

Children and Young People (Scotland) Bill

2nd Groupings of Amendments for Stage 2

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;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, 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

Provision of named person service: persons to whom service is to be provided and ability to opt-out

6, 8, 9, 10, 11, 12, 13, 14, 15, 58, 16, 17, 18, 19, 20, 59, 21, 60, 133, 134, 135, 22, 61, 23, 24, 25, 26, 27, 28, 62, 63, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 65, 41, 42, 43, 44, 51, 83

Persons who may be a named person

177, 7

Functions of named persons in relation to children and young persons in reserve forces

129, 130, 152, 156

Functions of named persons and corporate parents: prevention of harm

178, 329

Persons with function of providing certain named person services

131, 132, 179, 138, 149, 150, 151, 153, 154, 155, 157, 158

Information sharing

136, 137, 139, 140, 141, 142, 180, 143, 144, 145, 181, 163, 164

Guidance in relation to named person service

146, 147, 182

Relevant authorities in context of named person service: power to issue directions and definition

148, 159, 160, 161, 162

Consideration, assessment etc. of needs for child’s plan and corporate parenting purposes and monitoring of whether planned outcomes achieved etc.

316, 336, 317, 318, 320, 321, 322, 323, 324, 325, 326, 328, 330, 331

Targeted interventions: number that may be included in child’s plan and persons who provide service etc.

257, 258, 259, 260, 261, 264, 265, 277, 278, 279, 282, 284, 285, 298, 299

Persons to be involved in decisions about child’s plan etc.

262, 183, 263, 272, 273, 274, 280, 281, 283, 297

Notes on amendments in this group

Amendment 183 pre-empts amendment 263 in this group and amendment 244 in the group “Speech, language and communication” (already debated on Day 1)

Child’s plan: dispute resolution

45, 46, 47, 300, 312

Content and preparation of child’s plan

319, 266, 267, 268, 269, 270, 271

Responsible authority in relation to child’s plan

275, 276

Assistance etc. in relation to child’s plan

286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 311

Aims of early learning and childcare

337

Eligible pre-school children to receive at least two full years of early learning and childcare

48, 49, 50

Additional groups of 2 year olds to be included in definition of eligible pre-school child

84, 338, 85, 86, 339, 340

Duties to consult on and plan provision of certain forms of education and care and duties to provide day care and out of school care

327, 301, 302, 344, 345, 346

Order specifying eligible pre-school children: procedure

341, 313

Delivery of early learning and childcare: minimum standards and flexibility

342, 343

Corporate parents and their responsibilities

303, 304, 305, 306, 307, 347, 310, 315

Persons to whom Part 7 applies

308, 309, 314

Duties towards certain parents and prospective parents

332, 333, 334, 335,

Type of services to be provided under Part 9

184, 185, 186, 187, 188, 189

Guidance for voluntary organisations

82

Amendments already debated

Children affected by parental imprisonment

With 198 – 239, 241, 247, 249

Speech, language and communication

With 216 – 238, 240, 242, 243, 244, 245, 246, 248, 250, 251, 252, 253, 254, 255, 256

Notes on amendments in this group

Amendment 244 in this group (already debated on Day 1) is pre-empted by amendment 183 in the group “Persons to be involved in decisions about child’s plan etc.”

Guidance and directions

With 95 – 111, 112, 113, 114, 115, 116, 118

Default powers in relation to children’s services planning

With 108 – 117

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Amendments in debating order

Provision of named person service: persons to whom service is to be provided and ability to opt-out

Liz Smith

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

Liz Smith

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

Liz Smith

- 9 In section 19, page 12, line 22, leave out <or young person>

Liz Smith

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

Liz Smith

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

Liz Smith

- 12 In section 19, page 12, line 26, leave out from first <or> to second <person> and insert <, or a parent of the child>

Liz Smith

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

Liz Smith

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

Liz Smith

- 15 In section 21, page 13, line 14, after <each> insert <vulnerable>

Liz Smith

- 58 In section 21, page 13, line 15, after <child,> insert—
<() an opted-out child,>

Liz Smith

- 16 In section 21, page 13, line 16, leave out <or (3)>

Liz Smith

- 17 In section 21, page 13, line 16, at end insert—
<() A “vulnerable child” is a child—

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- (a) who is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of care and support services,
- (b) whose health or development is likely to be significantly impaired, or further impaired, without the provision for them of care or support services,
- (c) who has a physical impairment or mental disorder,
- (d) who is looked after by a local authority in terms of section 17(6) of the 1995 Act.>

Liz Smith

18 In section 21, page 13, line 17, after <A> insert <vulnerable>

Liz Smith

19 In section 21, page 13, line 23, leave out subsection (3)

Liz Smith

20 In section 21, page 13, line 24, after <a> insert <vulnerable>

Liz Smith

59 In section 21, page 13, line 24, after <(2)(a)> insert <and is not an opted-out child,>

Liz Smith

21 In section 21, page 13, line 27, after <a> insert <vulnerable>

Liz Smith

60 In section 21, page 13, line 27, after <(c)> insert <and is not an opted-out child,>

Aileen Campbell

133 In section 22, page 13, line 33, leave out from <falls> to end of line 34

Aileen Campbell

134 In section 22, page 13, line 37, leave out subsection (4)

Aileen Campbell

135 In section 22, page 14, line 5, leave out <in any other case> and insert <where the young person is a pupil at a grant-aided school or an independent school>

Liz Smith

22 Leave out section 22

Liz Smith

61 After section 22, insert—

<Request that named person service is not provided

- (1) A parent of a child other than a pre-school child may request that a named person service is not provided in relation to the child.

