



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 7 January 2014

Session 4

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EDUCATION AND CULTURE COMMITTEE

1st Meeting 2014, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Neil Bibby (West Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Clare Adamson (Central Scotland) (SNP)

*Jayne Baxter (Mid Scotland and Fife) (Lab)

*Colin Beattie (Midlothian North and Musselburgh) (SNP)

*Joan McAlpine (South Scotland) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Liz Smith (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Aileen Campbell (Minister for Children and Young People)

Mary Fee (West Scotland) (Lab)

Mark McDonald (Aberdeen Donside) (SNP)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 1

Scottish Parliament

Education and Culture Committee

Tuesday 7 January 2014

[The Convener *opened the meeting at 10:01*]

Children and Young People (Scotland) Bill: Stage 2

The Convener (Stewart Maxwell): Good morning. I wish everyone a happy new year. Welcome to the first meeting in 2014 of the Education and Culture Committee. I remind everyone who is present that they should switch off their mobile phones and any other electronic devices, as they may affect the broadcasting system.

Today, we will continue our consideration of the Children and Young People (Scotland) Bill at stage 2. I welcome to the committee the Minister for Children and Young People, Aileen Campbell, and her accompanying officials. Happy new year, minister.

The Minister for Children and Young People (Aileen Campbell): Happy new year.

The Convener: Officials are, of course, not permitted to participate in the formal proceedings of the committee. A number of non-committee members will participate in proceedings—I am sure that they will join us shortly.

We will not go beyond part 7 of the bill today. Depending on the progress that we make, I will conclude proceedings at a suitable point. Any amendments that we do not reach will be dealt with at our next meeting on 14 January.

Section 19—Named person service

The Convener: Amendment 6, in the name of Liz Smith, is grouped with amendments 8 to 15, 58, 16 to 20, 59, 21, 60, 133 to 135, 22, 61, 23 to 28, 62, 63, 29 to 40, 65, 41 to 44, 51 and 83.

Liz Smith (Mid Scotland and Fife) (Con): I apologise for the lengthy list of amendments in this group, but I know that members are well aware of the Conservatives' long-standing concern about the bill's named person provisions, which is both substantive and comes from an organisational and cost perspective.

After studying at length the evidence that was presented to the committee, we want to replace the Scottish Government's policies with ones that we believe are more practical and which can command wider support among the public and

professionals on the front line. In the first instance, we would prefer to see the provision of a universal health visitor system of the type proposed and argued for convincingly by the Royal College of Nursing and the Royal College of Midwives, which would attach all children from the immediate pre-birth stage up to the age of five to a qualified and registered health visitor.

Secondly, on account of the evidence that has been provided, which includes the unanimous findings of the Parliament's Finance Committee, we believe that, beyond the age of five, named persons should be targeted at the most vulnerable children—the definition for which is provided by some of the amendments—to ensure that what are clearly limited resources are targeted at them instead of being spent on all children, the vast number of whom even the Scottish Government acknowledges have no compelling need for a named person.

Thirdly, we strongly believe that it is not practical nor, indeed, consistent with many other aspects of Scottish legislation to include 16 to 18-year-olds in the category of the child.

Finally, we believe that there should be some elements of opt-out, which is a principle that I note that the Scottish Government has accepted in some of its amendments.

My amendments in this group seek to alter the named person proposals in the bill to concentrate help on our most vulnerable children and to redress the balance between the state and parental responsibility, the latter of which we believe is likely to be seriously undermined by the Scottish Government's policy.

Amendments 6, 8 to 14, 22 to 40, 42 to 44 and 51 relate to removing the term “young person” from the named person sections of the bill.

In defining a child as a person

“who has not attained the age of 16”,

amendment 40 seeks to limit the scope of the named person proposals to groups of children under the age of 16. Professor Kenneth Norrie told the committee:

“As the child increases in age, they increase in capacity ... and have an increased right to make their own decisions and to determine how they will lead their own lives.”—*[Official Report, Education and Culture Committee, 3 September 2013; c 2683.]*

Traditionally, 16 has been the age beyond which Scots law recognises a young person to be free of adult supervision, and there is no reason for the bill to state differently. As things stand, the Scottish Government is seeking to place all 17 and 18-year-olds under the supervision of a state-appointed guardian. That is wholly unnecessary

and Highland Council pointed out that it might well be unworkable.

The idea that two 17-year-olds with an infant child would be under the supervision of not one or two but three named persons, each with a remit to become more involved in their family life is, to be frank, ridiculous and would bring about an inevitable dilution of resources for those who are most in need.

On the same principle, amendments 15 to 18, 20 and 21 would limit the named person service to vulnerable children once they reach school age. Designed specifically with the concerns of the Scottish Parent Teacher Council, the Faculty of Advocates and the Law Society of Scotland in mind, those amendments would ensure that the wishes of parents are better reflected in legislation and that the system is not swamped with children who do not need to be there.

Amendment 17 would introduce a definition of a “vulnerable child” based upon existing legislation. It seeks to bring additional clarity and to ensure that the legislation is better targeted towards those who require assistance.

Amendments 58 to 63, 65 and 83 introduce safeguards that would enable parents and children to opt out of the named person scheme. Such provisions would better reflect the wishes of parents and guardians throughout the country, many of whom have voiced considerable concern about the proposals.

On the specifics, amendment 61 makes it clear that, when a request to opt out is lodged, due regard would have to be given to the views of the child. Moreover, should a parent change their mind or should a child of sufficient maturity request that the opt-out be cancelled, that option would remain open. Amendment 62 considers the duties placed on what would be the outgoing opted-out-of service provider. Those would include informing other service providers that the child had opted out, which would ensure that the child’s wishes were properly reflected.

As the Parliament knows, the Conservatives feel strongly about this part of the bill. I ask committee members to consider carefully the four different reasons why we feel that the policy needs to be amended.

I move amendment 6.

Aileen Campbell: As a result of work undertaken by the Care Inspectorate and the Scottish Government, conditions of registration have been amended to ensure that services in secure accommodation are provided for young people only up to the age of 18 and that that is communicated to providers. Previously, on a limited number of occasions, young people have

remained in secure care beyond the age of 18 in order to complete training or exams. Accordingly, amendments 133 to 135 in my name remove the duty on secure care providers to continue to provide the named person service for children aged 18 or over, as it is unnecessary.

Amendments 6, 8 to 14, 16, 19, 22 to 44 and 51 seek to remove support from children and their families, even where they have identified needs, at the time when they may face the challenge of transition to adult and post-school services. Many organisations and parents have stressed to us the importance of co-ordinated support from the school and other professionals as children with complex needs approach 17 and 18 years. Removal of the named person would simply heighten their concerns.

We all recognise that young people aged 16 or younger have varying degrees of concern, skill and maturity and the majority of them will be able to reach their own decisions on the issues that affect them either independently or with support and help from family, friends, advisers and other professionals.

Where concerns are already known, action should have been taken and support put in place, but no one knows what might happen in the next days, weeks or months. Children from all backgrounds and at any age may need help and support. They may look to family and friends for help but if they turn to public services, it makes sense for those who have been approached to be in the best place to offer advice.

The combined effect of amendments 15, 17, 18, 20 and 21 would be to negate the early intervention and preventative role of the named person. The named person provides the framework for intervening early, enabling parents to discuss their concerns and offering support. That is done before children might be considered vulnerable so that they do not become vulnerable. Practice teaches us that we cannot always identify which children are vulnerable until crises develop, by which time it may be too late. That is what the named person was designed to prevent happening.

In response to Liz Smith’s point that the named person approach might dilute support to the most vulnerable, evidence shows that that has not happened where the getting it right for every child approach is implemented effectively, as the focus on early intervention in the universal services helps to ensure that those who work with the most vulnerable children have the capacity to do so. Therefore, I cannot accept Liz Smith’s amendments 6, 8 to 44 and 51.

To turn to the named person opt-out, a fundamental purpose of the bill is to encourage

early intervention and prevention, working with children and their families to offer support earlier than has been the practice in the past when thresholds of vulnerability or need have operated.

That is why we wish to establish the named person service in universal services. It is a service that is made available to all children and which will provide them with support and advice. If a child or young person does not wish to engage, they do not need to—unless there is a more serious concern about the child which demands that services become involved.

The bill as drafted places the child at the centre, while recognising the real importance of parents and the family. The amendments would remove the central focus from the child and put the parent at the centre. Parents clearly have a role but, as children mature, they will have an increased ability to take decisions for themselves.

The aim of the named person provisions as drafted in the bill is to provide a seamless service for children and families, which can flow easily from the routine support that is available through the day-to-day activity of education staff to an enhanced level of support if required and then back to routine support, where possible. The amendments call for services to dissect the role in an artificial way. We want a greater consistency of approach throughout Scotland, but the amendments mean that services would have to develop a two-tier approach, with bureaucratic procedures for opting out and opting back in.

The amendments would have a major impact on professionals. Apart from the added bureaucracy and reinforcement of silos that they would generate, there would be significant confusion over practitioners' roles in relation to children who are part of the named person service and, separately, those who have been opted out. All we would have from the amendments is additional bureaucracy, greater confusion among practitioners and barriers to early intervention. For those reasons, I cannot support amendments 58 to 63, 65 and 83.

In summary, convener, I support my amendments 133, 134 and 135 and I do not support the other amendments in the group.

Liam McArthur (Orkney Islands) (LD): As Liz Smith indicated, this was probably the area of most note and controversy—certainly in early consideration at stage 1.

