**Part 4**

**Provision of Named Persons**

19  **Named person service**

(1) In this Part, “named person service” means the service of making available, in relation to a child or young person, an identified individual who is to exercise the functions in subsection (5).

(2) An individual may be identified for the purpose of a named person service only if the individual falls within subsection (3).

(3) An individual falls within this subsection if—

(a) the individual—

(i) is an employee of the service provider, or

(ii) is, or is an employee of, a person who exercises any function on behalf of the service provider, and

(b) the individual meets such requirements as to training, qualifications, experience or position as may be specified by the Scottish Ministers by order.

(4) An individual does not fall within subsection (3) if the individual is a parent of the child or young person.

(5) The functions referred to in subsection (1) are—

(a) subject to subsection (6), doing such of the following where the named person considers it to be appropriate in order to promote, support or safeguard the wellbeing of the child or young person—

(i) advising, informing or supporting the child or young person, or a parent of the child or young person,

(ii) helping the child or young person, or a parent of the child or young person, to access a service or support, or

(iii) discussing, or raising, a matter about the child or young person with a service provider or relevant authority, and

(b) such other functions as are specified by this Act or any other enactment as being functions of a named person in relation to a child or young person.
(6) The function in subsection (5)(a) does not apply in relation to a matter arising at a time when the child or young person is, as a member of any of the reserve forces, subject to service law.

(7) The named person functions are exercised on behalf of the service provider concerned.

(8) Responsibility for the exercise of the named person functions lies with the service provider rather than the named person.

20  **Named person service in relation to pre-school child**

(1) A health board is to make arrangements for the provision of a named person service in relation to each pre-school child residing in its area.

(2) A “pre-school child” is a child who—

(a) has not commenced attendance at a primary school, and

(b) if the child is of school age, has not commenced attendance at a primary school because the relevant local authority has consented to the child’s commencement at primary school being delayed.

(3) For the purposes of this section—

(a) the reference to school age is to be construed by reference to the school commencement dates fixed by the relevant local authority,

(b) references to attendance at a primary school do not include attendance at a nursery class in such a school,

(c) references to the relevant local authority are to the local authority for the area in which the child concerned resides.

21  **Named person service in relation to children not falling within section 20**

(1) A local authority is to make arrangements for the provision of a named person service in relation to each child residing in its area, other than—

(a) a pre-school child, or

(b) a child falling within subsection (2) or (4).

(2) A child falls within this subsection if the child is—

(a) a pupil at a public school which is managed by a different local authority,

(b) a pupil at—

(i) a grant-aided school, or

(ii) an independent school,

(c) kept in secure accommodation, or

(d) in legal custody or subject to temporary release from such custody.

(3) For the purposes of subsection (2)(d), a child is in legal custody—

(a) while confined in or being taken to or from any penal institution in which the child may be lawfully confined,

(b) while working, or for any other reason, outside the penal institution in the custody or under the control of an officer of the institution, a constable or a police custody and security officer,
Illustrative version

(c) while being taken to any place to which the child is required or authorised to be taken by virtue of the Prisons (Scotland) Act 1989, or

(d) while kept in custody in pursuance of such a requirement or authorisation.

(4) A child falls within this subsection if the child is a member of any of the regular forces.

(5) During any period when a child falls within subsection (2)(a), the local authority which manages the school concerned is to make arrangements for the provision of a named person service in relation to the child.

(6) During any period when a child falls within subsection (2)(b) or (c), the directing authority of the establishment concerned is to make arrangements for the provision of a named person service in relation to the child.

(7) During any period when a child falls within subsection (2)(d), the Scottish Ministers are to make arrangements for the provision of a named person service in relation to the child.

22 Continuation of named person service in relation to certain young people

(1) A person mentioned in subsection (3) is to make arrangements for the provision of a named person service in relation to each young person.

(2) A “young person” is a person who—

(a) attained the age of 18 years while a pupil at a school, and

(b) has since attaining that age, remained a pupil at that or another school.

(3) The person referred to in subsection (1) is—

(a) where the young person is a pupil at a school managed by a local authority, that authority,

(b) where the young person is a pupil at a grant-aided school or an independent school, the directing authority of the establishment concerned.

23 Communication in relation to movement of children and young people

(1) This section applies where a person ceases to be the service provider in relation to a child or young person.

