SCOTTISH STATUTORY INSTRUMENTS

2016 No. 17

CHILDREN AND YOUNG PERSONS

The Child's Plan (Scotland) Order 2016

Made - - - -	*13th January 2016*
Laid before the Scottish Parliament	*15th January 2016*
Coming into force - -	*31st August 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 34(4), 35(8), 35(9), 39(6), 99(1)(a) and 99(1)(b) of the Children and Young People (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

PART 1

GENERAL

Citation and commencement

1. This Order may be cited as the Child's Plan (Scotland) Order 2016 and comes into force on 31st August 2016.

Interpretation

2. In this Order—

"the Act" means the Children and Young People (Scotland) Act 2014;

"the 2003 Regulations" means the Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003(**b**);

"the 2004 Act" means the Education (Additional Support for Learning) (Scotland) Act 2004(**c**);

"the 2009 Regulations" means the Looked After Children (Scotland) Regulations 2009(**d**);

"co-ordinated support plan" has the meaning given to it in section 29(1) of the 2004 Act;

"lead professional" means the individual identified in accordance with article 6;

references to a child being "looked after" are to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995(**e**);

"pathway plan" has the meaning given to it in regulation 2 of the 2003 Regulations;

(**a**) 2014 asp 8.
(**b**) S.S.I. 2003/608. The 2003 Regulations were amended by S.S.I. 2013/137, S.S.I. 2013/147 and S.S.I. 2015/62.
(**c**) 2004 asp 4.
(**d**) S.S.I. 2009/210. Relevant amending instruments are S.S.I. 2009/290, S.S.I. 2013/147 and S.S.I. 2014/112.
(**e**) 1995 c.36. Section 17(6) was amended by paragraph 9(4)(b) of schedule 2 to the Adoption and Children (Scotland) Act 2007 (asp 4), paragraph 2(4) of schedule 5 to the Children's Hearings (Scotland) Act 2011 (asp 1) and by S.S.I. 2013/211.

"responsible authority" is to be construed in accordance with sections 36 and 37 of the Act; and

"service provider in relation to the child" is to be construed in accordance with section 32 of the Act.

PART 2

CONTENT AND COPIES OF A CHILD'S PLAN

Information to be contained in a child's plan

3.—(1) In addition to the information required by section 34 of the Act, a child's plan is to contain the information specified in paragraph (2).

(2) The information is—

(a) information regarding the matters listed in the Schedule, insofar as applicable to the child;

(b) a record of any wellbeing needs which the child has and any action taken or to be taken to address those needs, which is set out in any of the following—

(i) a child's plan prepared in respect of the child under regulation 5 of the 2009 Regulations;

(ii) a co-ordinated support plan prepared for the child under section 9 of the 2004 Act;

(iii) a pathway plan relating to the child which has been prepared in accordance with the 2003 Regulations;

(iv) any other plan prepared in respect of the child (whether under an enactment or otherwise), which contains information relevant to the child's wellbeing needs.

Provision of copies of a child's plan

4.—(1) Subject to paragraphs (2) and (3), after a child's plan has been prepared, the authority which prepared it must provide a copy of the plan to—

(a) the child where, taking account of the child's age and maturity, the responsible authority considers that the child is capable of understanding the purpose and effect of the child's plan;

(b) the child's parents; and

(c) the service provider in relation to the child.

(2) The authority must not provide a copy of the plan to a person specified in paragraph (1) where the authority considers that providing a copy of the plan to that person would—

(a) place the child's wellbeing at risk;

(b) place any person named in or likely to be identified from the plan at risk of harm; or

(c) be incompatible with any legal obligation to which the authority is subject.

(3) Where paragraph (2) applies but the authority is satisfied that there would be no risk or, as the case may be, incompatibility, as mentioned in paragraph (2) if only a part of the plan were given to the person mentioned in that paragraph, the authority must provide that part of the plan to the person.

