Who is this briefing for?
This briefing is primarily for Third Sector Interfaces and smaller third sector organisations. It aims to give you more information about what the Children and Young People (Scotland) Act 2014 means for the third sector.

This briefing complements a series of ‘easy read’ factsheets from the Scottish Government.

Read the factsheets

About the Children and Young People (Scotland) Act 2014
The Children and Young People (Scotland) Act 2014 (‘the CYPA’) was passed in the Scottish Parliament on 19 February 2014 and received Royal Assent on 27 March. The CYPA will bring about changes which are all designed to promote, support and safeguard the wellbeing of children and young people in Scotland.

The CYPA was developed from local experience of the ‘Getting It Right for Every Child’ approach, and effectively puts the majority of the GIRFEC approach onto a legislative footing. Implementing the Act requires statutory authorities to work intensively with relevant stakeholders, particularly including the third sector, and to undertake significant and wide-range planning.

Find out more about the GIRFEC approach

Read the full text of the Act

Children and Young People's (Scotland) Act 2014

Further guidance
Further guidance, which clearly and comprehensively sets out how the new duties should be taken forward and what children, young people and their families can expect, is expected to be published in Summer 2015, following consultation. Although some parts of the Act are already being progressed, the significant provisions in the Named Person and Child’s Plan sections of the Act are expected to commence in August 2016. The Scottish Government has published a letter setting out their timetable for implementing the CYPA.

About the National Third Sector GIRFEC Project
The National Third Sector GIRFEC Project is working to support Community Planning Partnerships (CPPs), in particular Third Sector Interfaces (TSIs) and their third sector partners, to ensure that the third sector is fully involved in the implementation of the GIRFEC approach. The project is a public-social partnership between a core group of organisations (Barnardo’s Scotland, Voluntary Action Scotland and the Improvement Service), with support from other third sector partners (including CCPS) and funded by
the Scottish Government. The project began in March 2013 and will run until March 2016.

You can find out more about the project on its webpages.
An important aspect of the Act is how it calls upon specific public bodies (named in the Act) to work together to produce a joint children’s services plan, as opposed to individual organisational plans.

This part of the Act details new arrangements for Children’s Services Plans, that should set out how public bodies will safeguard, support and promote the wellbeing of children and young people in a particular CPP area. It places the overarching responsibility for the development of these Children’s Services Plans with local authorities and health boards. The Act defines children’s services broadly and generally, and whilst Scottish Ministers have a power to make a more precise definition through future guidance and regulations, it is likely that Plans will be broad reaching and cover a wide range of services that benefit or affect children and young people.

The Act requires health boards and local authorities to consult with organisations that represent service users (i.e. children, young people, and their families), as well as other organisations (including those from the third sector) that provide services for children and young people. This consultation should inform the content of the Children’s Services Plan.

The Act requires the Plan to be kept under review, and to be regularly revised.

We expect the future guidance from Scottish Government on the Act to clarify how the new planning duties will connect with Community Planning. In the meantime different Community Planning Partnerships may be progressing in different ways, to reflect existing current circumstances. Similarly, future guidance should identify how these planning processes should work alongside local joint-commissioning and procurement processes.

**Implications for Third Sector Interfaces (TSIs) and the Third Sector:**

- Committee structures may be created, or existing structures adapted, to support the development of Children’s Services Plans, and TSIs may be required to take part, or identify appropriate representatives from within the local third sector.
- Third sector organisations will have opportunities to feed into local consultations, and to help shape the Plans. TSIs may be asked to assist in this process or to act as partners.
- TSIs will need to support local third sector organisations to understand the new local planning frameworks and the opportunities that arise from them.
- In order to inform the development of Plans, statutory partners and TSIs may wish to work together to undertake mapping exercises that chart the contribution of the third sector to children’s services in the local area.
- Third sector organisations that deliver services may wish to consider how they can articulate the contribution of their existing services, in the context of the new planning requirements, and highlight new service needs.
Wellbeing – Section 18

The Act places in legislation a definition of a child’s wellbeing, which is based on eight indicators. These wellbeing indicators are often described using the acronym SHANARRI, standing for the first letter of each of the eight indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. These eight indicators are intended to provide a common language for practitioners, children and families alike, as well as ensuring that a holistic view of the child or young person’s life and progress is considered, when anybody assesses their wellbeing. The Act recognizes these indicators are all connected and overlapping but the holistic view allows for both the child or young person, and all the adults supporting them, to identify strengths and barriers to their individual growth and development.