(2) The person (“the outgoing service provider”) must as soon as is reasonably practicable—

(a) inform any other person which has become or which it considers may be the service provider in relation to the child or young person (“the incoming service provider”) that the outgoing service provider has ceased to be the service provider in relation to the child or young person, and

(b) provide the incoming service provider with—

(i) the name and address of the child or young person and each parent of the child or young person (so far as the outgoing service provider has that information).

(3) The outgoing service provider must as soon as is reasonably practicable and before providing any information under subsection (4)—
Illustrative version

(a) identify such other information it holds, the provision of which to the incoming service provider could, in its opinion, promote, support or safeguard the wellbeing of the child or young person, and

(b) consider whether the identified information could be so provided in compliance with the Data Protection Act 1998, any directly applicable EU instrument relating to data protection, any other enactment and any rule of law.

(4) Subject to section 26A, the outgoing service provider may provide information to the incoming service provider if providing the information could, in its opinion, promote, support or safeguard the wellbeing of the child or young person.

24 Duty to communicate information about role of named persons

(1) Each service provider must publish (in such manner as it considers appropriate) information about—

(a) the operation of the named person service provided in pursuance of the arrangements made by it, including in particular—

(i) how the named person functions are, generally, exercised, and

(ii) the arrangements, generally, for contacting named persons,

(b) how the service provider generally exercises its functions under this Part, and

(c) such other matters relating to this Part as it considers appropriate.

(2) The service provider in relation to a child or young person must provide the child or young person and the parents of the child or young person with information about the arrangements for contacting the named person for the child or young person—

(a) as soon as reasonably practicable after it becomes the service provider in relation to the child or young person, and

(b) as soon as reasonably practicable after there is any change in those arrangements.

25 Duty to help named person

(1) Subsection (2) applies where it appears to the service provider in relation to a child or young person that another service provider or a relevant authority could, by doing a certain thing, help in the exercise of any of the named person functions for a child or young person.

(2) The other service provider or relevant authority must comply with any request for such help which is made of it, unless subsection (3) applies.

(3) This subsection applies where the other service provider or relevant authority considers that the provision of the help would—

(a) be incompatible with any duty of the other service provider or relevant authority, or

(b) unduly prejudice the exercise of any function of the other service provider or relevant authority.
26  **Provision of information by and to named person service provider**

(1) Where a service provider in relation to a child or young person (an “information holder”) acquires information relating to the child or young person, the information holder must—

(a) consider whether providing the information, or the information together with other information it holds, to another service provider or to a relevant authority could, in its opinion, promote, support or safeguard the wellbeing of the child or young person (such information being “relevant information”), and

(b) consider whether the relevant information could be so provided in compliance with the Data Protection Act 1998, any directly applicable EU instrument relating to data protection, any other enactment and any rule of law.

(2) Where a service provider or relevant authority (an “information holder”) acquires information relating to a child or young person, the information holder must—

(a) consider whether providing the information, or the information together with other information it holds, to the service provider in relation to the child or young person could, in its opinion, promote, support or safeguard the wellbeing of the child or young person (such information being “relevant information”), and

(b) consider whether the relevant information could be so provided in compliance with the Data Protection Act 1998, any directly applicable EU instrument relating to data protection, any other enactment and any rule of law.

(3) Subject to section 26A—

(a) a service provider in relation to a child or young person may provide information to another service provider or to a relevant authority,

(b) a service provider or relevant authority may provide information to the service provider in relation to a child or young person,

if providing the information could, in its opinion, promote, support or safeguard the wellbeing of the child or young person.

(4) References in this section to a service provider in relation to a child or young person, a service provider and a relevant authority include any person exercising a function on behalf of a provider or authority.

26A  **Limitations on provision of information**

Information may not be provided under this Part—

(a) if its provision would be in breach of any prohibition or restriction on the disclosure of information arising by virtue of the Data Protection Act 1998, any directly applicable EU instrument relating to data protection, any other enactment or any rule of law, or

(b) if the person providing the information considers that its provision would prejudice the conduct of a criminal investigation or the prosecution of any offence.

26B  **Code of practice in relation to provision of information**

(1) The Scottish Ministers must issue a code of practice about the provision of information (including the consideration of the provision of information) by persons exercising functions conferred by this Part.
(2) A code of practice under this section must in particular provide for safeguards applicable to the provision of information under this Part.

