

APPENDIX 1

To

Update to decluttering the Landscape work and support for the development of the Plan 24-30

Legislation Route map

SUGGESTED FRAMEWORK - OPTION 3 DRAFT ACT

PART 1 : PARENTS, CHILDREN AND GUARDIANS

Parental responsibilities and parental rights

1. s. 1 Parental responsibilities
2. s. 2 Parental rights.
3. s. 3 Provisions relating both to parental responsibilities and to parental rights.
4. s. 4 Acquisition of parental rights and responsibilities by natural father.
5. s. 4A Acquisition of parental responsibilities and parental rights by second female parent by agreement with mother
6. s. 4B Conferral of parental responsibilities and parental rights where birth is registered outwith the United Kingdom
7. s. 5 Care or control of child by person without parental responsibilities or parental rights.
8. s. 6 Views of children.

Guardianship

9. s. 7 Appointment of guardians.
10. s. 8 Revocation and other termination of appointment.

Administration of child's property

11. s. 9 Safeguarding of child's property.
12. s. 10 Obligations and rights of person administering child's property.

Court Orders

13. s. 11 Court orders relating to parental responsibilities etc.
14. s. 11ZA Paramourncy of child's welfare, and the non-intervention presumption
15. s. 11ZB Regard to be had to the child's views
16. s. 11A Restriction on making of orders under section 11
17. s. 11B Vulnerable parties
18. s. 11C Special measures under section 11B
19. s. 11D Appointment of curator ad litem

- 20. s. 11E Duty to consider child's best interests when allowing access to information
- 21. s. 11F Explanation of court decisions to the child
- 22. s. 11G Duty to investigate failure to obey order under section 11
- 23. s. 12 Restrictions on decrees for divorce, separation or annulment affecting children.
- 24. s. 13 Awards of damages to children.

Jurisdiction and choice of law

- 25. s. 14 Jurisdiction and choice of law in relation to certain matters.

Interpretation

- 26. s. 15 Interpretation of Part 2, chapter 1.

[sections 1-26 are from CSA 1995 ss 1-15]

KEY

SWSA 1968 - Social Work (Scotland) Act 1968

CSA 1995 - Children (Scotland) Act 1995

A&CSA 2007 - Adoption and Children (Scotland) Act 2007

CHSA 2011 - Children's Hearings (Scotland) Act 2011

CYPSA 2014 - Children and Young People (Scotland) Act 2014

CSA 2020 - Children (Scotland) At 2020

Yellow - **provisions are brand new, suggested additions**

NB : in terms of some of the sections of CYDSA 2014 and CSA 2020 - they were brought in as amendments to other acts eg CSA 1995.

NB: in terms of the provisions in the SWSA 1968 some which have been reproduced into this draft, should remain in the 1968 Act as they also apply to adults

PART 2: PROMOTION OF CHILDREN'S WELFARE BY LOCAL AUTHORITIES

WELFARE AND WELLBEING

- 27. s. 16 Welfare of child and consideration of his views. [CSA 1995 16]
- 28. s. 22 Promotion of welfare of children in need. [CSA 1995 22]
- 29. s. 96 Assessment of wellbeing [CYPSA 2014 95]
- 30. s. 23A Sections 17, 22 and 26A: consideration of wellbeing [CSA 1995 23A]

PROVISION OF SERVICES: EARLY LEARNING AND CHILDCARE

- 31. s. 46 Early learning and childcare [CYPSA 2014 46]
- 32. s. 47 Duty to secure provision of early learning and childcare [CYPSA 2014 47]
- 33. s. 48 Mandatory amount of early learning and childcare [CYPSA 2014 48]
- 34. s. 49 Looked after 2-year-olds: alternative arrangements to meet wellbeing needs [CYPSA 2014 49]
- 35. s. 50 Duty to consult and plan on delivery of early learning and childcare [CYPSA 2014 50]
- 36. s. 51 Method of delivery of early learning and childcare [CYPSA 2014 51]
- 37. s. 52 Flexibility in way in which early learning and childcare is made available [CYPSA 2014 52]
- 38. s. 53 Interpretation of Part 6 [CYPSA 2014 53]

PROVISION OF SERVICES IN RELATION TO CHILDREN AT RISK OF BECOMING LOOKED AFTER, ETC.