Unlike Liz Smith and as I have made clear, I understand and support the principle underlying the named person provisions but—like a number of witnesses and, indeed, Liz Smith—I am concerned about the practical implications as regards how resources will be allocated and the circumstances in which information will be shared.

We will come to the latter issue in due course, but on the former, it is still not clear whether the focus on the wellbeing of a child as opposed to a narrower definition of welfare will have the effect, in some cases, of seeing resources and attention spread too thinly, with the risk that cases of genuine welfare concern are either not picked up or not picked up early enough.

We should also acknowledge the evidence that we heard at stage 1 suggesting that applying the named person provisions through the teenage years becomes increasingly problematic. Even Highland Council, an exemplar in many aspects, appears to have been unable to make that aspect of the named person approach work. That being the case, although I would not go as far as Liz Smith wishes to go in some of her amendments, I would question whether insisting on a named person up to the age of 18 is either necessary or achievable. If it is not, why run the risk of seeing scarce resources targeted at trying to do what even you, convener, from your personal experience, have acknowledged is a formidable task?

We also need to recognise the fear that some practitioners may be drawn into taking an unnecessarily interventionist approach—possibly with the best of intentions—which is neither in the interests of the child nor in keeping with the spirit of what we seek to achieve through the legislation. It may be difficult to guard against that eventuality entirely, but we need to be alive to it and the legislation and subsequent guidance need to be as robust as possible in that regard.

Liz Smith's proposals for leaving open the possibility of opting out are interesting. On the face of it, they would seem pragmatic and likely to reduce any risk of legal challenge. My concern would be the basis on which such an opt-out was exercised and subsequently reviewed. However, the amendments are useful in at least flushing out that debate.

We will turn to my concerns about information sharing in discussion of a later grouping.

10:15

Neil Bibby (West Scotland) (Lab): As I have said previously, in principle I have no objection to putting the named person provisions in the bill. I want the best possible protection and support system for our children, as many other members do. However, the system has to work and it has to be properly resourced.

Amendments 6, 8 to 11, 13, 14, 23 to 28, 30 to 40, 42 and 43 in the name of Liz Smith, which seek to address a concern that the named person is not needed for young people over the age of 18, are worthy of support.

When Bill Alexander, the director of health and social care at Highland Council, gave evidence to the committee, I was concerned when he questioned why a named person would be needed for most children who have left school. He said:

“I do not understand how my daughter, who is 17 and doing performing arts in Manchester, could have a named person; she will not need or want one.”—[*Official Report, Education and Culture Committee, 24 September 2013; c 2858.*]

There is no doubt that some young people will require additional support after leaving school, and it is important to have proportionate ways of supporting such individuals in managing their situations. However, the vast majority of young people who leave school will neither need nor want a named person, so a named person for all young people who are over 16 is not a necessity.

Members will know that Highland Council was the national pathfinder for implementing GIRFEC. Therefore, we need to listen to people such as Bill Alexander when they raise such issues. The Scottish Government might have technical issues with the amendments, but there are technical issues with the bill. I am minded to support the amendments that I listed in the name of Liz Smith.

I am not minded to support Liz Smith's amendments to provide for an opt-out. As I said, I support the principle of the named person, and those amendments could undermine what the Scottish Government is trying to achieve. However, like Liam McArthur, I think that it is useful to debate the issues.

I am not convinced by Liz Smith's other amendments on targeting of the named person role. Jayne Baxter and I have made it clear that we have concerns about resource issues, given the number of health visitors and so on who are needed to fulfil existing duties, never mind the new named person role. We do not believe that the Scottish Government has addressed the resource issues properly. We do not support Liz Smith's amendments at this stage, but the Scottish Government needs to do more to address the concerns about resourcing the named person provisions.

Joan McAlpine (South Scotland) (SNP): I understand some of the fears that have been expressed. It is important to recognise parents' role, so I have thought hard about and looked at the issue carefully. I come down on the side of having a named person. Some of the debate has been misleading, using terms such as “state-appointed guardian”. I was convinced to support the proposal because it is about information sharing to support vulnerable children. All the tragedies in which children have died have occurred because information was not shared. The named person's role is crucial in that.

For that reason, I question in the politest possible way the logic of amendments 58 to 63, 65 and 83 in the name of Liz Smith. The purpose of the named person is to protect vulnerable children, but the people who would be likely to opt out of such provision are those who might harm their children. We all know from reading about tragic cases that it is often observed that the parents were manipulative and in many ways intelligent in how they evaded the authorities' scrutiny. For that reason, allowing people to opt out of the system would be completely wrong.

Clare Adamson (Central Scotland) (SNP): I do not agree with the amendments that would reduce from 18 to 16 the age limit for having a named person. I agree that, in some circumstances, the position will be more difficult and young people who are over 16 will not need a named person's services, but the named person might still be important in some instances. For example, when such a child or young person is still at school, it is important that they still have access to a single point of contact for whatever services there might be.

Highland Council gave the example of a young person who is in further education. We know that good pastoral care is provided in higher education and colleges, but other young people in that age group might not have access to another point of contact for support. On that basis, it is important that the named person continues to be available until the young person is 18.

The Convener: Thank you very much. I will make one or two comments on the issue. The named person provisions have been widely debated. Like others, we came to that part of the bill with some scepticism because we wanted to ensure that what was proposed dealt with the questions that members of the public and the committee and some of those who gave evidence to the committee had about it. I am more than satisfied by the answers that have been provided and the evidence that has been given to the committee on the issue. I do not think that it is in any way helpful or accurate to describe a named person as a state-appointed guardian.

On Liz Smith's amendments 58 to 63, 65 and 83, I genuinely believe that the opt-out would be unhelpful for a number of the reasons that have been mentioned, including increased bureaucracy and confusion. I also have concerns along the same lines as those raised by Joan McAlpine. While many parents would never access a named person and might decide to opt out on that basis, which would do no harm, there may well be individuals who would do harm to their children who would use an opt-out, leaving a question mark. Providing the option for those who wish to

evade the services and support that we are talking about is a concern.

On 16 to 18-year-olds, I, like others, listened carefully to Bill Alexander's evidence. Although he has a point that some young people in that age group do not require such services, over the past two years, particularly as part of our inquiry, we have heard from many young people who have come and talked to us about their desire to have access to support services and the ability to go and speak to somebody. In many cases, they were above the age of 16.

Some young people will still be at school, some will be looked after and others will be looked after at home, but many young people are in a vulnerable position and they should be able to have a single individual whom they know—the named person—whom they can go to or others can access. In most cases, who that named person is will be obvious, and I would not like to lose that from the bill. For all those reasons, I do not support Liz Smith's amendments.

I call Liz Smith to wind up and to press or withdraw her amendment.

Liz Smith: I fully recognise that the Conservatives have a different view on the entire policy, particularly from the substantive point of view. However, far too many doubts remain about the costing of the policy. Of all the committee sessions that I have ever seen in this Parliament, the one on the named person provided compelling evidence and, on all sides of the political spectrum, there was a strong feeling that the resourcing of the policy was totally inadequate. I ask the Scottish Government to reflect on that.

I am grateful to the members who have spoken in support of the amendments that deal with the 16 to 18 age group. I am convinced that that is an unworkable aspect of the policy, not only from the substantive point of view but because the mechanics make it extremely difficult. I acknowledge that we have a fundamental difference of opinion. We have tried to put forward our views without the rhetoric to which some of the newspapers have resorted. We have based our views on fact and a lot of the evidence that has been presented to the committee.

I press amendment 6.

The Convener: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 6 disagreed to.

The Convener: Amendment 177, in the name of Jayne Baxter, is grouped with amendment 7.

Jayne Baxter (Mid Scotland and Fife) (Lab):

At present, section 19 suggests that the named person could be someone, or another body, to whom the service provider has contracted out work. By deleting most of section 19(3)(a)(ii), amendment 177 seeks to prevent the service provider from contracting out the role of the named person. However, where the named person is employed directly by the service provider, we wish to ensure that, for the crucial early years of a child's life, the named person is either a midwife or a health visitor. We hope that by specifying that in the bill we will ensure that appropriate resources are directed at the role of the health visitor. We also support amendment 7.

I move amendment 177.

Liz Smith: Amendment 7 explicitly states that the named person for nought to five years, following on from the midwife, should be a qualified registered health visitor. The Scottish Government believes that that does not take into account the flexibility of the family nurse partnership scheme, but I am not entirely persuaded by that argument.

I am much more persuaded by the concerns that have been expressed by the Royal College of Nursing and the Royal College of Midwives. They fear that in some situations health boards might allocate named person roles to professionals who are less appropriately skilled than health visitors. They feel that that would be particularly likely in tough economic times, when health boards face financial difficulties. That would be a highly regrettable situation and one that I think is contrary to the main principles of the bill.

For me, the most powerful policy that we could put in place to address many of the concerns about the care of our youngest children is provision of a universal general-practitioner-attached system of qualified and registered health visitors. That has been very much at the forefront of the campaigns from the professionals who are on the front line. Indeed, if the bill achieves nothing else, that policy would bring about the

greatest positive change. I hope that members will support amendment 7. I also support amendment 177.

Liam McArthur: I support amendment 7, which, as Liz Smith said, goes part of the way towards addressing the concerns that were raised by the RCN at stage 1. That still leaves the not inconsequential matter of adequate resources being made available. As Liz Smith said in relation to the first group of amendments, there has been a failure to provide a satisfactory response to concerns that the financial memorandum figures are calculated in such a way as to ignore the increased staffing requirements for midwives, and simply inflate the hours of those who are already in the sector. I hope that the minister can accept amendment 7.