The Act now means it is a requirement for local authorities to deliver services in a way that is designed to safeguard, support and promote the wellbeing of children, as defined in the Act. Local authorities and health boards will now also be required to regularly report on outcomes for all children and young people in the community in terms of this definition of wellbeing.

Wellbeing is already an accepted way of working in many parts of Scotland, across different agencies, but there will still need to be efforts to further embed wellbeing in the statutory and third sector agencies’ ways of working and evaluation processes.

Implications for Third Sector Interfaces (TSIs) and the Third Sector:
- Third sector organisations, that have not done so already, should consider embedding the language of wellbeing in policies, training, evaluation and, generally, in the way in which they work.
- Local authorities and health boards will increasingly expect all those working with children and young people, in any way, to demonstrate outcomes that improve children’s wellbeing, as defined in the Act. Those third sector organisations that have embedded the language of wellbeing and are able to articulate their contributions in these terms will be at an advantage in their relationships with public bodies, as working in this way may well become a requirement in future public funding arrangements. Third Sector Interfaces will need to help third sector organisations embed wellbeing or to support practice-sharing amongst third sector organisations, particularly those organisations where working with children and young people is only part of their operations, and those third sector organisations are run mainly by volunteers and/or parents.
The Act creates a requirement that every child in Scotland will have access to a ‘Named Person’ service, from birth up until the age of 18. The Named Person is a professional, in the universal services of health and education, who would usually already be known to the child and their parent/carer. Their role is to be available to the child and their family when there is a need, acting as a single ‘way-in’ for the family and child to support services, and also to act as a point of contact for other practitioners who may have concerns about the child’s welfare.

The Act stipulates which authority is responsible for providing the Named Person Service at all stages and in all circumstances of a child’s life. The Named Person should be an employee of a health board (usually the family’s health visitor), up until the age at which the child starts school, after which point the Named Person should be an employee of an education authority (usually a senior teacher at the child’s school, and known to the family) or an independent / grant aided school. In certain circumstances a secure accommodation provider or the Scottish Prison Service will provide the Named Person. The Named Person service will normally halt when the child or young person turns 18 but the Act also provides guidance on the arrangements to be made, should the service be continued past this age in special circumstances highlighted by the Act.

The Named Person will, in all circumstances, be someone who is well placed to assess the wellbeing and progress of each child or young person, who is the first point of contact for the child and their family, and who is able to recommend or contact the appropriate additional support a child or younger person may require.

The Act also sets out the responsibilities of the Named Person, in regard to other agencies working with the child. All agencies involved in working with children and young people have a duty to share information with the Named Person, when they have a concern about a child’s wellbeing. The Act, alongside future guidance, will provide guidelines on how this should occur, ensuring that this is done in accordance with the Data Protection Act 1998. Future guidance will address what information needs to be shared, the benefits of sharing this information and different procedures for different situations for example, the exchange of information from one Named Person to a new Named Person or between agencies if multiple services are being provided.

**Implications for Third Sector Interfaces (TSIs) and the Third Sector:**

- Any organisation working with a child or young person has a responsibility to appropriately share information and concerns with the Named Person. It will be important for third sector organisations to make sure their staff understand the role of the Named Person and when and how they should share information with them. This will benefit both those organisations that are working intensively with young people (such as services providing children’s charities), as well as organisations working more informally to support children, young people and their families (such as community groups, sports clubs, and so on).
- The third sector also has an important role in explaining the role of the Named Person to children, young people and their families. Statutory bodies will have a legal obligation to tell children, young people and parents about the Named Person service and how they can access it. These bodies may wish to work with...
third sector organisations and TSIs to communicate the role of the universal Named Person service to children, parents and families in the local area.
The Child's Plan

The Act requires the creation of a Child’s Plan when an assessment of a child’s wellbeing identifies the need for one or more targeted interventions i.e. they need help, or the support of a service that is not generally available within a universal service. It is the responsibility of local authorities and health boards, usually in the form of the Named Person, to prepare the Child’s Plan and either offer help themselves, or arrange help from other services, relevant to the child’s needs. These other services could either be within statutory services, or outwith, for example services provided by the third sector. The plan should be kept under constant review to decide whether it is still of use to the child and whether further targeted intervention may be required.

