. Guidance for this Bill and the Public Bodies (Joint Working) (Scotland) Bill will be developed in parallel.
113	Explain the support government will provide to ensure the success of GIRFEC	Implementation advisers will ensure good practice is shared. Since 2008, £600k p.a has been available to Community Planning Partnerships (CPPs). Consultation on draft guidance will start in 2014 which will encourage consistency. Nationally, there is an implementation sub-group. The National Third Sector GIRFEC project supports 3 <sup>rd</sup> sector involvement in GIRFEC.
114	The report asked for clarification of a	See Government response. In particular, the

	number of areas of GIRFEC policy	Named Person will not be expected to act outwith their professional expertise. Where concerns about wellbeing require coordinated intervention from more than one service or agency, then a Lead Professional will be identified to take on that coordinating role. This may or may not be the Named Person.
115, 116	Further resource for GIRFEC may be required for health boards and explain how demands on health visitors be met	Government is undertaking work to refocus and clarify the role of the Health Visitor, to review caseload sizes and explore training needs related to GIRFEC implementation.
<b>Named person (Part 4)</b>		
117	How will the Named Person function in school holidays	Detailed arrangements are left to local authorities, with the intention that they build on current practice.
118	Explain how Named Person will work once a young person leaves school	Named Person for school leavers will form part of 'opportunities for all'.
119	How the Named Person will work with the Lead Professional	Guidance is more appropriate than legislation underpinned by statutory duties to co-operate.
120	Recognising practical and resource issues, the Committee supports the 'named person' in principle. Liz Smith dissented from this paragraph. Neil Bibby and Jayne Baxter suggested alternative wording.	
<b>Information sharing (Part 4)</b>		
132	Recognise concerns on information sharing and expect any necessary safeguards to be introduced at stage 2.	The aim is to create a framework that is fair and proportionate. The Government has been <b>working with stakeholders regarding their concerns</b> , who will be involved in drafting statutory guidance.
133	All relevant staff must receive training and guidance	Training is the responsibility of organisations within the CPPs, and the Government is encouraging them to provide training on this part of the Bill.
135	Committee would like to see the revised privacy impact assessment.	This was <a href="#">published</a> on 20 November. This includes further discussion on the interpretation of sections 26 and 27 of the Bill.
137	Consider further support for electronic information sharing	A new health and care information sharing strategy will be consulted on in early 2014.
<b>Child's plan</b>		
143	This child's plan should allow easy incorporation of other statutory plans	Detail on the child's plan will be in regulations and guidance, which will clarify the relationship with other plans.
144	Consider a dispute resolution process	The Government is <b>considering whether there is a need for a specific redress mechanism</b> , and whether this ought to be statutory.
<b>Early learning and childcare (Part 6)</b>		
159	Notes that a minority of the Committee would like the provisions in this Part to go further	The Government's focus is on ensuring quality of provision in any expansion, noting that provision can be changed through regulations under the Bill.
160	Flexibility of provision should be provided as quickly as possible	The Government expects annual, incremental change.
161	Committee heard suggestions that some nurseries are underfunded.	It is for local authorities to agree fair settlements with their partner providers. The Financial Memorandum provisions mean that "there is no reason for local authorities to underfund partner providers on the basis of this increase in hours or additional funding."
162	Explain why Govt. is not revising the	Secondary legislation will allow for future changes

	dates at which children become eligible for pre-school education	to eligibility, including commencement dates, although the intention is to continue the current requirement to start the term following a child's 3 <sup>rd</sup> birthday.
<b>Corporate parenting (Part 7)</b>		
169	Clarify reasons for particular public bodies' inclusion in the list of 'corporate parents'	The Schedule includes those organisations that are in any way involved in delivering services, providing support or making decisions about looked after children. The list is being kept under review and <b>changes will be made if necessary.</b>
<b>Care Leavers – aftercare (Part 8)</b>		
178	Respond to suggestions for further extension of support and provision of appeal mechanism	The Government is considering a number of proposals on this issue. Notes existing rights of appeal under the Supporting Young People Leaving Care (Scotland) Regulations 2003 and will <b>consider whether further amendment is required</b> in light of the Bill's provisions.
<b>Counselling services (Part 9)</b>		
185	Provide further detail on what counselling services would entail	They would likely include: therapy or support services on the issues of: family, addiction and substance misuse. counselling or support services re: mental health, attachment/parenting/behaviour, bereavement and grief.
186	Regulations here should be affirmative procedure.	<b>Agreed.</b>
<b>Kinship care (Part 10)</b>		
211	Reassure kinship carers of the support they will receive	Notes the consultation undertaken on this issue.
213	Scottish Government to work with UK government on interaction with UK welfare benefits	The Scottish Government has been in discussion with UK departments on this issue.
<b>Adoption (Part 11)</b>		
220	Respond to concerns about compulsory nature of the register and about requiring parents' consent	Scottish Government is <b>in discussion with the British Association of Adoption and Fostering (BAAF) regarding their concerns.</b>

## STAGE 2 MAIN AMENDMENTS AGREED TO

The following table summarises the amendments agreed to at stage 2 which represent a key policy change or reflect issues raised by the Committee at stage 1. It does not cover minor drafting amendments. It also highlights areas where further amendments are expected at stage 3.