As Jayne Baxter said, amendment 177 is an attempt to prevent the named person role from being contracted out wholesale, and to ensure that it is delivered by appropriately trained staff. That seems to be a sensible measure and it is worthy of support. I support amendment 177.

Aileen Campbell: On amendment 177, the named person service for children who are under school age will be provided by the health board, and for children of school age by the local authority. However, some flexibility is required to allow for situations in which the most appropriate named person is employed by another body. For example, Highland Council uses a lead commissioning model whereby the council provides children's services and employs health visitors. Section 19(3)(a)(ii) will allow health visitors to be appointed as named persons in that situation, notwithstanding that they are not direct employees of the health board.

We agree that it is very important that a child's named person is properly equipped to carry out their role. That is why we have included section 19(3)(b), which provides that ministers can, by order, specify what training and qualifications the named person must have. That will ensure that staff carrying out the role have the appropriate skills and experience.

The safeguard of having order-making powers in relation to the training, qualifications, experience and position of a named person will provide a specific description of who can perform the functions and ensure that that service is not contracted out to or commissioned from inappropriate organisations. For those reasons, I do not support amendment 177.

Amendment 7 would restrict the named person for pre-school age children to registered midwives or registered nurses who are health visitors. I am well aware of the well-intentioned petitioning in that regard. However, leaving no flexibility would

not be in the best interests of the child. I agree that, in the vast majority of situations, those people would be the professionals who are best placed to fulfil that role. However, the amendment leaves no flexibility for health boards to agree the appointment of another professional in exceptional circumstances, even where that would be in the best interests of the child.

10:30

The development of the family nurse partnership programme over the past few years with family nurses from a wide variety of nursing backgrounds is a clear example of where having a statutory requirement for the named person to be a midwife or health visitor would not be in the best interests of the child or family. A growing number of vulnerable families have a family nurse providing intensive support while the child is under two years old. During that time, they are better placed to carry out the named person function for the child because they have the skills and they have frequent contact and an established relationship with the family. In addition, in exceptional circumstances the GP might be the one who undertakes the role of the named person. The bill provides the flexibility that will allow that to happen; amendment 177 would prevent it from happening at all.

In line with amendment 177, our statutory guidance will recommend that for the vast majority of children and families the named person role for the newborn will be the midwife and then a health visitor. Under section 19, we also have the capacity to make an order on the training qualifications and experience of those who can fulfil the named person function. As a result, I do not support amendment 7.

The Convener: Thank you. Jayne Baxter will wind up and tell us whether she wishes to press or to seek to withdraw amendment 177.

Jayne Baxter: Midwives and health visitors play central roles in family life, and I want to ensure that that is resourced and delivered by appropriately qualified staff. I think that that principle needs to be enshrined in the bill. I am not prepared to see it diluted or be subject to flexibility, so I will press amendment 177.

The Convener: The question is, that amendment 177 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 177 disagreed to.

Amendment 7—[Liz Smith]—moved.

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 7 disagreed to.

Amendment 8 not moved.

The Convener: Amendment 129, in the name of the minister, is grouped with amendments 130, 152 and 156.

Aileen Campbell: Amendments 129, 130, 152 and 156 will amend the named person provision so that the named person functions will not apply while the young person is subject to service law as a member of any of the reserve forces. The local authority will continue to provide the named person function at all other times for those young people, which means that while the young person is at home and going about their life in the usual way, the named person service will be available to them and will cease to be available only when they are away with the reserve forces.

It would be logistically problematic for the local authority to provide the named person service to a young person when their duties with the armed forces were taking place on Ministry of Defence premises or outwith the local authority area. If the young person is on call out, duty or training with the reserve forces, the Ministry of Defence will have a duty of care for the young person.

We do not consider that that will diminish the level of support for wellbeing that young person will receive, because we expect the armed forces

to exercise a comparable level of support for the young person's wellbeing while the young person is on duty with them. We intend to negotiate a memorandum of understanding with the MOD to detail how that support for wellbeing will be maintained. Therefore, I urge the committee to support amendments 129, 130, 152 and 156.

I move amendment 129.

Amendment 129 agreed to.

The Convener: Amendment 178, in the name of Jayne Baxter, is grouped with amendment 329.

Jayne Baxter: Section 19 outlines the functions of the named person service and amendment 178 would expressly add preventing harm to the child or young person to the functions of a named person. The named person could play an important role in preventing harm to a child or young person; amendment 178 would further emphasise the importance of the named person in exercising their functions or preventing harm to the child or young person.

I move amendment 178.

Liam McArthur: My amendment 329 reflects the concerns that have been highlighted by the WAVE Trust and other experts who were involved in developing the "Putting the Baby in the Bath Water" report. As amendment 178 does, amendment 329 underscores the not unreasonable belief that the bill should contain proper emphasis on the need for prevention. I am bound to say that it is disappointing that the minister has, to date, not seen fit to accept a single amendment from any Opposition member, despite all our willingness to share with her and her officials the areas of concern that we have about a bill that enjoys cross-party support. Indeed, the sole exception to the Scottish Government's apparently exclusive right to amend the bill is Joan McAlpine's amendment on the theme of preventative action, which was agreed to at our previous meeting. I encourage Aileen Campbell to turn over a new leaf in the new year and to start showing some evidence of her commitment to the collaborative working that we talked about throughout stage 1.

Colin Beattie (Midlothian North and Musselburgh) (SNP): I am struggling to see what amendments 178 and 329 would add to the bill. On amendment 178, the functions of a named person already include promoting, supporting and safeguarding wellbeing. On amendment 329, under the bill corporate parents will already have to be alert to matters that might adversely affect the wellbeing of the child. What the amendments propose would not really add to that.

The concept of wellbeing was strongly supported during the bill consultation and the term

is widely understood among professionals. Amendments 178 and 329 would not strengthen the bill or add protection for the child. I would be interested to hear from the minister whether guidance might add to or strengthen the provisions. As they stand, I do not see what the amendments would add.

Aileen Campbell: With respect to amendment 178, I whole-heartedly agree that preventing harm to a child is a crucial objective for all services and the wider community. Public services have responsibilities to look out for and to protect children from harm, abuse, exploitation, trafficking, and neglect. That includes taking action when harm is discovered.

It also means taking preventative action when wellbeing might be compromised. That is a key aim of the bill and it is central to the functions of the named person. We are deliberately promoting the concept of wellbeing to encourage early intervention and prevention to avoid children ending up in harm, however it is described. The definition in section 74 includes key references such as “safe”, “nurtured”, and “healthy”, all of which embrace the necessary elements of preventing harm.

The bill seeks to shift culture and practice to ensure that practitioners initiate action to support wellbeing not just through the lens of harm or child protection. That is what promoting, supporting and safeguarding mean. The bill focuses on positive outcomes for children and young people. Preventing harm is a feature of a deficit approach which does not sit with the aims of the bill and could impact adversely on how practitioners engage with families and children. The bill already embraces the aim of amendment 178, so the amendment is not necessary. For those reasons, and although I agree absolutely with its aim, I oppose amendment 178.

On Liam McArthur’s amendment 329, and in the spirit in which he talked about it, when we feel that the bill can be improved, we have worked with stakeholders to draft our own amendments. If we felt that an Opposition amendment would improve the bill, we would support it, so I hope that we can—regardless of whether we have supported previous Opposition amendments—continue to work together to ensure that the guidance and subsequent legislation will do what we all want the bill to achieve in making life better for all children across Scotland.

On the specifics of amendment 329, to which Liam McArthur spoke, a key responsibility of corporate parents as set out in section 52(a) of the bill is their being alert to

“matters which, or which might, adversely affect the wellbeing of children and young people”.

Wellbeing is a widely understood definition and quite clearly includes safety from harm, as is the word “safe” in the SHANARRI—safe, healthy, active, nurtured, achieving, respected, responsible and included—framework. The committee debated the word “wellbeing” at its previous stage 2 meeting, and the majority of members felt that it is a useful holistic term. Consequently, there is no need to specify the prevention of harm as a specific duty because it is already encapsulated in the existing duty in section 52(a). We can, of course, elaborate on that further in the guidance that will be issued to corporate parents under section 57 of the bill, relating to the exercise of their corporate parenting responsibilities. Unfortunately for Liam McArthur, therefore, I cannot support amendment 329.

In summary, I do not support either amendment.

Jayne Baxter: I welcome many of the minister’s comments, and I fully understand the concept of wellbeing. However, I am thinking back to some of Joan McAlpine’s earlier comments about some of the very distressing cases that have come to light. There is therefore nothing wrong in focusing on preventing harm and looking through that prism. I will press amendment 178.

The Convener: The question is, that amendment 178 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 178 disagreed to.

Amendments 9 to 12 not moved.

Amendment 238 moved—[Jayne Baxter].

The Convener: The question is, that amendment 238 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 238 disagreed to.

Amendments 13 and 14 not moved.

Amendment 130 moved—[Aileen Campbell]—and agreed to.

Section 19, as amended, agreed to.

Section 20 agreed to.

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

Amendment 15 moved—[Liz Smith].

The Convener: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 15 disagreed to.

Amendment 58 moved—[Liz Smith].

The Convener: The question is, that amendment 58 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 58 disagreed to.

Amendment 16 moved—[Liz Smith].

The Convener: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 16 disagreed to.

Amendments 17 and 18 not moved.

