

Children and Young People (Scotland) Bill

3rd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 3	Schedule 1
Sections 4 to 30	Schedule 2
Sections 31 to 50	Schedule 3
Sections 51 to 76	Schedule 4
Sections 77 to 80	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 42

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.>

Section 43

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.>

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).>

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>

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.>

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.>

After section 43

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)(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.

- (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 a result of those representations.>

Section 47

Liam McArthur

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

- <(3) 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.
- (4) 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.>

Section 48

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).>

After section 49

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—

- (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—

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

Section 50

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).>

Schedule 3

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”>

Section 51

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
 - (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.>

Section 52

Liam McArthur

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

Jayne Baxter

- 252 In section 52, page 26, line 16, after <needs> insert <, including any speech, language and communication development needs,>

Liam McArthur

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

Jayne Baxter

253 In section 52, page 26, line 20, at end insert—

<() to optimise the speech, language and communication development of those children and young people to whom this Part applies,>

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.>

Section 55

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,>

Section 57

Aileen Campbell

115 In section 57, page 28, line 9, leave out subsections (3) and (4)

Section 58

Aileen Campbell

- 116 In section 58, page 28, line 21, leave out subsections (2) and (3)

Section 60

Aileen Campbell

- 348 In section 60, page 29, line 5, at end insert—

<() in subsection (1)—

(i) for “over school age” substitute “who is at least sixteen”,

(ii) for the words from first “at” substitute “either—

(a) was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by a local authority; or

(b) 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.”,

() after subsection (1) insert—

“(1A) An order made under subsection (1)(b) above is subject to the affirmative procedure.”,>

Liam McArthur

- 394* In section 60, page 29, line 5, at end insert—

<() in subsection (1), for “the time when he ceased” substitute “any time prior to ceasing”,>

Aileen Campbell

- 349 In section 60, page 29, line 9, at end insert—

<() in subsection (4), for “over school” substitute “who is at least sixteen years of”,>

Liam McArthur

- 332 In section 60, page 29, line 16, after <of> insert—

<()>

Liam McArthur

- 333 In section 60, page 29, line 16, after <needs> insert—

<() where relevant, meeting—

(A) the person’s needs as a parent or prospective parent,

(B) the wellbeing needs of the child or children of the person,>

Liam McArthur

- 395 In section 60, page 29, line 22, after <(6)> insert <—
() after “complaints” insert “and appeals”,
()>

Aileen Campbell

- 350 In section 60, page 29, line 27, at end insert—
<(10) If a local authority becomes aware that a person who is being provided with advice, guidance or assistance by them under this section has died, the local authority must as soon as reasonably practicable notify—
(a) the Scottish Ministers, and
(b) Social Care and Social Work Improvement Scotland.”.>

Aileen Campbell

- 351 In section 60, page 29, line 29, leave out <(2)(a)> and insert <(2)—
() in paragraph (a)—
(A) for “over school” substitute “at least sixteen years of”,
(B)>

Aileen Campbell

- 352 In section 60, page 29, line 29, at end insert—
<() for paragraph (b) substitute—
“(b) he either—
(i) was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by a local authority; or
(ii) 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.
(2A) An order made under subsection (2)(b)(ii) above is subject to the affirmative procedure.”.>