In total 441 amendments were lodged. All the Government amendments succeeded without a vote with the exception of some provisions on information sharing. Non-government amendments were successful in relation to four policy areas. These were: children's services plans (Joan McAlpine) early learning and childcare planning (Clare Adamson), the definition of counselling services (Colin Beattie) and on school closures (Liz Smith). Major changes at stage 2 included the addition of a right for care leavers to continue in their care placement after the age of 16 and the changes to the procedure for consulting on school closures. Before starting to take amendments, the Committee held an evidence session on school closures.

At the end of January, the Scottish Government provided a revised financial memorandum (Scottish Parliament 2014) which showed that, mainly as a result of proposed changes to

eligibility for early education and care, the costs by 2018/19 would be 66% higher than originally proposed.

**Table 3: Costs associated with stage 2 amendments and related Government announcements**

Costs £	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
as introduced	79,107,982	109,089,317	138,925,104	103,148,405	109,656,313	108,938,636
following stage 2	93,759,541	153,242,000	201,628,674	169,723,830	179,186,682	180,647,314
difference	14,651,559	44,152,683	62,703,570	66,575,425	69,530,369	71,708,678
% change	<b>18.5%</b>	<b>40.5%</b>	<b>45.1%</b>	<b>64.5%</b>	<b>63.4%</b>	<b>65.8%</b>

*of which, additional costs include:*

Early Learning and Childcare	14,532,559	44,016,733	58,367,643	58,985,766	59,679,764	60,299,911
Continuing Care (net)	0	0	4,208,927	6,734,283	8,417,853	9,259,639
School Closures (net)	95,000 to 119,000	105,000 to 139,000	93,000 to 127,000	105,000 to 139,000		

Almost all the extra costs are associated with increasing eligibility for two year olds to access free early education and childcare. That is, an additional 8,400 two year olds being eligible from August 2014, rising to around 15,400 in August 2015. This was not technically a stage 2 amendment. Rather, the Government announced its intention to use regulations already in the Bill. In comparison the costs arising from changes made to the face of the Bill are relatively modest. The main changes arise from new provision for care leavers. These include a right to continuing care. The provisions for continuing care assume that around 74 young people each year will choose this new option of remaining in their care placement until they are 21. Enabling such placements will save costs on aftercare as young people will not be eligible for both.

The changes to school closures represent significant new policy added at stage 2. However, the changes make up a small proportion of the increased costs. The financial memorandum includes £83,000 to £93,000 salary costs and £22,000 accommodation costs for the new Convener and School Closure Review Panel. This is balanced by savings in central Scottish Government spend of between £51,000 to £61,000 per year. It is expected that there will be five or six 'call-ins' of school closure proposals each year.

during stage 2, the Minister raised the possibility of further amendment at stage 3 on school closures and on dispute resolution procedures in relation to a child's plan.

**Table 4: Summary of main amendments agreed to at stage 2**

<b>Day 1: 17<sup>th</sup> December 2013</b>	
<b>Part 1: Ministers' duties on United Nations Convention on the Rights of the Child (UNCRC)</b>	
<b>Amendments 87, 88.</b> Aileen Campbell Agreed without division	The Bill already requires Ministers to report every 3 years on how they have considered UNCRC. In response to a recommendation in the Committee's stage 1 report, Ministers will also be required to include in these reports a plan setting out how they will fulfil their duties under UNCRC over the following 3 years. In doing so, they should consider the views of children.
<b>Part 3: Children's Services Plans</b>	
<b>Amendment 171,</b> Joan McAlpine	Part 3 of the Bill already requires local authorities and health boards to develop children's services plans and sets out their aims (section 9). Responding to the

Agreed without division	report " <a href="#">Putting the baby in the bathwater</a> " co-ordinated by the WAVE Trust on behalf of a wide range of organisations, this amendment requires that children's services plans include the aim of preventing need arising and taking early action to meet needs.
<b>Amendment 97, 98</b> Aileen Campbell Agreed without division	These amendments remove the need for service providers to agree the content of a children's services plan before publication (Old s.10(7)), and instead requires them to publish a notice of any disagreement that might arise about how the plan would affect their service. (New s.10(8)). Service providers are still required to implement the plan, but they are no longer required to implement aspects of it with which they disagree (amendment 98, introducing new s.12)
<b>Amendment 110</b> Aileen Campbell Agreed without division	The Bill as introduced would have enabled Ministers to establish joint boards to take over the children's services planning function of local authorities and health boards (s.17). Following discussions with COSLA, Ministers agreed to remove these powers from the Bill. Instead, there is a requirement to comply with a Ministerial Direction.

### Day 2: 7<sup>th</sup> January 2014

#### Part 4: Named Person Service

<b>Amendment 131, 132, 151.</b> Aileen Campbell. Agreed without division.	<b>Young people in prison.</b> Where a 16 or 17 year old is in custody, the 'Named Person' will be the prison governor, not the local authority.
<b>Amendments 136,137,139-142, 143-145.</b> Aileen Campbell. Agreed 8:1  <b>163, 164</b> Aileen Campbell. Agreed without division	<b>Information sharing.</b> This was a matter of considerable debate during Stage 1. These amendments alter the requirement to share information so that: <ul style="list-style-type: none"> <li>• information is shared if it is 'likely to be' relevant (rather than if it 'might' be)</li> <li>• the views of the child must be considered,</li> <li>• information is shared only if to do so would benefit the child's wellbeing.</li> </ul> If these conditions are met, then information can be shared in breach of a duty of confidentiality. Information cannot be shared if it breaches a court order or another statute. Liam McArthur was concerned that it continued to allow sharing without the child's express consent ( <a href="#">col 3247</a> ). Liz Smith voted against these changes and proposed her own amendments (see below).
<b>Amendments 148, 159 - 62</b> Aileen Campbell. Agreed without division.	These change the list of public bodies in Schedule 2 that are required to share information with the Named Person and requires these bodies to comply with Ministerial Directions. The National Waiting Times Centre Board is added to the list. The Scottish Courts Service, Mental Health Tribunal, Mental Welfare Commission and further education regional strategic bodies are deleted on the grounds that they "are not primarily sources of information on children's wellbeing" ( <a href="#">col 3255</a> ). Where a 'regional strategic body' provides education they are covered by "post-16 education body".