When deciding about whether a Child’s Plan is needed, and what should be in it, the views of the child (in a way appropriate to their age and maturity) and the views of their parents/carers should be actively sought and taken into consideration. The Child’s Plan should include details of the child themselves and key people in their life, the child’s wellbeing need, the targeted inventions (what, by whom, when and in which manner) and the outcomes the interventions are meant to achieve.

Although the role of Lead Professional is not set out in legislation, the Scottish Government intends that it should be the same as it is currently within the GIRFEC policy. The role of the Lead Professional is to ensure co-ordination and effective team-working between different agencies, to provide the young person with a single point of contact and keep the Child’s Plan up-to-date. Even where a child has a Lead Professional and a Child’s Plan they will still have a Named Person.

The Child’s Plan will need to be reviewed regularly, ensuring that it reflects the child’s current circumstances, and any targeted interventions being provided are still appropriate to the wellbeing needs of the child.

The Child’s Plan is another way in which good practice is being encouraged across Scotland, and the approach already exists in many parts of Scotland. The Third Sector will be involved in many ways, including delivering interventions to support children who have a Child’s Plan. Additionally, the Third Sector may need to update processes and ways of working in order to integrate their services with the single Child’s Plan approach.

Implications for Third Sector Interfaces (TSIs) and the Third Sector

- Third sector organisations will need to understand the Child’s Plan approach, so that they can contribute confidently to the creation of the Plan and help to ensure the child’s needs are met. Indeed, the Lead Professional who has overall responsibility for the Child’s Plan may in certain circumstances be a member of staff in a third sector organisation. This would only occur where the third sector organisation is in a contracted / commissioned relationship with a public body and providing a service that would otherwise be provided by that public body.
TSIs may wish to support local third sector organisations to understand the importance of the Child’s Plan and to share practice about how they work with the Child’s Plan model.
Other Provisions

Some other provisions in the Act which are important to note are:

- Under part 1 of the Act there is a section which requires public bodies and Scottish Ministers to take regard of the UN Charter on the Rights of the Child (UNCRC) which can be found [here](#).
- The Act increases the eligibility to support for young people who are leaving the care of a local authority. Care leavers currently experience some of the poorest outcomes of all young people, and children’s charities have welcomed this as a major step forward in terms of improving the outcomes they experience.
- The Act creates an entitlement to free Early Learning and Childcare, of 600 hours for all 3 and 4 year-olds. Vulnerable 2 year-olds and 2 year-olds who are the children of unemployed parents will also be eligible. This part of the Act came into effect in August 2014. Local Authorities will currently be in the process of getting this new entitlement in place.

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Keep updated with The National Third Sector GIRFEC Project!

If you want to keep up to date with the progress of the Project you can join Voluntary Action Scotland’s mailing list, or sign-up to receive the Scottish Government’s [GIRFEC bulletin](#), both available through the relevant links below. You can also follow progress on the project’s own website, where news, updates and information will be posted.

If you want to find out how you or your organisation can get involved in the Third Sector GIRFEC project, or have any questions regarding how this affects you or your organisation, please see any of the websites below.

- [www.3rdSectorGIRFEC.org.uk](http://www.3rdSectorGIRFEC.org.uk)
- [www.scotland.gov.uk/Topics/People/Young-People/gettingitright](http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright)
- [www.vascotland.org](http://www.vascotland.org)
- [www.improvementservice.org.uk](http://www.improvementservice.org.uk)
- [www.barnardos.org.uk](http://www.barnardos.org.uk)