
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 16

CHILDREN AND YOUNG PERSONS

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

Made - - - - *13th January 2016*
Laid before the Scottish
Parliament - - - - *15th January 2016*
Coming into force - - *31st August 2016*

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⁽¹⁾ 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 31st August 2016.

(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⁽²⁾ in which the child is placed and who is responsible to the managers of that establishment;

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

“professional training” means training or development undertaken by an individual in connection with their employment or profession that leads to 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⁽³⁾; and

“Unit Manager” has the meaning given in rule 2(1) of the Prison and Young Offenders Institutions (Scotland) Rules 2011⁽⁴⁾.

(1) 2014 asp 8.

(2) “secure accommodation” is defined in section 32 of the Children and Young People (Scotland) Act 2014.

(3) 1980 c.44. The definition of “registered teacher” in section 135(1) was amended by S.S.I. 2011/215.

(4) S.S.I. 2011/331, to which there are amendments not relevant to this Order.

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⁽⁵⁾;
- (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
- (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.

(5) “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).

(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.

St Andrew’s House,
Edinburgh
13th January 2016

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 purposes 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(2) provides that an individual may be identified for the purpose of a named person service only if they fall within section 19(3)(a) 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, and young people who attend school. 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 named person functions.

Article 2 specifies the requirements as to training, qualifications, experience and position which must be met in order for an individual be identified as a named person.