After section 60

Aileen Campbell

- 353 After section 60, insert—

<PART

CONTINUING CARE

Continuing care: looked after children

- (1) After section 26 of the 1995 Act insert—

“26A Provision of continuing care: looked after children

- (1) This section applies where an eligible person ceases to be looked after by a local authority.
- (2) An “eligible person” is a person who—
 - (a) is at least sixteen years of age, and
 - (b) is not yet such higher age as may be specified.
- (3) Subject to subsection (5) below, the local authority must provide the person with continuing care.
- (4) “Continuing care” means the same accommodation and other assistance as was being provided for the person by the authority, in pursuance of this Chapter of this Part, immediately before the person ceased to be looked after.
- (5) The duty to provide continuing care does not apply if—
 - (a) the accommodation the person was in immediately before ceasing to be looked after was secure accommodation,
 - (b) the accommodation the person was in immediately before ceasing to be looked after was a care placement and the carer has indicated to the authority that the carer is unable or unwilling to continue to provide the placement, or
 - (c) the local authority considers that providing the care would significantly adversely affect the welfare of the person.
- (6) A local authority’s duty to provide continuing care lasts, subject to subsection (7) below, until the expiry of such period as may be specified.
- (7) The duty to provide continuing care ceases if—
 - (a) the person leaves the accommodation of the person’s own volition,
 - (b) the accommodation ceases to be available, or
 - (c) the local authority considers that continuing to provide the care would significantly adversely affect the welfare of the person.
- (8) For the purposes of subsection (7)(b) above, the situations in which accommodation ceases to be available include—
 - (a) in the case of a care placement, where the carer indicates to the authority that the carer is unable or unwilling to continue to provide the placement,
 - (b) in the case of a residential establishment provided by the local authority, where the authority closes the establishment,
 - (c) in the case of a residential establishment provided under arrangements made by the local authority, where the arrangements come to an end.
- (9) The Scottish Ministers may by order—
 - (a) make provision about when or how a local authority is to consider whether subsection (5)(c) or (7)(c) above is the case,
 - (b) modify subsection (5) above so as to add, remove or vary a situation in which the duty to provide continuing care does not apply,
 - (c) modify subsection (7) or (8) above so as to add, remove or vary a situation in which the duty to provide continuing care ceases.

(10) If a local authority becomes aware that a person who is being provided with continuing care has died, the local authority must as soon as reasonably practicable notify—

- (a) the Scottish Ministers, and
- (b) Social Care and Social Work Improvement Scotland.

(11) An order under this section—

- (a) may make different provision for different purposes,
- (b) is subject to the affirmative procedure.

(12) In this section—

“carer”, in relation to a care placement, means the family or persons with whom the placement is made,

“care placement” means a placement such as is mentioned in section 26(1)(a) of this Act,

“specified” means specified by order made the Scottish Ministers.”.

(2) In section 29 of the 1995 Act, after subsection (2) insert—

“(2A) Subsections (1) and (2) above do not apply to a person during any period when the person is being provided with continuing care under section 26A of this Act.”.>

Section 61

Liam McArthur

184 In section 61, page 29, line 34, leave out <counselling> and insert <early intervention>

Colin Beattie

390 In section 61, page 29, line 34, leave out <counselling> and insert <relevant>

Aileen Campbell

354 In section 61, page 29, line 36, leave out from <persons> to the end of line 15 on page 30 and insert—

- <(a) each eligible child residing in its area,
- (b) a qualifying person in relation to such a child,
- 5 (c) each eligible pregnant woman residing in its area,
- (d) a qualifying person in relation to such a woman.

(2) An “eligible child” is a child who the authority considers—

- (a) to be at risk of becoming looked after, or
- (b) to fall within such other description as the Scottish Ministers may by order specify.

10

(3) A “qualifying person” in relation to an eligible child is a person—

- (a) who is related to the child,

- (b) who has any parental rights or responsibilities in relation to the child, or
 - (c) with whom the child is, or has been, living.
- 15 (4) An “eligible pregnant woman” is a pregnant woman who the authority considers is going to give birth to a child who will be an eligible child.
- (5) A “qualifying person” in relation to an eligible pregnant woman is a person—
- (a) who is the father of the child to whom the pregnant woman is to give birth,
 - 20 (b) who is married to, in a civil partnership with or otherwise related to the pregnant woman,
 - (c) with whom the pregnant woman is living, or
 - (d) who does not fall within any of paragraphs (a) to (c) but who the authority considers will, when the pregnant woman gives birth to the child, become a qualifying person in relation to the child.
- 25 (6) The references in this section to a person who is related to another person (“the other person”) includes a person who—
- (a) is married to or in a civil partnership with a person who is related to the other person,
 - (b) is related to the other person by the half blood.
- 30 (7) This section is without prejudice to section 22 of the 1995 Act.>

Colin Beattie

354A As an amendment to amendment 354, line 6, at end insert—

- <() A “relevant service” is a service comprising, or comprising any combination of—
- (a) providing information about a matter,
 - (b) advising or counselling about a matter,
 - (c) taking other action to facilitate the addressing of a matter by a person.>

Liam McArthur

185 In section 61, page 29, line 36, at end insert—

- <() Services which may be specified as early intervention services under subsection (1) include counselling and other forms of talking therapy.>

Liam McArthur

334 In section 61, page 29, line 38, after <parent> insert <or prospective parent>

Liam McArthur

186 In section 61, page 30, line 10, leave out <counselling> and insert <early intervention>

Liam McArthur

335 In section 61, page 30, line 10, after <services> insert <including antenatal counselling services>

Section 62

Liam McArthur

- 187 In section 62, page 30, line 18, leave out <counselling> and insert <early intervention>

