



# Children and Young People (Scotland) Act 2014

2014 asp 8

## PART 18

### GENERAL

#### 96 Assessment of wellbeing

- (1) This section applies where under this Act a person requires to assess whether the wellbeing of a child or young person is being or would be—
  - (a) promoted,
  - (b) safeguarded,
  - (c) supported,
  - (d) affected, or
  - (e) subject to an effect.
- (2) The person is to assess the wellbeing of the child or young person by reference to the extent to which the child or young person is or, as the case may be, would be—
  - Safe,
  - Healthy,
  - Achieving,
  - Nurtured,
  - Active,
  - Respected,
  - Responsible, and
  - Included.
- (3) The Scottish Ministers must issue guidance on how the matters listed in subsection (2) are to be used to assess the wellbeing of a child or young person.
- (4) Before issuing or revising such guidance, the Scottish Ministers must consult—
  - (a) each local authority,
  - (b) each health board, and
  - (c) such other persons as they consider appropriate.

- (5) In measuring the wellbeing of a child or young person as mentioned in subsection (2), a person is to have regard to the guidance issued under subsection (3).
- (6) The Scottish Ministers may by order modify the list in subsection (2).
- (7) Before making an order under subsection (6), the Scottish Ministers must consult—
  - (a) each local authority,
  - (b) each health board, and
  - (c) such other persons as they consider appropriate.

## 97 Interpretation

- (1) In this Act—
  - “the 1980 Act” means the Education (Scotland) Act 1980,
  - “the 1995 Act” means the Children (Scotland) Act 1995,
  - “child” means a person who has not attained the age of 18 years,
  - “health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978.
- (2) References in this Act to a child being or becoming “looked after” are to be construed in accordance with section 17(6) of the 1995 Act.
- (3) The following expressions have the same meaning in this Act as they have in the 1980 Act—
  - education authority
  - grant-aided school
  - independent school
  - managers
  - nursery class
  - primary school
  - proprietor
  - public school
  - pupil
  - school age.

## 98 Modification of enactments

Schedule 5 (which makes minor amendments to enactments and otherwise modifies enactments for the purposes of or in consequence of this Act) has effect.

## 99 Subordinate legislation

- (1) Any power of the Scottish Ministers to make an order under this Act includes power to make—
  - (a) different provision for different purposes,
  - (b) such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider appropriate.
- (2) An order made under any of the following sections is subject to the affirmative procedure—

section 3(2)  
section 7(5)  
section 30(1)  
section 31(2)  
section 37(7)  
section 43(1)  
section 44(2)  
section 47(2)(c)(ii)  
section 47(4)  
section 48(2)  
section 51(2)  
section 56(2)  
section 57(2)(b)  
section 58(2)  
section 68(3)(b)  
section 71(5)(b)  
section 96(6).

- (3) An order made under section 101 containing provisions which add to, replace or omit any part of the text of this or any other Act is subject to the affirmative procedure.
- (4) All other orders made under this Act are subject to the negative procedure.
- (5) This section does not apply to an order made under section 102(3).

## **100 Guidance and directions**

- (1) Any power of the Scottish Ministers to issue guidance or directions under this Act may be exercised—
  - (a) to issue guidance or directions generally or for particular purposes,
  - (b) to issue different guidance or directions to different persons or otherwise for different purposes.
- (2) The Scottish Ministers must publish (in such manner as they consider appropriate) any guidance or directions issued by them under this Act.
- (3) In subsection (2)—
  - (a) the reference to guidance includes revision of guidance,
  - (b) the reference to directions includes revision and revocation of directions.

## **101 Ancillary provision**

The Scottish Ministers may by order make—

- (a) such supplementary, incidental or consequential provision as they consider appropriate for the purposes of, or in connection with, or for the purposes of giving full effect to, any provision made by, or by virtue of, this Act, and
- (b) such transitional, transitory or saving provision as they consider appropriate for the purposes of, or in connection with, the coming into force of any provision of this Act.

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

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## **102 Commencement**

- (1) This Part (apart from sections 96, 97 and 98) comes into force on the day after Royal Assent.
- (2) Subsections (2) to (5) of section 47 also come into force on the day after Royal Assent.
- (3) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.
- (4) An order under this section may include transitional, transitory or saving provision.

## **103 Short title**

The short title of this Act is the Children and Young People (Scotland) Act 2014.