

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 13 – Support for Kinship Care

Section 73 – Kinship care assistance: further provision

186. Subsection (1) of section 73 provides that the kinship care assistance which the Scottish Ministers may specify in an order under section 71(1) includes: the provision of counselling, advice or information about any matter; financial support (or support in kind) of any description; and any service provided by a local authority on a subsidised basis.
187. Subsection (2) provides that the assistance specified by such an order may include assistance which a person was entitled to from, or being provided with by, a local authority, immediately prior to a person becoming entitled to assistance under section 71(1). This allows for a person to continue to receive assistance (which is of a description of assistance specified by Ministers by order under section 71(1)) which they received from a local authority prior to their becoming eligible.
188. Subsection (3) provides that the Scottish Ministers may, by order, make provision about: when or how kinship care assistance is to be provided; when or how a local authority is to consider whether a child is within paragraph (a) or (b) of section 71(5) (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 be within paragraph (a) or (b) of section 71(5); and such other matters about the provision of kinship care assistance specified in an order under section 71(1) as the Scottish Ministers consider appropriate.
189. Subsection (4) provides that an order under subsection (3)(d) may include provision about circumstances in which a local authority may provide kinship care assistance specified in an order under section 71(2) subject to conditions (including conditions as to payment for the assistance or the repayment of financial support) and consequences of such conditions not being met (including the recovery of any financial support provided).