

Children and Young People (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 3 proceedings, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Duties of Scottish Ministers in relation to the rights of children

116, 117, 118, 93, 119, 120, 121, 122, 123, 124, 125, 126

Group 2: Duties in relation to Article 7 of UN Convention on the Rights of Persons with Disabilities

92, 94, 95, 96, 97, 98, 99, 100

Debate to end no later than 40 minutes after proceedings begin

Group 3: Meaning of children's service: inclusion of families of children with needs of a particular type

127

Group 4: Services provided to certain young people: inclusion in children's services planning and transition from children's services

128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 179, 196

Group 5: Children's services planning: meaning of "relevant health board"

55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 74

Debate to end no later than 1 hour 10 minutes after proceedings begin

Group 6: Aims of children’s services plans: use of available resources

140

Group 7: Requirement on the Scottish Ministers to consult particular persons before issuing guidance or directions

69, 71, 75, 76, 83, 85, 88

Group 8: Provision of named person service: persons to whom service is to be provided

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 162, 162A, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 163, 163A, 163B, 163C, 163D, 163E, 163F, 164, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50

Debate to end no later than 1 hour 45 minutes after proceedings begin

Group 9: Information sharing: requirement to obtain informed consent where information concerned is confidential

165, 166, 167, 168, 169, 170, 171

Group 10: Named person and child’s plans functions: complaints procedure

101, 102, 112, 113

Group 11: Meaning of relevant and listed authorities etc.

77, 77A, 78, 79, 80, 81, 82, 84, 86, 86A, 87, 176, 90, 91, 198, 199, 200

Debate to end no later than 2 hours 20 minutes after proceedings begin

Group 12: Provision of early learning and childcare

51, 103, 172, 104, 173, 105, 174, 52, 53, 54, 114, 115, 115A, 197

Group 13: Duty to provide a mandatory amount of out of school care

175

Debate to end no later than 3 hours 5 minutes after proceedings begin

Group 14: Sibling contact: duty on local authority in relation to looked after children

177

Group 15: Aftercare and continuing care: minor amendments

89, 178

Group 16: Kinship care assistance: eligibility and assistance to be provided

180, 180A, 180B, 181, 202, 202A, 182, 183, 203, 203A, 184, 185, 204, 204A, 186, 205, 187, 188, 189, 190, 206, 195

Debate to end no later than 3 hours 35 minutes after proceedings begin

Group 17: School closures

191, 106, 107, 108, 109, 110, 111

Group 18: Provision of free school lunches

192, 201

Debate to end no later than 4 hours 15 minutes after proceedings begin

Group 19: Functions of education authority in relation to pre-school children with additional support needs

193

Group 20: National speech, language and communication strategy

194

Debate to end no later than 4 hours 40 minutes after proceedings begin

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Amendments in debating order

Group 1: Duties of Scottish Ministers in relation to the rights of children

Jean Urquhart

116* Before section 1, insert—

<Duty on Scottish Ministers to establish a body to consider whether the UNCRC should be given legislative effect

- (1) Within one year of this Act receiving Royal Assent, the Scottish Ministers must by order establish a body to consider whether the UNCRC should be given legislative effect.
- (2) Where a body established under subsection (1) has completed its consideration it must—
 - (a) make a written report of its conclusions,
 - (b) lay the report before the Scottish Parliament,
 - (c) publish the report.
- (3) As soon as practicable after the report has been laid before the Parliament, the Scottish Ministers must make a statement—
 - (a) responding to the report,
 - (b) indicating, on the basis of that report, whether they intend to give legislative effect to the UNCRC.
- (4) The Scottish Ministers must—
 - (a) lay a copy of the statement under subsection (3) before the Parliament,
 - (b) publish the statement in such a manner as they consider appropriate.
- (5) An order under subsection (1) may make provision about—
 - (a) the status, constitution and proceedings of the body,
 - (b) the period within which the body must report to the Parliament,
 - (c) the matters which must be covered in the report,
 - (d) the publication of the report.>

Liam McArthur

117 In section 1, page 1, line 9, at end insert—

<(A1) The Scottish Ministers must, when exercising any of their functions, treat the best interests of any children likely to be affected by the exercise of the function as a key consideration.

(A2) Subsection (A1) does not apply to the extent that the Scottish Ministers are required by any enactment to consider the best interests of a child as the paramount or a primary consideration.>

Liam McArthur

118 In section 1, page 1, line 9, at end insert—

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- <() The Scottish Ministers must, when exercising any of their functions, give any children affected by the exercise of the function an opportunity to express any views freely and give any such views due weight in accordance with the age and maturity of the child.>

Aileen Campbell

93 In section 1, page 1, line 15, at end insert—

- <() In complying with their duty under subsection (1)(a), the Scottish Ministers must take such account as they consider appropriate of any relevant views of children of which the Scottish Ministers are aware.>

Alison Johnstone

119 In section 1, page 1, line 15, at end insert—

- <(1A) The Scottish Ministers must take all appropriate legislative, administrative, social and educational measures to protect children from all forms of—

- (a) physical or mental violence,
- (b) injury or abuse,
- (c) neglect or negligent treatment,
- (d) maltreatment or exploitation, including sexual abuse.

(1B) Protective measures under subsection (1A), may include—

- (a) effective procedures for the establishment of social programmes to provide necessary support for children and for those who have care of children,
- (b) identification, reporting, referral, investigation and treatment,
- (c) follow-up of instances of maltreatment as described in subsection (1A),
- (d) as appropriate, judicial involvement.>

Alison Johnstone

120 In section 1, page 1, line 22, leave out <subsection> and insert <subsections (1A) and>

Neil Bibby

121 In section 1, page 1, line 22, after <(2),> insert—

- <() what they have done in response to any statements made (however made or communicated) in that period by the United Nations Committee on the Rights of the Child (as established by Article 43 of the UNCRC) that—

- (a) relate specifically to Scotland (whether or not they also relate to other parts of the United Kingdom), or
- (b) are generally applicable to all state parties to the UNCRC,>

Alison Johnstone

122 In section 1, page 1, line 26, leave out <subsection> and insert <subsections (1A) and>

Neil Bibby

123 In section 1, page 2, line 2, after <children> insert <,

- () the Commissioner for Children and Young People in Scotland, and

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() such other persons as they consider appropriate,>

Neil Bibby

124 In section 1, page 2, line 2, leave out <what their> and insert <the matters mentioned in subsection (3B).

(3B) Those matters are—

(a) the extent to which—

(i) steps taken by the Scottish Ministers in the 3 year period referred to in subsection (3)(a) have secured better or further effect in Scotland of the UNCRC requirements, and

(ii) things done by the Scottish Ministers in that period in pursuance of subsection (2) have succeeded in promoting the public awareness and understanding mentioned in that subsection, and

(b) what the Scottish Ministers’>

Liam McArthur

125 After section 1, insert—

<Duties of Scottish Ministers: statements of compatibility with the UNCRC in relation to bills

(1) As soon as reasonably practicable after the introduction of a Bill, the Scottish Minister in charge of that Bill must—

(a) make a statement to the effect that in the Minister’s view the provisions of the Bill are compatible with the UNCRC requirements (“a statement of compatibility”), or

(b) make a statement to the effect that although the Minister is unable to make a statement of compatibility, the Minister nevertheless wishes to proceed with the Bill.

