

SCOTTISH OUT OF SCHOOL CARE NETWORK

DRAFT Response to the Scottish Executive Consultation on the draft Children's Services (Scotland) Bill, which is intended to support the implementation of *Getting it right for every child*. Consultation closes 31st March. The consultation document is available at:
<http://www.scotland.gov.uk/Publications/2006/12/18140606/0>

Some sections of the Bill are expected to have implications for all children's services. Other sections of the Bill apply specifically to aspects of the Children's Hearing System. Some sections have implications for the rights of children and young people, other sections may have implications for inter-agency co-operation. On the whole, the measures should help to improve things for all children and young people, and the Out of School Care Sector needs to be aware of them.

Below is a summary of the consultation questions and draft responses from SOSCN. We are publishing this now to help us gather views from the Out of School Care sector. Please contact Janet Law on janet_law@soscn.org if you have any suggestions for us to include in our final submission to the Executive.

Q1 Is the concept of well-being, as set out in the Bill, helpful?

YES? Any such term will always be open to interpretation. However, the list in Section 1(4) - health, welfare, development etc. – may be help to clarify thinking about their responsibilities of agencies.

Q2 Will duties in the Bill ensure that agencies can and will act?

YES? A change of culture may be more important. Action will not necessarily result from legislation. Compulsion can sometimes be counter-productive, as it tends to introduce bureaucratic checks and balances.

Q3 Do proposals for recording agency decisions and multi-agency action plan provide framework to deliver effective planning?

YES? If Out of School Care services are to be involved this will depend more on cultural change from other agencies and resources to free up time of OSC staff.

Q4 Do proposals for collaboration enable inter-agency working?

YES? It is likely that cultural change will be necessary.

Q5 Are you content with the definitions of relevant agencies (including parts of the voluntary sector)?

NO What is needed is clarity. It would be sensible to clarify as soon as possible whether the legislation will apply by regulation to all registered care providers.

In our view it should apply, as this will help to ensure that OSC services are involved where they can be of help in planning and delivering to meet the needs of a young person. It should also help to improve the level of communication from other professionals and agencies with OSC workers.

At present it looks as if the legislation does not apply to services which are not subject to service level agreements or contracts. This will be misleading if the legislation subsequently does apply to all registered care providers.

Q6 Re Children's Reporter Administration

(Not our area of expertise)

Q7 New power to appoint representative to safeguard rights of children who need this?

YES

Q8 Expanded criteria for legal representation?

YES

Q9 Power to withhold information which would be against child's interest?

YES But there will always be judgements to be made about this.

Q10 Change of grounds for referral to reflect needs of child and need for compulsion.

YES

Q11 Appropriate measures to address possible gaps in existing legislation re self harm and domestic abuse?

YES? As far as we know, but this is not our area of expertise.

Q12 Protection for rights of the child, in provisions to expedite proceedings?

(The Children's Commissioner and the Scottish Child Law Centre may be best placed to consider the detail)

Q13 Interim supervision proposals appropriate?

(The Children's Commissioner and the Scottish Child Law Centre may be best placed to consider the detail)

Q14 Imposition of specific duties on agencies?

YES – given that the duties are limited by 18 (1) 71B (2)(b) - but reflecting that securing or facilitating provision does not mean that the young person will attend or that any other outcomes will result.

Q15 Proposed simplification of warrant procedures?

(The Children's Commissioner and the Scottish Child Law Centre may be best placed to consider the detail)

Q16 Proposed changes arising from the Vulnerable Witnesses (Scotland) Act 2004?

(We are supportive of the principle, but not able to comment on the detail.)

Q17 Young people who cannot or will not engage with services?

This is not our main area of expertise, so we have no proposals in response to the questions about how this can be addressed. However, we feel that legislation is unlikely to deliver solutions.

Q18 UNCRC?

The UNCRC should be the basis of all legislation relating to children in Scotland.

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SOSCN**