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- (2) A request under subsection (1)—
 - (a) must be made to the service provider in relation to the child, and
 - (b) may be made at any time until the child attains the age of 16 years.
- (3) In considering whether to approve or refuse a request made under subsection (1), the service provider must—
 - (a) so far as reasonably practicable, ascertain and have regard to the views of the child,
 - (b) take into account any factors set out in an order under subsection (9)(a), and
 - (c) comply with any provision made under subsection (9)(b).
- (4) In having regard to the views of the child, the service provider is to take account of the child's age and maturity.
- (5) If a request under subsection (1) is approved, no person has the function of providing a named person service in relation to the child during the period for which the request has effect and the child has no named person during that period.
- (6) A request under subsection (1) has effect—
 - (a) from the time the request is approved until whichever of the following occurs first—
 - (i) the request is cancelled under subsection (8), or
 - (ii) the child attains the age of 16 years, and
 - (b) regardless of any change in the opted-out service provider in relation to the child.
- (7) A child in respect of whom a request under subsection (1) has effect is referred to in this Part as an “opted-out child”.
- (8) A request under subsection (1) which has effect—
 - (a) may be cancelled at any time by—
 - (i) the parent of the opted-out child,
 - (ii) in a case where the opted-out service provider in relation to the child is satisfied that the child is of sufficient maturity to request a cancellation, the opted-out child,
 - (b) must be cancelled by the opted-out service provider in relation to the child in circumstances set out in an order under subsection (9)(c).
- (9) The Scottish Ministers may by order make provision about—
 - (a) factors to be taken into account by service providers in considering requests under subsection (1),
 - (b) circumstances in which such requests must or must not be granted by service providers,
 - (c) circumstances in which a request under subsection (1) which has effect must be cancelled by the opted-out service provider in relation to a child,
 - (d) how a request under subsection (1) or a request for cancellation of such a request which has effect may be made,
 - (e) how and to whom the approval or refusal of a request under subsection (1) or the cancellation of such a request which has effect may be notified,

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- (f) how a refusal of a request under subsection (1) or a cancellation of such a request which has effect under subsection (8)(b) may be appealed against,
 - (g) such other matters relating to requests under subsection (1) as the Scottish Ministers consider appropriate.
- (10) The fact that a child is an opted-out child does not affect any power or duty of any person to provide any service (other than a named person service) or take any action in relation to the child.
- (11) In subsections (6)(b), (8) and (9)(c), the “opted-out service provider” means the person which would, but for the fact that the child is an opted-out child, have the function of providing a named person service in relation to the child.>

Liz Smith

23 In section 23, page 14, line 8, leave out <or young person>

Liz Smith

24 In section 23, page 14, line 12, leave out <or young person>

Liz Smith

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

Liz Smith

26 In section 23, page 14, line 16, leave out <or young person>

Liz Smith

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

Liz Smith

28 In section 23, page 14, line 25, leave out <or young person>

Liz Smith

62 In section 23, page 14, line 29, at end insert—

- <(4) This section also applies where a person ceases to be the opted-out service provider in relation to a child.
- (5) The person (“the outgoing opted-out service provider”) must as soon as is reasonably practicable—
 - (a) inform any other person which has become or which it considers may be the person who would, but for the fact that the child is an opted-out child, be the service provider in relation to the child (“the incoming opted-out service provider”) that the outgoing opted-out service provider has ceased to be opted-out service provider in relation to the child, and
 - (b) comply with subsection (2)(b).
- (6) Where subsections (2)(b) and (3) apply by virtue of subsections (4) and (5)—
 - (a) the references in subsections (2)(b) and (3) to the outgoing service provider and the incoming service provider are to be read as references to the outgoing opted-out service provider and the incoming opted-out service provider respectively, and

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- (b) the reference in subsection (3)(a)(i) to the functions of a service provider under this Part includes reference to the functions of an opted-out service provider under section (*Request that named person service is not provided*).>

Liz Smith

63 In section 24, page 14, line 37, at end insert—

<() the ability to request that a named person service is not provided in relation to a child under section (*Request that named person service is not provided*).>

Liz Smith

29 In section 24, page 15, line 1, leave out from first <or> to second <person> in line 2 and insert <must provide the child and the parents of the child>

Liz Smith

30 In section 24, page 15, line 3, leave out <or young person>

Liz Smith

31 In section 24, page 15, line 5, leave out <or young person>

Liz Smith

32 In section 25, page 15, line 8, leave out <or young person>

Liz Smith

33 In section 25, page 15, line 10, leave out <or young person>

Liz Smith

34 In section 26, page 15, line 22, leave out <or young person>

Liz Smith

35 In section 26, page 15, line 26, leave out <or young person>

Liz Smith

36 In section 26, page 15, line 28, leave out <or young person>

Liz Smith

37 In section 26, page 15, line 31, leave out <or young person>

Liz Smith

38 In section 26, page 15, line 36, leave out <or young person>

Liz Smith

39 In section 26, page 16, line 1, leave out <or young person>

Liz Smith

40 In section 30, page 17, line 6, at end insert—

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

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Liz Smith

- 65 In section 30, page 17, line 21, at end insert—
 <“opted-out child” has the meaning given by section (*Request that named person service is not provided*)(7),
 “opted-out service provider” has the meaning given by section (*Request that named person service is not provided*)(11),>

Liz Smith

- 41 In section 30, page 17, leave out lines 24 and 25

Liz Smith

- 42 In section 30, page 17, line 37, leave out <or young person>

Liz Smith

- 43 In section 30, page 17, line 39, leave out <or young person>

Liz Smith

- 44 In section 30, page 18, leave out line 1

Liz Smith

- 51 In section 75, page 39, line 18, after <means> insert <(except in Part 4)>

Liz Smith

- 83 In section 77, page 40, line 14, at end insert—
 <section (*Request that named person service is not provided*)>

Persons who may be a named person

Jayne Baxter

- 177 In section 19, page 12, line 13, leave out from <or> to <provider,> in line 15