(2) A statement of compatibility must set out how the Bill will secure better or further effect in Scotland of the UNCRC requirements.

(3) The statement must be in writing and be published in such a manner as the Minister making it considers appropriate.>

Liam McArthur

126* After section 1, insert—

<Children’s rights impact assessment

(1) The Scottish Ministers must prepare and publish an assessment of the impact on the rights of children (“a children’s rights impact assessment”) in relation to every relevant Bill introduced in the Scottish Parliament by a member of the Scottish Government.

(2) A children’s rights impact assessment under subsection (1) must be laid before the Parliament before the introduction of the Bill to which it relates.

(3) The Scottish Ministers may prepare and publish a children’s rights impact assessment in relation to—

(a) any relevant subordinate legislation laid by virtue of an enactment introduced prior to the commencement of this section,

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- (b) any other relevant subordinate legislation where the Scottish Ministers or the Parliament consider that the children’s rights impact assessment under subsection (1) of the Bill by virtue of which the subordinate legislation is laid was unsatisfactory.
- (4) A children’s rights impact assessment under subsection (3) must be laid in the Parliament before the laying of the subordinate legislation to which it relates.
- (5) In preparing a children’s rights impact assessment under subsection (1) or (3) the Scottish Ministers must consult—
 - (a) children,
 - (b) such other persons as they consider appropriate.
- (6) A children’s rights impact assessment under subsection (1) or (3) must contain—
 - (a) information on the impact of the Bill or subordinate legislation on children,
 - (b) information on how the Bill or subordinate legislation might secure better or further effect in Scotland of the UNCRC requirements,
 - (c) the views of children on the Bill or subordinate legislation,
 - (d) such other information as the Scottish Ministers consider appropriate.
- (7) The Scottish Ministers may by order specify further documents in relation to which a children’s rights impact assessment must or may be required.
- (8) In this section a “relevant Bill” or “relevant subordinate legislation” means a Bill or subordinate legislation which impacts on the rights of children.>

Group 2: Duties in relation to Article 7 of UN Convention on the Rights of Persons with Disabilities

Siobhan McMahon

92 In section 1, page 1, line 13, after <requirements> insert <and the UNCRPD requirements>

Siobhan McMahon

94 In section 1, page 1, line 21, at end insert <and the UNCRPD requirements>

Siobhan McMahon

95 In section 1, page 1, line 25, after <requirements> insert <and the UNCRPD requirements>

Siobhan McMahon

96 In section 2, page 2, line 15, at end insert <and the UNCRPD requirements>

Siobhan McMahon

97 In section 4, page 3, line 19, at end insert <and
() Article 7 of the UNCRPD,>

Siobhan McMahon

98 In section 4, page 3, line 31, at end insert <

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“the UNCRPD” means the United Nations Convention on the Rights of Persons with Disabilities adopted by General Assembly resolution A/RES/61/106 on 13 December 2006,

“the UNCRPD requirements” means the rights and obligations set out in Article 7 of the UNCRPD.>

Siobhan McMahon

- 99 In section 4, page 3, line 32, after <document> insert <or to Article 7 of the UNCRPD>

Siobhan McMahon

- 100 In section 4, page 3, line 33, after <document> insert <or Article>

Group 3: Meaning of children’s service: inclusion of families of children with needs of a particular type

Siobhan McMahon

- 127 In section 7, page 6, line 25, at end insert <, or
() families of children mentioned in paragraph (b).>

Group 4: Services provided to certain young people: inclusion in children’s services planning and transition from children’s services

Siobhan McMahon

- 128 In section 7, page 6, line 33, after <service> insert <or a young persons’ service>

Siobhan McMahon

- 129 In section 7, page 6, line 34, at end insert <or young persons>

Siobhan McMahon

- 130* In section 7, page 6, line 36, at end insert <,
“young person” means a person who has attained the age of 18 years but who has not attained the age of 25 years and who—
(a) has needs of a particular type (such as needs arising from having been a looked after child, needs arising from a disability or a need for additional support in learning), or
(b) is of a description specified by order by the Scottish Ministers,
“young persons’ service” means any service provided in the area of a local authority by a person mentioned in subsection (2) to young persons; but, where such a service is also provided to persons other than young persons, “young persons’ service” includes the service only to the extent that it is provided to young persons.>

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Siobhan McMahan

- 131 In section 7, page 6, line 37, after first <service"> insert <, "young persons' service">

Siobhan McMahan

- 132 In section 7, page 7, line 6, after first <service"> insert <, "young persons' service">

Siobhan McMahan

- 133 In section 7, page 7, line 7, leave out <either> and insert <any>

Siobhan McMahan

- 134 In section 8, page 7, line 23, after <children's> and insert <and young persons'>

Siobhan McMahan

- 135 In section 8, page 7, line 29, after <children's> insert <and young persons'>

Siobhan McMahan

- 136* In section 8, page 7, line 31, after <services,> insert—
<() young persons' services,>

Siobhan McMahan

- 137 In section 9, page 7, line 34, after <children's> insert <and young persons'>

Siobhan McMahan

- 138 In section 9, page 7, line 37, after <services> insert <and young persons' services>

Siobhan McMahan

- 139 In section 9, page 8, line 1, after <children> insert <and young persons>

Siobhan McMahan

- 141 In section 9, page 8, line 6, at end insert—
<() that young persons' transitions, on attaining the age of 18, from children's services to young persons' services are planned sufficiently well in advance,>

Siobhan McMahan

- 142 In section 9, page 8, line 9, after <children> insert <and young persons>

Siobhan McMahan

- 143 In section 10, page 8, line 12, after <children's> insert <and young persons'>

Siobhan McMahan

- 144 In section 10, page 8, line 16, after <children's> insert <and young persons'>

Siobhan McMahan

- 145 In section 10, page 8, line 26, after first <service> insert <, young persons' service>

