

## Children and Young People (Scotland) Act 2014

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This information sheet highlights some of the provisions contained within the [Children and Young People \(Scotland\) Act 2014](#) which will be of interest to practitioners working with young people. Practitioners should note that the duties within the Act are on public bodies and NOT on individual practitioners. The expected commencement date for Parts 4 and 5 of the Act (and section 96 on wellbeing) is August 1, 2016.

There are a range of provisions included in the Act: **Children's Rights** (ministerial & public authority duties in relation to UNCRC), **Children's Commissioner** (investigations), **Children's Services Planning** (reporting on outcomes), **Early Learning & Childcare** (600 hours, eligibility), **Corporate Parenting** (definition & responsibilities), **Aftercare** (advice, guidance & assistance up to 26yrs), **Continuing care** (right to continuing care up to age 21), **Support for Kinship Care** (orders & assistance), **Adoption Register**, **Children's Hearings** (changes to Children's Hearings (Scotland) Act 2011), **Other reforms** (appeals re secure accommodation, children's legal aid, free school lunches).

GIRFEC policy is unchanged, though the Act specifies certain duties in relation to GIRFEC:

- **Named Person** – the role includes advising, informing or supporting the child or parent, helping the child or parent to access a service, discussing or raising a matter about the child with a service provider or relevant authority. The named person for children between birth and starting school will be the health visitor. For school-aged children the named person will be based in education e.g. (guidance or head teacher) and for 16 and 17 year olds who are not in education, the named person will be identified by the local authority. There is a **duty** on relevant authorities (listed in schedule 2 of the Act) to support the named person to carry out their functions.
- **Wellbeing** - if a child's wellbeing is being, or is at risk of being, adversely affected by any matter, they are defined as having a wellbeing need. It can be assumed that if a child has been charged with an offence they have a wellbeing need.
- **Child's Plan** - a child's plan is required if the wellbeing need cannot be met without a targeted intervention (a service which is targeted at meeting the needs of children whose needs are not capable of being met, or met fully, by the services which are provided generally to children by the authority). A person specified **must comply** with any reasonable request to provide information, advice or assistance in relation to a Child's Plan unless this would be incompatible with any of the person's duties or unduly prejudice the exercise of any of the person's functions. However, schedule 3 of the Act lists the authorities who have a **duty** to support the child's plan.



- **Information Sharing** – information should be shared if it is likely to be relevant to the exercise of the named person function in relation to the child. A risk to wellbeing can be a strong indication that the child or young person could be at risk of harm if the immediate matter is not addressed. As GIRFEC is about early intervention and prevention it is very likely that information may need to be shared before a situation reaches crisis. If there is any doubt about the wellbeing of the child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing (Information Commissioner’s Office 2013).

#### The National Practice Model:

- Is a tool that can be used alongside and in conjunction with other processes and assessment tools. It is not intended or designed to replace existing methodologies but it does contain the core components that constitute a single planning process that in turn can lead to a single child’s plan.

By reviewing the child’s plan at appropriate intervals a view can be taken on whether the anticipated improvements are being achieved and whether additional actions might be required. The aim is wherever possible to return the child/ young person back to being supported by universal services.

- Is a mechanism through which all agencies and workers engaged in supporting children, young people and their families can begin to develop a common language within a unified framework, thereby enabling more effective inter and intra agency working.

Public consultation on the draft guidance for the Act is expected early into 2015. Additional information sheets will follow to assist practitioner understanding and planning for the implementation of Parts 4 and 5 of the Act.

With thanks to the Scottish Government GIRFEC and the Youth Justice Team for their information.

### About Us

CYCJ (Centre for Youth & Criminal Justice) works towards a Scotland where all individuals and communities are safe and flourish; and where Scottish youth justice practice, policy and research is internationally renowned and respected.

Our work focuses on three key areas: practice development, research and knowledge exchange.

CYCJ produces a range of monthly factsheets on youth justice and related topics. You can find these by visiting [www.cycj.org.uk](http://www.cycj.org.uk)



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