Liz Smith

- 7 In section 19, page 12, line 15, leave out <and> and insert—
 <() in the case of a named person service of the type mentioned in section 20(1), the individual—
 (i) is a registered midwife, or
 (ii) is a registered nurse who is a health visitor,
 and meets such other requirements as to training, qualifications, experience or position as may be specified by the Scottish Ministers by order, and
 () in any other case,>

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Functions of named persons in relation to children and young persons in reserve forces

Aileen Campbell

- 129 In section 19, page 12, line 21, at beginning insert <subject to subsection (5A),>

Aileen Campbell

- 130 In section 19, page 12, line 31, at end insert—
<(5A) The function in subsection (5)(a) does not apply in relation to a matter arising at a time when the child or young person is, as a member of any of the reserve forces, subject to service law.>

Aileen Campbell

- 152 In section 30, page 17, line 27, at end insert—
<“reserve forces” has the meaning given by section 374 of the Armed Forces Act 2006,>

Aileen Campbell

- 156 In section 30, page 17, line 39, at end insert—
<“subject to service law” has the meaning given by section 374 of the Armed Forces Act 2006,>

Functions of named persons and corporate parents: prevention of harm

Jayne Baxter

- 178 In section 19, page 12, line 22, after <to> insert <prevent harm to and>

Liam McArthur

- 329 In section 52, page 26, line 18, after <of> insert <and prevent harm to>

Persons with function of providing certain named person services

Aileen Campbell

- 131 In section 21, page 13, line 22, at end insert <, or
(d) in legal custody or subject to temporary release from such custody.
(2A) For the purposes of subsection (2)(d), a child is in legal custody—
(a) while confined in or being taken to or from any penal institution in which the child may be lawfully confined,
(b) while working, or for any other reason, outside the penal institution in the custody or under the control of an officer of the institution, a constable or a police custody and security officer,
(c) while being taken to any place to which the child is required or authorised to be taken by virtue of the Prisons (Scotland) Act 1989, or

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(d) while kept in custody in pursuance of such a requirement or authorisation.>

Aileen Campbell

132 In section 21, page 13, line 29, at end insert—

<() During any period when a child falls within subsection (2)(d), the Scottish Ministers are to make arrangements for the provision of a named person service in relation to the child.>

Jayne Baxter

179 In section 21, page 13, line 29, at end insert—

<() A local authority is to make arrangements for the provision of a named person service in relation to each child residing in its area including a pupil who is expelled or, for the time being, excluded from school.>

Aileen Campbell

138 In section 24, page 14, leave out lines 33 to 37 and insert—

<() the operation of the named person service provided in pursuance of the arrangements made by it, including in particular—
(i) how the named person functions are, generally, exercised, and
(ii) the arrangements, generally, for contacting named persons,>

Aileen Campbell

149 In section 30, page 17, line 6, at end insert—

<“constable” has the same meaning as in section 13(b) of the Prisons (Scotland) Act 1989,>

Aileen Campbell

150 In section 30, page 17, line 8, at end insert <, each of the following>

Aileen Campbell

151 In section 30, page 17, line 22, at end insert—

<“penal institution” means any—
(a) prison (other than a naval, military or air force prison),
(b) remand centre (within the meaning of section 19(1)(a) of the Prisons (Scotland) Act 1989), or
(c) young offenders institution (within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989),>

Aileen Campbell

153 In section 30, page 17, line 33, at end insert <, each of the following>

Aileen Campbell

154 In section 30, page 17, line 36, at end insert <, and

() the Scottish Ministers,>

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Aileen Campbell

- 155 In section 30, page 17, line 37, leave out from <health> to <providing> in line 38 and insert <person which has the function of making arrangements for the provision of>

Aileen Campbell

- 157 In section 30, page 17, line 39, at end insert—
 <“temporary release” means release by virtue of rules made under section 39(6) of the Prisons (Scotland) Act 1989,>

Aileen Campbell

- 158 In schedule 2, page 42, line 27, leave out paragraph 1

Information sharing

Aileen Campbell

- 136 In section 23, page 14, line 22, leave out <might> and insert <is likely to>

Aileen Campbell

- 137 In section 23, page 14, line 29, at end insert—
- <(4) In considering for the purpose of subsection (3)(b) whether information ought to be provided, the outgoing service provider is so far as reasonably practicable to ascertain and have regard to the views of the child or young person.
 - (5) In having regard to the views of a child under subsection (4), an outgoing service provider is to take account of the child’s age and maturity.
 - (6) The outgoing service provider may decide for the purpose of subsection (3)(b) that information ought to be provided only if the likely benefit to the wellbeing of the child or young person arising in consequence of doing so outweighs any likely adverse effect on that wellbeing arising from doing so.
 - (7) Other than in relation to a duty of confidentiality, this section does not permit or require the provision of information in breach of a prohibition or restriction on the disclosure of information arising by virtue of an enactment or rule of law.>

Aileen Campbell

- 139 In section 26, page 15, line 25, leave out <might> and insert <is likely to>

Aileen Campbell

- 140 In section 26, page 15, line 35, leave out <might> and insert <is likely to>

Aileen Campbell

- 141 In section 26, page 15, line 40, at end insert—
- <(4A) In considering for the purpose of subsection (2)(b) or (4)(b) whether information ought to be provided, the information holder is so far as reasonably practicable to ascertain and have regard to the views of the child or young person.

