

# Named persons

## It's business as usual for nurseries, schools and colleges in East Lothian



Update August 2016

### Welcome

We thought you would be wondering how the recent Supreme Court judgement about the Children and Young People (Scotland) Act would affect children and young people's welfare in our nurseries, schools and colleges. This newsletter sets out the key points for you.

### Impact of the Supreme Court decision on the Named Person Scheme

The Supreme Court decision means that the Scottish Government now has to amend:

- Section 4 of the Act that deals with provision of Named Persons
- Section 5 that covers the Child's Plan.

They have to show that the provisions relating to information-sharing will operate in line with data protection and human rights law. This means that suitable amendments will have to be made and then approved by the Scottish Parliament.

### Olivia McLeod, Director of Children and Families, Scottish Government, says:

*'We are working now to assess what that means for the timescale for implementation. In the meantime, we will continue to progress with preparing for implementation of the Named Person and related provisions and support current good practice.'*



### John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills, says:

*'Given the time required for Parliamentary and legal processes to achieve the required changes to the 2014 Act, the Scottish Government will not commence any provisions within Part 4 (Provision of Named Persons) and Part 5 (Child's Plan) of the 2014 Act on 31 August 2016. In addition, the draft statutory guidance on these Parts of the 2014 Act will be revised.'*

### Business as usual

The judgement does not affect current practice in relation to information-sharing. Partners in schools, health, social work and the police must continue to share information appropriately, as set out in child protection guidance.

### Inter-agency Child Protection Procedures Edinburgh and the Lothians

We will continue to share information in line with section 5.5 of the [Inter-agency Child Protection Procedures Edinburgh and the Lothians](#).

### Section 5.5—sharing information

Sharing appropriate information is an essential component of child protection to secure the best outcomes for children. Anyone who has concerns about the safety of a child(ren) should, without delay, contact one of the core agencies.

Practitioners need to understand when it is appropriate to seek or share information, how much information to share and what to do

with that information. They also need to consider from and with whom information can, and should, be sought and/or shared. This applies not only between different agencies, but also within agencies.

## General principles for information-sharing

- The wellbeing of a child is of central importance when making decisions to share information with or about them lawfully
- Children have a right to express their views and have them taken into account when decisions are made about what should happen to them
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know
- The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families.

### Fiona Robertson, Head of Education at East Lothian Council, says:

*'We will carry on sharing wellbeing concerns with partner agencies as before, using the GIRFEC approach and in line with the child protection procedures discussed above.'*



*'We are going to continue training staff on the Named Person application for CMIS. The training embeds good practice and means that we will be in a good position to implement the amended legislation. Depending on the timescale for the amendments being enacted, we would be happy to offer refresher courses, if people would like them.'*

### Sharon Saunders, Head of Children and Adult Services adds:

*'We are working closely with the Health Visiting Service (who have responsibility for pre-school children). They are also operating on a "business as usual" basis.'*



*'Our aim, as stated in the [East Lothian Children and Young People's Plan](#), is to ensure that we help our children and young people to achieve their fullest*



*potential in life and, in this instance, to make sure that children are protected from harm at home, at school and in their communities.'*

## Keep up with what's happening

- [Scottish Government media release](#)
- [Scottish Government Named Person web pages](#)
- [East Lothian Council Named Person web pages](#)

You can also follow East Lothian Council on Facebook and @elcouncil on Twitter for updates.

## Who to contact for more information

Fiona Robertson and Sharon Saunders will be updating managers, headteachers and staff regularly. If you have an urgent enquiry, please contact:

- Schools—your senior management team
- Social work staff—team leader or area manager.

If you have any concerns, we want to know. Email us at: [children&families@eastlothian.gov.uk](mailto:children&families@eastlothian.gov.uk)

## What next?

We will follow guidance from the Scottish Government and keep staff and parents fully informed.