(3) A person providing information (or considering the provision of information) when exercising functions conferred by this Part must do so in accordance with such a code of practice, or revised code, issued by the Scottish Ministers.

(4) Before issuing a code of practice or revised code, the Scottish Ministers must comply with subsections (5) to (8).

(5) The Scottish Ministers must consult—
   (a) any person to which the code of practice relates, and
   (b) such other persons as they consider appropriate.

(6) The Scottish Ministers must lay before the Scottish Parliament a draft of a code of practice they propose to issue.

(7) The Scottish Ministers must not issue the code of practice until after the expiry of the period of 40 days beginning with the day on which the draft code was laid before the Parliament.

(8) The Scottish Ministers must, in the code of practice they issue, take account of any comments on the draft code expressed by the Parliament within that period.

(9) In calculating any period of 40 days for the purposes of subsection (7), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

28 Guidance in relation to named person service

(1) A person mentioned in subsection (2) must have regard to any guidance issued by the Scottish Ministers about the exercise of functions conferred by this Part.

(2) Those persons are—
   (a) a local authority,
   (b) a health board,
   (c) a directing authority,
   (d) a relevant authority.

(3) Before issuing or revising guidance, the Scottish Ministers must consult—
   (a) any person to which it relates, and
   (b) such other persons as they consider appropriate.

29 Directions in relation to named person service

(1) A person mentioned in subsection (2) must comply with any direction issued by the Scottish Ministers about the exercise of functions conferred by this Part.

(2) Those persons are—
   (a) a local authority,
   (b) a health board,
   (c) a directing authority,
(d) a relevant authority.

(3) Before issuing, revising or revoking a direction, the Scottish Ministers must consult—
   (a) any person to which it relates, and
   (b) such other persons as they consider appropriate.

30 Complaints in relation to Part 4

(1) The Scottish Ministers may by order make provision about the making, consideration and determination of complaints concerning the exercise of functions conferred by or under this Part.

(2) The provision which may be made under subsection (1) includes provision about—
   (a) matters which may, or may not, be the subject of a complaint,
   (b) who may make a complaint,
   (c) how a complaint may be made,
   (d) time limits for making complaints,
   (e) steps which require to be taken before a complaint may be made,
   (f) who is to consider a complaint,
   (g) the procedure for the consideration of a complaint,
   (h) the obtaining of information for the purpose of considering a complaint,
   (i) the keeping of records in relation to complaints or their consideration,
   (j) the making of findings, and reporting, following the consideration of a complaint.

(3) An order under subsection (1) may modify any enactment.

31 Relevant authorities

(1) The persons listed, or within a description listed, in schedule 2, are “relevant authorities” for the purposes of this Part (subject to subsection (3)).

(2) The Scottish Ministers may by order modify schedule 2 by—
   (a) adding a person or description of persons,
   (b) removing an entry listed in it, or
   (c) varying an entry listed in it.

(3) The following persons are not relevant authorities for the purposes of section 29—
   (a) the Commissioner for Children and Young People in Scotland,
   (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.

(4) An order under subsection (2) which adds a person, or a description of persons, to schedule 2, may modify this section so as to provide that the person is not a relevant authority, or the persons within the description are not relevant authorities, for the purposes of section 29.
32 Interpretation of Part 4

In this Part—

“constable” has the same meaning as in section 13(b) of the Prisons (Scotland) Act 1989,

“directing authority” means—

(a) when used generally, each of the following—
   (i) the managers of each grant-aided school,
   (ii) the proprietor of each independent school, and
   (iii) the local authority or other person who manages each residential establishment which comprises secure accommodation,

(b) when used in relation to a particular establishment—
   (i) in relation to a grant-aided school, the managers of the school,
   (ii) in relation to an independent school, the proprietor of the school,
   (iii) in relation to secure accommodation, the local authority or other person who manages the residential establishment,

“named person” means the identified individual made available in pursuance of a named person service,

“named person functions” means the functions to be exercised by way of the named person service,

“parent” has the same meaning as in the 1980 Act,

“penal institution” means any—

(a) prison (other than a naval, military or air force prison),
(b) remand centre (within the meaning of section 19(1)(a) of the Prisons (Scotland) Act 1989), or
(c) young offenders institution (within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989),