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- (4B) In having regard to the views of a child under subsection (4A), an information holder is to take account of the child's age and maturity.
- (4C) The information holder may decide for the purpose of subsection (2)(b) or (4)(b) that information ought to be provided only if the likely benefit to the wellbeing of the child or young person arising in consequence of doing so outweighs any likely adverse effect on that wellbeing arising from doing so.>

Aileen Campbell

142 In section 26, page 16, line 8, at end insert—

- <() Other than in relation to a duty of confidentiality, this section does not permit or require the provision of information in breach of a prohibition or restriction on the disclosure of information arising by virtue of an enactment or rule of law.>

Liz Smith

180 Leave out section 26

Aileen Campbell

143 In section 27, page 16, line 10, leave out subsection (1)

Aileen Campbell

144 In section 27, page 16, line 12, leave out <Subsection (3)> and insert <This section>

Aileen Campbell

145 In section 27, page 16, line 13, leave out <subsection (1)> and insert <this Part>

Liz Smith

181 Leave out section 27

Aileen Campbell

163 In section 38, page 21, line 37, leave out subsection (3) and insert—

- <() Other than in relation to a duty of confidentiality, subsection (1) does not permit or require the provision of information in breach of a prohibition or restriction on the disclosure of information arising by virtue of an enactment or rule of law.>

Aileen Campbell

164 In section 38, page 22, line 1, leave out <(3)> and insert <(1)>

Guidance in relation to named person service

Aileen Campbell

146 In section 28, page 16, line 21, leave out <Service providers> and insert <A person mentioned in subsection (1A)>

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Aileen Campbell

147 In section 28, page 16, line 22, leave out <exercising functions under this Part> and insert <the exercise of functions conferred by this Part.

(1A) Those persons are—

- (a) a local authority,
- (b) a health board,
- (c) a directing authority,
- (d) a relevant authority.>

Jayne Baxter

182 In section 28, page 16, line 22, at end insert—

<() Guidance may be issued on—

- (a) the role of the named person,
- (b) the role of the lead professional for children’s services in each local authority area, and
- (c) the interface between these roles.>

Relevant authorities in context of named person service: power to issue directions and definition

Aileen Campbell

148 In section 29, page 16, line 36, at end insert—

<() a relevant authority.>

Aileen Campbell

159 In schedule 2, page 42, line 31, at end insert—

<The National Waiting Times Centre Board>

Aileen Campbell

160 In schedule 2, page 43, line 3, leave out paragraph 12

Aileen Campbell

161 In schedule 2, page 43, line 5, leave out paragraphs 14 and 15

Aileen Campbell

162 In schedule 2, page 43, line 7, leave out <or a “regional strategic body”>

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Consideration, assessment etc. of needs for child's plan and corporate parenting purposes and monitoring of whether planned outcomes achieved etc.

Liam McArthur

- 316** In section 31, page 18, line 16, leave out <capable of>

Liam McArthur

- 336** In section 31, page 18, line 21, after <the> insert <physical, social, emotional, intellectual and other developmental>

Liam McArthur

- 317** In section 31, page 18, line 21, leave out <whose> and insert <or directed at preventing additional, or greater, wellbeing needs from arising when these>

Liam McArthur

- 318*** In section 31, page 18, line 28, at end insert—

<(6A) In deciding whether a child requires a child's plan, the responsible authority is so far as reasonably practicable to ascertain—

(a) as early as practicable, whether there is a suspicion of, or concern about, an existing or arising child wellbeing need,

(b) any wellbeing needs, including through such periodic screening of a child's physical, social and emotional development from birth as is reasonably practicable and appropriate.

(6B) A responsible authority must have regard to any guidance issued by the Scottish Ministers about the undertaking of periodic screenings.>

Liam McArthur

- 320*** In section 32, page 19, line 4, at end insert <and the measurements and methods by which it will be determined to what extent that outcome has been achieved>

Liam McArthur

- 321*** In section 33, page 19, line 23, at end insert—

<() In preparing a child's plan, an authority must take account of any wellbeing needs identified in the course of a periodic screening under section 31(6A)(b).>

Liam McArthur

- 322** In section 37, page 20, line 30, at end insert <including whether the child's wellbeing needs have increased, decreased, remained the same or have been eliminated,>

Liam McArthur

- 323** In section 37, page 20, line 31, at end insert—

<() as far as reasonably practicable, new wellbeing needs are being prevented from arising,>

Liam McArthur

- 324*** In section 37, page 21, line 3, at end insert—

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<() is to take account of any wellbeing needs identified in the course of a periodic screening under section 31(6A)(b).>

Liam McArthur

- 325** In section 37, page 21, line 9, at end insert <to decrease or eliminate existing child wellbeing needs and prevent new child wellbeing needs from arising, as far as reasonably practicable>

Liam McArthur

- 326** In section 37, page 21, line 11, at end insert <and the measurements and methods by which it will be determined to what extent that outcome has been achieved>

Liam McArthur

- 328** In section 52, page 26, line 16, after <the> insert <physical, social, emotional, intellectual and other developmental>

Liam McArthur

- 330** In section 55, page 27, line 20, at end insert—
<() the extent to which the wellbeing needs of children and young people have increased, decreased, remained the same or been eliminated,>

Liam McArthur

- 331*** In section 55, page 27, line 20, at end insert—
<() the extent to which new wellbeing needs of children have been prevented or reduced,>

Targeted interventions: number that may be included in child's plan and persons who provide service etc.

Aileen Campbell

- 257** In section 31, page 18, line 19, leave out <a targeted intervention> and insert <one or more targeted interventions>

Aileen Campbell

- 258** In section 31, page 18, line 20, leave out <the provision of>

Aileen Campbell

- 259** In section 31, page 18, line 20, leave out <by a relevant authority>

Aileen Campbell

- 260** In section 31, page 18, line 20, after <which> insert—
<() is provided by a relevant authority in pursuance of any of its functions, and>

Aileen Campbell

- 261** In section 31, page 18, line 22, at end insert—

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<() The references in subsection (4) to services being provided by a relevant authority include references to services provided by a third person under arrangements made by the relevant authority.>

Aileen Campbell

264 In section 32, page 18, line 37, after <provided> insert <, or the targeted interventions which require to be provided,>

