

# CYPCS – Additional Information on National Care Service (Scotland) Bill

21/11/2022

During the Education, Children and Young People Committee's evidence session on the National Care Service (Scotland) Bill on 9 November 2022, I agreed to provide you and the Committee with a list of legislation which could potentially be affected by the Scottish Government's proposals, but which are not currently set out at Schedule 3 to the Bill. With assistance from Iain Nisbet, I have set out below legislation relating to education and additional support needs provision which I think are relevant to any discussion about 'children's services', as defined in the Bill at Clause 30.

In my answers to the Committee, I emphasised that there was a need for the proposals in the Bill to align with ongoing legislative and policy reforms. I have highlighted some of the key reforms below.

## Education and ASN Legislation

- Education (Scotland) Act 1980. For example, Section 35 covers non-attendance at school provisions, which overlap with grounds for referral to children's panel
- Standards in Scotland's Schools etc Act 2000. For example, Section 2A sets out duties upon schools to promote the "physical, social, mental and emotional health and wellbeing"
- Education (Additional Support for Learning) (Scotland) Act 2004. Sections 9-13 for example deal with the involvement of social works services in delivery, review and co-ordination of Co-ordinated Support Plans, as well as transitions.

## Ongoing legislative and policy reforms

- Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill
- Children's Care and Justice Bill Consultation (which covers children's involvement in the criminal justice system, Children's Hearings System, and Secure Care)
- Sheriff Mackie's Working Group on re-design of the Children's Hearings System
- Consultation on the draft standards for Scotland's Bairns' Hoose (supporting a child-centred response to health and justice for victims or witnesses of serious crime and abuse)
- Learning Disability, Autism and Neurodiversity Bill (commitment by the Scottish Government to bring this forward before 2025)