10:45

The Convener: Amendment 131, in the name of the minister, is grouped with amendments 132, 179, 138, 149 to 151, 153 to 155, 157 and 158.

Aileen Campbell: The amendments place a duty on the Scottish ministers—in practice, the Scottish Prison Service—to provide a named person to 16 to 18-year-old children in prison. It is more appropriate and in keeping with the named person's role that it be carried out by someone working closely with those children whilst in custody. In practice, that will be the governor, the deputy governor or a member of senior management; in this context, the role of the prison officers will be similar to that of a pastoral care teacher.

The Scottish Prison Service is keen to carry out this role in respect of children aged 16 to 18 in custody as it considers that the service will enhance the opportunities to support those young people during the critical period of their custody. Moreover, stakeholders have identified leaving prison and moving back into the community as a time when better joined-up working and support for children are required, and the provision of a named person service within the prison will support that process. I therefore ask members to support amendments 131, 132, 138, 149 to 151, 153 to 155, 157 and 158.

With regard to amendment 179, as the bill stands, all children from birth up to 18 or school-

leaving age, whichever is later, will have access to a named person. The local authority will have to make the service available to all schoolchildren who reside in their area with only limited exceptions, for example where the child attends a school in another area or attends an independent school and the duties transfer to other bodies. Children who do not have a standard pattern of school attendance and those who are temporarily or permanently excluded from school will continue to benefit from the named person service.

As a result, we believe that amendment 179 is unnecessary. Statutory guidance will detail the practical arrangements that are to be made for different groups of children. I therefore ask the member not to move amendment 179.

I move amendment 131.

Jayne Baxter: With amendment 179, I seek clarification of the support available to children who have been expelled or excluded from school. As we have made clear throughout, although we support the named person process in principle, we need assurances that it will be adequately resourced and appropriately supported and that no child will fall through potential gaps in the system.

Joan McAlpine: I cannot see how amendment 179 is necessary, given that the legislation's central purpose is to give all children, including those who are temporarily or permanently out of full-time education, access to a named person. I am quite relaxed about and satisfied with the approach that is being taken and feel that the guidance will provide details of the named person for children who are outwith mainstream education.

Aileen Campbell: To echo Joan McAlpine's comments, I feel that amendment 179 is unnecessary as the bill currently places a duty on local authorities to make the named person service available to all children and young people living in their area. That means that even a child or young person who is temporarily or permanently excluded from school will be covered by the named person provisions.

Given our belief that amendment 179 is already covered in the bill and therefore not required, I again ask Jayne Baxter not to move it.

Amendment 131 agreed to.

Amendment 19 moved—[Liz Smith].

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 19 disagreed to.

Amendment 20 moved—[Liz Smith].

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 20 disagreed to.

Amendment 59 not moved.

Amendment 21 moved—[Liz Smith].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 21 disagreed to.

Amendment 60 not moved.

Amendment 132 moved—[Aileen Campbell]—and agreed to.

Amendment 179 moved—[Jayne Baxter].

The Convener: The question is, that amendment 179 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 179 disagreed to.

Section 21, as amended, agreed to.

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

Amendments 133 to 135 moved—[Aileen Campbell]—and agreed to.

Amendment 22 moved—[Liz Smith].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 22 disagreed to.

Section 22, as amended, agreed to.

After section 22

Amendment 61 not moved.

Section 23—Communication in relation to movement of children and young people

Amendments 23 to 27 not moved.

The Convener: Amendment 136, in the name of the minister, is grouped with amendments 137, 139, 140 to 142, 180, 143 to 145, 181, 163 and 164.

Aileen Campbell: We listened to stakeholders' concerns throughout stage 1 and, after careful consideration of the issues, I propose the amendments in my name in this group to tighten up the bill and clarify that information should be shared when it "is likely to be" relevant to a child's wellbeing, rather than the current "might be" relevant. The amendments further elaborate on and give context to what was always meant to be a subjective professional decision. They ensure that, where appropriate, the views of the child will be taken into account.

The amendments ensure that the holder of the information must take account of any adverse effect on the child's wellbeing if information is shared and balance that against the benefit to the child in sharing. If the adverse effect outweighs the benefit, they must not share. That should help to allay concerns that are held by some that the duties in the section are to be complied with in the absence of any consideration of the child's views or how the child would be affected by the provision of information.

Amendment 142 will provide comfort to professionals who are bound by duties of confidentiality and can at times, as we are aware, find themselves in a dilemma between what should be shared in a child's best interest and the codes that bind their profession. Duties of confidentiality may be overridden, but only where the tests in sections 23 and 26 are met. At times, difficult decisions need to be made by professionals, but those provisions, as amended, will ensure that all contributing factors are taken into account.

We have listened to the concerns about section 27 and understand that, as drafted, it could allow court orders to be breached. As a result, the amendments to sections 23, 26, 27 and 38 will tighten the provisions to ensure that that should not happen.

Section 27 provides reassurance for professionals in respect of breaches of duties of confidentiality only if they apply the tests under section 26 and comply with the Data Protection Act 1998. The amended provisions should ensure that appropriate information is identified and consideration is given to sharing. They achieve improved but not excessive information sharing, which has been the aim of our policy all along.

With the amendments to those sections, the test for sharing information and the factors to be taken into account in doing so will be more explicit. We

will continue to liaise closely with stakeholders and listen to their views, in particular the Information Commissioner's Office. As he suggests, we will work in partnership with him in producing clear guidance, which will further enhance the application of those provisions in practice.

I hope that the changes to the bill will be welcomed and accepted. I know that the Law Society and the Information Commissioner's Office have already written to the committee to give broad support to my amendments.

On where the Law Society and the information commissioner have remaining concerns about the amendments, I offer a reassurance to the committee that our amended provisions permit the sharing of information in breach of a duty of confidentiality only in the circumstances in which sections 23 and 26 are complied with and where, in the interests of the child's wellbeing, it is necessary to do so. They do not permit or require the breach of any other restriction on information sharing, including the Data Protection Act 1998.

The effect of amendments 180 and 181 would be to remove sections 26 and 27 in their entirety, which would mean the duties on information holders to share relevant and appropriate information with the named person in a structured and targeted way. The amendments would hinder the ability of the named person service to promote early intervention and engage in preventative work, as there would be less clarity on when and with whom information should be shared, as well as on the criteria to be applied when considering whether to share information. Removal of those sections would remove a major policy aim of the bill.

The information-sharing provisions in the bill do not alter the application of the existing framework for information sharing under the Data Protection Act 1998. They do not constitute an interference with the European convention on human rights. Moreover, in written evidence, the Information Commissioner's Office said that advantages arise from the named person as a single point of contact, particularly in ensuring the consistency and accuracy of the information that is being shared about the child or young person. It said:

"Section 26 of the Bill also assists with compliance with Principle 1 of the Act by providing a lawful basis for the sharing of information by service providers and relevant authorities."

On section 27, practitioners have told us that they feel exposed when sharing information, and at times find it difficult to balance doing the right thing with breaching their duty of confidentiality. The section allows practitioners to act in the best interests of the child in the full knowledge that they are protected by law when they are doing the right thing.

In summary, I ask members to support my amendments and ask Liz Smith not to move amendments 180 and 181, which are unnecessary.

I move amendment 136.

Liz Smith: From day 1, the information-sharing issue has been hugely complex and controversial, and I think that it was generally agreed at the start that sections 26 and 27 did not help the safe passage of the bill. The Conservatives' view has been that those two sections are not necessary, as the Data Protection Act 1998 already covers the requirements for information sharing. Moreover, even with the proposed changes from "might be" relevant to "is likely to be" relevant, there is still confusion about the provisions and how that will be interpreted by the courts.

Fundamentally, the sections do not provide the same protection for personal data as the Data Protection Act 1998 does. There is therefore the implication that the act disapplies or that the new measure takes precedence, which would be incompetent. The Data Protection Act 1998 already complies with the European Parliament and the Council of the European Union's directive 95/46/EC of October 1995. The sections contain no similar protections. We are strongly of the view that the provisions in question should be taken out of the bill altogether to clarify matters of law and to avoid the risk of later challenge.

I intend to move amendment 180.

11:00

Liam McArthur: As I said earlier, as well as the concerns that exist about the resource implications and the potential for focus on genuine issues of welfare to be diluted, I have another anxiety about the practical consequences of the named person proposals, which arises in the area of information sharing. It relates, in particular, to the safeguards surrounding what information will be shared, when, with whom and under what circumstances. Liz Smith has highlighted some of the serious concerns that we heard about at stage 1 in relation to sections 26 and 27.

I note that the minister's amendments 137, 141 and 142 go some way towards addressing the concerns that I expressed at stage 1, but the Law Society has raised concerns about the potential for amendment 142 to allow provisions of the Data Protection Act 1998 to be disregarded, while Clan Childlaw has drawn attention to the possibility of confidential information being shared without express consent being given. I raised that issue throughout stage 1, and I would welcome the minister responding not just to what the Law Society has said—I think that she has already done that—but to the concerns that Clan Childlaw

has raised. The objective that we had hoped to achieve by the end of stage 2 was that of reaching a situation in which obtaining the consent of the child or young person would be a requirement in all but exceptional circumstances. I am still hopeful that we can obviate the need to adopt the nuclear option that was advanced initially by Professor Norrie and latterly by Liz Smith, but it may well be that we need to return to the issue at stage 3 or in guidance to finally allay those concerns.