Colin Beattie

- 391 In section 62, page 30, line 18, leave out <counselling> and insert <relevant>

Aileen Campbell

- 355 In section 62, page 30, line 20, leave out <an eligible child for the purpose of> and insert <within paragraph (a) or (b) of>

Aileen Campbell

- 356 In section 62, page 30, line 22, leave out <an eligible child for the purpose of> and insert <within paragraph (a) or (b) of>

Liam McArthur

- 188 In section 62, page 30, line 24, leave out <counselling> and insert <early intervention>

Colin Beattie

- 392 In section 62, page 30, line 24, leave out <counselling> and insert <relevant>

Liam McArthur

- 189 In section 62, page 30, line 27, leave out <counselling> and insert <early intervention>

Colin Beattie

- 393 In section 62, page 30, line 27, leave out <counselling> and insert <relevant>

Section 63

Aileen Campbell

- 357 In section 63, page 30, leave out line 34

Section 64

Jayne Baxter

- 396 In section 64, page 31, line 6, leave out <may> and insert <must>

Aileen Campbell

- 358 In section 64, page 31, line 10, at end insert <who has not attained the age of 16 years>

Aileen Campbell

359 In section 64, page 31, line 11, after <child> insert <who has not attained the age of 16 years>

Aileen Campbell

360 In section 64, page 31, line 12, after <child> insert <who has not attained the age of 16 years>

Aileen Campbell

361 In section 64, page 31, line 15, leave out <fell within paragraph (b)> and insert <was the subject of a kinship care order>

Aileen Campbell

362 In section 64, page 31, line 16, at end insert—

<(e) a person who is a guardian by virtue of an appointment under section 7 of the 1995 Act of an eligible child who has not attained the age of 16 years (but this is subject to subsection (3A)),

(f) an eligible child who has a guardian by virtue of an appointment under section 7 of the 1995 Act.

(3A) Subsection (3)(e) does not include a person who is also a parent of the child.>

Aileen Campbell

363 In section 64, page 31, line 17, leave out subsections (4) and (5) and insert—

<(4) An “eligible child” is a child who the local authority considers—

(a) to be at risk of becoming looked after, or

(b) to fall within such other description as the Scottish Ministers may by order specify.>

Jayne Baxter

397 In section 64, page 31, line 18, leave out <may> and insert <must>

Section 65

Aileen Campbell

364 In section 65, page 31, line 31, at end insert <, or

() an order under section 11(1) of the 1995 Act appointing a qualifying person as a guardian of a child.>

Jayne Baxter

398 In section 65, page 31, line 36, leave out <such other> and insert <a pre-existing>

Jayne Baxter

399 In section 65, page 31, line 36, leave out <as the Scottish Ministers may by order specify>

Aileen Campbell

365 In section 65, page 31, line 38, leave out <or guardian>

Aileen Campbell

366 In section 65, page 32, line 3, after first <to> insert <or in a civil partnership with>

Section 66

Jayne Baxter

400 In section 66, page 32, line 6, leave out <which may be>

Jayne Baxter

401 In section 66, page 32, line 6, leave out <includes> and insert <must include>

Jayne Baxter

402 In section 66, page 32, line 7, at end insert <(including advice or information about how financial support may be obtained),>

Jayne Baxter

403 In section 66, page 32, line 13, leave out <may> and insert <must>

Aileen Campbell

367 In section 66, page 32, line 15, leave out <an eligible child for the purpose of section 64(3)> and insert <within paragraph (a) or (b) of section 64(4)>

Aileen Campbell

368 In section 66, page 32, line 17, leave out <an eligible child for the purpose of section 64(3)> and insert <within paragraph (a) or (b) of section 64(4)>

Jayne Baxter

404 In section 66, page 32, line 18, at end insert—

<() when or how a local authority is to review the kinship care assistance being made available to a person and when or how a person to whom kinship care assistance is being made available may request such a review,>

Section 67

Aileen Campbell

369 In section 67, page 32, line 28, at end insert <,

“parent” has the same meaning as it has in Part 1 of the 1995 Act.>

Section 68

Aileen Campbell

370 In section 68, page 33, line 2, after <Register> insert <for the purposes of facilitating adoption>

Aileen Campbell

371 In section 68, page 33, line 5, after first <information> insert <relating to adoption>

Aileen Campbell

372 In section 68, page 33, line 5, after second <information> insert <relating to adoption>

Aileen Campbell

373 In section 68, page 33, line 27, after <made> insert <by the Scottish Ministers>

Aileen Campbell

374 In section 68, page 33, line 27, at end insert—

<() The Scottish Ministers must publish arrangements under section 13A(1) so far as they authorise an organisation as mentioned in subsection (1)(a).>