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Siobhan McMahan

146 In section 10, page 8, line 29, after first <service> insert <, a young persons' service>

Siobhan McMahan

147 In section 10, page 8, line 34, after <children's> insert <and young persons'>

Siobhan McMahan

148 In section 10, page 8, line 38, after <children's> insert <and young persons'>

Siobhan McMahan

149 In section 10, page 8, line 40, after <children's> insert <and young persons'>

Siobhan McMahan

150 In section 11, page 9, line 13, after <children's> insert <and young persons'>

Siobhan McMahan

151 In section 11, page 9, line 15, after <children's> insert <and young persons'>

Siobhan McMahan

152 In section 11, page 9, line 16, after <children's> in <and young persons'>

Siobhan McMahan

153 In section 11, page 9, line 17, after <children's> insert <and young persons'>

Siobhan McMahan

154 In section 12, page 9, line 22, after <children's> insert <and young persons'>

Siobhan McMahan

155 In section 12, page 9, line 23, after <services> insert <, young persons' services>

Siobhan McMahan

156 In section 12, page 9, line 32, at end insert <or young person>

Siobhan McMahan

157 In section 13, page 10, line 5, after first <services> insert <, young persons' services>

Siobhan McMahan

158 In section 13, page 10, line 6, after <children's> insert <and young persons'>

Siobhan McMahan

159 In section 13, page 10, line 9, after <children> insert <and young persons>

Siobhan McMahan

160 In section 14, page 10, line 20, after <service> insert <, a young persons' service>

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Siobhan McMahon

161 In section 18, page 11, line 37, after <children's> insert <and young persons'>

Siobhan McMahon

179* After section 71B, insert—

<Mentoring scheme

Mentoring scheme for children and young people with a disability

- (1) The Scottish Ministers may by order make provision for a mentoring scheme for eligible children and young people with a disability to support such children and young people in their transition to adulthood.
- (2) An order under subsection (1) must include provision about—
 - (a) the criteria which will be applied in determining eligibility for the scheme,
 - (b) the advice, assistance and support to be provided under the scheme,
 - (c) the qualifications and experience required of persons to provide such advice, assistance and support under the scheme,
 - (d) such other matters about the establishment and provision of the scheme as the Scottish Ministers consider appropriate.
- (3) For the purposes of this section, a child or young person is disabled if they have a disability within the meaning of section 1 of the Disability Discrimination Act 1995.>

Siobhan McMahon

196* In section 77, page 60, line 17, at end insert—

<section (*Mentoring scheme for children and young people with a disability*)(1)>

Group 5: Children's services planning: meaning of "relevant health board"

Aileen Campbell

55 In section 7, page 6, line 35, leave out from <a> to the end of line 36 and insert—

- <() if the area of the local authority is the same as that of a health board, that health board,
- () if the area of the local authority is not the same as that of a health board, the health board within whose area the area of the local authority falls.>

Aileen Campbell

56 In section 7, page 6, line 40, leave out <any> and insert <the>

Aileen Campbell

57 In section 7, page 7, line 19, leave out <each> and insert <the>

Aileen Campbell

58 In section 8, page 7, line 22, leave out first <each> and insert <the>

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Aileen Campbell

59 In section 10, page 8, line 12, leave out <each> and insert <the>

Aileen Campbell

60 In section 10, page 8, line 27, leave out <any> and insert <the>

Aileen Campbell

61 In section 10, page 8, line 37, leave out <each> and insert <the>

Aileen Campbell

62 In section 10, page 8, line 41, leave out <each> and insert <the>

Aileen Campbell

63 In section 10, page 9, line 4, leave out <each> and insert <the>

Aileen Campbell

64 In section 11, page 9, line 12, leave out <each> and insert <the>

Aileen Campbell

65 In section 12, page 9, line 27, leave out <each> and insert <the>

Aileen Campbell

66 In section 13, page 10, line 2, leave out second <each> and insert <the>

Aileen Campbell

67 In section 14, page 10, line 16, leave out <each> and insert <the>

Aileen Campbell

68 In section 15, page 10, line 32, leave out <each> and insert <the>

Aileen Campbell

70 In section 16, page 11, line 6, leave out <each> and insert <the>

Aileen Campbell

72 In section 17, page 11, line 11, leave out <each> and insert <the>

Aileen Campbell

73 In section 17, page 11, line 22, leave out <any> and insert <the>

Aileen Campbell

74 In section 17, page 11, line 30, leave out <boards> and insert <board>

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Group 6: Aims of children's services plans: use of available resources

John Wilson

- 140** In section 9, page 8, line 6, leave out <most efficient> and insert <best>

Group 7: Requirement on the Scottish Ministers to consult particular persons before issuing guidance or directions

Aileen Campbell

- 69** In section 15, page 10, line 34, leave out from second <the> to end of line 35 and insert—
<() any person to which it relates, and
() such other persons as they consider appropriate.>

Aileen Campbell

- 71** In section 16, page 11, line 8, leave out from second <the> to end of line 9 and insert—
<() any person to which it relates, and
() such other persons as they consider appropriate.>

Aileen Campbell

- 75** In section 28, page 17, line 21, leave out from <any> to end of line 22 and insert—
<() any person to which it relates, and
() such other persons as they consider appropriate.>

Aileen Campbell

- 76** In section 29, page 17, line 31, leave out from second <the> to end of line 32 and insert—
<() any person to which it relates, and
() such other persons as they consider appropriate.>

Aileen Campbell

- 83** In section 39, page 25, line 11, leave out from <any> to end of line 12 and insert—
<() any person to which it relates, and
() such other persons as they consider appropriate.>

Aileen Campbell

- 85** In section 40, page 25, line 21, leave out from second <the> to end of line 22 and insert—
<() any person to which it relates, and
() such other persons as they consider appropriate.>

Aileen Campbell

- 88** In section 57, page 32, line 35, leave out <they relate> and insert <it relates>

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Group 8: Provision of named person service: persons to whom service is to be provided

Liz Smith

- 1 In section 19, page 12, line 7, leave out <or young person>

Liz Smith

- 2 In section 19, page 12, line 19, leave out <or young person>

Liz Smith

- 3 In section 19, page 12, line 21, leave out <subject to subsection (5A),>

Liz Smith

- 4 In section 19, page 12, line 23, leave out <or young person>

Liz Smith

- 5 In section 19, page 12, line 24, leave out <or young person>

Liz Smith

- 6 In section 19, page 12, line 25, leave out <or young person>

Liz Smith

- 7 In section 19, page 12, line 26, leave out first <or young person>

Liz Smith

- 8 In section 19, page 12, line 26, leave out second <or young person>

Liz Smith

- 9 In section 19, page 12, line 28, leave out <or young person>

Liz Smith

- 10 In section 19, page 12, line 31, leave out <or young person>

Liz Smith

- 11 In section 19, page 12, line 32, leave out subsection (5A)