#### Part 5: Child's Plan

<b>Amendments 257-261, 264, 265, 277-279, 282, 284, 285, 298, 299</b> Aileen Campbell, agreed without division	<b>Targeted interventions and 3rd parties:</b> These enable a 'targeted intervention' in a child's plan to include one that is provided by someone other than a local authority, health board or their contractors. If that person does not agree to provide the intervention, then they must give reasons.
<b>Amendments 262, 263, 272 - 274. 280-283, 297.</b> Aileen Campbell. Agreed without division.	<b>Management of plan by third parties:</b> These amendments ensure that where a child's plan is prepared or managed by someone other than the named person, then the Named Person is consulted about it. The Minister noted that: "where the Named Person is an employee of the responsible authority, they will lead on the preparation and review of the child's plan as appropriate" ( <a href="#">col 3262</a> )
<b>Amendment 276),</b> Aileen Campbell, Agreed without	<b>Out of area placements.</b> Where a child is placed by the local authority in an independent, grant-aided, residential school or secure unit, then the local authority retains the responsibility for any child's plan that is drawn up.

division	
<b>Amendments 286 - 296, 311.</b> Aileen Campbell. Agreed without division.	<b>Information sharing:</b> Section 38 specifies who must comply with requests for information, advice and assistance in relation to a child's plan. As introduced, this applied to health boards, local authorities and managers of independent schools. These amendments introduce a new Schedule of public sector bodies to whom it also applies. As a result, the information sharing duties in s.38 more closely mirror those in s.26 and s.27 in relation to the named person service under Part 4. The Minister commented that: "this strengthens the bill in relation to children with high level needs where co-ordinated input from a range of services may be necessary to promote, support and safeguard their welfare" ( <a href="#">col 3273</a> ).
<b><u><a href="#">Day 3: 14<sup>th</sup> January 2014</a></u></b>	
<b>Part 6: Early Learning and Childcare</b>	
<b>Amendment 313</b> Aileen Campbell Agreed without division.	<b>Procedure for regulations</b> As introduced, section 43 (2) enables Ministers to specify eligibility for early learning and childcare through a negative order making power. This is changed to an affirmative power, reflecting the recommendation of the Delegated Powers and Law Reform Committee ( <a href="#">col 3310</a> ). There were also various unsuccessful amendments which sought to define eligibility more broadly.
<b>Amendments 301, 302</b> Clare Adamson Agreed without division.	<b>Consultation and planning</b> The Bill already requires local authorities to consult on and plan the early learning and care which they must provide. These amendments require local authorities to consult and prepare plans about other pre-school education and childcare they provide, including out of school care.
<b>Part 7: Corporate Parenting</b>	
<b>Amendments 303 – 307, 310, 315</b> Aileen Campbell. Agreed without division	<b>Bodies considered 'corporate parents'</b> The Bill sets out corporate parenting duties and applies them to public sector bodies listed in Schedule 3. These amendments remove the requirement that the Children's Commissioner and post 16 education bodies must comply with Ministerial Directions on the grounds that it "conflicts with their established status as independent from Ministers, the Scottish Government and the Scottish Parliament" ( <a href="#">col 3317</a> ). The, Scottish Court Service, the Scottish Funding Council and regional strategic bodies for further education are removed from the list of 'corporate parents' on the grounds that "as administration and funding bodies respectively those organisations do not have a key role to play in direct decision making about children and young people ( <a href="#">col 3317</a> ). An order making power (affirmative procedure) is introduced to amend corporate parenting duties and further amend the list of corporate parents.
<b>Part 8: Care Leavers</b>	
<b>Amendments 308, 309, 314, 348 – 353, 381-385</b> Aileen Campbell. Agreed without division	<b>Qualification for after care and right to remain in care placement:</b> Following campaigning by third sector organisations, these amendments further strengthen the rights of care leavers. The Bill as introduced extended the age at which young people could receive aftercare from 21 to 26. These amendments: <ul style="list-style-type: none"> <li>• change the qualifying criteria for after care services to being in care on or after your sixteenth birthday rather than on or after the date you can leave school<sup>1</sup>.</li> <li>• introduce an order making power to extend the qualifying criteria for after care. The Minister said that the intention is to extend eligibility "as soon as practicable" to further cohorts among those who leave care before their sixteenth birthday. The detail will be worked out by an expert group to be established shortly, but the intention is to widen eligibility (<a href="#">col 3321</a>)</li> <li>• those who are in care at age 16 will have a right to remain in their placement. The Minister indicated that this would commence in April 2015, apply up to the age of 21 and that the expert group would consider widening eligibility (<a href="#">col 3320</a>)</li> </ul>

<sup>1</sup> a pupil can leave school at the end of the May or December closest to a their sixteenth birthday. This means that some 15 year olds can leave school a few months before they turn 16 and some 16 year olds must stay at school for a few months after their 16th birthday, depending on when in the year their birthday falls.