“pre-school child” has the meaning given by section 20(2),

“regular forces” has the meaning given by section 374 of the Armed Forces Act 2006,

“reserve forces” has the meaning given by section 374 of the Armed Forces Act 2006,

“secure accommodation” means accommodation provided in a residential establishment, approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010, for the purpose of restricting the liberty of children,

“service provider” means—

(a) when used generally, each of the following—
   (i) each health board,
(ii) each local authority,
(iii) each directing authority, and
(iv) the Scottish Ministers,
(b) when used in relation to a child or young person, the person which has the function of making arrangements for the provision of a named person service in relation to the child or young person,

“subject to service law” has the meaning given by section 374 of the Armed Forces Act 2006,

“temporary release” means release by virtue of rules made under section 39(6) of the Prisons (Scotland) Act 1989,

“young person” has the meaning given by section 22(2).

PART 5
CHILD’S PLAN

33 Child’s plan: requirement

(1) For the purposes of this Part, a child requires a child’s plan if the responsible authority in relation to a child considers that—
   (a) the child has a wellbeing need, and
   (b) subsection (3) applies in relation to that need.

(2) A child has a wellbeing need if the child’s wellbeing is being, or is at risk of being, adversely affected by any matter.

(3) This subsection applies in relation to a wellbeing need if—
   (a) the need is not capable of being met, or met fully, by the taking of action other than a targeted intervention in relation to the child, and
   (b) the need, or the remainder of the need, is capable of being met, or met to some extent, by one or more targeted interventions in relation to the child.

(4) A “targeted intervention” is a service which—
   (a) is provided by a relevant authority in pursuance of any of its functions, and
   (b) is directed at meeting the needs of children whose needs are not capable of being met, or met fully, by the services which are provided generally to children by the authority.

(5) The references in subsection (4) to services being provided by a relevant authority include references to services provided by a third person under arrangements made by the relevant authority.

(6) In deciding whether a child requires a child’s plan, the responsible authority—
   (a) is, where the child’s named person is not an employee of the responsible authority, to consult the child’s named person, and
   (b) is so far as reasonably practicable to ascertain and have regard to the views of—
      (i) the child,
      (ii) the child’s parents,
(iii) such persons, or the persons within such description, as the Scottish Ministers may by order specify, and

(iv) such other persons as the responsible authority considers appropriate.

(7) In having regard to the views of the child, the responsible authority is to take account of the child’s age and maturity.

(8) Subsection (1) does not apply in relation to—

(a) a child who already has a child’s plan,

(b) a child who is a member of any of the regular forces.

(9) In subsection (8)(b), “regular forces” has the meaning given by section 374 of the Armed Forces Act 2006.

34 Content of a child’s plan

(1) A child’s plan is to contain a statement of—

(a) the child’s wellbeing need,

(b) the targeted intervention which requires to be provided, or the targeted interventions which require to be provided, in relation to the child, and

(c) in relation to each such targeted intervention—

(i) the relevant authority which is to provide the targeted intervention,

(ii) the manner in which the targeted intervention is to be provided, and

(iii) the outcome in relation to the child’s wellbeing need which the targeted intervention is intended to achieve.

(2) A child’s plan may contain a targeted intervention only where the relevant authority which would provide it, or under whose arrangements it would be provided, agrees.

(3) If that relevant authority is not to prepare the plan, it must provide to the person who is to prepare the plan a statement of its reasons for not agreeing.

(4) The Scottish Ministers may by order make provision as to—

(a) other information which is, or is not, to be contained in child’s plans,

(b) the form of child’s plans.

35 Preparation of a child’s plan

(1) This section applies where a child requires a child’s plan.

(2) Subject to subsections (3) and (5), the responsible authority is to prepare such a plan as soon as is reasonably practicable.

(3) Where the responsible authority and a relevant authority agree that it would be more appropriate for the relevant authority to prepare a child’s plan, the relevant authority is to prepare the plan as soon as is reasonably practicable.

(4) A relevant authority which declines to give its agreement as mentioned in subsection (3) must provide a statement of its reasons.