Liz Smith

- 162 In section 19, page 12, line 34, at end insert—

<(5B) A named person may exercise the functions mentioned in subsection (5) only if the exercise of the functions is necessary—

- (a) in the interests of public safety,
- (b) for the prevention of crime or disorder,
- (c) for the protection of the wellbeing of the child or young person in respect of whom the functions are proposed to be exercised, or
- (d) for the protection of the rights or freedoms of others.>

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Liz Smith

162A As an amendment to amendment 162, line 6, leave out <or young person>

Liz Smith

12 In section 21, page 13, line 20, leave out <or (3)>

Liz Smith

13 In section 21, page 13, leave out lines 27 to 36

Liz Smith

14 In section 21, page 13, line 37, leave out subsection (3)

Liz Smith

15 In section 21, page 14, line 7, leave out subsection (6)

Liz Smith

16 Leave out section 22

Liz Smith

17 In section 23, page 14, line 23, leave out <or young person>

Liz Smith

18 In section 23, page 14, line 27, leave out <or young person>

Liz Smith

19 In section 23, page 14, line 29, leave out <or young person>

Liz Smith

20 In section 23, page 14, line 31, leave out <or young person>

Liz Smith

21 In section 23, page 14, line 32, leave out <or young person>

Liz Smith

22 In section 23, page 15, line 1, leave out <or young person>

Liz Smith

23 In section 23, page 15, line 8, leave out <or young person>

Liz Smith

24 In section 23, page 15, line 13, leave out <or young person>

Liz Smith

163 After section 23, insert—

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<Notification that named person functions are to be exercised

- (1) A service provider must, as soon as reasonably practicable after it decides that one or more of the conditions mentioned in section 19(5B) for the exercise of the named person functions is met in relation to a child or young person, give the child or young person, and the parents of the child or young person, notice in writing of that fact.
- (2) A notice under subsection (1) must—
 - (a) state—
 - (i) in relation to each condition mentioned in section 19(5B) which the service provider considers is met, the service provider’s reasons for so considering,
 - (ii) when it intends to start exercising the named person functions in relation to the child or young person, and
 - (iii) how it intends to exercise those functions, and
 - (b) identify the person who is to be the named person for the child or young person and provide details of how that person may be contacted.
- (3) A person who receives a notice under subsection (1) may appeal against the service provider’s decision that one or more of the conditions mentioned in section 19(5B) is met in relation to the child or young person to the sheriff.>

Liz Smith

163A As an amendment to amendment 163, line 5, leave out first <or young person>

Liz Smith

163B As an amendment to amendment 163, line 5, leave out second <or young person>

Liz Smith

163C As an amendment to amendment 163, line 6, leave out <or young person>

Liz Smith

163D*As an amendment to amendment 163, line 12, leave out <or young person>

Liz Smith

163E*As an amendment to amendment 163, line 14, leave out <or young person>

Liz Smith

163F*As an amendment to amendment 163, line 18, leave out <or young person>

Liz Smith

164 In section 24, page 15, line 23, after <exercised> insert <(in cases where they may be exercised)>

Liz Smith

25 In section 24, page 15, line 27, leave out first <or young person>

Liz Smith

26 In section 24, page 15, line 27, leave out second <or young person>

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Liz Smith

27 In section 24, page 15, line 28, leave out <or young person>

Liz Smith

28 In section 24, page 15, line 29, leave out <or young person>

Liz Smith

29 In section 24, page 15, line 31, leave out <or young person>

Liz Smith

30 In section 25, page 15, line 34, leave out <or young person>

Liz Smith

31 In section 25, page 15, line 36, leave out <or young person>

Liz Smith

32 In section 26, page 16, line 7, leave out <or young person>

Liz Smith

33 In section 26, page 16, line 11, leave out <or young person>

Liz Smith

34 In section 26, page 16, line 13, leave out <or young person>

Liz Smith

35 In section 26, page 16, line 16, leave out <or young person>

Liz Smith

36 In section 26, page 16, line 21, leave out <or young person>

Liz Smith

37 In section 26, page 16, line 28, leave out <or young person>

Liz Smith

38 In section 26, page 16, line 33, leave out <or young person>

Liz Smith

39 In section 26, page 16, line 35, leave out <or young person>

Liz Smith

40 In section 30, page 17, line 34, at end insert—

<“child” means a person who has not attained the age of 16 years,>

Liz Smith

41 In section 30, page 17, leave out lines 35 and 36

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Liz Smith

42 In section 30, page 18, leave out lines 16 to 21

Liz Smith

43 In section 30, page 18, leave out lines 23 and 24

Liz Smith

44 In section 30, page 18, leave out lines 27 and 28

Liz Smith

45 In section 30, page 18, leave out line 38

Liz Smith

46 In section 30, page 19, leave out lines 4 and 5

Liz Smith

47 In section 30, page 19, leave out lines 6 and 7

Liz Smith

48 In section 30, page 19, leave out line 8

Liz Smith

49 In section 75, page 59, line 12, after <means> insert <(except in Part 4)>

Liz Smith

50 In schedule 2, page 62, line 26, at end insert—

<The Scottish Ministers>

Group 9: Information sharing: requirement to obtain informed consent where information concerned is confidential

Liam McArthur

165 In section 26, page 16, line 27, after <practicable> insert—

<(a)>

Liam McArthur

166 In section 26, page 16, line 28, at end insert—

<(b) where the information to be provided is confidential, seek to obtain informed and explicit consent—

(i) if the information holder considers that the child has capacity to give informed consent, from the child or young person, or

(ii) if the information holder does not consider that the child has such capacity, from any person with parental responsibilities in respect of the child,

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unless the information holder considers that to seek such consent would be likely to adversely affect the wellbeing of the child or young person.>

Liam McArthur

167 In section 26, page 16, line 28, at end insert—

<() In the event that consent under subsection (4A)(b) cannot be obtained, the information holder should proceed in accordance with the terms of any guidance issued under section 28.>

Liam McArthur

168* In section 26, page 16, line 29, leave out <(4A)> and insert <(4A)(a) or seeking to obtain the informed and explicit consent of a child under subsection (4A)(b)>

