POLICY NOTE

THE CHILD'S PLAN (SCOTLAND) ORDER 2016

SSI 2016/17

The above instrument is made in exercise of the powers conferred by sections 34(4), 35(8) and (9), 39(6), and 99(1)(a) and (b) of the Children and Young People (Scotland) Act 2014. The instrument is subject to negative procedure.

Policy Objectives

1. Part 5 of the Children and Young People (Scotland) Act 2014 ("the Act") makes provision as to the requirement for a child's plan, and as to the preparation, content, delivery and management of a child's plan for those children who need one. Particular duties are conferred on certain authorities (including health boards, local authorities and the directing authorities of grant-aided/independent schools) in relation to these matters. Part 5 of the Act also sets out the duty of authorities listed in schedule 3 to the Act to provide information, advice and assistance in relation to a child's plan in certain circumstances.

2. This instrument makes further provision in respect of child's plans, in accordance with the powers contained in Part 5 of the Act. In particular, the instrument makes further provision as to the content of a child's plan, the provision of copies of child's plans and the management of a child's plan. In relation to the management of a child's plan, the instrument makes provision regarding the managing authority of a child's plan for a looked after child; the identification of a "lead professional" who is to ensure that the managing authority's functions in respect of a child's plan are carried out as required; the review of a child's plan; the inclusion of new targeted interventions in a child's plan; and transfer of management of a child's plan.

3. The policy objective behind this instrument is to ensure that a child's plan is in place, with appropriate content, for every child who needs one; and that such plans are managed effectively by the most appropriate managing authority. The policy intention is that the child's plan provides a single framework to streamline the planning and delivery of supports or services in order to meet a child's wellbeing needs. The child's plan should incorporate elements required by other statutory and non-statutory planning processes in order to make good use of resources; and, in order to minimise duplication for the child, their parents, and practitioners, review of the child's plan should be aligned with other statutory and non-statutory planning processes as far as possible.

Consultation

4. A public consultation on the draft instrument took place between February and May 2015. This was part of a wider consultation on the implementation of Parts 4 and 5 of the Act, covering draft statutory guidance and two draft Orders (including this one). The consultation exercise included three regional events, plus workshops, focus groups and meetings. Responses were received from 133 individuals and 149 organisations.

5. Following the public consultation, engagement with stakeholders (in particular, those representing organisations that have duties under Part 5 of the Act) continued until November 2015.

6. The following points were made during this extended consultation:
   - Further clarification was requested on the relationship between the child's plan prepared under Part 5 of the Act and other statutory and non-statutory planning. Articles 3, 5 and 7 of this instrument have been refined to reflect the links with other statutory and non-statutory planning processes that are required to be made in terms of the content, management and review of the child's plan;
   - Stakeholders considered that it would be a missed opportunity if the role of the lead professional was not described in secondary legislation. Article 6 has been inserted to provide for the identification of a lead professional to ensure that the managing authority's functions in respect of the child's plan are carried out in accordance with the Act and with this instrument; and
   - The length and complexity of the child's plan content contained in the draft Schedule could potentially result in delays in providing appropriate services or support. The Schedule to this instrument has been revised and re-structured to include core information about the child, other persons, the child's wellbeing, action to be taken in respect of wellbeing needs and the review or closure of a child's plan.

7. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. It includes health boards, local authorities, the Scottish Council of Independent Schools, the Royal College of Speech and Language Therapists, the Royal College of Nursing, the Association of Directors of Education in Scotland, Social Work Scotland, child protection committees and 53 third sector organisations.

Impact Assessments

8. An Equality Impact Assessment (EQIA), a Business and Regulatory Impact Assessment (BRIA) and a Privacy Impact Assessment (PIA) were completed on the Children and Young People (Scotland) Bill prior to its introduction to Parliament. No further impact assessments have been completed in relation to this instrument, as the instrument will not alter the impact of the original Bill.

Financial Effects

9. The Minister for Children and Young People confirms that no further Business and Regulatory Impact Assessment (BRIA) is necessary as, in line with the Financial Memorandum, the Scottish Government will fully fund the additional costs of measures in the 2014 Act. The Financial Memorandum was developed in conjunction with key stakeholder bodies including COSLA.

Scottish Government
Children and Families Directorate
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