George Adam (Paisley) (SNP): The information-sharing provisions are among the most important in the bill. As my colleague Joan McAlpine mentioned, in many of the tragic cases that we have heard about over the years, some of the problems have been created by the lack of an ability to share information.

However, I do not believe that, therefore, information should be shared willy-nilly with everyone in such scenarios, but I believe that the Government's amendments will tighten things up and make the situation a lot better, and that they make Liz Smith's amendments 180 and 181 unnecessary. As the minister said, the Law Society has broadly welcomed the Government's amendments, as has the Information Commissioner's Office.

As the part of the bill that deals with information sharing is one of its most important parts, we need to ensure that it is framed in such a way that it can make a difference to young people's lives.

The Convener: I would like to make a few comments before I invite the minister to respond.

We have certainly spent a lot of time looking at and discussing the bill's provisions on information sharing. Initially, when we took evidence on sections 26 and 27, many members of the committee had concerns but, to be fair, I think that the minister has dealt with those very well. Many of the concerns were to do with the language that was used, much of which has been tightened up. I am strongly in favour of the Government's amendments, as I think that they answer the questions that were posed and deal with the concerns that the committee had. Therefore, I feel that Liz Smith's amendments are no longer necessary.

Aileen Campbell: I thank members for their comments.

My amendments are based on feedback that was received from a wide range of stakeholders, including the Law Society, the Information Commissioner's Office and others. As George Adam said, they will tighten and clarify the information-sharing provisions. I understand that the National Society for the Prevention of Cruelty to Children has written to the committee to say that it is pleased that the Scottish Government has

listened and acted on the concerns that were raised about the information-sharing provisions, and I will continue to work with any stakeholders that may continue to have concerns. I think that Liz Smith said that some stakeholders remain concerned, and the door is open to them if they want to engage with us further as the bill progresses so that we can allay their fears.

In response to what Liam McArthur said, we want to ensure that the child's views are taken into account when the professional decides whether to share information. My amendments will ensure that the wellbeing of the child is balanced against any adverse effect on the child and that confidentiality may be breached only when the stricter tests apply. They should alleviate the concerns that were raised during evidence taking at stage 1.

Of course, we all want to get to a position in which no child is neglected or harmed and in which children can reach their full potential. That goal can be achieved only by acting earlier and preventing problems from escalating. The named person needs the information that others hold about a child's wellbeing to be shared with them so that early signs can be picked up and acted on before a crisis is reached.

Therefore, I ask the committee to support my amendments and to oppose amendments 180 and 181.

The Convener: The question is, that amendment 136 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 136 agreed to.

Amendment 28 not moved.

Amendment 137 moved—[Aileen Campbell].

The Convener: The question is, that amendment 137 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 137 agreed to.

Amendment 62 moved—[Liz Smith].

The Convener: The question is, that amendment 62 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 62 disagreed to.

Section 23, as amended, agreed to.

Section 24—Duty to communicate information about role of named persons

Amendment 138 moved—[Aileen Campbell]—and agreed to.

Amendments 63 and 29 to 31 not moved.

Section 24, as amended, agreed to.

Section 25—Duty to help named person

Amendments 32 and 33 not moved.

Section 25 agreed to.

Section 26—Information sharing

Amendment 34 not moved.

Amendment 139 moved—[Aileen Campbell].

The Convener: The question is, that amendment 139 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 139 agreed to.

Amendments 35 to 37 not moved.

Amendment 140 moved—[Aileen Campbell].

The Convener: The question is, that amendment 140 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 140 agreed to.

Amendment 38 not moved.

Amendment 141 moved—[Aileen Campbell].

The Convener: The question is, that amendment 141 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 141 agreed to.

Amendment 39 not moved.

Amendment 142 moved—[Aileen Campbell].

The Convener: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendment 142 agreed to.

Amendment 180 moved—[Liz Smith].

The Convener: The question is, that amendment 180 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 180 disagreed to.

Section 26, as amended, agreed to.

Section 27—Disclosure of information

Amendments 143 to 145 moved—[Aileen Campbell].

The Convener: Does any member object to a single question being put on amendments 143 to 145?

Members: No.

The Convener: As no member has objected, the question therefore is, that amendments 143 to 145 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

Against

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 8, Against 1, Abstentions 0.

Amendments 143 to 145 agreed to.

Amendment 181 not moved.

Section 27, as amended, agreed to.

Section 28—Guidance in relation to named person service

The Convener: Amendment 146, in the name of the minister, is grouped with amendments 147 and 182.

Aileen Campbell: Amendments 146 and 147 seek to make the drafting of the guidance powers consistent between parts 4 and 5 and to achieve consistency with the guidance powers in part 3, which are amended by amendments 101 to 103. They also seek to ensure that relevant authorities as listed in schedule 2 have regard to guidance issued by the Scottish ministers in respect of part 4, which is consistent with amendment 148.

Amendment 182 seeks to place in the bill a duty to make it explicit that ministers can issue guidance on the interaction between the lead professional and the named person. However, the bill does not contain express provision about the lead professional's role because we are looking to public bodies to establish the arrangements that best suit an individual child's needs. As that will clearly not fall to any one agency, we feel it more appropriate to address the issue in guidance, which will be developed in collaboration with a wide range of stakeholders and will specify how the named person should work with the lead professional and other related matters.

As mentioned in the committee's stage 1 report, we will keep under consideration whether proceeding with a non-legislative approach to the lead professional role remains the best course of action. I therefore ask the committee to support

amendments 146 and 147 and confirm that I do not support amendment 182.

I move amendment 146.

Jayne Baxter: Amendment 182 picks up on a key issue that has been raised in previous consideration of the named person proposal, namely the need for clarification of the roles of and interface between the named person and the lead professional.

A number of areas and issues require clarification, including the comparative remits of named person and the lead professional; their respective duties and responsibilities; the demarcation between their areas of decision making; identification of the areas in which they will operate and any limits in that respect; and whether there are likely to be any overlaps between their roles and, if so, how they will be managed. Given the need to clarify the relationship between the named person and the lead professional, I appreciate the minister's comments about progressing the issue through guidance.

11:15

Aileen Campbell: I thank Jayne Baxter for lodging amendment 182. I absolutely recognise that the lead professional is a key element of GIRFEC, and I am committed to taking it forward in parallel with implementation of the bill's provisions. However, given the greater variety of the individuals who take on the lead professional role and the difficulties in formulating a clear duty in statute, we are not persuaded that legislation is the best place for advancing the role. Given that flexibility is absolutely essential to its performance, clarification of who should perform the named person role should not be embedded in statute.

As I said in my opening remarks, we already plan to issue guidance on the named person service that will contain details on how the named person should interact with the lead professional. We believe that guidance is the best place for balancing consistency in taking the lead professional role forward across Scotland with flexibility in who might take it on. For those reasons, I still believe that amendment 182 is unnecessary.

Amendment 146 agreed to.

Amendment 147 moved—[Aileen Campbell]—and agreed to.

Amendment 182 moved—[Jayne Baxter].

The Convener: The question is, that amendment 182 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 182 disagreed to.

Amendment 239 moved—[Mary Fee].

The Convener: The question is, that amendment 239 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 239 disagreed to.

Amendment 240 moved—[Jayne Baxter].

The Convener: The question is, that amendment 240 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

Abstentions

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 240 disagreed to.

Amendment 111 moved—[Aileen Campbell]—and agreed to.

Section 28, as amended, agreed to.

Section 29—Directions in relation to named person service

The Convener: Amendment 148, in the name of the minister, is grouped with amendments 159 to 162.

Aileen Campbell: These amendments seek to change the list of appropriate bodies subject to a duty to assist and share information with the named person and to ensure that those bodies, which are defined in part 4 as “relevant authorities”, comply with any directions issued by the Scottish ministers in relation to the named person functions.

As the National Waiting Times Centre board provides a range of specialist services to children and young people, it holds relevant information about children’s wellbeing. However, as the Scottish Court Service, Mental Health Tribunal for Scotland and Mental Welfare Commission for Scotland are not primarily public-facing, they are not primary sources of information on children’s wellbeing. Because they generally they obtain their information from other persons already listed in the schedule, they requested that they be removed from the schedule and, on review, we have agreed that they should not be on it.

As a regional strategic body is primarily a funding body, it does not, in that capacity, require to be listed in schedule 2. Where it provides education, it is covered under the reference to “post-16 education body” and, as a result, is already listed in the schedule in that capacity.

I therefore ask members to support all of the amendments in this group.

I move amendment 148.

Amendment 148 agreed to.

Amendment 241 moved—[Mary Fee].

The Convener: The question is, that amendment 241 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 241 disagreed to.

Amendment 242 moved—[Jayne Baxter].

The Convener: The question is, that amendment 242 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

Abstentions

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 6, Abstentions 1.

Amendment 242 disagreed to.

Amendment 112 moved—[Aileen Campbell]—and agreed to.

Section 29, as amended, agreed to.

Section 30—Interpretation of Part 4

Amendment 40 not moved.

Amendments 149 and 150 moved—[Aileen Campbell]—and agreed to.

Amendment 65 moved—[Liz Smith].

The Convener: The question is, that amendment 65 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 65 disagreed to.

Amendment 151 moved—[Aileen Campbell]—and agreed to.

Amendment 41 not moved.

Amendments 152 to 154 moved—[Aileen Campbell]—and agreed to.

Amendment 42 not moved.

Amendment 155 moved—[Aileen Campbell]—and agreed to.

Amendment 43 not moved.

Amendments 156 and 157 moved—[Aileen Campbell]—and agreed to.