Liam McArthur

169 In section 26, page 17, line 1, leave out subsection (8)

Liam McArthur

170 In section 28, page 17, line 20, at end insert—

<() Guidance issued under subsection (1) must include guidance on how an information holder should proceed with the sharing of confidential information under section 26 in the event that consent under section 26(4A)(b) cannot be obtained.>

Liam McArthur

171 In section 38, page 24, line 28, leave out subsection (3)

Group 10: Named person and child's plans functions: complaints procedure

Aileen Campbell

101 After section 29, insert—

<Complaints in relation to Part 4

- (1) The Scottish Ministers may by order make provision about the making, consideration and determination of complaints concerning the exercise of functions conferred by or under this Part.
- (2) The provision which may be made under subsection (1) includes provision about—
 - (a) matters which may, or may not, be the subject of a complaint,
 - (b) who may make a complaint,
 - (c) how a complaint may be made,
 - (d) time limits for making complaints,
 - (e) steps which require to be taken before a complaint may be made,
 - (f) who is to consider a complaint,
 - (g) the procedure for the consideration of a complaint,
 - (h) the obtaining of information for the purpose of considering a complaint,

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- (i) the keeping of records in relation to complaints or their consideration,
 - (j) the making of findings, and reporting, following the consideration of a complaint.
- (3) An order under subsection (1) may modify any enactment.>

Aileen Campbell

102 After section 40, insert—

<Complaints in relation to Part 5

- (1) The Scottish Ministers may by order make provision about the making, consideration and determination of complaints concerning the exercise of functions conferred by or under this Part.
- (2) The provision which may be made under subsection (1) includes provision about—
 - (a) matters which may, or may not, be the subject of a complaint,
 - (b) who may make a complaint,
 - (c) how a complaint may be made,
 - (d) time limits for making complaints,
 - (e) steps which require to be taken before a complaint may be made,
 - (f) who is to consider a complaint,
 - (g) the procedure for the consideration of a complaint,
 - (h) the obtaining of information for the purpose of considering a complaint,
 - (i) the keeping of records in relation to complaints or their consideration,
 - (j) the making of findings, and reporting, following the consideration of a complaint.
- (3) An order under subsection (1) may modify any enactment.>

Aileen Campbell

112 In section 77, page 60, line 6, at end insert—

<section (*Complaints in relation to Part 4*)(1),>

Aileen Campbell

113* In section 77, page 60, line 8, at end insert—

<section (*Complaints in relation to Part 5*)(1),>

Group 11: Meaning of relevant and listed authorities etc.

Aileen Campbell

77 After section 29, insert—

<Relevant authorities

- (1) The persons listed, or within a description listed, in schedule 2, are “relevant authorities” for the purposes of this Part (subject to subsection (3)).
- (2) The Scottish Ministers may by order modify schedule 2 by—

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- (a) adding a person or description of persons,
 - (b) removing an entry listed in it, or
 - (c) varying an entry listed in it.
- (3) The following persons are not relevant authorities for the purposes of section 29—
- (a) the Commissioner for Children and Young People in Scotland,
 - (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.
- (4) An order under subsection (2) which adds a person, or a description of persons, to schedule 2, may modify this section so as to provide that the person is not a relevant authority, or the persons within the description are not relevant authorities, for the purposes of section 29.>

Liam McArthur

77A* As an amendment to amendment 77, leave out line 10

Aileen Campbell

78 In section 30, page 18, leave out lines 25 and 26

Aileen Campbell

79 In section 30, page 19, line 9, leave out subsection (2)

Aileen Campbell

80 In section 38, page 24, line 23, leave out <person listed, or within a description listed, in schedule 2A> and insert <listed authority>

Aileen Campbell

81 In section 38, page 24, line 39, leave out subsection (6)

Aileen Campbell

82 In section 39, page 25, line 9, leave out <person (other than the Scottish Ministers) listed, or within a description listed, in schedule 2A> and insert <listed authority>

Aileen Campbell

84 In section 40, page 25, line 19, leave out <person (other than the Scottish Ministers) listed, or within a description listed, in schedule 2A> and insert <listed authority>

Aileen Campbell

86 After section 40, insert—

<Listed authorities

- (1) The persons listed, or within a description listed, in schedule 2A, are “listed authorities” for the purposes of this Part (subject to subsections (3) and (4)).
- (2) The Scottish Ministers may by order modify schedule 2A by—
 - (a) adding a person or description of persons,
 - (b) removing an entry listed in it, or

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- (c) varying an entry listed in it.
- (3) The Scottish Ministers are not a listed authority for the purposes of sections 39 and 40.
- (4) The following persons are not listed authorities for the purposes of section 40—
 - (a) the Commissioner for Children and Young People in Scotland,
 - (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.
- (5) An order under subsection (2) which adds a person, or a description of persons, to schedule 2A, may modify this section so as to provide that the person is not a listed authority, or the persons within the description are not listed authorities, for the purposes of section 40.>

Liam McArthur

86A* As an amendment to amendment 86, leave out line 11

Aileen Campbell

87 In section 50, page 30, line 5, leave out <subsection (3)> and insert <subsections (3) and (3A)>

Liam McArthur

176 In section 50, page 30, leave out line 12

Aileen Campbell

90 In section 77, page 60, line 7, leave out <30(2)> and insert <(Relevant authorities)(2)>

Aileen Campbell

91 In section 77, page 60, line 9, leave out <38(6)> and insert <(Listed authorities)(2)>

Liam McArthur

198 In schedule 2, page 63, line 3, leave out paragraph 13

Liam McArthur

199 In schedule 2A, page 63, line 21, leave out paragraph 13

Liam McArthur

200* In schedule 3, page 64, line 11, leave out paragraph 20

Group 12: Provision of early learning and childcare

Liz Smith

- 51 In section 43, page 26, line 16, leave out from <under> to end of line 22 and insert <of pre-school age and has not commenced attendance at a primary school (other than at a nursery class in such a school), or
- (b) is under pre-school age but falls within subsection (3).