(5) Subsection (2) does not apply where, by virtue of section 34(2), there are no targeted interventions which may be contained in a child’s plan.
Illustrative version

(6) In preparing a child’s plan, an authority—
   (a) is, where the child’s named person is not an employee of the authority, to consult
       the child’s named person, and
   (b) is so far as reasonably practicable to ascertain and have regard to the views of—
       (i) the child,
       (ii) the child’s parents,
       (iii) such persons, or the persons within such description, as the Scottish
             Ministers may by order specify, and
       (iv) such other persons as the authority considers appropriate.
(7) In having regard to the views of the child, the authority preparing the child’s plan is to
    take account of the child’s age and maturity.
(8) The Scottish Ministers may by order—
    (a) make further provision as to the preparation of child’s plans,
    (b) make provision requiring or permitting the authority which prepared a child’s plan
        to provide a copy of it to a particular person or to the persons within a particular
        description.
(9) An order under subsection (8)(b) may include provision to the effect that a copy of a
    child’s plan is to be provided to a person, or to persons within a particular description, only—
    (a) in circumstances described in the order, or
    (b) where the authority considers it appropriate.

36 Responsible authority: general

(1) For the purposes of this Part, the responsible authority in relation to a child is—
    (a) where the child is a pre-school child, the health board for the area in which the
        child resides,
    (b) where the child is not a pre-school child, the local authority for the area in which
        the child resides.
(2) Subsection (1) is subject to section 37.
(3) A “pre-school child” is a child who—
    (a) has not commenced attendance at a primary school, and
    (b) if the child is of school age, has not commenced attendance at a primary school
        because the relevant local authority has consented to the child’s commencement at
        primary school being delayed.
(4) For the purposes of this section—
    (a) the reference to school age is to be construed by reference to the school
        commencement dates fixed by the relevant local authority,
    (b) the references to attendance at a primary school do not include attendance at a
        nursery class in such a school, and
    (c) the references to the relevant local authority are to the local authority for the area
        in which the child concerned resides.
37  **Responsible authority: special cases**

(1) Where in pursuance of a decision of a local authority or health board a pre-school child resides in the area of a health board which is different to that in which the child would otherwise reside, the health board for the area in which the child would otherwise reside is the responsible authority in relation to the child.

(2) Where the child is a pupil at a public school which is managed by a local authority other than the one for the area in which the child resides, that other authority is the responsible authority in relation to the child.

(3) Where the child is a pupil at a grant-aided school or an independent school, the directing authority of that school is the responsible authority in relation to the child.

(4) Subsection (3) does not apply where the child is such a pupil by virtue of a placement by a local authority.

(5) Where—

(a) the child falls within subsection (6), and

(b) in consequence the child resides in the area of a local authority which is different to that in which the child would otherwise reside,

the local authority for the area in which the child would otherwise reside is the responsible authority in relation to the child.

(6) A child falls within this subsection if—

(a) in pursuance of the duties of a local authority under the 1980 Act the child—

(i) is a pupil at a grant-aided school or an independent school, and

(ii) resides in accommodation provided for the purpose of attending that school by its managers,

(b) by virtue of Chapter 1 of Part 2 of the 1995 Act, the child is placed in a residential establishment (within the meaning of section 93 of that Act),

(c) by virtue of an order under the Children’s Hearing (Scotland) Act 2011, the child resides at a residential establishment (within the meaning of section 202 of that Act), or

(d) in pursuance of an order under the Criminal Procedure (Scotland) Act 1995, the child is detained in residential accommodation provided under Part 2 of the 1995 Act.

(7) The Scottish Ministers may by order modify this section so as to make further or different provision as to circumstances in which section 36(1) does not apply in relation to a child.

38  **Delivery of a child’s plan**

(1) A relevant authority is so far as reasonably practicable—

(a) to provide any targeted intervention contained in a child’s plan which is to be provided by it in accordance with the plan,

(b) to secure that any targeted intervention contained in a child’s plan which is to be provided by a third person under arrangements made by the authority is provided in accordance with the plan.
Illustrative version

(2) Subsection (1) does not apply to the extent that the authority considers that to comply with it would adversely affect the wellbeing of the child.

39 Child’s plan: management

(1) The managing authority of a child’s plan is to keep under review whether—
   (a) the wellbeing need of the child stated in the plan is still accurate,
   (b) in relation to each targeted intervention, it or the manner of its provision, is still appropriate,
   (c) the outcome of the plan has been achieved, and
   (d) the management of the plan should transfer to another relevant authority.

