

# **CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 10 – Aftercare**

##### ***Section 66 – Provision of aftercare to young people***

159. Subsection (2) of this section amends section 29 of the Children (Scotland) Act 1995 (“the 1995 Act”) which places certain duties on, and gives certain powers to, local authorities in relation to the provision of aftercare to young people that were at one stage looked after. Subsection (3) of this section amends section 30 of the 1995 Act which gives local authorities the power to provide financial assistance to a similar category of young people for the purpose of meeting expenses connected with their education and training.
160. Subsection (2)(a) amends section 29(1) of the 1995 Act to provide that a local authority shall, unless they are satisfied that their welfare does not require it, advise, guide and assist any person in their area who is at least sixteen but not nineteen years of age and who either was (on his sixteenth birthday or at any subsequent time) but is no longer looked after by the local authority; or 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. Subsection (2)(b) inserts a new subsection (1A) into section 29 to provide that such orders will be subject to the affirmative procedure. Section 29(1) previously placed local authorities under a duty to provide aftercare support to those persons in their area who were over school age but not yet nineteen years of age who, at the time they ceased to be of school age or at any subsequent time, were but are no longer, looked after.
161. Subsection (2)(c) amends section 29(2) to provide that a person who is at least nineteen and who is otherwise a person as described in section 29(1) (as amended) may apply to their local authority for advice, assistance and support up to the age of twenty-six. This provision increases the upper age limit for aftercare support from twenty-one up to the age to twenty-six.
162. Subsection (2)(f) inserts new subsections (5A) and (5B) into section 29. New subsection (5A) provides that, after carrying out an assessment under section 29(5) in pursuance of an application made by a person under section 29(2), the local authority must, if satisfied that the person has eligible needs and that these 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. The local authority may otherwise provide such advice, guidance and assistance as it considers appropriate having regard to the person’s welfare. New subsection (5B) provides that a local authority can continue to provide advice, guidance and assistance after a person reaches the age of twenty-six, but they are not required to do so.

*These notes relate to the Children and Young People (Scotland)  
Act 2014 (asp 8) which received Royal Assent on 27 March 2014*

163. Subsection (2)(h) inserts new subsections (8) and (9) into section 29 to provide that the Scottish Ministers may, by order subject to affirmative procedure, specify types of care, attention and support that constitute “eligible needs” for the purposes of new subsection (5A)(a). It also inserts new subsection (10) into section 29 to provide that 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 authority must as soon as reasonably practicable notify the Scottish Ministers and Social Care and Social Work Improvement Scotland.
164. Subsection (3)(a) amends section 30(2) of the 1995 Act to alter the definition of who is a “relevant person” for the purposes of a local authority’s power in section 30(1) to provide such persons with financial assistance towards education or training. As amended, a person is a relevant person if he is at least sixteen years of age but not yet twenty-six years of age (increased from twenty-one) and either (was on his sixteenth birthday or at any subsequent time) but is no longer looked after by the local authority; or 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. Subsection (3)(a) also inserts a new subsection (2A) into section 30 to provide that such orders will be subject to the affirmative procedure. Subsection (3)(b) repeals subsections (3) and (4) of section 30 of the 1995 Act as they are now obsolete.