



Children and Young People (Scotland) Act 2014

2014 asp 8

PART 5

CHILD'S PLAN

33 Child's plan: requirement

- (1) For the purposes of this Part, a child requires a child's plan if the responsible authority in relation to a child considers that—
 - (a) the child has a wellbeing need, and
 - (b) subsection (3) applies in relation to that need.
- (2) A child has a wellbeing need if the child's wellbeing is being, or is at risk of being, adversely affected by any matter.
- (3) This subsection applies in relation to a wellbeing need if—
 - (a) the need is not capable of being met, or met fully, by the taking of action other than a targeted intervention in relation to the child, and
 - (b) the need, or the remainder of the need, is capable of being met, or met to some extent, by one or more targeted interventions in relation to the child.
- (4) A "targeted intervention" is a service which—
 - (a) is provided by a relevant authority in pursuance of any of its functions, and
 - (b) is directed at meeting the needs of children whose needs are not capable of being met, or met fully, by the services which are provided generally to children by the authority.
- (5) The references in subsection (4) to services being provided by a relevant authority include references to services provided by a third person under arrangements made by the relevant authority.
- (6) In deciding whether a child requires a child's plan, the responsible authority—
 - (a) is, where the child's named person is not an employee of the responsible authority, to consult the child's named person, and

Status: This is the original version (as it was originally enacted).

- (b) is so far as reasonably practicable to ascertain and have regard to the views of—
 - (i) the child,
 - (ii) the child's parents,
 - (iii) such persons, or the persons within such description, as the Scottish Ministers may by order specify, and
 - (iv) such other persons as the responsible authority considers appropriate.
- (7) In having regard to the views of the child, the responsible authority is to take account of the child's age and maturity.
- (8) Subsection (1) does not apply in relation to—
 - (a) a child who already has a child's plan,
 - (b) a child who is a member of any of the regular forces.
- (9) In subsection (8)(b), "regular forces" has the meaning given by section 374 of the Armed Forces Act 2006.