Aileen Campbell

265 In section 32, page 19, line 1, at beginning insert <in relation to each such targeted intervention—
()>

Aileen Campbell

277 In section 36, page 20, line 24, leave out subsection (1) and insert—

<(1) A relevant authority is so far as reasonably practicable—

- (a) to provide any targeted intervention contained in a child’s plan which is to be provided by it in accordance with the plan,
- (b) to secure that any targeted intervention contained in a child’s plan which is to be provided by a third person under arrangements made by the authority is provided in accordance with the plan.>

Aileen Campbell

278* In section 37, page 20, line 31, leave out <the targeted intervention> and insert <in relation to each targeted intervention, it>

Aileen Campbell

279 In section 37, page 20, line 36, leave out <which is providing a targeted intervention contained in the plan> and insert <to which subsection (2A) applies>

Aileen Campbell

282 In section 37, page 21, line 3, at end insert—

<(2A) This subsection applies to a relevant authority if—

- (a) it is providing a targeted intervention contained in the plan, or
- (b) a targeted intervention contained in the plan is being provided by a third person under arrangements made by the authority.>

Aileen Campbell

284 In section 37, page 21, line 9, leave out <the> and insert <a>

Aileen Campbell

285* In section 37, page 21, line 10, leave out second <the> and insert <a>

Aileen Campbell

298 In section 41, page 23, line 9, leave out <means any service or> and insert <includes>

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Aileen Campbell

299 In section 41, page 23, leave out lines 10 and 11

Persons to be involved in decisions about child's plan etc.

Aileen Campbell

262 In section 31, page 18, line 23, after <authority> insert—

<() is, where the child's named person is not an employee of the responsible authority, to consult the child's named person, and

()>

Liam McArthur

183 In section 31, page 18, line 24, leave out from first <to> to end of line 28 and insert—

<() and taking account of the child's age and maturity, to—

(i) give the child an opportunity to indicate whether the child wishes to express the child's views,

(ii) if the child wishes to do so, give the child an opportunity to express them, and

(iii) have regard to any views expressed by the child, and

() to ascertain and have regard to the views of the child's parents.>

Aileen Campbell

263 In section 31, page 18, line 26, at end insert—

<() such persons, or the persons within such description, as the Scottish Ministers may by order specify, and

() such other persons as the responsible authority considers appropriate.>

Aileen Campbell

272 In section 33, page 19, line 20, after <authority> insert—

<() is, where the child's named person is not an employee of the authority, to consult the child's named person, and

()>

Aileen Campbell

273 In section 33, page 19, line 23, at end insert—

<() such persons, or the persons within such description, as the Scottish Ministers may by order specify, and

() such other persons as the authority considers appropriate.>

Aileen Campbell

274 In section 33, page 19, line 27, at end insert—

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<(b) make provision requiring or permitting the authority which prepared a child's plan to provide a copy of it to a particular person or to the persons within a particular description.

- () An order under subsection (8)(b) may include provision to the effect that a copy of a child's plan is to be provided to a person, or to persons within a particular description, only—
- (a) in circumstances described in the order, or
 - (b) where the authority considers it appropriate.>

Aileen Campbell

280* In section 37, page 20, line 39, at end insert—

<() where the child's named person is not an employee of the managing authority, the child's named person, and>

Aileen Campbell

281 In section 37, page 21, line 3, at end insert—

<() such persons, or the persons within such description, as the Scottish Ministers may by order specify, and

() such other persons as the managing authority considers appropriate.>

Aileen Campbell

283 In section 37, page 21, line 4, after <child> insert <as mentioned in subsection (2)(b)(i)>

Aileen Campbell

297 In section 41, page 22, line 33, at end insert—

<"child's named person" means the individual who is the child's named person by virtue of Part 4,>

Child's plan: dispute resolution

Liz Smith

45 In section 31, page 18, line 28, at end insert—

<() The Scottish Ministers may by order make provision for the process for the resolution of disputes between the responsible authority and the child's parents as regards the requirement for a child's plan.>

Liz Smith

46 In section 33, page 19, line 25, at end insert—

<() The Scottish Ministers may by order make provision for a process for the resolution of disputes—

(a) between the responsible authority and the relevant authority as to—

(i) who is to take responsibility for preparing the child's plan, and

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- (ii) the content of the child’s plan,
- (b) between the authority preparing the child’s plan and the child’s parents on the content of the child’s plan, and
- (c) on any other matters relating to the preparation of the child’s plan.>

Liz Smith

47 In section 37, page 21, line 20, at end insert—

<() the process for resolving disputes as regards the management of a child’s plan.>

Liam McArthur

300 After section 38, insert—

<Independent advocacy services in relation to child’s plan

- (1) Where there is a dispute between the responsible authority or relevant authority and the child and child’s parents in relation to the—
 - (a) requirement for a child’s plan under section 31,
 - (b) content of a child’s plan under section 32,
 - (c) preparation of a child’s plan under section 33,
 - (d) delivery of a child’s plan under section 36,
 - (e) management of a child’s plan under section 37,the responsible authority or relevant authority must advise the child and the child’s parents of any independent advocacy services which are available to assist them and take appropriate steps to ensure that the child and child’s parents have the opportunity of making use of those services.
- (2) The Scottish Ministers may by order make provision for the regulation, operation and administration of independent advocacy services for children in relation to this Part.
- (3) In this section “independent advocacy services” has the meaning given by section 259 of the Mental Health (Care and Treatment) (Scotland) Act 2003.>

Liam McArthur

312 In section 77, page 40, line 16, at end insert—

<section (*Independent advocacy services in relation to a child’s plan*)(2)>

Content and preparation of child’s plan

Liam McArthur

319 In section 32, page 19, line 1, at end insert—

<() the manner in which the child’s parents will be included and supported,>

Aileen Campbell

266 In section 32, page 19, line 4, at end insert—

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<(1A) A child's plan may contain a targeted intervention only where the relevant authority which would provide it, or under whose arrangements it would be provided, agrees.

