



Glasgow
Council
for the
Voluntary
Sector

SUMMARY

DRAFT STATUTORY GUIDANCE

PART 3: CHILDREN'S SERVICES PLANNING

1. Overview

Local authorities and health boards must prepare a 'Children's Services Plan', prepared in accordance with the provisions of Part 3 of the [Children and Young People \(Scotland\) Act 2014](#), by April 2017. A report on how the local area has delivered on its plan must be published, as soon as practicable after the end of each year (April to March).

The Act sets out a legal framework for children's services' planning, including its scope and aims. Scottish Ministers have now issued draft statutory guidance, for consultation. This provides local authorities and health boards, working in partnership with other public bodies and organisations, with information and advice about how they should exercise the functions conferred by [Part 3 \(Children's Services Planning\)](#) of the Act.

This paper summarises the draft guidance. The full draft guidance is available on the Scottish Government website [here](#)

Part 3 seeks to improve outcomes for all children and young people in Scotland by ensuring that local planning and delivery of services is integrated, focused on securing quality and value through preventative approaches, and dedicated to safeguarding, supporting and promoting child wellbeing.

Local authorities and health boards are jointly and equally responsible for children's services planning and reporting. Other members of Community Planning Partnerships and some national public bodies, will be consulted or will be required to participate, at various stages of the plan's development and review. Each local authority and health board may shape their own approach, in collaboration with their children's services planning partners

All organisations named in the Act must have regard to this guidance when carrying out children's services planning. Scottish Ministers will monitor compliance with these duties through informal reviews and through joint inspections of children's services.

2. What is a Children's Service?

The Act defines the term 'children's service' as any service provided wholly or mainly for children or for the benefit of children by the local authority, the health board, another service provider or Scottish Ministers (functions under the Prisons (Scotland) Act 1989). This includes services provided by private or third sector organisations for, or in partnership with, the local authority, health board, 'other service providers' or Scottish Ministers.

A 'children's service' is one which is available to all children, or to children and young people with needs of a particular type (such as looked after children, children with a disability or those with additional support in learning needs). Some of the services will be providing services both to children and to those over the age of 18 (such as care-leavers).

The term 'related service' means any service in a local authority area provided by the local authority; the health board; an 'other service provider', and Scottish Ministers (in exercising their functions under the Prisons (Scotland) Act 1989) which, although not a 'children's service', may have a significant effect on the wellbeing of children and young people. Examples of related services might include leisure services, housing, drug and alcohol services, etc.

Other service providers

The term 'other service provider' means:

- the Chief Constable of the Police Service of Scotland;
- the Scottish Fire and Rescue Service;
- the Principal Reporter;
- the National Convener of Children's Hearings Scotland;
- the Scottish Courts and Tribunal Service; and
- an Integration Joint Board established under the Public Bodies (Joint Working) (Scotland) Act 2014

For the purposes of Part 3, the term 'child' or 'children' refers to people under the age of 18 years. The terms 'young people' and 'young person' are used to refer to older children (e.g. 12 – 17 years old) and those adults still eligible to receive a 'children's service' (e.g. care leavers aged 18 – 25 years old).

3. Children's services plans

The 'Children's Services Plan' is a document which must be prepared, every three years, by a local authority and the relevant health board, setting out their plans for the provision of all children's services and related services. This should be the starting point for local commissioning processes which are based on robust information about needs, costs and quality, and ongoing engagement with service users and the wider community.

Children's services planning will incorporate a number of processes, as part of good strategic planning. These include:

- a detailed assessment of the current position (needs and resources);
- a clear vision of what will be achieved by the end of the plan and how progress will be measured;
- agreeing what activities (services, interventions, etc.) will be delivered
- deciding, through a coherent and transparent process, how those activities will be resourced over the course of the plan
- holding people to account for delivery of activities, and
- monitoring progress through a structured process of review to make sure that the plan continues to meet the needs that it seeks to affect.

Children's services planning will be an ongoing process. Throughout the different stages, local authorities and health boards will want to engage with staff, service users and the community, through consultation and opportunities for participation.

3.1 Identifying children's and relevant services

In order to prepare a Children's Services Plan, the local authority and the health board need to establish which services fall within the definitions of Children's Services and related services, including the third and private sectors. Children's Services include:

- Services for 'children in need'
- Child protection services
- Services for children affected by disability
- Services for looked after children and care leavers
- Adoption and fostering services
- Targeted and universal early years and childcare services (including Sure Start Scotland, pre-school education, childcare and out-of-school care services)
- Community Learning and Development (including youth work)
- Support for Children's Hearings system
- Statements of Education Improvement Objectives
- Local Health Plans/Joint Health Improvement Plans/Child Health Strategies
- Primary care
- Community nursing
- Community paediatric
- Therapy services
- Out-patient and hospital based services
- Child and Adolescent Mental Health services
- Youth Justice Strategies

3.2 Mapping

Local authorities and Health Boards should map all of the services and community assets which a child or young person would currently have access to, or benefit from. They should look beyond services provided directly to children and young people and consider services provided to adults who are parents or carers. (In addition, a number of services provided to adults may have significant effects on a child's wellbeing (such as adult drug and alcohol treatment and mental health services).