	<ul style="list-style-type: none"> <li>local authorities will have to notify Ministers and the Care Inspectorate about the deaths of care leavers</li> </ul> <p>The Scottish Government announced £5m per year up to 2020 and an 'expert group' to consider implementation of the provisions (Scottish Government, 2014). This group will also consider whether a young person ought to be able to return to continuing care if they leave it. Aberlour, Barnardos and WhoCares? Scotland have <a href="#">welcomed these changes</a> as “the most significant changes to the support for care leavers in a generation” (Aberlour, 2014).</p>
<b>Part 9: Counselling</b>	
<p><b>Amendments 354 - 357, 388</b> Aileen Campbell. Agreed without division.</p> <p><b>Amendments 390, 354A, 391 - 393</b> Colin Beattie. Agreed without division.</p>	<p><b>Definition of services and eligibility:</b> At stage 1 there was some concern that Part 9 left too much to be defined in regulations, that counselling was not the best term to use for the types of services intended and that the duties only applied to services for parents. In response, these amendments:</p> <ul style="list-style-type: none"> <li>extend provision to children, pregnant women, partners and relations</li> <li>specify eligibility as the risk that a child would become ‘looked after’</li> <li>replace the term ‘counselling’ with ‘relevant services’</li> </ul>
<b>Part 10: Kinship Care</b>	
<p><b>Amendments 358 - 369, 389</b> Aileen Campbell. Agreed without division.</p>	<p><b>Eligibility:</b> At stage 1 there was some concern about the lack of detail on the face of the Bill. These amendments make technical changes and also specify eligibility for the new kinship care order as being linked to the risk that a child would otherwise become ‘looked after’.</p>
<b>Part 11: Adoption</b>	
<p><b>Amendments 370 – 380</b> Aileen Campbell. Agreed without division.</p>	<p><b>Specification of the adoption register:</b> Following recommendations of the Delegated Powers and Law Reform Committee, these amendments place more detail on the face of the Bill about the adoption register. This includes requiring Ministers to publish information about the organisation that will run the register. Regulations must also specify the fees which must be paid to that organisation (<a href="#">col 3344</a>).</p> <p><b>Requirement for parental consent.</b> Following concerns from BAAF and the Education and Culture Committee’s stage 1 report, these amendments remove from the face of the Bill the requirement for adoption agencies to seek parental consent to the inclusion of a child on the national adoption register Relevant regulations are to be developed with BAAF. (<a href="#">col 3345</a>)</p>
<b><a href="#">Day 4: 21<sup>st</sup> January 2014</a></b>	
<b>Part 11A: School Closures</b>	
<p>These amendments make changes to the Schools (Consultation) (Scotland) Act 2010 following the Court of Session judgement relating to the interpretation of that Act and the recommendations of the commission on the delivery of rural education. As this introduces significant new policy to the Bill, the Committee took evidence on school closures in December 2013. Some members referred to COSLA’s letter to the Committee (Chapman, 2014) which expressed concern about the changes. For further background see SPICe Briefing ‘School Closures’ (Kidner, 2013b).</p>	
<p><b>Amendment 407:</b> Michael Russell. Agreed without division</p>	<p><b>Financial information:</b> A school closure proposal paper must include financial information.</p>
<p><b>Amendment 406,</b> Liz Smith. Agreed 7:2</p>	<p><b>Moratorium on repeated closure proposals.</b> This would introduce a 5 year moratorium on repeating a school closure proposal. This was one of the Scottish Government’s proposals (Russell, 2013) and was a recommendation of the Commission on the delivery of rural education.</p>

<p><b>Amendment 408</b> Michael Russell. Agreed 7:0 with 2 abstentions.</p>	<p><b>Presumption against closing rural schools:</b> A recent court judgement found that the 2010 Act did not contain such a presumption despite the policy intention that it should. Currently a local authority must have special regard to viable alternatives to closure, the effect of different travelling arrangements and the effect on the local community (s.12). The proposal paper must show how these requirements have been complied with (s.13).</p> <p>This amendment is intended to give greater clarity about how a local authority ought to decide whether to propose a school closure. The Cabinet Secretary said that “a local authority will not be able to proceed with a closure proposal unless there is a clear educational benefit in doing so, and unless there is no more appropriate means of addressing whatever problem a rural school is experiencing” (<a href="#">col 3555</a>). New section 11A requires the local authority to be satisfied that a closure proposal is the most appropriate solution to the problems they are seeking to address. New section 12A requires the local authority to set out these problems or reasons for its proposal and to consider alternatives. For each reasonable alternative (which could include not closing the school), it must consider the educational benefits, effect on the community and effect on travelling arrangements.</p> <p>New section 13 makes further specification for consultation. The proposal paper must include information about how the local authority sought to address the issues that have led it to consider closure. The consultation must include consultation on alternatives to closure and these alternatives must be further assessed in the light of the consultation.</p>
<p><b>Amendment 409</b> Michael Russell. Agreed 7:2</p>	<p><b>School Closure Review Panels (all schools)</b> Amendment 409 creates a new procedure for reviewing school closure decisions. Currently a school closure decision is remitted to Ministers if they consider that the local authority may not have followed the correct procedure or may have failed to take account of a 'material consideration.'</p> <p>Ministers will still decide whether a 'call in' is required, but they will now have 8, rather than 6 weeks to decide whether to do so. (As at present, the public can make representations to Ministers during the first 3 weeks of this period). Amendment 409 also requires HMIe to provide advice to Ministers on whether a 'call-in' is required. Once Ministers decide to call in a closure proposal then it will be referred to the new school closure review panel Convener. The Convener, who will be appointed by Ministers, will then establish a 3 person panel to decide the issue within 8 weeks (which can be extended for a further 8 weeks if reasons are given why the first timescale cannot be met). HMIe must advise the panel and local authorities must provide any information requested.</p> <p>The panel's decision will be based on whether the requirements of the 2010 Act have been followed or whether the local authority has failed to take account of a material consideration.</p> <p>A panel can decide to refuse consent, to remit to the local authority for further consideration, to grant consent or to grant consent with conditions. (The possibility of remitting back to the local authority is new). There is an appeal to the sheriff on a point of law within 14 days, whose decision will be final.</p> <p>Further detail will be provided in regulations.</p>
<p><b>Part 12: Children’s Hearings</b></p>	
<p><b>Amendment 410</b> Aileen Campbell, Agreed without division</p>	<p><b>Safeguarders</b> This extends the types of Hearing that a safeguarder is <u>not</u> required to attend or provide a report. This means that a safeguarder report, which can take 35 days to prepare, is no longer required for certain kinds of Hearings held at short notice.</p>
<p><b>Amendment 412</b></p>	<p><b>Relevant persons</b> Makes provision for a Hearing to consider whether a person</p>