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- (2A) A child is of pre-school age from the school commencement date in the year in which, on the last day of February, the child was aged (or turned) 2 until the school commencement date two years later.
- (2B) The Scottish Ministers may by order specify that a child—
- (a) who—
 - (i) is under school age on the second school commencement date mentioned in subsection (2A),
 - (ii) is not commencing attendance at a primary school on that date (other than commencing or continuing attendance at a nursery class in such a school), and
 - (iii) meets such other criteria as may be specified in the order,is, until the next school commencement date, to be regarded as an eligible pre-school child, or
 - (b) who is within such age range below pre-school age, or is of such other description, as may be specified in the order is to be regarded as an eligible pre-school child.>

Aileen Campbell

- 103** In section 43, page 26, line 23, at beginning insert <Subject to subsection (3A),>

Neil Bibby

- 172** In section 43, page 26, line 23, after <and> insert—
<(aa) the child>

Aileen Campbell

- 104** In section 43, page 26, line 26, at end insert <or a child falling within section 64(3)(f)>

Neil Bibby

- 173** In section 43, page 26, line 26, at end insert <,
(ab) the child—
 - (i) would, if the child was a pupil at a school, be entitled by virtue of subsection (3)(a) of section 53 of the 1980 Act to be provided with a school lunch free of charge by virtue of subsection (3AA) of that section, or
 - (ii) has at any time since the child's second birthday fallen within subparagraph (i).>

Aileen Campbell

- 105** In section 43, page 26, line 26, at end insert—
<(3A) The Scottish Ministers may by order provide that a child aged 4 or over does not (or is no longer to) fall within subsection (3) in such circumstances as may be specified in the order.>

Neil Bibby

- 174** In section 43, page 26, line 26, at end insert—

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<(3B) The Scottish Ministers must, no later than 30 April 2015, lay before the Scottish Parliament an order under subsection (2)(c)(ii) which secures the outcome specified in subsection (3C).

(3C) That outcome is that, with effect from a date in August 2015 specified in the order, every child within the description in subsection (3D) is an eligible pre-school child.

(3D) That description is a child—

(a) who is under school age but aged 2 or over,

(b) who has not commenced attendance at a primary school (other than at a nursery class in such a school), and

(c) who—

(i) would, if the child was a pupil at a school, be entitled by virtue of subsection (3)(a) of section 53 of the 1980 Act to be provided with a school lunch free of charge by virtue of subsection (3AA) of that section, or

(ii) has at any time since the child's second birthday fallen within subparagraph (i).>

Liz Smith

52 In section 43, page 26, line 27, leave out <(2)(c)(ii) may provide that a child is to be> and insert <(2B) may provide that a child is to be regarded as>

Liz Smith

53 In section 43, page 26, line 29, at end insert—

<() In subsection (2A), “school commencement date” means the date fixed under section 32(1) of the 1980 Act by the local authority for the area in which the child resides.>

Liz Smith

54 In section 77, page 60, line 10, leave out <43(2)(c)(ii)> and insert <43(2B)>

Aileen Campbell

114 In section 77, page 60, line 10, at end insert—

<section 43(3A),>

Aileen Campbell

115 In section 79, page 61, line 9, at end insert—

<() Subsections (2) to (4) of section 43 also come into force on the day after Royal Assent.>

Neil Bibby

115A As an amendment to amendment 115, line 2, after <(4)> insert <(other than subsection (3)(ab))>

Neil Bibby

197 In section 79, page 61, line 11, at end insert—

<() The day (or days) appointed for section 43(3)(ab) to come into force must be in or before August 2015.>

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Group 13: Duty to provide a mandatory amount of out of school care

Neil Bibby

175 Before section 49B, insert—

<Duty to provide out of school care

(1) Section 27 of the 1995 Act is amended as follows.

(2) For subsection (3) substitute—

“(3) Each local authority must secure that the mandatory amount of—

- (a) care outside school hours, and
- (b) care during school holidays,

is made available to children within their area who are in attendance at a school.

(3ZA) The “mandatory amount” for the purposes of subsection (3) is such number of hours, to be provided over such period of time and by such methods, as the Scottish Ministers may by order specify in relation to each of paragraph (a) and (b) of that subsection.

(3ZB) A local authority may secure that—

- (a) care outside school hours,
- (b) care during school holidays,

other than that which they are required to secure under subsection (3) is made available to children within their area who are in attendance at a school.

(3ZC) An order under subsection (3ZA)—

- (a) may make different provision for different purposes (and may in particular specify different mandatory amounts in relation to different descriptions of children specified in the order),
- (b) is subject to the affirmative procedure.

(3ZD) Before laying a draft order under subsection (3ZA) before the Scottish Parliament, the Scottish Ministers must consult—

- (a) each local authority,
- (b) such other persons as they consider appropriate.

(3ZE) For the purposes of such consultation, the Scottish Ministers must—

- (a) lay a copy of the proposed draft order before the Parliament,
- (b) publish the proposed draft order in such manner as they consider appropriate, and
- (c) have regard to any representations about the proposed draft order that are made to them within 60 days of the date on which the copy of the proposed draft order is laid before the Parliament under paragraph (a).

(3ZF) In calculating any period of 60 days for the purposes of subsection (3ZE)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

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(3ZG) When laying a draft order under subsection (3ZA) before the Parliament, the Scottish Ministers must also lay before the Scottish Parliament an explanatory document giving details of—

- (a) the consultation carried out under subsection (3ZD),
- (b) any representations received as a result of the consultation, and
- (c) the changes (if any) made to the proposed draft order as a result of those representations.”.>

Group 14: Sibling contact: duty on local authority in relation to looked after children

Jayne Baxter

177* After section 59, insert—

<PART

SIBLING CONTACT

Sibling contact: duty of local authority to child looked after by that authority

- (1) The 1995 Act is amended as follows.
- (2) In section 17—
 - (a) in subsection (1)(c)—
 - (i) after first “to” insert “—
(i)”,
 - (ii) after first “him” insert—
“(ii) promote and facilitate, on a regular basis, personal relations and direct contact between the child and any siblings of the child.”,
 - (iii) the text after sub-paragraph (ii) becomes full-out text to paragraph (c) as a whole,
 - (b) after subsection (7), insert—
“(8) Any reference in this section to a sibling includes a sibling by virtue of adoption, marriage or civil partnership, a sibling of the half blood and any other person the child regards as the child’s sibling and with whom the child has an established family life.”.>

Group 15: Aftercare and continuing care: minor amendments

Aileen Campbell

89 In section 60, page 34, line 27, at end insert—

- <() in the opening words, for “Subject to subsection (3) below, a” substitute “A”,>

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Aileen Campbell

178 In section 60A, page 36, line 14, at end insert—

<() Before making an order under this section, the Scottish Ministers must consult—

- (a) each local authority, and
- (b) such other persons as they consider appropriate.>

Group 16: Kinship care assistance: eligibility and assistance to be provided

Jayne Baxter

180 In section 64, page 38, line 11, after <is> insert—

<(a) in the case of a person who is applying for a kinship care order in relation to an eligible child who has not attained the age of 16 years or who falls within paragraph (c) or (e) of subsection (3)—

- (i) the provision of the minimum rate of financial support, and
- (ii) the provision of additional assistance of such description as the Scottish Ministers may by order specify,

(b) in any other case, the provision of assistance of such description as the Scottish Ministers may by order specify.