3.3 Analysis of population need

The plan will also need to describe the services which will be developed in the future to meet needs that have been identified.

3.4 Aims of children's services plans

Every Children's Services Plan must be prepared with a view to achieving five key aims. These are that 'children's services' in the area are provided in a way which –

- best safeguards, supports and promotes the wellbeing of children and young people in the local area
- makes sure that children, young people and families get the right support at the right time to prevent harm to a child's wellbeing (primary prevention). If that is not possible, then support should be provided as soon as possible after wellbeing is affected (early intervention)
- provides children's services so that they appear to be 'joined-up' from the perspective of children, young people, carers and families. This means that providers should work together to deliver services. Children and families should be able to move

between different services as their needs change. This is particularly important for vulnerable young people moving out of children's services and into adult services in areas such as disability, social care, mental health, drug and alcohol treatment, etc.

- make the best use of available resources. This means that the plan should make clear how children's services are going to be provided in a way which allows them to complement each other (rather than duplicate each other). It also means that the children's services provided should be efficient and effective.
- ensure that 'related services' in the area are provided in the way which, so far as consistent with the objects and proper delivery of the service concerned, safeguards, supports and promotes the wellbeing of children in the area.

3.5 Local outcomes and objectives

Local authorities and health boards have the flexibility to identify outcomes and objectives which match local needs and context and other local plans. However, it is expected that relevant national outcomes will be included.

4. Children's Services Plan: Process

4.1 Consultation

Under section 10 of Part 3, a local authority and the relevant health board are under a duty to consult with:

- each of the 'other service providers' and Scottish Ministers
- organisations, whether or not formally constituted, which represent the interests of persons who use or are likely to use any children's service in the area of the local authority, or provide a 'children's service' or a 'related service';
- social landlords who provide housing in the area of the local authority; and
- other persons as Scottish Ministers may specify.

When preparing a Children's Services Plan a local authority and the relevant health board must:

'Give each of the other service providers and Scottish Ministers an effective opportunity (consistent with the extent to which the services they provide are to be subject of the Children's Services Plan) to participate in or contribute to the preparation of the plan.'

This means giving people appropriate advance notice of when they can participate or contribute, and time and means to participate or contribute. Other service providers and representatives must take any 'effective opportunity' extended to them by the local authority and relevant health board.

These organisations are likely to be diverse in their focus, size and constitution, encompassing large and small third sector organisations, and a variety of private sector enterprises. The guidance suggests that local [Third Sector Interfaces](#) could play a valuable role in the broader consultation and planning process, co-ordinating responses from across the third sector.

All public bodies carrying out public or targeted consultations should refer to the [National Standards for Community Engagement](#), and take the necessary steps to ensure that the process is accessible to the widest number of respondents possible, including community bodies.

Organisations and people consulted about Children's Service Plans are under a

duty to meet any reasonable request that the local authority and the health board make of them to:

- participate in the preparation of the Children's Services Plan for the area; and
- contribute to the preparation of that plan.

The reasonableness of a request will depend on the individual circumstances of the person whose participation or contribution is being requested.

4.2 Format of the Children's Services Plan

Priorities and objectives should be clear and measurable and baseline information would be helpful. The guidance suggests structuring the plan around the eight wellbeing indicators (safe, healthy, achieving, etc.).

However, a Children's Services Plan should also hold some practical, day-to-day value to services and professionals. Plans could contain a brief description or diagram of the area's planning structure, illustrating the links to other processes (such as corporate parenting and community planning). This would help practitioners working in different areas to coordinate their activity and double as a resource for professionals.

4.3 Publication of Children's Services Plans

Local authorities and health boards must send a copy of the Children's Services Plan to Scottish Ministers and each of the other service providers, as soon as is 'reasonably practicable' after it has been prepared. Published plans should be accessible to a range of audiences.

4.4 Disagreements with aspects of a Children's Services Plan

If Scottish Ministers or any of the other service providers disagree with the plan, they must make public a notice of their disagreement. Scottish Ministers and other service providers may only disagree with an aspect of a plan which relates to a service provided by them.

4.5 Review

Local authorities and health boards:

- (a) must keep the Children's Services Plan under review; and
- (b) may, as a result, prepare a revised Children's Services Plan.

This will ensure that the plan can adapt to quickly changing circumstances. Organisations already mentioned should be consulted on any revisions.

