



Introduction

- **Provide brief overview of interaction between:**
 - Children and Young People (Information Sharing) (Scotland) Bill
 - Binding Code of Practice for Information Sharing
 - Statutory Guidance for Parts 4 and 5
 - Other supporting materials and resources

Background

- **Part 4** Named Person & **Part 5** Child's Plan of Children and Young People (Scotland) Act 2014
- Not yet in force
- Challenged in Court (Christian Institute case)
- Supreme Court held: "*unquestionably legitimate and benign*" but information sharing provisions "*not in accordance with law*"

The Bill

- **Children and Young People (Information Sharing) (Scotland) Bill**
 - Makes changes to Part 4 & 5 of the 2014 Act
 - Moving from duty to share  duty to consider sharing
 - Moving from sharing to support the functions of the Named Person  sharing could promote, support or safeguard the wellbeing of a child or young person
 - Places a duty on Ministers to issue a binding Code of Practice about information sharing, including safeguards

Code of Practice

- Clarifies the legal duties in relation the information sharing provisions under Parts 4 & 5
- Code does not change the law on data sharing or human rights, but sets out the safeguards that must be followed to ensure that information sharing is in compliance with the law.
- Code is binding so if Code is breach, law is breached
- Benefits of having a Code:
 - Complex legal duties set out clearly and accessibly
 - Explains steps to follow to ensure legal compliance

Additional materials

- Statutory Guidance
 - Will cover wider duties of Parts 4 &5, can cover best practice and practical issues
 - Must reflect both the 2014 Act and the Code of Practice
- Additional support materials
 - Accessible format
 - To assist frontline staff
 - Must reflect the 2014 Act, the Code of Practice and the Statutory Guidance

Timescales

- Three Bill stages and Royal Assent needed
- Bill to become Children and Young People (Information Sharing) (Scotland) Act if passed by Scottish Parliament and given Royal Assent
- Code must go through the following process before parts 4 & 5 of 2014 Act can become law:

Consultation



Parliamentary scrutiny



Code published



Commencement of parts 4 & 5 of 2014 Act

- Code will be available to service providers on non-statutory basis prior to commencement