- 39. s. 68 Provision of relevant services to parents and others [CYPSA 2014 68]
- 40. s. 69 Relevant services: further provision [CYPSA 2014 69]
- 41. Family group conferencing meeting
- 42. s. 70 Interpretation of Part [] [CYPSA 2014 70]

CHILD PROTECTION POLICIES

- 43. Purpose of this part.
- 44. Prescribed services to adopt, report on and required child protection policies
- 45. Corporate parents to adopt, report on, and require child protection policies
- 46. Content of child protection policies
- 47. Effect of child protection policy
- 48. Child protection register
- 49. Child protection planning meetings

PROVISION OF SERVICES FOR KINSHIP CARE

- 50. s. 71 Assistance in relation to kinship care orders [CYPSA 2014 71]
- 51. s. 72 Orders which are kinship care orders [CYPSA 2014 72]

52. s. 73 Kinship care assistance: further provision [CYPSA 2014 73]

53. s. 74 Interpretation of Part [] [CYPSA 2014 74]

PROVISION OF SERVICES: IN RELATION TO LOOKED AFTER CHILDREN

54. s. 17 Duty of local authority to child looked after by them. [CSA 1995 17]

55. s. 17A Detained children to be treated as looked after children [CSA 1995 17A]

56. s. 18 Duty of persons with parental responsibilities to notify change of address to local authority looking after child. [CSA 1995 18]

57. s. 25 Provision of accommodation for children, etc. [CSA 1995 25]

58. s. 26 Manner of provision of accommodation to child looked after by local authority. [CSA 1995 26]

59. s. 26A Provision of continuing care: looked after children [CSA 1995 26A]

60. s. 27 Day care for pre-school and other children. [CSA 1995 27]

61. s. 28 Removal of power to arrange for emigration of children. [CSA 1995 28]

62. s. 23 Children affected by disability. [CSA 1995 23]

63. s. 35 Welfare of children in accommodation provided for purposes of school attendance. [CSA 1995 35]

64. s. 36 Welfare of certain children in hospitals and nursing homes etc. [CSA 1995 36]

65. s. 38 Short-term refuges for children at risk of harm. [CSA 1995 38]

PROVISION OF SERVICES: IN RELATION TO FORMERLY LOOKED AFTER CHILDREN

66. s. 29 After-care. [CSA 1995 29]

67. s. 30 Financial assistance towards expenses of education or training and removal of power to guarantee indentures etc. [CSA 1995 30]

68. Befriending, advising and assisting looked-after children

69. Young people entitled to support under sections to .

70. Keeping touch

71. Personal advisors

72. Pathways assessments and plans general

73. Pathways assessments and plan: post 18 living arrangements

74. Supplementary provision about support for young persons in further or higher education

75. Charging for provisions under section to .

76. Information.]

Register of foster carers

77. s. 30A Register of foster carers [CSA 1995 30A]

78. s. 30B Register of foster carers: further provision [CSA 1995 30B]

79. s. 30C Disclosure of information [CSA 1995 30C]

80. s. 30D Establishment and maintenance of register by person other than Scottish Ministers [CSA 1995 30D]

81. s. 30E Pilot scheme [CSA 1995 30E]

82. s. 30F Register of foster carers: procedure for regulations [CSA 1995 30F]

83. s. 30G Register of foster carers: interpretation [CSA 1995 30G]

PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES: GENERAL

- 84. s. 12 General social welfare services of local authorities. [SWSA 1968 s12]
- 85. s. 12A Duty of local authority to assess needs. [SWSA 1968 s12A]
- 86. s. 12AZA Assessments under section 12A: assistance [SWSA 1968 s12AZA]
- 87. s. 13 Power of local authorities to assist persons in need in disposal of produce of their work. [SWSA 1968 s13]
- 88. s. 13ZA Provision of services to incapable adults [SWSA 1968 s13ZA]
- 89. s. 13A Residential accommodation with nursing. [SWSA 1968 s13A]
- 90. s. 13B Provision of care and after-care. [SWSA 1968 s13B]
- 91. s. 14 Home help and laundry facilities. [SWSA 1968 s14]

Ancillary

- 92. s. 29 Power of local authority to defray certain travelling expenses. [SWSA 1968 s29]

Provision of residential and other establishments

- 93. s. 59 Provision of residential and other establishments by local authorities, and maximum period for repayment of sums borrowed for such provision. [SWSA 1968 s59]
- s. 59A Grants in respect of secure accommodation for children. [SWSA 1968 s59A27]

SERVICE PLANNING FOR CHILDREN BY LOCAL AUTHORITIES

- 94. s. 7 Introductory [CYP SA 2014 7]
- 95. s. 8 Requirement to prepare children's services plan [CYP SA 2014 8]
- 96. s. 9 Aims of children's services plan [CYP SA 2014 9]
- 97. s. 10 Children's services plan: process [CYP SA 2014 10]
- 98. s. 11 Children's services plan: review [CYP SA 2014 11]
- 99. s. 12 Implementation of children's services plan [CYP SA 2014 12]
- 100. s.3 Reporting on children's services plan [CYP SA 2014 13]
- 101. s. 14 Assistance in relation to children's services planning [CYP SA 2014 14]
- 102. s. 15 Guidance in relation to children's services planning [CYP SA 2014 15]
- 103. s. 16 Directions in relation to children's services planning [CYP SA 2014 16]
- 104. s. 17 Children's services planning: default powers of Scottish Ministers [CYP SA 2014 17]
- 105. s. 18 Interpretation of Part 3 [CYP SA 2014 18]
- 106. s. 20 Publication of information about services for children. [CSA 1995 20]
- 107. s. 21 Co-operation between authorities. [CSA 1995 21]
- 108. s. 6B Local authority inquiries into matters affecting children. [SWSA 1968 s6B]
- 109. s. 90 Orders, regulations etc. [SWSA 1968 s90]
- 110. s. 91 Expenses. [SWSA 1968 s91]
- 111. s. 92 Effect of Act on rate support grant. [SWSA 1968 s92]
- 112. s. 92A Powers of the Secretary of State to make grants. [SWSA 1968 s92A]

CORPORATE PARENTING

- 113. s. 56 Corporate parents [CYPISA 2014 56]
- 114. s. 57 Application of Part: children and young people [CYPISA 2014 57]
- 115. s. 58 Corporate parenting responsibilities [CYPISA 2014 58]
- 116. s. 59 Planning by corporate parents [CYPISA 2014 59]
- 117. s. 60 Collaborative working among corporate parents [CYPISA 2014 60]
- 118. s. 61 Reports by corporate parents [CYPISA 2014 61]
- 119. s. 62 Duty to provide information to Scottish Ministers [CYPISA 2014 62]
- 120. s. 63 Guidance on corporate parenting [CYPISA 2014 63]
- 121. s. 64 Directions to corporate parents [CYPISA 2014 64]
- 122. s. 65 Reports by Scottish Ministers [CYPISA 2014 65]

CONTRIBUTIONS IN RESPECT OF CHILDREN IN CARE ETC.