Aileen Campbell. Agreed without division.	ought still to be deemed a 'relevant person.' (A relevant person has significant rights. As some peoples' involvement with the child may change over time, it is necessary to allow for this status to end). This decision can be appealed and children's legal aid would be available for that appeal.
<b>Amendment 413</b> Aileen Campbell. Agreed without division.	<b>Grounds Hearings</b> Allows for the grounds to be accepted, even if all the supporting facts are not. (A competent child and relevant persons must accept the statutory grounds for the Hearing or the case goes to the Sheriff for proof).
<b>Amendments 411, 414, 415</b> Aileen Campbell. Agreed without division.	<b>Orders made by the Hearing</b> The time limit of eight days for a Child Protection Order starts from the day after the child is removed to a place of safety, rather than the day on which he or she is removed (amndt 411) If a child fails to attend a grounds hearing, then the Hearing can make an Interim Compulsory Supervision Order (ICSO). This can require, for example, that the child reside in a certain place.). (Amndt 414) No more than three ICSOs may run concurrently.(Amndt 415)
<b>Amendment 421</b> Aileen Campbell. Agreed without division.	<b>Children's legal aid</b> Provides for regulations to extend the types of persons who can get children's legal aid. Currently, the child and relevant persons may get legal aid for certain Hearings and connected court proceedings. Discussions with stakeholders had indicated the need to provide some flexibility in case eligibility needed to be extended in future. ( <a href="#">col 3578</a> )
<b>Part 12: Child Performances</b>	
<b>Amendment 422, 431</b> Aileen Campbell. Agreed without division.	Repeals restrictions on granting public performance licences to children under 14. This reflects a similar change being made in England and Wales. The Minister wrote to the Committee in January 2014, describing the current provision as "somewhat arbitrary" (Campbell, 2014b).

## STAGE 2 MAIN AMENDMENTS NOT MOVED, WITHDRAWN OR NOT AGREED TO

The table below lists the key amendments that were not agreed to, withdrawn or not moved. It does not cover every such amendment, but focuses on key areas of debate, issues raised by the Committee during stage 1 or where there was suggestion of further amendment at stage 3. Areas of debate where the Minister indicated that there might be Government amendments at stage 3 include dispute resolution in relation to a child's plan and school closures.

**Table 5: Summary of main amendments not agreed, withdrawn or not moved at stage 2**

<b><a href="#">Day 1: 17<sup>th</sup> December 2013</a></b>	
<b>Part 1: Duties on United Nations Convention on the Rights of the Child (UNCRC)</b>	
Amendments 119, 190, 196, 120, 123 Liam McArthur Defeated 4:5	<b>Have regard to UNCRC.</b> Would have required Scottish Ministers to have due regard to UNCRC(amndt 119), issue a report on how they have done so (amndt 120) and to consider children's views and best interests (amndt 120) (reflecting articles 3 and 12 of UNCRC). The Minister argued that "we have no way of knowing how the courts would interpret and enforce [a 'due regard'] duty" ( <a href="#">col 3152</a> ).
Amendments 123, 196 Liam McArthur. 123 defeated 4:5, 196 defeated 3:5 with 1 abstention.	Would have required public authorities to have due regard to UNCRC (123) and consider children's views and best interests (amndt 196) (reflecting articles 3 and 12 of UNCRC). The Minister noted that COSLA was against such a duty ( <a href="#">col 3152</a> )
Amendments 194, Liam McArthur	<b>Child Rights Assessment.</b> Would have required Ministers to undertake a Child Rights Impact Assessment (amndt 194) In response, the Minister