PART 3

MANAGEMENT OF A CHILD'S PLAN

Managing authority of a child's plan for a looked after child

5. Where a child is looked after by a local authority but that local authority is not, in terms of section 39(7) of the Act, the managing authority of any child's plan prepared in respect of that child by virtue of Part 5 of the Act, that local authority is to be the managing authority of that child's plan from the date on which the authority becomes aware that the child has a child's plan, or as soon as reasonably practicable thereafter.

Lead professional

6. The managing authority of a child's plan must identify an individual (the "lead professional") who is to ensure that the managing authority's functions in respect of that child's plan are carried out in accordance with section 39 of the Act and this Order.

Review of a child's plan

7.—(1) A child's plan is to be reviewed in accordance with this article.

(2) Subject to paragraphs (3) to (10) of this article, the managing authority of a child's plan is to arrange a review of the plan—

(a) within a period of 12 weeks, beginning with the date on which each of the following occurs—

(i) the plan is prepared under section 35 of the Act;

(ii) management of the plan is transferred under section 39(5)(b) of the Act; or

(iii) a local authority becomes the managing authority of a plan in accordance with article 5; and

(b) thereafter, at intervals which have been agreed between the managing authority, the child and the child's parents.

(3) Where agreement as mentioned in paragraph (2)(b) cannot be reached, the managing authority is to arrange a review of the plan to take place at least once within each successive period of 12 months, beginning with the date on which the plan was last reviewed.

(4) Despite the terms of paragraphs (2) and (3), the managing authority of a child's plan is to arrange a review of a child's plan if it considers, having regard to the matters specified in section 39(1) of the Act, that the plan may require to be amended, transferred or ended before the date on which it would otherwise be reviewed by virtue of this article.

(5) The duty in paragraph (4) is to be exercised as soon as reasonably practicable after the managing authority becomes aware of the matter which may require the plan to be amended, transferred or ended.

(6) The following persons may at any time request that the managing authority of a child's plan consider arranging a review of the plan—

(a) the child;

(b) the child's parents.

(7) Where a request is made in accordance with paragraph (6), the managing authority is to consider, having regard to the matters specified in section 39(1) of the Act, whether the plan may require to be amended, transferred or ended before the date on which it would otherwise be reviewed by virtue of this article.

(8) Where the managing authority, on considering the matters specified in paragraph (7), is of the view that the child's plan may require to be amended, transferred or ended, the managing authority is to arrange a review of the plan as soon as reasonably practicable.

(9) Despite the terms of paragraphs (2) and (3), where—

(a) the child is a looked after child, and a review of the child's case is to be carried out in accordance with regulation 44 or, as the case may be, 45 of the 2009 Regulations;

(b) the child has a co-ordinated support plan, and a review of that plan is to be carried out under section 10(**a**) of the 2004 Act;

(c) the 2003 Regulations apply to the child, and a review of the pathway plan relating to the child is to be carried out in accordance with regulation 12 of those Regulations; or

(d) a review of any plan as mentioned in article 3(2)(b)(iv) is to be carried out,

the managing authority is to consider, having regard to the matters specified in section 39(1) of the Act, whether the child's plan may require to be amended, transferred or ended following any such review.

(10) Where the managing authority considers, in accordance with paragraph (9), that the child's plan may require to be amended, transferred or ended, it is to arrange a review of the child's plan to take place on the same day as the review mentioned in paragraph (9), or as soon as reasonably practicable after that date.

Inclusion of new targeted interventions in a child's plan

8. Where, in consequence of a review of a child's plan, the managing authority considers that a new targeted intervention requires to be provided in order to meet a wellbeing need which the child has, the managing authority must include any such targeted intervention in the child's plan.

Transfer of management of a child's plan

9.—(1) Subject to paragraph (3) where, in consequence of a review of a child's plan, the managing authority considers, having regard to any of the matters specified in paragraph (2), that it would be more appropriate for another relevant authority to manage the plan, then management of the child's plan is to transfer under section 39(5)(b) of the Act to that other relevant authority.