- 123. s. 78 Duty to make contributions in respect of children in care etc. [SWSA 1968 s6B]
- 124.
- 125. s. 78A Recovery of contributions. [SWSA 1968 s78A]
- 126. s. 79 Recipients of contributions. [SWSA 1968 s79]
- 127. s. 80 Enforcement of duty to make contributions. [SWSA 1968 s80]
- 128. s. 81 Provisions as to decrees for aliment. [SWSA 1968 s81]
- 129. s. 82 Recovery of arrears of contributions. [SWSA 1968 s82]
- 130. s. 83 Variation of trusts. [SWSA 1968 s83]
- 131. s. 83A References in this Part of this Act to child being looked after. [SWSA 1968 s83A]

SECURE TRANSPORTATION

- 132. s. 90A Secure transportation: duty of Scottish Ministers to prepare and publish standards [CYPISA 2014 90A]
- 133. s. 90B Secure transportation: duty of providers to meet standards [CYPISA 2014 90B]
- 134. s. 90C Secure transportation: reports [CYPISA 2014 90C]

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- 135. s. 31 Review of case of child looked after by local authority. [CSA 1995 31]
- 136. s. 32 Removal of child from residential establishment. [CSA 1995 32]
- 137. s. 33 Effect of orders etc. made in different parts of the United Kingdom. [CSA 1995 33]
- 138. s. 33A Regulation of cross-border placements [CSA 1995 S33A]
- 139. s. 99 Registration of births by persons who are themselves children. [CSA 1995 s99]
- 140. s. 100 Inquiries into matters affecting children. [CSA 1995 100]
- 141. s. 84 Transfer of assets and liabilities. [SWSA 1968 s84]
- 142. s. 86 Adjustments between authority providing accommodation etc., and authority of area of residence. [SWSA 1968 s86]

- 143. s. 87 Charges that may be made for services and accommodation. [SWSA 1968 s87]
- 144. s. 19 Local authority reporters
- 145. s. 29 Extension to sheriff of enforcement powers under Family Law Act 1986
- 146. s. 31 Review of children's ability to participate
- 147. s. 32 Power to replace descriptions with actual dates

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- 148. s.93 Interpretation of Part II [CSA 1995 93]

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- 150. s. 2 Children's Hearings Scotland
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- 152. s. 4 The Children's Panel

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- 153. s. 5 Children's hearing
- 154. s. 5A Pre-hearing panel
- 155. s. 6 Selection of members of children's hearing
- 156. s. 6A Selection of members of children's hearing: one member hearing
- 157. s. 7 Holding of children's hearing
- 158. s. 7A Children's hearing: duty to have due regard to effects of trauma on child
- 159. s. 8 Provision of advice to children's hearing
- 160. s. 9 Independence of children's hearings

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- 161. s. 10 Power to change National Convener's functions

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- 163. s. 12 Independence of National Convener
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- 172. s. 21 Provision of accommodation for children's hearings
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- 175. s. 24 Transfer of staff, property etc.

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- 179. s. 28 Children's hearing: pre-condition for making certain orders and warrants
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- 193. s. 41 Contact directions
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- 214. s. 76 Exclusion orders. [CSA 1995 76]
- 215. s. 77 Effect of, and orders etc. ancillary to, exclusion order. [CSA 1995 77]
- 216. s. 78 Powers of arrest etc. in relation to exclusion order. [CSA 1995 78]
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- 221. s. 62 Provision of information by court
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- 227. s. 68 Determination under section 66: no referral to children's hearing
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- 229. s. 70 Requirement under Antisocial Behaviour etc. (Scotland) Act 2004
- 230. s. 71 Case remitted under section 49 of Criminal Procedure (Scotland) Act 1995
- 231. s. 72 Child in place of safety: Principal Reporter's powers

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- 232. s. 71A Application to sheriff: referral to children's hearing for making of interim compulsory supervision order

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- 247. s. 84 Meaning of "movement restriction condition"
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- 256. s. 90 Grounds to be put to child and relevant person
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- 264. s. 95A Children's hearing to consider need for making of interim compulsory supervision order

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- 265. s. 96 Children's hearing to consider need for further interim compulsory supervision order

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