(2A) The Scottish Ministers must by order specify the minimum rate of financial support for the purposes of subsection (2)(a)(i).

(2B) An order under subsection (2A)—

- (a) must provide for the rate to be the same for all local authorities, but
- (b) may provide for the rate to increase with the age of the child.>

Jayne Baxter

180A As an amendment to amendment 180, line 2, leave out <an eligible> and insert <a>

Jayne Baxter

180B* As an amendment to amendment 180, line 4, leave out <(c) or (e)> insert <(aa), (c), (ca), (e) or (ea)>

Jayne Baxter

181 In section 64, page 38, line 15, leave out <an eligible> and insert <a>

Jayne Baxter

202* In section 64, page 38, line 15, at end insert—

<(aa) a person who is applying for a kinship care order in relation to an eligible child who—

- (i) has attained the age of 16 but not the age of 18, and
- (ii) is cared for by the person applying for the order,>

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Jayne Baxter

202A*As an amendment to amendment 202, line 2, leave out <an eligible> and insert <a>

Jayne Baxter

182 In section 64, page 38, line 16, leave out <an eligible> and insert <a>

Jayne Baxter

183 In section 64, page 38, line 18, leave out <an eligible> and insert <a>

Jayne Baxter

203* In section 64, page 38, line 19, at end insert—

<(ca) a person—

- (i) who is caring for an eligible child who has attained the age of 16 but not the age of 18, and
- (ii) in whose favour a kinship care order in relation to that child subsists or subsisted immediately prior to the child attaining the age of 16,>

Jayne Baxter

203A*As an amendment to amendment 203, line 3, leave out <an eligible> and insert <a>

Jayne Baxter

184 In section 64, page 38, line 22, leave out from <and> to end of line 23

Jayne Baxter

185 In section 64, page 38, line 25, leave out <an eligible> and insert <a>

Jayne Baxter

204* In section 64, page 38, line 26, at end insert—

<(ea) a person—

- (i) who is caring for an eligible child who has attained the age of 16 but not the age of 18, and
 - (ii) who is or was, immediately prior to the child attaining the age of 16, a guardian of that child by virtue of an appointment under section 7 of the 1995 Act,
- (but this is subject to subject to subsection (3A)),>

Jayne Baxter

204A*As an amendment to amendment 204, line 3, leave out <an eligible> and insert <a>

Jayne Baxter

186 In section 64, page 38, line 27, leave out <an eligible> and insert <a>

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Jayne Baxter

- 205*** In section 64, page 38, line 29, leave out <Subsection (3)(e) does> and insert <Paragraphs (e) and (ea) of subsection (3) do>

Jayne Baxter

- 187** In section 64, page 38, line 30, leave out subsection (4)

Jayne Baxter

- 188** In section 66, page 39, line 17, after <specified> insert <by virtue of section 64(2)(a)(ii) or (b)>

Jayne Baxter

- 189** In section 66, page 39, line 25, after <assistance> insert <specified by virtue of section 64(2)(a)(ii) or (b)>

Jayne Baxter

- 190** In section 66, page 39, leave out lines 26 to 29

Jayne Baxter

- 206*** After section 66, insert—

<Kinship care assistance: allowances for care

In section 110 of the Adoption and Children (Scotland) Act 2007—

(a) in subsection (1) at the beginning insert “Subject to subsection (1A),”

(b) after subsection (1) insert—

“(1A) The Scottish Ministers must make regulations under subsection (1) in respect of a child who falls within subsection (2) and is in the care of a qualifying person.”

(c) in subsection (3) at the beginning insert “Subject to subsection (3A),”

(d) after subsection (3) insert—

“(3A) Regulations under subsection (1) where subsection (1A) applies—

(a) must specify the minimum rate of financial support to be provided to a qualifying person,

(b) must provide for that rate to be the same for all local authorities, but

(c) may provide for the rate to increase with the age of the child.”

(e) after subsection (6) insert—

“(6A) For the purposes of this section “qualifying person” has the same meaning as in Part 10 of the Children and Young People (Scotland) Act 2014.”>

Jayne Baxter

- 195** In section 77, page 59, line 35, at beginning insert <except in the case of an order under section 64(2A),>

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Group 17: School closures

Liam McArthur

191 After section 68C, insert—

<Correction of proposal paper

- (1) Section 5 of the 2010 Act (correction of the proposal paper) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)—
 - (a) the word “and” immediately following paragraph (a) is repealed,
 - (b) after that paragraph insert—
 - “(aa) inform the notifier of its determination under paragraph (a), and the reasons for that determination,”
 - (c) in paragraph (b), for “subsection (3)” substitute “subsection (4) and of the reasons why it is, or is not, taking such action”,
 - (d) after paragraph (b) insert “, and
 - (c) invite the notifier to make representations to the authority if the notifier disagrees with the authority’s determination under paragraph (a) or its decision as to whether to take action under subsection (4).”.
- (3) After that subsection insert—
 - “(2A) Where the notifier makes representations to the authority in pursuance of subsection (2)(c), the authority may—
 - (a) make a fresh determination under subsection (2)(a),
 - (b) make a fresh decision as to whether to take action under subsection (4).
 - (2B) The authority must inform the notifier if it takes a step mentioned in subsection (2A)(a) or (b).”.
- (4) For subsection (3) substitute—
 - “(3) Subsection (4) applies—
 - (a) where, in a situation mentioned in subsection (1)(a), the education authority determines that—
 - (i) relevant information has (in its opinion) been omitted from the proposal paper, or
 - (ii) there is (in fact) an inaccuracy in the proposal paper,
 - (b) in a situation mentioned in subsection (1)(b).
- (4) Where—
 - (a) the information that has been omitted or, as the case may be, the inaccuracy relates to a material consideration relevant to the education authority’s decision as to implementation of the proposal, it must take action as mentioned in subsection (5)(a) or (b),
 - (b) that information or inaccuracy does not relate to such a material consideration, the authority may—
 - (i) take action as mentioned in subsection (5)(a) or (b), or

