
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 16

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

Training, qualifications, experience and position of named persons

2.—(1) This article specifies, for the purpose of section 19(3)(b) of the Act, the requirements as to training, qualifications, experience and position which must be met in order for an individual to be identified for the purpose of a named person service.

(2) For the purpose of a named person service in relation to any child or young person, it is a requirement that the individual has undertaken and completed training in relation to carrying out the named person functions.

(3) 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⁽¹⁾;
- (ii) a registered nurse;
- (iii) a registered medical practitioner; and

(b) that the individual meets the following criteria:—

- (i) the individual has undertaken and completed undergraduate, post-graduate or professional training that includes training in child development; and
- (ii) the individual has undertaken and completed undergraduate, post-graduate or professional training that includes training in assessing the speech, language and communication abilities and needs of children and adults.

(4) 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 is the head of unit.

(5) 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 that the individual—

- (a) is a Unit Manager; and
- (b) has responsibility for the care and support of children in legal custody or subject to temporary release from such custody.

(6) For the purpose of a named person service in relation to any child who does not fall within paragraphs (3) to (5), or any young person—

- (a) where the child or young person is a pupil at a school, it is a requirement that the individual—
 - (i) is a registered teacher who holds a promoted post within the school at which the child or young person is a pupil; and

(1) “registered midwife”, “registered nurse” and “registered medical practitioner” are all defined in schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

- (ii) holds or has previously held a post which gives them experience of providing educational and personal support to pupils.
- (b) where the child is not a pupil at a school, it is a requirement that the individual—
 - (i) holds a post within the organisation which is the service provider in relation to the child; and
 - (ii) has had training and experience in providing educational and personal support to children and young people.
- (7) For the purpose of paragraph (6)(a)(i), an individual holds a promoted post if they are a head teacher, a deputy head teacher, a faculty head or a principal teacher.
- (8) Where the service provider in relation to a child or young person who falls within paragraph (6)(a) considers that exceptional circumstances exist, an individual that meets the requirement in paragraph (6)(b) instead of (6)(a) may be identified for the purpose of a named person service in relation to that child or young person.
- (9) For the purpose of paragraph (8), “exceptional circumstances” mean—
 - (a) that it is not possible to identify an individual who meets the requirement in paragraph (6)(a) who can exercise the named person functions; or
 - (b) that to identify an individual who meets the requirement in paragraph (6)(a) would prevent the named person functions from being exercised effectively.