CHILDREN AND YOUNG

PEOPLE (SCOTLAND) ACT 2014

_____

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Day Care and Out of School Care

Section 55 - Duty to consult and plan in relation to day care and out of school care

130.   Section 55 inserts new subsections (1A), (1B), (3A), (3B), (3C) and (3D) into section 27 of the Children (Scotland) Act 1995 ("the 1995 Act"). Section 27(1) of the 1995 Act requires local authorities to provide day care for pre-school children who are in need and gives local authorities power to provide day care for pre-school children who are not in need. Section 27(3) of the 1995 Act requires local authorities to provide out of school care for school aged children who are in need and gives local authorities power to provide out of school care for school aged children who are not in need.

131.   Subsections (1A) and (3A) requires local authorities at least once every 2 years to consult such persons who are representative of parents of pre-school and school aged children in need about how they should provide day care and out of school care for such children; and, having had regard to the views expressed, prepare and publish plans in relation to their duty to provide day care to pre-school children in need and out of school care to school aged children in need.

132.   Subsections (1B) and (3B) requires local authorities at least once every 2 years to consult such persons who are representative of parents of pre-school children and school aged children about whether and if so how they should provide day care and out of school care; and, having had regard to the views expressed, prepare and publish plans in relation to their powers to provide day care to pre-school children who are not in need and out of school care to school aged children who are not in need.

133.   Subsection (3C) enables the Scottish Ministers by order to vary the regularity within which such consultation and planning in relation to day care and out of school care provided under section 27 of the 1995 Act should happen and such an order is subject to negative procedure in terms of subsection (3D).