Amendment 44 not moved.

Section 30, as amended, agreed to.

Schedule 2—Relevant authorities

Amendments 158 to 162 moved—[Aileen Campbell]—and agreed to.

Schedule 2, as amended, agreed to.

Section 31—Child’s plan: requirement

Amendment 243 not moved.

The Convener: Given the time and my previous indication to members that I would call a break during the proceedings, I will suspend briefly at this point.

11:25

Meeting suspended.

11:32

On resuming—

The Convener: Amendment 316, in the name of Liam McArthur, is grouped with amendments 336, 317, 318, 320 to 326, 328, 330 and 331.

Liam McArthur: The amendments in the group seek to address concerns about vagueness in the language that is used in the bill while more effectively linking the preventative approach that we wish to see through part 3, which is on children’s services planning, with effective delivery of those plans. Once again, I am indebted to the broad coalition of expert groups and individuals behind the “Putting the Baby in the Bath Water” report for their suggestions on how we might improve the bill in that regard.

Amendments 316 and 328 reflect a concern that the phrase “capable of” might be too theoretical and that we should seek to provide assurance that wellbeing needs will be met. Amendments 336, 317 and 320 reflect a desire to make the language

less vague and would set out more explicitly, particularly in the context of young babies, the needs that are to be met, while ensuring that the bill does not simply sanction a passive or reactive approach. The evidence from the coalition is that many children with significant needs are among those least likely to come to the attention of public services, notably before the age of three.

Amendments 318 and 321 acknowledge that, unlike in many other countries, the great majority of children in Scotland are not meaningfully screened in terms of their overall development in the two years following the assessments that are done in the first days and weeks of their lives. That seems to limit the opportunities for early detection of problems and to lead to more costly and perhaps less effective remedial action being taken later on.

It is important that, as well as ensuring that plans capture in a transparent fashion the outcomes for a child’s wellbeing and life chances, account is taken of any new and emerging needs, again in the spirit of making the preventative approach a reality. That is the thrust of the remaining amendments in the group, which I hope will elicit support. I look forward to hearing the comments of colleagues and the minister.

I move amendment 316.

Liz Smith: I am broadly supportive of the amendments in Mr McArthur’s name. There has been a bit of vagueness surrounding some of the intention behind section 31 and one or two later sections. Mr McArthur’s amendments are helpful in focusing minds. I, too, am grateful to the stakeholders who have given us a lot of information and to some of the practitioners on the front line who have helped us to understand exactly where problems might arise.

Joan McAlpine: I, too, am sympathetic to the “Putting the Baby in the Bath Water” campaign—indeed, at the committee’s previous meeting, I moved an amendment on prevention. However, I am not sure that the amendments in this group are all strictly necessary, and I will be interested to hear what the minister has to say.

On amendment 316, I am concerned that a child’s plan would be required in every case in which a child’s needs are not being met, as that might not always be necessary and could divert resources away from where they are really needed. On amendment 317, the bill currently focuses on the desired outcome of wellbeing. I am not sure that the amendments are all absolutely necessary.

Aileen Campbell: I thank Liam McArthur for explaining the intent of his amendments and I echo his thanks to the “Putting the Baby in the Bath Water” coalition. However, like Joan

McAlpine, I do not consider that the amendments are necessary.

Amendment 316 seeks to require a relevant authority to develop a child's plan in every case in which a child's needs are not being met or are not fully met by existing supports. That might result in a move to statutory measures before full consideration has been given to the support that is available in universal services. The amendment would potentially lead to an increase in bureaucracy without any real gain in support to children. The requirement to consider the full range of universal services that are potentially available to meet the child's wellbeing needs is necessary to ensure that there is no tendency to move too quickly to specialist services and statutory planning when they are not required.

The GIRFEC approach is an outcomes-focused approach that builds on strengths to promote resilience in addressing concerns about a child's wellbeing. Amendment 317 would require any targeted intervention to focus on preventing the child's wellbeing from being further compromised rather than on the desired outcome of improved wellbeing. That could result in missed opportunities to promote, support and safeguard wellbeing through early intervention.

The bill requires any concerns about wellbeing that are shared with the named person to be taken into consideration in a decision on whether the child requires a child's plan. That would of course include any relevant and proportionate information that came to light in the course of routine screening. Amendments 318, 321 and 324 are therefore unnecessary.

Subordinate legislation that will be created under sections 32 and 37 will prescribe the information that is required in the child's plan, and that will be supported by guidance. Amendments 320 and 326 are therefore also unnecessary.

Amendments 322, 323, 330 and 331 aim to achieve similar things in relation to managing the child's plan and reports by corporate parents, which are covered in parts 5 and 7 respectively. We feel that those amendments are also unnecessary, as they would not add to the assessment of or reporting on the child's wellbeing, which is already covered fully by parts 5 and 7. The existing wording of section 37 covers all wellbeing needs of the child, the appropriateness of any intervention and an assessment as to whether the outcome has been achieved. The amendments are therefore unnecessary.

The level of detail in amendment 325 is also unnecessary, as the intention behind it is already addressed through the provisions on the review of the child's plan in sections 37(1) and 37(4).

Similarly, we feel that amendments 330 and 331 would introduce reporting duties that would be too specific to apply to all corporate parents. We fully expect corporate parents to take account of wellbeing needs and outcomes when preparing their reports as per section 55(2), which already provides that reports may, in particular, include information about standards of performance and outcomes that are being achieved.

The bill already addresses the aim of preventing wellbeing needs from arising, as reinforced by the committee's agreement at its previous meeting to accept Joan McAlpine's amendment 171 in respect of part 3. On amendments 336 and 328, although I absolutely share the desire to ensure that any assessment of needs is robust and comprehensive, I do not consider that the proposed definition of needs will achieve that. The definition and use of "wellbeing" in the bill provide a holistic framework.

Consequently, I do not support the amendments in the group.

Liam McArthur: I thank Joan McAlpine and Liz Smith for their comments, and I thank the minister for her detailed response and the spirit in which it was offered. I also thank the coalition behind the report "Putting the Baby in the Bath Water", which has been incredibly useful and insightful in informing the discussion at stage 2. It has provided a useful opportunity to highlight some of the important issues that have been raised.

I do not suppose that the amendments will be passed, but I hope that they will go some way towards informing the way in which guidance is developed in due course. I therefore press amendment 316.

The Convener: The question is, that amendment 316 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 316 disagreed to.

The Convener: Amendment 257, in the name of the minister, is grouped with amendments 258

to 261, 264, 265, 277 to 279, 282, 284, 285, 298 and 299.

Aileen Campbell: Although the bill rightly places duties on public bodies to provide the right help to children to promote, support and safeguard wellbeing, the Scottish Government also recognises the important role that the third sector can play in local communities in supporting children and their families.

The amendments broaden the definition of targeted intervention to cover the provision of services by a third party—for example, a third sector provider not contracted by the health board or the local authority. Under the amendments, a relevant authority can arrange for a third sector organisation to provide such interventions.

This is absolutely not about privatising key services, as the responsibility for the child's plan remains with the responsible managing authority. If we value the contribution of the third sector in supporting wellbeing, we need to ensure that there is a mechanism to co-ordinate that support within the statutory planning framework, where appropriate. The amendments ensure that the full range of interventions to support the child is captured in the child's plan and that all the interventions that are provided are in accordance with the child's plan and the child's needs. Those who provide a targeted intervention would be a partner to the plan. The bill also requires that anyone who provides a targeted intervention under the plan must be consulted when the plan is reviewed.

The amendments will not place a duty on third sector organisations to provide a targeted intervention, but they recognise the important role of third sector services in their communities. The voluntary sector has asked for these amendments, and it will welcome them as they ensure that the valuable work that it does will continue to be included in the child's plan. I therefore ask the committee to support the amendments.

I move amendment 257.

Amendment 257 agreed to.

Amendments 258 to 260 moved—[Aileen Campbell]—and agreed to.

Amendment 336 moved—[Liam McArthur].

The Convener: The question is, that amendment 336 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 336 disagreed to.

Amendment 317 moved—[Liam McArthur].

The Convener: The question is, that amendment 317 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 317 disagreed to.

Amendment 261 moved—[Aileen Campbell]—and agreed to.

11:45

The Convener: Amendment 262, in the name of the minister, is grouped with amendments 183, 263, 272 to 274, 280, 281, 283 and 297. If amendment 183 is agreed to, I will be unable to call amendment 263, which is in this group, and amendment 244, which has already been debated on day 1, because of pre-emption.

Aileen Campbell: Amendments 262, 272, 280 and 297 ensure that there is a consistent link between the named person and the creation, management and review of a child's plan where the named person does not work for the authority that is responsible for the plan. The amendments ensure that the named person is at the heart of the single planning process and that the plan is prepared using accurate and relevant information about the child's wellbeing.

Where the named person is an employee of the responsible authority, they will lead on the preparation and review of the child's plan as appropriate. However, it will not always be

appropriate for the named person to prepare the plan. For example, when a concern emerges about a child who requires urgent intervention by a specialist or targeted service provider such as child protection, it might be right for social work to lead on the plan. The amendments ensure that the named person will always be contacted to gain a full picture of the child's wellbeing when decisions are made about the plan.

Amendments 263, 273, 274 and 281 widen the scope of whose views should be regarded in the preparation and management of a child's plan. They enable ministers to specify who should be consulted and to direct or permit that a copy of the plan be given to a person or persons. That will allow the views of all relevant persons in the child's life to be sought and considered throughout the child's plan process.

