



Children and Young People (Scotland) Act 2014

2014 asp 8

PART 10

AFTERCARE

66 Provision of aftercare to young people

- (1) The 1995 Act is amended as follows.
- (2) In section 29—
 - (a) in subsection (1)—
 - (i) for “over school age” substitute “who is at least sixteen”,
 - (ii) for the words from first “at” substitute “either—
 - (a) was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by a local authority; or
 - (b) is of such other description of person formerly but no longer looked after by a local authority as the Scottish Ministers may specify by order.”,
 - (b) after subsection (1) insert—

“(1A) An order made under subsection (1)(b) above is subject to the affirmative procedure.”,
 - (c) in subsection (2)—
 - (i) for “twenty-one” substitute “twenty-six”,
 - (ii) the words from third “and” to the end of the subsection are repealed,
 - (d) in subsection (3), for “or (2) above” substitute “above or (5A) or (5B) below”,
 - (e) in subsection (4), for “over school” substitute “who is at least sixteen years of”,
 - (f) after subsection (5) insert—

Status: This is the original version (as it was originally enacted).

- “(5A) After carrying out an assessment under subsection (5) above in pursuance of an application made by a person under subsection (2) above, the local authority—
- (a) must, if satisfied that the person has any eligible needs which cannot be met other than by taking action under this subsection, provide the person with such advice, guidance and assistance as it considers necessary for the purposes of meeting those needs; and
 - (b) may otherwise provide such advice, guidance and assistance as it considers appropriate having regard to the person’s welfare.
- (5B) A local authority may (but is not required to) continue to provide advice, guidance and assistance to a person in pursuance of subsection (5A) after the person reaches the age of twenty-six.”,
- (g) in subsection (6), for “(5)” substitute “(5B)”,
 - (h) after subsection (7) insert—
 - “(8) For the purposes of subsection (5A)(a) above, a person has “eligible needs” if the person needs care, attention or support of such type as the Scottish Ministers may by order specify.
 - (9) An order made under subsection (8) is subject to the affirmative procedure.
 - (10) If a local authority becomes aware that a person who is being provided with advice, guidance or assistance by them under this section has died, the local authority must as soon as reasonably practicable notify—
 - (a) the Scottish Ministers; and
 - (b) Social Care and Social Work Improvement Scotland.”.
- (3) In section 30—
- (a) in subsection (2)—
 - (i) in the opening words, for “Subject to subsection (3) below, a” substitute “A”,
 - (ii) in paragraph (a)—
 - (A) for “over school” substitute “at least sixteen years of”,
 - (B) for “twenty-one” substitute “twenty-six”,
 - (iii) for paragraph (b) substitute—
 - “(b) he either—
 - (i) was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by a local authority; or
 - (ii) is of such other description of person formerly but no longer looked after by a local authority as the Scottish Ministers may specify by order.
 - (2A) An order made under subsection (2)(b)(ii) above is subject to the affirmative procedure.”,

- (b) omit subsections (3) and (4).