(2) In reviewing a child’s plan, the managing authority—
   (a) is to consult—
      (i) each other relevant authority to which subsection (3) applies,
      (ii) where it is neither the managing authority nor consulted under subparagraph (i), the responsible authority in relation to the child, and
      (iii) where the child’s named person is not an employee of the managing authority, the child’s named person, and
   (b) is so far as reasonably practicable to ascertain and have regard to the views of—
      (i) the child,
      (ii) the child’s parents,
      (iii) such persons, or the persons within such description, as the Scottish Ministers may by order specify, and
      (iv) such other persons as the managing authority considers appropriate.

(3) This subsection applies to a relevant authority if—
   (a) it is providing a targeted intervention contained in the plan, or
   (b) a targeted intervention contained in the plan is being provided by a third person under arrangements made by the authority.

(4) In having regard to the views of the child as mentioned in subsection (2)(b)(i), the managing authority is to take account of the child’s age and maturity.

(5) The managing authority of a child’s plan may in consequence of the review—
   (a) amend the plan so as to revise—
      (i) the wellbeing need of the child,
      (ii) a targeted intervention,
      (iii) the manner in which a targeted intervention requires to be provided, or
      (iv) the outcome which the plan is intended to achieve,
   (b) transfer the management of the plan to another relevant authority, or
   (c) end the plan.

(6) The Scottish Ministers may by order make provision about the management of child’s plans, including provision about—
(a) when and how a child’s plan is to be reviewed in accordance with subsection (1),
(b) who is to be the managing authority of a child’s plan,
(c) when and to whom management of a child’s plan is to or may transfer under
subsection (5)(b),
(d) when and how a new targeted intervention may be included in a child’s plan,
(e) the keeping, disclosure and destruction of child’s plans.

(7) Subject to provision made under subsection (6)(b), the managing authority of a child’s plan is—
   (a) the relevant authority which prepared it, or
   (b) where management of the child’s plan has been transferred under subsection
       (5)(b), the relevant authority to which the management of the child’s plan was so
       transferred (or where there has been more than one such transfer, last so
       transferred).

40 Assistance in relation to child’s plan

(1) A person mentioned in subsection (2) must comply with any reasonable request made of
the person to provide a person exercising functions under this Part with information,
advice or assistance for that purpose.

(2) Those persons are—
   (a) a relevant authority,
   (b) a listed authority.

(3) Subsection (1) does not apply where the person to whom the request is made considers
that provision of the information, advice or assistance concerned would—
   (a) be incompatible with any duty of the person, or
   (b) unduly prejudice the exercise of any function of the person.

40A Limitations on provision of information

Information may not be provided in exercise of a function conferred by or under this Part—
   (a) if its provision would be in breach of any prohibition or restriction on the
disclosure of information arising by virtue of the Data Protection Act 1998, any
directly applicable EU instrument relating to data protection, any other enactment
or any rule of law, or
   (b) if the person providing the information considers that its provision would
prejudice the conduct of a criminal investigation or the prosecution of any
offence.

40B Code of practice in relation to provision of information

(1) The Scottish Ministers must issue a code of practice about the provision of information
by persons exercising functions conferred by or under this Part.

(2) A code of practice under this section must in particular provide for safeguards
applicable to the provision of information under this Part.
(3) A person providing information when exercising functions conferred by or under this Part must do so in accordance with such a code of practice, or revised code, issued by the Scottish Ministers.

(4) Before issuing a code of practice or revised code, the Scottish Ministers must comply with subsections (5) to (8).

(5) The Scottish Ministers must consult—
   (a) any person to which the code of practice relates, and
   (b) such other persons as they consider appropriate.

(6) The Scottish Ministers must lay before the Scottish Parliament a draft of a code of practice they propose to issue.

(7) The Scottish Ministers must not issue the code of practice until after the expiry of the period of 40 days beginning with the day on which the draft code was laid before the Parliament.

(8) The Scottish Ministers must, in the code of practice they issue, take account of any comments on the draft code expressed by the Parliament within that period.

(9) In calculating any period of 40 days for the purposes of subsection (7), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

41 Guidance on child’s plans

(1) A person mentioned in subsection (2) must have regard to any guidance issued by the Scottish Ministers about the exercise of functions conferred by or under this Part (other than the function of complying with section 38).

(2) Those persons are—
   (a) a relevant authority,
   (b) a listed authority.