Amendment 283 makes a minor drafting amendment to section 37 in the light of amendment 282, which has already been debated in group 25.

For those reasons, I ask the committee to support the amendments in my name in the group.

Liam McArthur's amendment 183 adds an additional requirement for responsible authorities to consider the child's age and maturity when obtaining their views on the need to have a child's plan, and it requires responsible authorities to provide the child with an opportunity to indicate whether they wish to express a view when a decision is made on whether a child's plan is required.

I agree with the principle of what Liam McArthur is trying to do, but I believe that the bill already achieves it. I am clear that responsible authorities should always seek to obtain the child's views regardless of their situation, age, maturity, disability and communication or other needs, although we acknowledge that, in exceptional circumstances, that may not be reasonably practicable—for example, in the case of very young babies. The requirement to obtain views only so far as is reasonably practicable clearly also allows for the child to decline to give a view if they wish. The current provisions already allow for that.

The first part of amendment 183 could lead to a situation where responsible authorities could take a predetermined view that children were either too young or too immature to provide a view without testing that assumption with the child. Our preferred position is for authorities always to seek the child's views whenever that is reasonably practicable and to take account of the child's age and maturity when having regard to any view that is expressed. On the second part of Liam McArthur's amendment, I believe that the bill

provides sufficiently for children to choose whether to provide a view. I therefore believe that amendment 183 is unnecessary and suggest that it be withdrawn.

I move amendment 262.

Liam McArthur: As I made clear when I moved amendments to part 1 of the bill, I firmly believe that, if the bill is not to be seen as a missed opportunity, it must do more to ensure that the child's voice is heard as part of the process of deciding how best to meet their needs and serve their interests. As I said, both the Faculty of Advocates and the Law Society of Scotland, among others, have questioned the extent to which the bill advances the rights of the child in any way. That is highly regrettable.

Amendment 183 attempts to redress that deficiency, making clear the right of the child to be heard and to have his or her views taken into account in the development of any plan. That might seem to be self-evident, but I do not think that it can be taken for granted. In the light of the comments from the Faculty of Advocates, the Law Society and others, it is clear that there is more work to be done if the legislation is to live up to its billing. It is also worth ensuring that steps are taken to seek and have regard to the views of the child's parents as part of the process. That is reflected in the final part of amendment 183. On that basis, I hope that colleagues will see fit to support it.

The minister's amendments in the group seem broadly helpful, but they would benefit from the addition of amendment 183, which I will move in due course.

Aileen Campbell: As I said in opening the group, authorities should always seek to obtain the child's views. I agree with part of the principle that Liam McArthur talked about. However, if amendment 183 was agreed to, responsible authorities could take the view that a child was too young or immature to provide a view without testing that assumption with the child. That risk is real and I do not believe that anyone with an interest in the bill would wish that to happen.

As we have said, we have a degree of consensus on much of what we are trying to achieve in the bill. I sincerely believe that nobody wants what I suggested to happen. I also reiterate that the bill provides sufficiently for children to choose whether to provide a view.

I ask the committee to support the amendments in my name and not to support amendment 183, in Liam McArthur's name.

Amendment 262 agreed to.

The Convener: I remind members that, if amendment 183 is agreed to, amendments 263 and 244 will be pre-empted.

Amendment 183 moved—[Liam McArthur].

The Convener: The question is, that amendment 183 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 183 disagreed to.

Amendment 263 moved—[Aileen Campbell]—and agreed to.

Amendment 244 moved—[Jayne Baxter].

The Convener: The question is, that amendment 244 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 244 disagreed to.

Amendment 318 moved—[Liam McArthur].

The Convener: The question is, that amendment 318 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 318 disagreed to.

The Convener: Amendment 45, in the name of Liz Smith, is grouped with amendments 46, 47, 300 and 312.

Liz Smith: Amendments 45 to 47 follow from extensive evidence that several groups of stakeholders have presented throughout the passage of the bill. They would introduce provisions to resolve disputes about the need for, the content of and the management of a child's plan.

It is conceivable that parents could feel that a plan is unnecessary or inappropriately administered but, under the bill, the avenues for addressing such grievances are unclear. Amendment 45 would correct that by introducing a dispute resolution process for parents who disagree with a decision to initiate a plan. Amendment 46 relates to the preparation of a plan.

Section 33 says:

"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"

proceed

"as soon as is ... practicable."

What will happen if the authorities do not agree? As it stands, only a reason for disagreement must be stated, which is not helpful in addressing the specific difficulties. The fact that there is a disagreement does not mean that a satisfactory discussion about the specific problems will occur.

A dispute resolution process would speed up the drafting of a plan and overcome any difficulties that might arise between responsible and relevant authorities. Amendment 46 would further strengthen the hands of parents who disagree with the content of a child's plan. Amendment 47 relates to the management of a plan and provides for a process to resolve potential disputes as they emerge.

The same themes occur in amendments 300 and 312, in Liam McArthur's name. They would introduce independent advocacy services and they cover similar ground.

My amendments are worth while as a way to clarify matters and I look forward to hearing the minister's response.

I move amendment 45.

Liam McArthur: I spoke earlier of the need to ensure that the child and, indeed, the child's parents or guardians have their voice heard during the development of the child's plan. In many instances, it will be fairly straightforward to achieve that, but we are all aware, from cases in our constituencies and regions, that the involvement of advocacy support is critical to enabling some people—often, vulnerable individuals—to have their voice and views heard effectively.

Amendments 300 and 312 recognise that need, particularly where there may be disagreement and when emotions are already running high. They make modest but nonetheless important provision for advice on what advocacy support is available and assistance in accessing that support. They do not create any new rights to advocacy but are consistent with the existing legislation and leave considerable scope for ministers to determine how that may be delivered. Without such provision in the bill, we risk excluding many of those who might benefit most from the changes that are being made through both parts 5 and 3. As Liz Smith said, the amendments fit well with her amendments on dispute resolution, which seem both sensible and beneficial.

The Convener: As no other committee member wants to speak, I will make a brief comment before I bring the minister in. There is a question about dispute resolution that must be resolved. I am not convinced that these amendments are the answer, but evidence suggests that there is a question mark over the current status of the bill in this area and I am interested in hearing the minister's assessment of where the bill stands and what possible remedies she may wish to bring forward.

Aileen Campbell: The Scottish Government is committed to clear, quick and accessible routes for redress for children and parents regarding the GIRFEC duties that are proposed in the bill. We are also committed to ensuring that a redress mechanism is in place in advance of the commencement of the GIRFEC duties, which is currently scheduled for 2016, as is set out in the financial memorandum. We do not, however, want to add unnecessary complexity to the complaints landscape, where there are existing mechanisms to enable people to challenge decisions or roles in public services. The Scottish Public Services Ombudsman, which is the independent body that handles complaints about devolved public services in Scotland, highlighted in evidence to the committee the difficulties that are sometimes caused by the complexity of complaints processes.

I agree with Liz Smith and our stakeholders that there has to be a clear route of redress for parents, families and children in relation to the proposed GIRFEC duties in part 5, and I have sympathy for the motivation behind amendments 45, 46 and 47. However, those amendments do not properly capture all the issues that need to be considered. Other issues that we need to consider include how children and young people—not just their parents—are able to challenge decisions that are taken about them if they feel that their needs are not being met, if appropriate. That is not covered in amendments 45, 46 and 47.

We also want to ensure that disputes concerning different duties relating to the GIRFEC planning process—for example, the need for a plan and the content of the plan—are properly linked so that we avoid overly complicated and time-consuming processes. We need to ensure that the right avenues are in place for pursuing a challenge, but we should not do that in isolation from the outcome of the wider consideration of dispute resolution in social work or the complaints processes that are already in place in local authorities, health boards and other public bodies.

We are open to considering the possibility of an order-making power, but not the one that is proposed here. We would be happy to discuss further with Liz Smith, the convener and others the issues around dispute resolution processes, including whether an enabling amendment might be required for stage 3 or, alternatively, what can be pursued more appropriately and effectively without the need for legislation through the bill.

On that basis, I cannot support amendments 45, 46 and 47.

Although I also sympathise with the motivation behind amendments 300 and 312, I am not able to support provision in the bill for an independent advocacy service such as has been outlined. The Government is committed to developing guidance to support all those who are involved in the provision of advocacy support to children and young people. That guidance will build on a set of principles and standards for independent advocacy that were published by the Scottish ministers in December. Although best practice should always be to inform children and families of where they might seek support in the event of a dispute about a child's plan, a statutory obligation to signpost a child and his or her parents to independent advocacy in all cases when there is a dispute relating to a child's plan is not proportionate.

Further, the definition of "independent advocacy services" in the Mental Health (Care and Treatment) (Scotland) Act 2003, which is focused on persons with mental disorder, is not necessarily

appropriate for child's plans, which will cover a number of children with a wide range of needs.

Although I have sympathy for much of what Liam McArthur said, I do not support the amendments in this group.

12:00

The Convener: I call Liz Smith to wind up and indicate whether she wishes to press or withdraw.

Liz Smith: Thank you, convener, and thank you, minister, for what are very helpful comments. If I can, I will hold you to the commitment to discussions ahead of stage 3. As you raised in your speech, there is often complexity and a lack of understanding around this issue, part of which has been created by the problem that parents do not know what to do—they do not know where the process lies. There is a need to tackle that before stage 3.

On the basis that I will hold you to that commitment, I will not move amendment 45.