(1B) If that relevant authority is not to prepare the plan, it must provide to the person who is to prepare the plan a statement of its reasons for not agreeing.>

Aileen Campbell

267 In section 32, page 19, line 7, leave out <a>

Aileen Campbell

268 In section 33, page 19, line 10, leave out <subsection (3)> and insert <subsections (3) and (5A)>

Aileen Campbell

269 In section 33, page 19, line 15, leave out subsection (4)

Aileen Campbell

270 In section 33, page 19, line 19, leave out <or (4)>

Aileen Campbell

271 In section 33, page 19, line 19, at end insert—

<(5A) Subsection (2) does not apply where, by virtue of section 32(1A), there are no targeted interventions which may be contained in a child's plan.>

Responsible authority in relation to child's plan

Aileen Campbell

275 In section 34, page 19, line 32, leave out second <a> and insert <the>

Aileen Campbell

276 In section 35, page 20, line 19, leave out <the local authority for the area in which the child resides> and insert <a local authority.

(4A) Where—

(a) the child falls within subsection (4B), and

(b) in consequence the child resides in the area of a local authority which is different to that in which the child would otherwise reside,

the local authority for the area in which the child would otherwise reside is the responsible authority in relation to the child.

(4B) A child falls within this subsection if—

(a) in pursuance of the duties of a local authority under the 1980 Act the child—

(i) is a pupil at a grant-aided school or an independent school, and

(ii) resides in accommodation provided for the purpose of attending that school by its managers,

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- (b) by virtue of Chapter 1 of Part 2 of the 1995 Act, the child is placed in a residential establishment (within the meaning of section 93 of that Act),
- (c) by virtue of an order under the Children's Hearing (Scotland) Act 2011, the child resides at a residential establishment (within the meaning of section 202 of that Act), or
- (d) in pursuance of an order under the Criminal Procedure (Scotland) Act 1995, the child is detained in residential accommodation provided under Part 2 of the 1995 Act.>

Assistance etc. in relation to child's plan

Aileen Campbell

- 286** In section 38, page 21, line 30, leave out <relevant authority> and insert <person mentioned in subsection (1A)>

Aileen Campbell

- 287** In section 38, page 21, line 30, leave out <it> and insert <the person>

Aileen Campbell

- 288*** In section 38, page 21, line 32, at end insert—

<(1A) Those persons are—

- (a) a relevant authority,
- (b) a person listed, or within a description listed, in schedule (*Persons listed for the purposes of section 38*).>

Aileen Campbell

- 289** In section 38, page 21, line 33, leave out <authority> and insert <person to whom the request is made>

Aileen Campbell

- 290** In section 38, page 21, line 35, leave out <authority> and insert <person>

Aileen Campbell

- 291** In section 38, page 21, line 36, leave out <authority> and insert <person>

Aileen Campbell

- 292*** In section 38, page 22, line 7, at end insert—

<(6) The Scottish Ministers may by order modify schedule (*Persons listed for the purposes of section 38*) by—

- (a) adding a person or description of persons,
- (b) removing an entry listed in it, or
- (c) varying an entry listed in it.>

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Aileen Campbell

293 After schedule 2, insert—

<SCHEDULE
(introduced by section 38)

PERSONS LISTED FOR THE PURPOSES OF SECTION 38

- 1 The Scottish Ministers
- 2 NHS 24
- 3 NHS National Services Scotland
- 4 Scottish Ambulance Service Board
- 5 State Hospitals Board for Scotland
- 6 The National Waiting Times Centre Board
- 7 Skills Development Scotland Co. Ltd (registered number SC 202659)
- 8 Social Care and Social Work Improvement Scotland
- 9 The Scottish Sports Council
- 10 The chief constable of the Police Service of Scotland
- 11 The Scottish Police Authority
- 12 The Scottish Fire and Rescue Service
- 13 The Commissioner for Children and Young People in Scotland
- 14 A body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005>

Aileen Campbell

294* In section 39, page 22, line 9, leave out subsection (1) and insert—

<(1) A person mentioned in subsection (1A) must have regard to any guidance issued by the Scottish Ministers about the exercise of functions conferred by or under this Part (other than the function of complying with section 36).

(1A) Those persons are—

- (a) a relevant authority,
- (b) a person (other than the Scottish Ministers) listed, or within a description listed, in schedule (*Persons listed for the purposes of section 38*).>

Aileen Campbell

295 In section 40, page 22, line 21, after <by> insert <or under>

Aileen Campbell

296* In section 40, page 22, leave out lines 24 to 26 and insert—

- <() a relevant authority,
() a person (other than the Scottish Ministers) listed, or within a description listed, in schedule (*Persons listed for the purposes of section 38*).>

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Aileen Campbell

- 311 In section 77, page 40, line 16, at end insert—
<section 38(6)>

Aims of early learning and childcare

Liam McArthur

- 337 In section 42, page 23, line 19, at end insert—
<() The aims of early learning and childcare include—
(a) improving outcomes for children (in particular those from disadvantaged backgrounds), and
(b) supporting parents to work and study.>

Eligible pre-school children to receive at least two full years of early learning and childcare

Liz Smith

- 48 In section 43, page 23, line 25, leave out from <under> to end of line 31 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),
() is under pre-school age but falls within subsection (3).
(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.>

Liz Smith

- 49 In section 43, page 24, line 1, 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>

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Liz Smith

50 In section 43, page 24, line 3, 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.>

Additional groups of 2 year olds to be included in definition of eligible pre-school child

Neil Bibby

Supported by: Liam McArthur

84 In section 43, page 23, line 32, after <and> insert—

<() the child>

Liam McArthur

338 In section 43, page 23, line 35, at end insert <, or

() in receipt of disability living allowance (within the meaning of section 71 of the Social Security Contributions and Benefits Act 2002).>

Neil Bibby

85 In section 43, page 23, line 35, at end insert <,

() the child’s parent is or has been at any time since the child’s second birthday in receipt of a tax credit within the meaning of the Tax Credits Act 2002 (or any successor benefit or allowance).>