(2) The matters referred to in paragraph (1) are—

(a) the child's wellbeing needs;

(b) the child's place of residence;

(c) any targeted intervention which is being or which requires to be provided to meet the child's wellbeing needs;

(d) the relevant authority which is providing or, as the case may be, is likely to be able to provide, any targeted intervention as mentioned in sub-paragraph (c).

(3) The transfer of management as mentioned in paragraph (1) may take place only where the relevant authority to whom management of the plan is to transfer, agrees.

(4) A relevant authority which declines to give its agreement as mentioned in paragraph (3) must provide a statement of its reasons.

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
13th January 2016

(**a**) Section 10 was amended by section 1(4) of the Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7).

SCHEDULE

Article 3

Information to be contained in a child's plan

PART 1

Information about the child

1. The date on which the child's plan was prepared.

2. The child's full name.

3. The child's date of birth.

4. The child's home address.

5. Any reference number which is unique to the child and which relates to health, education or social work matters.

PART 2

Information about other persons

6. The name and address of any person who is a parent of the child.

7. The child's named person and their contact details.

8. The lead professional in respect of the child's plan and their contact details.

PART 3

Information about the child's wellbeing

9. A summary of the child's wellbeing needs and any action which has been taken to address those needs.

10. A summary of any assessment carried out in relation to the child's wellbeing (referred to in this Part as a "wellbeing assessment"), in so far as the authority preparing the plan considers it appropriate to include this in the child's plan.

11. Where a summary of a wellbeing assessment has been included in the child's plan in accordance with paragraph 10—

(a) the conclusions and recommendations of the wellbeing assessment;

(b) details of any disagreements about the wellbeing assessment, its conclusions or recommendations; and

(c) a summary of—

(i) the child's views in relation to the wellbeing assessment;

(ii) the views of the child's parents in relation to the wellbeing assessment; and

(iii) the views of any other persons who contributed to the wellbeing assessment.

PART 4

Information about action to be taken in respect of wellbeing needs

12. In relation to each of the child's wellbeing needs—

(a) the nature of the wellbeing need;

(b) the action to be taken to meet the wellbeing need, including any targeted intervention to be provided;

(c) the desired outcome from the action to be taken to meet the wellbeing need;

(d) how achievement of the desired outcome as mentioned in paragraph (c) can be evidenced;

(e) details of any person responsible for taking any action and providing any targeted intervention as mentioned in paragraph (b); and

(f) the timescales for taking any action and providing any targeted intervention as mentioned in paragraph (b).

PART 5

Information about the review or closure of a child's plan

13. The date of the next scheduled review of the child's plan.

14. The date on which any review of the child's plan has taken place.

15. The date on which the child's plan was ended and the reason for this.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further provision in respect of child's plans, in addition to what is specified in Part 5 of the Children and Young People (Scotland) Act 2014 ("the Act"). In particular, the Order makes further provision as to the content of a child's plan, the provision of copies of child's plans and the management of child's plans.

Article 2 gives meaning to certain words and expressions used in the Order.

Article 3 makes provision about the information which is to be contained in a child's plan. This includes the information in the Schedule to the Order, insofar as applicable to the child.

Article 4 specifies the circumstances in which copies of a child's plan should, and should not, be provided to specified persons.

Article 5 provides that, where a child is looked after by a local authority but the local authority would not, in terms of the Act, be the managing authority of a child's plan which has been prepared in respect of the child by virtue of Part 5 of the Act, then that local authority is to be the managing authority of the child's plan.

Article 6 makes provision about the lead professional.

Article 7 makes provision about the review of child's plans.

Article 8 specifies when new targeted interventions must be included in a child's plan.

Article 9 specifies when management of a child's plan is to transfer from one relevant authority to another.

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