195 Neil Bibby Defeated 3:5, with 1 abstention.	argued that this was best pursued through guidance ( <a href="#">col 3152</a> )  Would have required Ministers to publish an implementation scheme (amndt 195). The Minister referred to her own amendment 88 which requires Ministers to produce plans for how they will consider UNCRC ( <a href="#">col 3153</a> )
Amendments 169, 172, 174,175, Neil Bibby Defeated 3:5 with 1 abstention	<b>Children’s Service Plans and UNCRC</b> Would have included meeting UNCRC requirements as an aim of the children’s services plans that local authorities and health boards must produce under Part 3. In response the Minister noted that, under s.2, public authorities were already required to report on how they have implemented UNCRC ( <a href="#">col 3153</a> )
Amendments 191, 192, 197, 199, 200, 201, 202 Siobhan McMahon. Defeated 3:6	<b>UNCRD</b> These would have placed duties on Ministers and public authorities in relation to the UN Convention on the Rights of Persons with DisabilitiesThe Minister argued that children with disabilities were already covered by the UNCRC and that separate duties were not required. “the fact that we are not making explicit reference to disabled children absolutely does not detract from the commitment we are making to them.” ( <a href="#">col 3158</a> ).
Amendments 198, 204, 211, 215, 221, 229, 233, 235, Mary Fee. Defeated 2:7.	<b>Parents in prison.</b> These would have made specific reference to services for children whose parents are in prison. The Minister argued that the Bill already covered all children and that specific reference to this group was unnecessary. She said that the specific needs of this group of children will be covered in guidance ( <a href="#">col 3169</a> ).
<b>Part 2: Scotland’s Commissioner for Children and Young People</b>	
Amendments 1, 2, 3, 4, 5. Liz Smith. Defeated 2:7	At stage 1 the Committee expressed some concern about the Commissioner’s interpretation of his powers of investigation under the Bill. These amendments sought to clarify the matter. The Minister said that these powers were already clear and there was no difference of interpretation between the Commission and the Minister ( <a href="#">col 3173</a> ).
<b>Part 3: Children’s Services Plans</b>	
Amendment 165, 170 Jayne Baxter. Defeated 3:5 with 1 abstention.	<b>Child Poverty.</b> These would have extended the aims of children’s services plans to include tackling child poverty and made specific reference to the Scottish Government’s Child Poverty Strategy. The Minister argued that specific mention of one strategy might raise questions about why other strategies are not mentioned. Child poverty will be covered in guidance ( <a href="#">col 3178</a> ).
Amendment 166 , 167 Liam McArthur Defeated 4:5	<b>The very young and additional support needs.</b> Amendment 166 sought to make specific mention in the Bill that ‘children’ included those aged 0 – 3, and amendment 167 would have specified children with suspected additional support needs were included. The Minister said that neither were necessary as ‘children’ included all children and the needs of the specific groups mentioned would be emphasised in guidance ( <a href="#">col 3182</a> ).
Amendments 205, 206 – 10, 212 - 14, 218, 220, 224 - 28, 230, 232, 237. Siobhan McMahon All defeated 4:5, except 210 not moved	<b>Transitions.</b> Sought to require children’s services plans to include the transition to adult services of vulnerable young people such as those with disabilities or additional support needs up to the age of 25. In response, the Minister said that extension to 25 years would dilute the purpose of children’s services plans. The issue is best addressed in guidance ( <a href="#">col 3186-7</a> )
Amendment 237 Liam McArthur Defeated 4:5	<b>Transitions.</b> Sought to require transition plans to be made for all 18 year olds with disabilities or additional support needs. The Minister said that the issue was better addressed in guidance ( <a href="#">col 3187</a> ).
Amendments 52, 53-57, 64, 66 – 81. Liz Smith. 52 defeated 1:8. Remainder not moved or withdrawn.	<b>Wellbeing and welfare.</b> Sought to replace the concept of ‘wellbeing’ with that of ‘welfare’ reflecting concern about the legal definition of ‘wellbeing.’ The Minister said that the concept of wellbeing is already well understood in practice ( <a href="#">col 3190</a> ).
Amendments 216, 219, 234, 236, 243, 250, 251, Mark McDonald.	<b>Speech and language.</b> Probing amendments, seeking to raise the issue of speech and language difficulties. The Minister agreed to cover the issue in guidance ( <a href="#">col 3199</a> ).