Neil Bibby

Supported by: Liam McArthur

86 In section 43, page 23, line 35, at end insert <,

() the child—

(i) would, if the child was a pupil, qualify under or by virtue of section 53(3)(a) of the 1980 Act for the provision of free school lunches, or

(ii) the child has at any time since the child’s second birthday fallen within sub-paragraph (i).>

Liam McArthur

339 In section 43, page 23, line 35, at end insert <,

() the child has been identified, prior to the child’s second birthday or at any time since, as having additional support needs for the purposes of the Education (Additional Support for Learning) (Scotland) Act 2004.>

Liam McArthur

340 In section 43, page 23, line 35, at end insert <,

() the child’s parent is or has been at any time since the child’s second birthday in receipt of state pension credit (within the meaning of the State Pension Credit Act 2002).>

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Duties to consult on and plan provision of certain forms of education and care and duties to provide day care and out of school care

Neil Bibby

327 In section 43, page 24, line 3, at end insert—

- <() The provision of early learning and childcare under this section should not be provided to the detriment of care—
- (a) outside school hours, or
 - (b) during school holidays,
- to children who are in attendance at school as provided under section 27 of the 1995 Act.>

Clare Adamson

301 After section 49, insert—

<PART

POWER TO PROVIDE SCHOOL EDUCATION FOR PRE-SCHOOL CHILDREN

Duty to consult and plan in relation to power to provide school education for pre-school children

In section 1 of the 1980 Act, after subsection (2A) insert—

- “(2B) An education authority must, at least once every two years—
- (a) consult such persons as appear to be representative of parents of pre-school children within their area about whether and if so how they should provide school education for such children under subsection (1C) above; and
 - (b) after having had regard to the views expressed, prepare and publish their plans in relation to the provision of such education for such children under that subsection.
- (2C) The Scottish Ministers may by order modify subsection (2B) above so as to vary the regularity within which an education authority must consult and plan in pursuance of that subsection.
- (2D) An order made under subsection (2C) above is subject to the negative procedure.”>

Clare Adamson

302 After section 49, insert—

<PART

DAY CARE AND OUT OF SCHOOL CARE

Duty to consult and plan in relation to day care and out of school care

- (1) Section 27 of the 1995 Act is amended as follows.
- (2) After subsection (1) insert—

“(1A) A local authority must, at least once every two years—

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- (a) consult such persons as appear to be representative of parents of children in need within their area who satisfy the conditions mentioned in paragraphs (a) and (b) of subsection (1) above about how they should provide day care for such children in pursuance of that subsection; and
 - (b) after having had regard to the views expressed, prepare and publish their plans for how they intend to provide day care for such children in pursuance of that subsection.
- (1B) A local authority must, at least once every two years—
 - (a) consult such persons as appear to be representative of parents of children within their area who satisfy the conditions mentioned in paragraphs (a) and (b) of subsection (1) above but are not in need about whether and if so how they should provide day care for such children under that subsection; and
 - (b) after having had regard to the views expressed, prepare and publish their plans in relation to the provision of day care for such children under that subsection.”.
- (3) After subsection (3) insert—
 - “(3A) A local authority must, at least once every two years—
 - (a) consult such persons as appear to be representative of parents of children in need within their area who are in attendance at a school about how they should provide appropriate care for such children in pursuance of subsection (3) above; and
 - (b) after having had regard to the views expressed, prepare and publish their plans for how they intend to provide appropriate care for such children in pursuance of that subsection.
 - (3B) A local authority must, at least once every two years—
 - (a) consult such persons as appear to be representative of parents of children within their area who are in attendance at a school but are not in need about whether and if so how they should provide appropriate care for such children under subsection (3) above; and
 - (b) after having had regard to the views expressed, prepare and publish plans in relation to the provision of appropriate care for such children in their area under that subsection.
 - (3C) The Scottish Ministers may by order modify subsection (1A), (1B), (3A) or (3B) above so as to vary the regularity within which a local authority must consult and plan in pursuance of that subsection.
 - (3D) An order made under subsection (3C) above is subject to the negative procedure.”.>

Neil Bibby

344 After section 49, insert—

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<PART

RIGHT TO CARE FOR PRE-SCHOOL AND OTHER CHILDREN

Right to care for pre-school and other children

- (1) Section 27 of the 1995 Act is amended as follows.
- (2) Before subsection (1) insert—
 - “(A1) Every child aged 5 or under and who has not yet commenced attendance at school has a right to day care.”.
- (3) In subsection (1)—
 - (a) omit “in need” where it first occurs,
 - (b) the words from second “and” to the end of the subsection are repealed.
- (4) After subsection (2) insert—
 - “(2A) Every child aged 14 or under and who is in attendance at school has a right to care—
 - (a) outside school hours, and
 - (b) during school holidays.”.>

Neil Bibby

345 After section 49, insert—

<PART

PROVISION OF DAY CARE

Duty to assess need for day care for working parents

- (1) Section 27 of the 1995 Act is amended as follows.
- (2) After subsection (1) insert—
 - “(1A) Each local authority in providing day care for children under subsection (1), must secure, so far as reasonably practicable, that the provision of such care is sufficient to meet the requirements of parents in their area who require day care for children in order to enable them—
 - (a) to take up, or remain in work, or
 - (b) to undertake education or training which could reasonably be expected to assist them to obtain work.
 - (1B) Each local authority must have regard to any guidance issued by the Scottish Ministers about the factors to consider in assessing the sufficiency of day care for children under subsection (1A).”.>