(3) Before issuing or revising guidance, the Scottish Ministers must consult—
   (a) any person to which it relates, and
   (b) such other persons as they consider appropriate.

42 Directions in relation to child’s plans

(1) A person mentioned in subsection (2) must comply with any direction issued by the Scottish Ministers about the exercise of functions conferred by or under this Part (other than the function of complying with section 38).

(2) Those persons are—
   (a) a relevant authority,
   (b) a listed authority.

(3) Before issuing, revising or revoking a direction, the Scottish Ministers must consult—
   (a) any person to which it relates, and
   (b) such other persons as they consider appropriate.
Complaints in relation to Part 5

(1) The Scottish Ministers may by order make provision about the making, consideration and determination of complaints concerning the exercise of functions conferred by or under this Part.

(2) The provision which may be made under subsection (1) includes provision about—
   (a) matters which may, or may not, be the subject of a complaint,
   (b) who may make a complaint,
   (c) how a complaint may be made,
   (d) time limits for making complaints,
   (e) steps which require to be taken before a complaint may be made,
   (f) who is to consider a complaint,
   (g) the procedure for the consideration of a complaint,
   (h) the obtaining of information for the purpose of considering a complaint,
   (i) the keeping of records in relation to complaints or their consideration,
   (j) the making of findings, and reporting, following the consideration of a complaint.

(3) An order under subsection (1) may modify any enactment.

Listed authorities

(1) The persons listed, or within a description listed, in schedule 3, are “listed authorities” for the purposes of this Part (subject to subsections (3) and (4)).

(2) The Scottish Ministers may by order modify schedule 3 by—
   (a) adding a person or description of persons,
   (b) removing an entry listed in it, or
   (c) varying an entry listed in it.

(3) The Scottish Ministers are not a listed authority for the purposes of sections 41 and 42.

(4) The following persons are not listed authorities for the purposes of section 42—
   (a) the Commissioner for Children and Young People in Scotland,
   (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.

(5) An order under subsection (2) which adds a person, or a description of persons, to schedule 3, may modify this section so as to provide that the person is not a listed authority, or the persons within the description are not listed authorities, for the purposes of section 42.

Interpretation of Part 5

In this Part—
   “child’s named person” means the individual who is the child’s named person by virtue of Part 4,
   “directing authority” means—
Illustrative version

(a) when used generally—
   (i) the managers of each grant-aided school,
   (ii) the proprietor of each independent school,
(b) when used in relation to a particular establishment—
   (i) in relation to a grant-aided school, the managers of the school,
   (ii) in relation to an independent school, the proprietor of the school,

“parent” has the same meaning as in the 1980 Act,
“relevant authority” means any—
(a) health board,
(b) local authority, or
(c) directing authority,

“service” includes support,
“targeted intervention” has the meaning given by section 33(4).

... 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.

…
SCHEDULE 2  
(introduced by section 31)  
RELEVANT AUTHORITIES

1. NHS24  
2. NHS National Services Scotland  
3. Scottish Ambulance Service Board  
4. State Hospitals Board for Scotland  
5. The National Waiting Times Centre Board  
6. Skills Development Scotland Co. Ltd (registered number SC 202659)  
7. Social Care and Social Work Improvement Scotland  
8. The Scottish Sports Council  
9. The chief constable of the Police Service of Scotland  
10. The Scottish Police Authority  
11. The Scottish Fire and Rescue Service  
12. The Commissioner for Children and Young People in Scotland  
13. A body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005  
14. An integration joint board to which functions in relation to persons under 18 years of age are delegated in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014  
15. The Principal Reporter  

SCHEDULE 3  
(introduced by section 44)  
LISTED AUTHORITIES

1. The Scottish Ministers  
2. NHS 24  
3. NHS National Services Scotland  
4. Scottish Ambulance Service Board  
5. State Hospitals Board for Scotland  
6. The National Waiting Times Centre Board  
7. Skills Development Scotland Co. Ltd (registered number SC 202659)  
8. Social Care and Social Work Improvement Scotland  
9. The Scottish Sports Council  
10. The chief constable of the Police Service of Scotland  
11. The Scottish Police Authority  
12. The Scottish Fire and Rescue Service
The Commissioner for Children and Young People in Scotland

A body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005

An integration joint board to which functions in relation to persons under 18 years of age are delegated in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014

The Principal Reporter