Withdrawn or not moved.	
Amendments 222, 238, 240, 242 - 246, 248, 252 to 256, Jayne Baxter.  222 defeated 2:6 with 1 abstention. 256 defeated 1:6, remainder defeated 2:7	Various amendments seeking to strengthen the requirements around speech and language support. Amendment 22 would require speech and language services to be consulted on a children's services plan. amendment 238 would specify that a named person can help a child access speech and language services. 240 and 248 would require guidance to include speech and language and 240 would specify that Ministerial Directions could cover speech and language. 244 would require that a child's speech and language needs should be considered when having regard their views on their plan and 245 that the child's speech and language need must be considered. 254 would require Ministers to produce a strategy and 255 and 256 would require public authorities to use 'inclusive communication standards'. The Minister said that the issues would be covered in guidance ( <a href="#">col 3199</a> ).
Amendment 176 Liam McArthur defeated 4:5. 223, Jayne Baxter defeated 2:6 with 1 abstention. 231 Jayne Baxter defeated 3:6. 128 Liz Smith defeated 4:5.	<b>Consultation.</b> Several amendments sought to increase consultation requirements when planning children's services. These were: to require consultation with children (176) and their families (223) on children's services plans, to report on whether children's services plans have met the expectations of families (231) and to require Ministers to consult with various organisations when preparing guidance (128). In response, the Minister said that there was already provision for consultation and children's views to be taken into account and that it was not necessary to legislate for consultation on guidance ( <a href="#">col 3203</a> ).
Amendment 127 Liz Smith Defeated 4:5	<b>Information sharing and service plans.</b> The Bill gives local authorities and health boards the power to require information from other organisations for the purposes of developing a children's services plan. This amendment sought to prevent private and voluntary organisations being compelled in this way. The Minister argued that the power to require information sharing was necessary because of the number of children's services provided by the private and voluntary sector. "Allowing an opt-out from a duty to assist would undermine the intention of creating collective responsibility for planning services." ( <a href="#">col 3212</a> ).
<b><a href="#">Day 2: 7<sup>th</sup> January 2014</a></b>	
<b>Part 4: Named Person Service and information sharing</b>	
Amendments 6, 8-44, 58-63, 65, 51, 83 Liz Smith. Not moved or withdrawn except: 6 (defeated 4:5), 15,58,16,19,20,22,62,65 (defeated 1:8)	<b>Targeted named person and opt out:</b> The Bill provides a Named Person service to all up to the age of eighteen. These amendments sought to change this to cover all children up to age five, only vulnerable children between the ages of five and sixteen and no-one aged sixteen or seventeen. They also would have added an 'opt out' for those who did not want a 'Named Person.' Liz Smith referred to her party's 'long standing concern' about Name Person on both issues of principle and resources. The Minister referred to the need for a preventative, early intervention approach and the bureaucracy that an 'opt-out' would create.
Jayne Baxter, 177, Liz Smith, 7. Defeated 4:5	<b>Health visitors.</b> Amendment 7 sought to ensure that the Named Person is a midwife or health visitor for pre-school children. This reflects concerns of the Royal College of Nursing and Royal College of Midwives about resources for health visitors. Amendment 177 would have prevented the 'Named Person' function being 'contracted out', Jayne Baxter explained the reasoning as being to ensure resources for health visitors. The Minister argued that, although well intentioned, a degree of flexibility was necessary with regard to who is designated the Named Person ( <a href="#">col 3233</a> ).
Amendments 180, 181 Liz Smith. 180 defeated 1:8, 181 not moved	<b>Information sharing</b> sought to delete sections 26 and 27 which require information to be shared between the named person and service providers where there is a concern about wellbeing and such information 'ought to be shared'. Successful Scottish Government amendments sought to 'tighten up' the provisions, rather than delete them (see above).

<b>Part 5: Child's Plan</b>	
Amendments 316-18, 320-326, 328, 330, 331, 336 Liam McArthur. Defeated 4:5 or not moved.	Sought to require periodic screening of young children to assess their wellbeing needs. They were prompted by the 'Putting the Baby in the Bathwater' coalition and also included provision about the content of the plan and responsibilities of corporate parents. The Minister argued that the amendments were unnecessary and might lead to children moving to statutory measures unnecessarily and unnecessary bureaucracy ( <a href="#">col 3259</a> ).
Amendments 45-47 Liz Smith, withdrawn or not moved. 300 Liam McArthur, defeated 4:5, 312 withdrawn.	<b>Dispute resolution.</b> Amendments 45-7 sought to create an order-making power to enable Ministers to introduce a mechanism for resolving disputes about a child's plan. Amendment 300 sought to require that the family were told about independent advocacy services. The Minister agreed with the need for "a clear route of redress" ( <a href="#">col 3268</a> ) for child's plans and other duties related to GIRFEC, saying "we are open to considering the possibility of an order making power ( <a href="#">col 3268</a> ) indicating <b>possible amendment at stage 3</b> .
<b><a href="#">Day 3: 14<sup>th</sup> January 2014</a></b>	
<b>Part 6: Early Learning and Childcare</b>	
Amendment 337, Liam McArthur. Defeated 4:5.	Sought to specify the aims of early learning and care. The Minister argued that it would have no practical effect ( <a href="#">col 3284</a> ).
Amendments 48 - 50, Liz Smith. Defeated 4:5 or not moved.	Sought to ensure that all children were entitled to two full years of early learning and childcare, reflecting concerns raised by Reform Scotland. Liz Smith referred to 'blatant discrimination against quite large numbers of children" ( <a href="#">col 3288</a> ). The Minister said her intention is to use regulations to continue commencement for three year olds from the first term after their third birthday. She referred to the planned extension of provision to some groups of two year olds ( <a href="#">col 3288</a> ).
Amendments 84 - 86, Neil Bibby. Defeated 3:5 with 1 abstention.  338 - 340, Liam McArthur. Defeated 4:5	Various amendments to extend the categories of two year olds entitled to early learning and childcare. This included those with additional support needs (339), those who would be entitled to free school meals if at school (86), who received disability living allowance (338) or whose parents received tax credits (85) or pension credit (340). The Minister said she always intended to expand provision through regulations when it is affordable and referred to the extension in August 2014 to two year olds in families seeking work and, in August 2015, to those eligible for Free School Meals. She argued that the expansion now to all groups proposed was unaffordable ( <a href="#">col 3296</a> ).
Amendments 327, 344 to 346 Neil Bibby. Defeated 4:5	Sought to create a right to childcare including out of school and holiday care up to the age of fourteen. Provision should be sufficient to enable parents to work or study. Regulations would specify a mandatory amount of out of school and holiday care. The Minister argued that there was no capacity to deliver such rights and that similar requirements have not worked in England and are being repealed ( <a href="#">col 3306</a> ). Neil Bibby indicated that he may revisit his amendments at stage 3 ( <a href="#">col 3309</a> ).
Amendment 343 Liam McArthur. Defeated 4:5.	At stage 1 there was some discussion about when local authorities would deliver the flexibility required under s.46. This amendment sought to require Ministers to report to Parliament on progress. The Minister argued that this "would represent disproportionate bureaucracy and centralisation" ( <a href="#">col 3314</a> ).
<b>Part 8 Care leavers</b>	
Amendments 332, 333, 394, 395, Liam McArthur. 332, withdrawn, 333, 394 not moved.  395 defeated 3:6.	<b>Eligibility for after care.</b> Amendments 332 and 333 sought to specify that after care services include meeting the needs of care leavers who are or might soon become parents. The Minister argued that this risked confusion between children's services and services for care leavers. The issues mentioned will be covered in guidance ( <a href="#">col 3330</a> ). Amendment 394 sought to extend eligibility for aftercare to anyone who had been in care at any point, rather than only those who were in care when they were sixteen or older. <b>Appeals.</b> Amendment 395 sought to require a procedure for appeals against decisions about aftercare services, in addition to the existing requirement for