The Convener: You have moved it. Do you wish to withdraw it?

Liz Smith: I wish to withdraw it; sorry.

Amendment 45, by agreement, withdrawn.

Section 31, as amended, agreed to.

Section 32—Content of a child's plan

Amendments 264 and 265 moved—[Aileen Campbell]—and agreed to.

The Convener: Amendment 319, in the name of Liam McArthur, is grouped with amendments 266 to 271.

Liam McArthur: Amendment 319 is very much in keeping with the thrust of what I have sought to achieve in previous groupings of amendments, namely the involvement of parents as well the child in the development of a child's plan. The importance of that needs to be more explicitly stated in the bill, as does the fact that we do not just wish to see parental involvement but recognise that, at times, that might require support to be effective.

I would be interested in the minister's comments on her amendments in this group, but I see no difficulty with them at all.

I move amendment 319.

Aileen Campbell: Amendments 266, 268, 269, 270 and 271 seek to ensure that a child's plan can only contain a targeted intervention where the authority that is to provide it agrees to do so. They also will ensure that, where there are no targeted interventions that can be included in a child's plan, the duty to prepare a plan is removed.

Amendment 266 will help to ensure that only those professionally qualified to determine the appropriateness of a targeted intervention can agree to have it included in a child's plan. For example, where the relevant authority is a health board, it must agree to the health service support when requested to provide it by a local authority.

When such a service is asked to provide a targeted intervention and it believes in its professional opinion that the intervention is unnecessary or inappropriate, it can disagree with its provision. Such situations will not be commonplace and, when a service disagrees, it will have to provide a statement of reasons for doing so, which will provide some level of accountability.

Amendment 271 will ensure that, when there are no targeted interventions that could be contained in a child's plan because a relevant authority does not agree to provide an intervention, the duty on the responsible authority to prepare the plan is removed. That will prevent a child's plan being put in place when disagreements exist over what interventions can be provided and will ensure that unnecessary interventions that are not in the child's best interest are avoided. Guidance will ensure that services are clear as to when such a situation may arise and the appropriate manner in which to deal with them.

Amendments 268, 269 and 270 are minor amendments that are being made in consequence of amendments 266 and 271. The amendments do not affect the general duty on a responsible authority to prepare a child's plan if a child has a wellbeing need, so that, if there are other targeted interventions that could be provided to meet the wellbeing need, there will still be a requirement to prepare a plan.

Amendment 267 is a typographical amendment and removes a stray "a" in section 32.

Amendment 319, in the name of Liam McArthur proposes that all plans stipulate support arrangements for the child's parents and how parents will be included in the plan. That is not necessary or appropriate in all cases. The child's plan must focus on the needs of the child. If support is required to help the parent in order to improve the wellbeing needs of the child, that will be recorded in the plan, but to make the inclusion of such information a requirement in all cases is neither proportionate nor necessary.

I do not support amendment 319 but do support all the other amendments in this group in my name.

The Convener: I ask Liam McArthur to wind up and indicate whether he wishes to press amendment 319.

Liam McArthur: I confirm that the minister's amendments in this grouping are indeed helpful in improving the bill, but I am not convinced that there is not a need for amendment 319 as well, so I press amendment 319.

The Convener: The question is, that amendment 319 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 319 disagreed to.

Amendment 320 moved—[Liam McArthur].

The Convener: The question is, that amendment 320 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 320 disagreed to.

Amendments 266 and 267 moved—[Aileen Campbell]—and agreed to.

Section 32, as amended, agreed to.

Section 33—Preparation of a child's plan

Amendments 268 to 273 moved—[Aileen Campbell]—and agreed to.

Amendments 321 and 46 not moved.

Amendment 274 moved—[Aileen Campbell]—and agreed to.

Section 33, as amended, agreed to.

Section 34—Responsible authority: general

The Convener: Amendment 275, in the name of the minister, is grouped with amendment 276.

Aileen Campbell: Amendment 275 corrects another typographical error in the bill.

Amendment 276 is necessary to clarify that a local authority that places any child in an independent or grant-aided school outside that local authority area retains responsible authority status in respect of that child. That means that the local authority will be responsible for determining whether a child's plan is required. Where appropriate, it will also prepare and manage that plan.

Amendment 276 also ensures that when a child is placed or detained in residential accommodation, including secure accommodation, in an area other than their home local authority area, the home local authority retains responsibility for the child's plan. That reflects current good practice, whereby a child's home local authority retains responsibility for looked-after children when they are accommodated outside that authority area.

The amendment seeks to ensure that the provisions of section 35 reflect current good practice, which is why I support it.

I ask the committee to support both my amendments in the group.

I move amendment 275.

Amendment 275 agreed to.

Section 34, as amended, agreed to.

Section 35—Responsible authority: special cases

Amendment 276 moved—[Aileen Campbell]—and agreed to.

Section 35, as amended, agreed to.

Section 36—Delivery of a child's plan

Amendment 277 moved—[Aileen Campbell]—and agreed to.

Section 36, as amended, agreed to.

Section 37—Child's plan: management

Amendment 322 not moved.

Amendment 278 moved—[Aileen Campbell]—and agreed to.

Amendments 245 and 323 not moved.

Amendments 279 to 281 moved—[Aileen Campbell]—and agreed to.

Amendment 324 not moved.

Amendments 282 and 283 moved—[Aileen Campbell]—and agreed to.

Amendment 246 not moved.

Amendment 284 moved—[Aileen Campbell]—and agreed to.

Amendment 325 not moved.

Amendment 285 moved—[Aileen Campbell]—and agreed to.

Amendments 326 and 47 not moved.

Section 37, as amended, agreed to.

Section 38—Assistance in relation to child's plan

The Convener: Amendment 286, in the name of the minister, is grouped with amendments 287 to 296 and 311.

Aileen Campbell: Amendments 286 to 292 extend the duty to provide assistance, advice and information under section 38 to persons who are listed in the new schedule that amendment 293 inserts. That allows authorities that are exercising child's plan functions to ask persons listed in the schedule for information and assistance with regard to the child's plan, in the same way that a named person can, prior to the plan being initiated. That strengthens the bill in relation to children with high-level needs where co-ordinated input from a range of services may be necessary to promote, support and safeguard their wellbeing.

Amendments 292 and 311 add a power for the Scottish ministers to modify the new schedule by order and provide that such an order would be subject to affirmative parliamentary procedure.

Amendments 294 to 296 amend the provisions around guidance and directions in part 5 to achieve consistency in the bill as a whole and to take account of the fact that Scottish ministers will be listed in the new schedule in relation to part 5.

I move amendment 286.

Amendment 286 agreed to.

Amendments 287 to 291, 163, 164 and 292 moved—[Aileen Campbell]—and agreed to.

Section 38, as amended, agreed to.

After schedule 2

Amendment 293 moved—[Aileen Campbell]—and agreed to.

After section 38

Amendment 300 moved—[Liam McArthur].

12:15

The Convener: The question is, that amendment 300 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)

Bibby, Neil (West Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)

Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)

Adamson, Clare (Central Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 300 disagreed to.

Section 39—Guidance on child's plans

Amendment 294 moved—[Aileen Campbell]—and agreed to.

Amendment 247 moved—[Mary Fee].

The Convener: The question is, that amendment 247 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)

Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)

Adamson, Clare (Central Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)

McArthur, Liam (Orkney Islands) (LD)

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 247 disagreed to.

Amendment 248 not moved.

Amendment 113 moved—[Aileen Campbell]—and agreed to.

Section 39, as amended, agreed to.

Section 40—Directions in relation to child's plans

Amendments 295 and 296 moved—[Aileen Campbell]—and agreed to.

Amendment 249 moved—[Mary Fee].

The Convener: The question is, that amendment 249 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baxter, Jayne (Mid Scotland and Fife) (Lab)
Bibby, Neil (West Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 249 disagreed to.

Amendment 250 not moved.

Amendment 114 moved—[Aileen Campbell]—and agreed to.

Section 40, as amended, agreed to.

Section 41—Interpretation of Part 5

Amendments 297 to 299 moved—[Aileen Campbell]—and agreed to.

Section 41, as amended, agreed to.

Section 42—Early learning and childcare

Amendment 251 not moved.

The Convener: We have reached the end of part 5. I will call a short suspension, if members do not mind. We will come back after that.

12:19

Meeting suspended.

12:24

On resuming—

The Convener: Given where we are with the bill, we will stop at this point and pick it up again next week. We did not get through as many of the amendments as we had hoped to, but we will start again with part 6 next week and get as far through the bill as we possibly can. The deadline for lodging amendments to parts 8 to 11 of the bill is

this Thursday at noon. I thank the minister and her officials for attending today, and I suspend the meeting briefly to allow them to leave.

12:25

Meeting suspended.

12:26

On resuming—

European Union Issues

The Convener: Our second item is consideration of correspondence that we have received from the European and External Relations Committee relating to our European Union priorities. As members will see from their papers, a draft response is included for consideration. As the response outlines, we have not yet decided on the detail of our approach to the various items in our work programme, and the relevant EU issues are therefore only indicative at this stage.

As the committee's work programme takes shape, our EU reporter will highlight relevant EU issues for consideration as appropriate and participate in the European and External Relations Committee's debate on its priorities, which is scheduled for February.

I see that members have no questions to ask or points to raise on the EU paper. Do members agree to the response to the European and External Relations Committee?

Members indicated agreement.

The Convener: We will get that sent off. I thank members for their participation today.

Meeting closed at 12:27.

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e-format first available
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Revised e-format available
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