

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12 – Services in Relation to Children at Risk of Becoming Looked After, etc.

Section 68 – Provision of relevant services to parents and others

174. Subsection (1) of section 68 provides that a local authority must make arrangements to secure that relevant services as described by the Scottish Ministers, by order, are made available for each eligible child residing in its area, a qualifying person in relation to such a child, each eligible pregnant woman residing in its area and a qualifying person in relation to such a woman.
175. Subsection (2) defines a “relevant service” as a service comprising, or comprising any combination of: providing information about a matter; advising or counselling about a matter; and taking other action to facilitate the addressing of a matter by a person.
176. Subsection (3) defines an “eligible child” as a child who the authority considers to be at risk of becoming looked after or who falls within such other description as the Scottish Ministers may specify by order. Subsection (4) defines a “qualifying person” in relation to an eligible child as a person: who is related to the child; who has any parental rights or responsibilities in relation to the child; or with whom the child is or has been living.
177. Subsection (5) defines an “eligible pregnant woman” as a pregnant woman who the authority considers is going to give birth to a child who will be an eligible child. Subsection (6) defines a “qualifying person” in relation to an eligible pregnant woman as a person: who is the father of the child to whom the pregnant woman is to give birth; who is married to, in a civil partnership with or otherwise related to the pregnant woman; with whom the pregnant woman is living; or who does not fall within any of these descriptions but who the authority considers will, when the pregnant woman gives birth to the child, become a qualifying person in relation to the child.
178. Subsection (7) explains that the references in this section to a person who is related to another person includes a person who is married to or in a civil partnership with a person who is related to the other person, or a person who is related to the other person by the half blood.

Section 69 – Relevant services: further provision

179. **Section 69(1)** provides that the Scottish Ministers may make, by order, provision about: when or how relevant services specified in an order under section 68(1) are to be provided; when or how a local authority is to consider whether a child falls within paragraphs (a) and (b) of section 68(3) (a child at risk of becoming looked after or falling within such other description as the Scottish Ministers specify by order); when or how a local authority is to review whether a child continues to fall within paragraphs (a)

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

and (b) of section 68(3), and such other matters about the provision of relevant services specified in an order under section 68(1) as the Scottish Ministers consider appropriate.

180. Subsection (2) provides that an order under subsection (1)(d) may include provision about circumstances in which relevant services specified in an order under section 68(1) may be provided subject to conditions (including conditions as to payment), and the consequences of such conditions not being met.