

ABERDEEN CITY COUNCIL

COMMITTEE	Public Protection Committee
DATE	4 July 2018
REPORT TITLE	Review of Part 1 of the Children (Scotland) Act 1995 and creation of a Family Justice Modernisation Strategy (Consultation)
REPORT NUMBER	OPE/18/041
DIRECTOR	Rob Polkinghorne
REPORT AUTHOR	Graeme Simpson
TERMS OF REFERENCE	1.1

1. PURPOSE OF REPORT

The purpose of this report is to seek delegated authority from Committee to submit a response on behalf of Aberdeen City Council to the Scottish Government on the Review of Part 1 of the Children (Scotland) Act 1995 and creation of a Family Justice Modernisation Strategy by 7 August 2018.

2. RECOMMENDATIONS

It is recommended that Committee:

- 2.1 Provide delegated authority to the Chief Operating Officer to submit a response to the consultation on the above paper by 7 August 2018; and
- 2.2 Agree that the Convenor be consulted on the proposed response prior to its submission.

3. BACKGROUND

- 3.1.1 The Children (Scotland) Act 1995 has been a central piece of legislation in relation to private and public law in respect of children for over two decades. With the passage of time there are a number of aspects of this Act which require to be updated and this consultation sets out how the Scottish Government intend to do so.
- 3.1.2 This is a significant consultation paper and covers a number of areas including the following:
 1. Obtaining the views of a child
 2. Contact

3. Cross border cases within the UK: jurisdictional issues
4. Parentage
5. Parental Responsibilities and Rights
6. Child Abduction by parents
7. Domestic Abuse
8. Court Procedure
9. Alternatives to Court
10. Birth Registration
11. Children's Hearings
12. Domicile of persons under the age of 16

3.1.3 The Chief Officer – Integrated Children and Family Services with the involvement of relevant staff from across the Council, particularly Legal Services, has begun to coordinate a response to this consultation paper. Given the scale of the consultation paper and the fact that it has only recently been received it has not been possible to provide the Committee with a draft of the Council's proposed response. The response will continue to be worked on to ensure completion within the noted timescale.

4. FINANCIAL IMPLICATIONS

Until the Bill is published there are no financial implications.

5. LEGAL IMPLICATIONS

Responding to the consultation paper does not have any legal implications for the Council.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	None at this stage as this is a consultation request.	L	
Legal	None at this stage as this is a consultation request.	L	
Employee	None at this stage as this is a consultation request.	L	
Customer	None at this stage as this is a consultation request.	L	
Environment	None	L	
Technology	None	L	
Reputational	None	L	

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous People	This consultation paper proposes new legislation relating to public and private law to children. It seeks to update existing legislation to further enhance and protect the rights of children and young people.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed 26-6-18 – Not required at this time.
Privacy Impact Assessment	
Children's Rights Impact Assessment/Duty of Due Regard	

9. BACKGROUND PAPERS

None

10. APPENDICES

None

11. REPORT AUTHOR CONTACT DETAILS

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