4.6 Implementation of Children's Services Plan

The public bodies providing services covered by a Children's Services Plan are under a duty to provide those services, within the limits of their capacity and function. The duty to implement services in accordance with a Children's Services Plan does not apply where:

- the person providing the service considers that to comply with the plan would harm the wellbeing of a child; or
- a notice of disagreement has been published about a matter.

5. Reporting on Children's Services Plans

As soon as practicable after the end of each one-year period, the local authority and the health board must publish a report on the extent to which:

- (a) children's and related services have been provided in accordance with the Children's Services Plan; and
- (b) that the provision of services has achieved –
 - the aims of children's services planning, and
 - outcomes prescribed by Scottish Ministers in relation to the wellbeing of children in the area.

Local authorities and health boards can publish their annual report in a variety of formats, to help accessibility and use among different audiences. Accessibility relates to both the availability of the document (e.g. published online and its format and language).

5.1 Role of other service providers in reporting

The duty to prepare and publish a Children's Services Plan annual report sits exclusively with the local authority and its relevant health board. The role of other service providers in this process is likely to be as a source of information about the delivery and performance of the children's or related services they provide in the local area.

Under section 14, people and organisations consulted in the preparation of a Children's Services Plan must comply with any reasonable request made of them, by the local authority and the health board, to provide information, advice and assistance which would help the general process of children's services planning. A request for assistance may come in the form of a request for data, a request for people to participate in a process, or support in delivery (capacity permitting).

Smaller groups and organisations often play a critical role in safeguarding and improving the wellbeing of children and can give valuable insight into planning and implementation. They should be offered a range of opportunities for involvement. This process could be facilitated by the local [Third Sector Interfaces](#).

If a person thinks that fulfilling a request for assistance may conflict with another of their duties (such as confidentiality or data protection), or would affect them providing a service, they can refuse to comply with the request.

6. Enforcement of part 3

A local authority, relevant Health Board and other service provider must consider any guidance issued by Scottish Ministers about children's services planning. They must also comply with any direction issued by Scottish Ministers about children's services planning.

The first three-year period under Part 3 (children's services planning) is expected to begin on 1st April 2017. A Children's Services Plan and its accompanying annual report are both public documents, enabling local communities to hold service providers to account on their performance.

Where Scottish Ministers consider that a local authority and the relevant health board are not exercising a function conferred on them by Part 3, or are not complying with any statutory guidance, they have the power to:

- direct a local authority and the relevant health board to exercise the function in a particular way; or
- direct that the function is to be exercised instead by the local authority, the relevant health board, or another local authority or health board.

7. Links with other statutory plans and reports

Children's Service Planning is part of a wider legal framework of local planning and reporting. The guidance considers links to the following:

- Community planning
- Integrated health and social care Strategic Plans
- Children's Rights Reports
- Corporate parenting plans
- National Improvement Framework for Scottish Education
- Early learning and childcare, school education for pre-school children, and day care and out of school care
- Community learning and development plans
- Non-statutory plans (e.g. covering key policy areas, including child protection, mental health advocacy, drug and alcohol services, and housing).
- Joint inspections of children's services
- Child Protection
- Self-directed support
- Realigning Children's Services

APPENDIX: PART 3 DUTIES BY PERSON(S) AND ORGANISATION

Organisation	Duties
A local authority and relevant health board	<p>For each three-year period prepare a Children's Services Plan for the local authority area (section 8)</p> <p>Give other service providers an effective opportunity to participate in, or contribute to the plan and any review or revision of the plan (sections 10(1)(a) and 11(2))</p> <p>Consult other organisations (section 10(1)(b))</p> <p>Provide copies of the Plan to Scottish Ministers and other service providers (section 10(7)(a))</p> <p>Publish the plan (section 10(7)(b))</p> <p>Keep the plan under review (section 11(1))</p> <p>Provide services in accordance with the plan (section 12(1))</p> <p>Publish an annual report (section 13(1))</p> <p>Comply with any directions by Scottish Ministers (section 16)</p>
'Other service providers'	<p>Participate in, and contribute to the preparation and review of the Plan (sections 10(5) and 11(2))</p> <p>If they disagree with the Plan, any review or revision of the Plan, to prepare and publish a notice of, and the reasons for the disagreement (section 10(8))</p> <p>Provide services in accordance with the plan (section 12(1))</p> <p>Meet reasonable requests for information, advice or assistance in relation to the Plan from a local authority or relevant health board (section 14)</p> <p>Comply with any directions by Scottish Ministers (section 16)</p>
'Such organisations' as fall within section 10(2) and social landlords	<p>Meet reasonable requests to participate or contribute to the preparation of a plan (section 10(6))</p> <p>Meet reasonable requests for information, advice or assistance in relation to the Plan from a local authority or relevant health board (section 14)</p>