Aileen Campbell

375 In section 68, page 33, line 38, leave out from beginning to end of line 8 on page 34

Aileen Campbell

376 In section 68, page 34, leave out lines 14 and 15

Aileen Campbell

377 In section 68, page 34, leave out lines 16 and 17 and insert—

<() prescribe circumstances in which an adoption agency, despite subsection (1), is not to disclose information of the type prescribed for the purposes of that subsection.>

Aileen Campbell

378 In section 68, page 34, line 38, at end insert <or prospective adopters>

Aileen Campbell

379 In section 68, page 35, leave out lines 8 to 10

Aileen Campbell

380 In section 68, page 35, line 15, at end insert—

<13DA Fees and other payments

Regulations made under section 13A(2) may prescribe—

- (a) a fee which is to be paid by an adoption agency when providing information in pursuance of section 13C(1),
- (b) a fee which is to be paid to the Scottish Ministers or a registration organisation in respect of a disclosure of information made in pursuance of section 13D(2), (3)(c) or (4),
- (c) such other fees to be paid by adoption agencies, or payments to be made by them, in relation to the Register as the Scottish Ministers consider appropriate.>

Section 73

Aileen Campbell

381 In section 73, page 38, line 6, leave out <or 22> and insert <, 22 or 26A>

Aileen Campbell

382 In section 73, page 38, line 8, after <children> insert <and young people>

Aileen Campbell

383 In section 73, page 38, line 11, after <child> insert <or young person>

Aileen Campbell

384 In section 73, page 38, line 13, at end insert <or young person>

Aileen Campbell

385 In section 73, page 38, line 14, after <child> insert <or young person>

After section 73

Jayne Baxter

254 After section 73, insert—

<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 Scottish 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 services 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) 5 years after laying a strategy before the Scottish Parliament under subsection (1), and
 - (b) the end of every subsequent period of 5 years,
- lay a revised strategy before the Scottish Parliament; and subsections (2) to (4) apply to a revised strategy as they apply to a strategy laid under subsection (1).>

Jayne Baxter

255 After section 73, insert—

<Duty of public authorities to use inclusive communication standards

A public authority with functions under this Act must use inclusive communication standards in exercising those functions.>

After section 74

Liz Smith

82 After section 74, insert—

<Guidance for voluntary organisations

- (1) The Scottish Ministers may issue guidance on the application of this Act as regards voluntary organisations.
- (2) Guidance may be issued generally or for particular purposes.
- (3) Before issuing or revising guidance, the Scottish Ministers must consult the persons to whom it relates.>

Section 75

Jayne Baxter

256 In section 75, page 39, line 20, at end insert—

<() In this Act “inclusive communication”—

(a) means sharing information in a way that everybody can understand,

(b) relates to all modes of communication, and

(c) requires that service providers—

(i) recognise that people understand and express themselves in different ways,
and

(ii) provide information to people in ways which meet their needs.>

Aileen Campbell

386 In section 75, page 39, line 21, after <being> insert <or becoming>

Schedule 4

Aileen Campbell

387 In schedule 4, page 45, line 8, after <2011;> insert—

<() Part 9 or 10 of the Children and Young People (Scotland) Act 2014;>

Section 77

Aileen Campbell

117 In section 77, page 40, leave out line 14

Aileen Campbell

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

<section 38(6)>

Aileen Campbell

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

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

Aileen Campbell

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

<section 51(2)(b)>

Aileen Campbell

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

<section 52(2)>

Aileen Campbell

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

<section 61(2)(b)>

Aileen Campbell

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

<section 64(4)(b)>

After section 77

Aileen Campbell

118 After section 77, insert—

<Guidance and directions

- (1) Any power of the Scottish Ministers to issue guidance or directions under this Act may be exercised—
 - (a) to issue guidance or directions generally or for particular purposes,
 - (b) to issue different guidance or directions to different persons or otherwise for different purposes.
- (2) The Scottish Ministers must publish (in such manner as they consider appropriate) any guidance or directions issued by them under this Act.
- (3) In subsection (2)—
 - (a) the reference to guidance includes revision of guidance,
 - (b) the reference to directions includes revision and revocation of directions.>

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