

## **Children and Young People (Scotland) Act 2014: Statutory Guidance Part 3: Children's Services Planning**

### **Is the guidance sufficiently clear about the purpose and objectives of Part 3?**

The guidance clearly outlines the purpose and objectives of Part 3. However, in omitting a role for children and young people in the development of Children's Services Plans, in line with Article 12 of the United Nations Convention on the Rights of the Child, it risks public authorities failing to meet the needs of children and young people. This runs counter to the government's stated ambition of securing better or further effect of the UNCRC requirements.

The omission of children and young people from the Children's Services Planning process is also at odds with the guidance for Part 1 of the Act which actively encourages the involvement of children and young people in the production of Children's Rights Reports. All the three parts of the process: preparation of a Children's Rights Report; Children's Services Planning and the review of the Children's Services Plan would benefit from the active participation of children and young people (and their families).

Paragraph 24 states that "a Children's Services Plan should 'tell a story'". We believe that the voices of children and young people are the most important part of that story and are therefore disappointed that the process outlined in paragraph 25-28 does not include a means of capturing their voices. In paragraph 42, which outlines the process of mapping children's services, children and young people (and their parents) are once more omitted from those to be consulted, despite the guidance noting complexities in the availability of services which would best be explained by children and young people themselves. Likewise, paragraph 60 requires an assessment of the needs which "currently (or are likely to) exist across the population of children and young people and paragraph 61 states that a "Children's Services Plan must be prepared in such a way that they appear to be "integrated" from the perspective of "recipients" (i.e. children, young people, carers and families)". Notwithstanding any issues arising from seeing children and young people solely as recipients of services, it is difficult to see how planning processes can effectively realise this requirement without the active participation of children and young people in their development.

It is only in paragraph 120, dealing with the review process, that the views of children and young people are suggested as a valuable source of information. This is far too late in the process. Our view is that the views of children and young people should form an integrated part of the entire Children's Services Planning process. Even parents are not directly included in the process, with only a reference in paragraph 93 to "such persons as appear to be representative of parents". These omissions

are contrary to the governments ambition to further the realisation of children's rights as outlined in the UNCRC and in particular in Article 12.

The Act does not, at present, put the inclusion of children and young people in the Children's Services Planning process on a statutory footing. However, section 10(1)(b) of the act allows Scottish Ministers to require local authorities and health boards to consult "such other persons as the Scottish Ministers may by direction specify." We would suggest that such a direction be made in respect of the consultation with children and young people as well as their parents and carers.

**Is the guidance clear about the roles and responsibilities of different public agencies with respect to Part 3 duties? How could this be improved?**

The guidance outlines the roles of responsibilities of public agencies in respect of their interactions with each other and with third sector partners. However, as with the purpose and objections, it lacks details on the responsibility of all public agencies to consult children and young people, as required by Article 12 of the UNCRC, when preparing Children's Services Plans. We also note that consultation with parents is given very little attention in their guidance, despite local authorities having specific duties to promote parental involvement as set out in the Scottish Schools (Parental Involvement Act) 2006.

**With respect to the duty on local authorities and relevant health boards to consult in preparation of a Children's Services Plan, is the guidance clear about the process which should be undertaken? How could this be improved?**

The guidance focuses on the duty to consult other public agencies and third sector partners. Whilst this is important, meaningful and participatory consultation with children and young people should be an intrinsic part of preparing a Children's Services Plan.

**Is the guidance sufficiently clear about what "information, advice and assistance" is in the context of preparing a Children's Services Plan? How could this be improved?**

See response to next question.

**Is the guidance sufficiently clear about what a "reasonable request" is in the context of preparing and implementing a children's services plan? How could this be improved?**

What is reasonable will depend on a range of factors including the cumulative effect of different local authorities preparing their Children's Services, for example even a large national organisation may struggle to respond to 32 detailed requests within a short period of time. Smaller agencies, including ourselves, may find it impossible to meet all requests. We note that paragraphs 96 and 97 acknowledge that reasonableness will depend on individual circumstances and that local authorities and health boards should "make all reasonable efforts to facilitate the participation and/or contribution of a broad range of third party organisations".

We feel that the use of reasonable to describe both the request and the support provided produces a high degree of subjectivity which could result in unnecessary conflict due to conflicting expectations. This part of the guidance would benefit from further elaboration and the addition of relevant examples.

**Is the description of the links between the duties under Part 3 of the guidance and other statutory and non-statutory planning requirements clear and useful?**

The guidance allows a lot of freedom for local authorities and health authorities to decide how Children's Services Plans interact with other planning requirements and we support this flexibility. However once again we are concerned at the absence of the voice of children and young people from these processes.

**Additional comments**

We welcome the inclusion, in section 133, of the suggestion that Annual Reports are made available in formats accessible to children and young people. However, we would also like to see Children's Services Plans, or a summary of them, available in a similar range of formats and particularly in one suitable for the majority of children and young people.