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- (ii) take no further action (except by virtue of section 10(3)).
- (5) The action referred to in subsection (4)(a) and (b)(i) is—
 - (a) to take the following steps—
 - (i) publish a corrected proposal paper,
 - (ii) give revised notice in accordance with section 6, and
 - (iii) send a copy of the corrected paper to HMIE,
 - (b) to issue a notice to the relevant consultees and HMIE—
 - (i) providing the omitted information or, as the case may be, correcting the inaccuracy, and
 - (ii) if the authority considers it appropriate, extending the consultation period by such period as is reasonable by reference to the significance of the information provided or, as the case may be, the nature of the correction.
- (6) Where the education authority issues a notice mentioned in subsection (5)(b) after the end of the consultation period—
 - (a) the notice may, instead of extending the consultation period, specify such further period during which representations may be made on the proposal as is reasonable by reference to the significance of the information provided or, as the case may be, the nature of the correction, and
 - (b) any such further period is to be treated as part of the consultation period for the purposes of sections 8, 9 and 10.”.
- (5) In section 10 of the 2010 Act (content of the consultation report), in subsection (3)—
 - (a) in the opening text, after “applies,” insert “including any alleged omission or inaccuracy notified to the education authority,”,
 - (b) in paragraph (a), after “inaccuracy” insert “, or (as the case may be) the alleged omission or inaccuracy,”,
 - (c) in paragraph (b), after “inaccuracy” insert “, or (as the case may be) the alleged omission or inaccuracy,”,
 - (d) after that paragraph insert—
 - “(c) any representations made to the authority in pursuance of section 5(2)(c).”.>

Michael Russell

106 In section 68D, page 43, line 31, after <closure> insert <proposals>

Michael Russell

107 In section 68D, page 44, line 1, after <that> insert <such>

Liz Smith

108 In section 68D, page 44, line 3, at end insert—

- <(3) The authority must publish on its website notice of—
 - (a) its decision as to implementation of the proposal, and

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- (b) where it decides to implement the proposal (wholly or partly), the reasons why it is satisfied that such implementation is the most appropriate response to the reasons for formulating the proposal identified by the authority under section 12A(2)(a).”.>

Michael Russell

- 109** In section 68D, page 45, line 8, after <explain> insert <the reasons>

Michael Russell

- 110** In section 68D, page 45, line 39, at end insert—

<() whether and, if so, the reasons why the authority considers that implementation of the proposal (wholly or partly) would be the most appropriate response to the reasons for the proposal.”.>

Michael Russell

- 111** In section 68E, page 46, line 7, at end insert—

<() in subsection (2), after paragraph (b)(ii) insert—

“(iii) where the decision relates to a rural school, the notice published under section 11A(3).”,

() after that subsection insert—

“(2A) At the same time as it notifies the Scottish Ministers of the decision under subsection (2)(a), the education authority must publish on its website notice of—

(a) the fact that the Scottish Ministers have been so notified, and

(b) the opportunity for making representations to the Scottish Ministers in connection with subsection (4), including the date on which the 3 week period referred to in that subsection ends.”.>

Group 18: Provision of free school lunches

Adam Ingram

- 192** After section 71A, insert—

<Provision of school meals

Provision of free school lunches

- (1) Section 53 of the 1980 Act is amended as follows.
- (2) Subsection (2) is repealed.
- (3) In subsection (2A), after “lunches” insert “which the authority are required to provide by virtue of subsection (3)”.
- (4) In subsection (2C)(b), the words “(other than in the middle of the day)” are omitted.
- (5) In subsection (2D), the words “(2) or” are omitted.
- (6) In subsection (3), after paragraph (b) insert—

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“(c) who is in such yearly stage of primary or secondary education, or is of such other description, as the Scottish Ministers may by regulations prescribe.”.>

Adam Ingram

201 In schedule 4, page 65, line 7, at end insert—

<() In section 53A(2), for “53(3)” substitute “53”.

() In section 53B—

(a) in subsection (1)—

(i) after “applies” insert “, subject to subsection (1A),”,

(ii) for “53(3)” substitute “53”,

(b) after subsection (1), insert—

“(1A) This section does not apply in such circumstances as the Scottish Ministers may by regulations prescribe.”,

(c) in subsection (5)(b), for “53(3)” substitute “53”.

() In section 133—

(a) in subsection (2), for “(2ZA)” substitute “(2YA)”,

(b) after subsection (2), insert—

“(2YA) Subsection (2) above shall not apply to any regulations under section 53(3)(c) of this Act; and such regulations shall be subject to the affirmative procedure.”.>

Group 19: Functions of education authority in relation to pre-school children with additional support needs

Liam McArthur

193* After section 71B, insert—

<Pre-school children with additional support needs

General functions of education authority in relation to children with additional support needs

In section 5 of the Education (Additional Support for Learning) (Scotland) Act 2004—

(a) in subsection (2)—

(i) after first “have” insert “additional support”,

(ii) omit “of the type mentioned in subsection (3)(c)”,

(b) in subsection (3)—

(i) insert the word “and” immediately after paragraph (a),

(ii) omit the word “and” immediately following paragraph (b),

(iii) omit paragraph (c).>

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Group 20: National speech, language and communication strategy

Siobhan McMahon

194* After section 71B, insert—

<National speech, language and communication strategy

National speech, language and communication strategy for children and young people

- (1) The Scottish Ministers must, no later than one year after this section comes into force, lay a national speech, language and communication strategy for children and young people before the Scottish Parliament.
- (2) The strategy must, in particular, set out—
 - (a) the Scottish Ministers’ objectives for speech, language and communication for children and young people,
 - (b) their proposals for meeting those objectives,
 - (c) the timescales over which those proposals and policies are expected to take effect.
- (3) Before laying the strategy before the Parliament, the Scottish Ministers must publish a draft strategy and consult with—
 - (a) children and young people, including children and young people with speech, language and communication needs,
 - (b) the parents of children and young people with speech, language and communication needs,
 - (c) persons working for, and on behalf of, children and young people, including children and young people with speech, language and communication needs,
 - (d) the providers of services to children with speech, language and communication needs in relation to those needs,
 - (e) such other persons as they consider appropriate.
- (4) The strategy must be accompanied by a report setting out—
 - (a) the consultation process undertaken in order to comply with subsection (3), and
 - (b) the ways in which the views expressed during that process have been taken account of in finalising the strategy (or stating that no account has been taken of such views).
- (5) The Scottish Ministers must, no later than—
 - (a) 3 years after laying a strategy before the Parliament under subsection (1), and
 - (b) the end of every subsequent period of 3 years,lay a revised strategy before the Parliament; and subsections (2) to (4) apply to a revised strategy as they apply to a strategy laid under subsection (1).
- (6) The Scottish Ministers must, when laying a revised strategy before the Parliament, also lay before the Parliament a report evaluating the effectiveness of the strategy immediately preceding that revised strategy.>