Neil Bibby

346 After section 49, insert—

<PART

OUT OF SCHOOL CARE

Duty to provide out of school care

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

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- (2) In subsection (3)—
 - (a) for first “provide” substitute “secure”,
 - (b) omit “in need” where it first occurs,
 - (c) for first “such” substitute “the mandatory amount”,
 - (d) the words from “as” to the end of the subsection are repealed.
- (3) After subsection (3) insert—
 - “(3A) Each local authority in securing provision of care for children under subsection (3), must secure, so far as reasonably practicable, that the provision of childcare is sufficient to meet the requirements of parents in their area who require care for children in order to enable them—
 - (a) to take up, or remain in work, or
 - (b) to undertake education or training which could reasonably be expected to assist them to obtain work.
 - (3B) Each local authority must have regard to any guidance issued by the Scottish Ministers about the factors to consider in assessing the sufficiency of childcare under subsection (3A).
 - (3C) The “mandatory amount”, for the purposes of subsection (3), means such amount as may be prescribed by the Scottish Ministers by order.
 - (3D) Such an order may make different provision in relation to different types of children in attendance at school.
 - (3E) An order under subsection (3C) is subject to the affirmative procedure.
 - (3F) Before laying a draft order under subsection (3C) before the Scottish Parliament, the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) such other persons as they consider appropriate.
 - (3G) 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).
 - (3H) In calculating any period of 60 days for the purposes of subsection (3G)(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.
 - (3I) When laying a draft order under subsection (3C) 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 (3F),
 - (b) any representations received as a result of the consultation, and

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- (c) the changes (if any) made to the proposed draft order as a result of those representations.”.>

Order specifying eligible pre-school children: procedure

Jayne Baxter

341 After section 43, insert—

<Procedure

- (1) An order under section 43 must be made by statutory instrument.
- (2) The Scottish Ministers may not make an order under section 43 unless they have laid a draft order before the Scottish Parliament.
- (3) Before making a draft order under subsection (2), the Scottish Ministers must consult—
 - (a) organisations working for, or on behalf of, children requiring and accessing early learning and childcare services,
 - (b) parents of children requiring and accessing early learning and childcare services,
 - (c) providers of early learning and childcare services, and
 - (d) such other persons as they consider appropriate.
- (4) For the purposes of consultation under subsection (3), 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).
- (5) In calculating any period of 60 days for the purposes of subsection (4)(b), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (6) When laying a draft order before the Parliament under subsection (2), the Scottish Ministers must also lay before the Parliament an explanatory document giving details of—
 - (a) the consultation carried out under subsection (3),
 - (b) any representations received as a result of the consultation, and
 - (c) the changes (if any) made to the proposed draft order as result of those representations.>

Aileen Campbell

313 In section 77, page 40, line 16, at end insert—

<section 43(2)(c)(ii)>

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Delivery of early learning and childcare: minimum standards and flexibility

Liam McArthur

342 In section 47, page 25, line 17, at end insert—

- <() The Scottish Ministers may by order specify minimum standards that must be met by providers of early learning and childcare in relation to matters so specified.
- () An education authority must ensure that early learning and childcare provided in pursuance of this Part is available from any provider of early learning and childcare that meets the minimum standards specified under subsection (3) that a parent of an eligible pre-school child wishes to use.>

Liam McArthur

343 In section 48, page 25, line 22, at end insert—

- <(2) As soon as practicable after the end of each 3 year period, the Scottish Ministers must lay before the Scottish Parliament a report of what progress has been made by education authorities in ensuring that the level of flexibility described in subsection (1) is being achieved.
- (3) In subsection (2), “3 year period” means—
 - (a) the period of 3 years beginning with the day on which this section comes into force, and
 - (b) each subsequent period of 3 years.
- (4) As soon as practicable after a report has been laid before the Scottish Parliament under subsection (3), the Scottish Ministers must publish it (in such manner as they consider appropriate).>

Corporate parents and their responsibilities

Aileen Campbell

303 In section 50, page 26, line 1, at end insert—

- <() The following persons are not corporate parents for the purposes of section 58—
 - (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.
- () An order under subsection (2) which adds a person, or a description of persons, to schedule 3, may modify this section so as to provide that the person is not a corporate parent, or the persons within the description are not corporate parents, for the purposes of section 58.>

Aileen Campbell

304 In section 50, page 26, line 2, leave out from <“corporate” to end of line 3 and insert <references to the “corporate parenting responsibilities” of a corporate parent are to the duties conferred on that corporate parent by section 52(1).>

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Aileen Campbell

305 In schedule 3, page 43, line 30, leave out paragraph 18

Aileen Campbell

306 In schedule 3, page 44, line 2, leave out paragraph 25

Aileen Campbell

307 In schedule 3, page 44, line 3, leave out <or a “regional strategic body”>

Jayne Baxter

347 In section 52, page 26, line 27, at end insert—

<() to take such steps as appear to the corporate parent to be practicable and appropriate to promote and facilitate regular personal relations and direct contact between a child and any—

- (i) person with parental responsibilities (within the meaning of the 1995 Act) for the child, and
- (ii) siblings of the child.>

Aileen Campbell

310 In section 52, page 26, line 27, at end insert—

<(2) The Scottish Ministers may by order—

- (a) modify subsection (1) so as to confer, remove or vary a duty on corporate parents,
- (b) provide that subsection (1) is to be read, in relation to a particular corporate parent or corporate parents of a particular description, with a modification conferring, removing or varying a duty.>

Aileen Campbell

315 In section 77, page 40, line 19, at end insert—

<section 52(2)>

Persons to whom Part 7 applies

Aileen Campbell

308 In section 51, page 26, line 9, leave out <at the time when the person ceased to be of school age> and insert <on the person’s 16th birthday>

Aileen Campbell

309 In section 51, page 26, line 10, at end insert—

<(2) This Part also applies to a young person who—

- (a) is at least the age of 16 but under the age of 26, and

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- (b) is not of the description in subsection (1)(b)(ii) but is of such other description of person formerly but no longer looked after by a local authority as the Scottish Ministers may specify by order.>

Aileen Campbell

314* In section 77, page 40, line 19, at end insert—

<section 51(2)(b)>