	a procedure for complaints.
<b>Part 9: Counselling</b>	
Amendments 184-189 Liam McArthur. Not called as pre-empted.	Sought to change 'counselling' to 'early intervention' services, reflecting concerns heard at stage 1 about the potentially narrow implications of 'counselling'. Similar amendments from Colin Beattie were successful.
<b>Part 10: Kinship Care</b>	
Jayne Baxter, 396 - 404. 396, 400- 402, 404 defeated 2:7. 403 not moved. 397 not called as pre-empted.	These would require, rather than enable, Ministers to introduce regulations relating to kinship care, specify that a kinship carer must have a pre-existing relationship with the child, require that kinship care assistance include information about obtaining financial support. Jayne Baxter explained these as "a route by which Scottish Ministers can ensure that kinship carers receive adequate support." ( <a href="#">col 3335</a> ) The Minister argued that they would not result in local authorities providing uniform support to kinship carers ( <a href="#">col 3336</a> ).
<b><u>Day 4: 21<sup>st</sup> January 2014</u></b>	
<b>Part 11A: School Closures</b>	
Amendment 408A , Liz Smith. Not moved	This amendment would require a local authority to demonstrate, rather than be satisfied, that their proposal is the most appropriate response to the reasons which led them to develop the closure proposal. The Cabinet Secretary said that while amendment 408 could perhaps be strengthened, the difficulty with 408A was that it was not clear to whom such effects would have to be demonstrated.  Liz Smith agreed not to move the amendment subject to discussion with the Cabinet Secretary on a <b>possible stage 3 amendment</b> ( <a href="#">col 3562</a> )
Amendment 409A, Liam McArthur. Not Moved.	This amendment would enable the Panel to make a finding that Ministers ought not to have issued a 'call-in' notice. The Cabinet Secretary noted that the review panel is required to give reasons for its decisions and that could cover any issue about whether a call-in notice was appropriate.  Liam McArthur agreed not to move the amendment but indicated he would return to the issue at stage 3. ( <a href="#">col 3566</a> )
<b>Part 12: Other</b>	
Amendment 433, Alex Johnstone. Withdrawn.	<b>Sex education</b> This would create a right for parents to remove their children from school sex education, in the same way that they currently have a right to remove them from religious education. Currently, guidance states that they should be able to remove their children, but there is no statutory right to do so. The member explained that the amendment was prompted by the Same Sex Marriage (Scotland) Bill. The Minister argued that the matter of parental objection to sex education was best covered through guidance. Revised sex education guidance is expected by the end of March.
Amendment 435, 438 Mary Fee. 435 withdrawn, 438 not moved.	<b>Gender recognition</b> This would require the Government, by July 2015, to review whether the age limit on applying for gender recognition should be lowered to 16 or 17. This issue was raised by the Equal Opportunities Committee in their <a href="#">report</a> on the Same Sex Marriage (Scotland) Bill. The Minister said that the matter would be seriously considered by the equalities minister.
Amendment 434, 436, 437 Liam McArthur. 434 withdrawn, 436, 437 not moved.	<b>Additional support needs</b> These amendments sought to strengthen the application of the Education (Additional Support for Learning) (Scotland) Act 2004 to children in their first three years. This was based on the principle of early intervention and prevention. The Minister argued that provisions under GIRFEC would mean that where there is an issue about wellbeing at any age, a child's plan can be developed. She noted that the statutory code of practice

	on ASL was currently being reviewed and would be subject to consultation and parliamentary scrutiny.
Amendment 82 Liz Smith. Defeated 3:4.	<b>Guidance for voluntary organisations.</b> This would have enabled Ministers to issue statutory guidance to third sector organisations. Liz Smith argued that guidance developed for public bodies was not always suitable for the third sector and, given their extensive role in children’s services, they ought to be able to have their particular needs considered. The Minister replied that the government did issue non-statutory guidance to the third sector and many third sector organisations were involved in developing policy and guidance.

## SOURCES

Aberlour press release 6<sup>th</sup> January 2014 *Scotland celebrates Government moves to deliver greater support for care leavers*. <http://www.whocaresscotland.org/news/01/14/scotland-celebrates-government-moves-to-deliver-greater-support-for-care-leavers/>

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