

[2016] No.

CHILDREN AND YOUNG PERSONS

The Named Persons (Training, Qualifications, Experience and Position) (Scotland) Order [2016]

Made - - - - - ***
Laid before the Scottish Parliament ***
Coming into force - - - - - ***

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 19(3)(b) and 99(1)(a) of the Children and Young People (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Named Persons (Training, Qualifications, Experience and Position) (Scotland) Order [2016] and comes into force on [***].

(2) In this Order—

“the Act” means the Children and Young People (Scotland) Act 2014;

“head of unit” means the person in charge of the residential establishment containing the secure accommodation in which the child is placed;

“legal custody” is to be construed in accordance with section 21(3) of the Act;

“pre-school child” has the meaning given in section 20(2) of the Act;

“professional training” means training or development undertaken by an individual in connection with their employment or profession that achieves certification or accreditation in competency, knowledge or understanding in a particular subject area”;

“registered teacher” has the meaning given in section 135(1) of the Education (Scotland) Act 1980(b);

“residential first line manager” has the meaning given in rule 2(1) of the Prison and Young Offenders Institutions (Scotland) Rules 2011(c)

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

“senior prison custody officer” means [to be inserted]; and

“Unit Manager” has the meaning given in rule 2(1) of the Prison and Young Offenders Institutions (Scotland) Rules 2011.

(a) 2014 asp 8.
(b) 1980 c. 44.
(c) SSI 2011/331. The 2011 Rules were amended by [to be inserted]
(d) 2010 asp 8.

Training, Qualifications, Experience and Position of Named Persons

2.—(1) The requirements as to training, qualifications, experience and position for the purpose of section 19(3)(b) of the Act are as specified in this article.

(2) It is a requirement, in any case mentioned in this article, that the individual has undertaken [training in relation to carrying out the functions of a named person as specified in section 19(5) of the Act].

(3) In the case of an individual identified for the purpose of a named person service in relation to a pre-school child, it is a requirement—

- (a) that the individual is any one of the following—
 - (i) a registered midwife;
 - (ii) a registered nurse;
 - (iii) a registered medical practitioner; and
- (b) that the individual meets the following criteria—
 - (i) the individual has undertaken undergraduate, post-graduate or professional training in child development; and
 - (ii) the individual has undertaken undergraduate, post-graduate or professional training in assessing and profiling the speech, language and communication abilities and needs of [children, young people and parents].

(4) In the case of an individual identified for the purpose of a named person service in relation to a child falling within section 21(2)(c) of the Act, it is a requirement that the individual—

- (a) is the head of unit; and
- (b) [has responsibility for the care and support of children in secure accommodation].

(5) In the case of an individual identified for the purpose of a named person service in relation to a child falling within section 21(2)(d) of the Act, it is a requirement—

- (a) that the individual is any one of the following—
 - (i) a residential first line manager;
 - (ii) a Unit Manager;
 - (iii) a [senior prison custody officer]; and
- (b) [that the individual has responsibility for the care and support of children in legal custody or subject to temporary release from such custody.]

(6) In the case of an individual identified for the purpose of a named person service in relation to any other child or young person, it is a requirement that the individual—

- (a) (i) is a registered teacher who holds a [promoted post] within the school which the child or young person attends; and
- (ii) holds or has previously held a post which gives them experience of supporting pupils in a guidance or pastoral care role; or
- (b) holds a [promoted post] within the organisation which is the service provider in relation to the child or young person and has had training and experience in providing support to pupils.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
[Date]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the requirements as to training, qualifications, experience and position that are necessary in order to be identified as the named person for a child or young person for the purpose of Part 4 of the Children and Young People (Scotland) Act 2014 (“the Act”). Section 19 of the Act defines “named person service” as the service of making available, in relation to a child or young person, an identified individual who is to exercise certain functions in order to promote, support or safeguard the child or young person’s wellbeing.

Section 19(3)(b) provides that an individual may be identified for the purpose of a named person service only if they fall within section 19(3) and if they meet the specified requirements. In terms of sections 20-22 of the Act, different bodies are under a duty to make arrangements to make a named person service available to children and young people in particular circumstances – for example, in relation to pre-school children, children of school age, children in legal custody or secure accommodation etc. Accordingly, different provision is made in this Order to specify who can be identified as a named person in each situation. In any case, it is a requirement that the individual has undertaken training in relation to carrying out the functions of a named person.

Article 1 provides that the Order comes into force on [***] and gives meaning to certain expressions used in the Order. Article 2 specifies who can be identified as a named person in each of the cases set out in that article.