

Supporting Delivery of Parts 4 and 5 of the CYP Act

Data Protection Law

Human Rights Law

Law in relation duties of confidentiality

Other law e.g. Children specific, Criminal Justice, Public Protection, Health, Social Work, Education, etc

Regulations in relation to practice and associated Codes of Standards/ Practice/ Conduct/ Ethics/ Performance/ Behaviour, etc

UNCRC

Professional Guidance and Codes

Scottish Government Policies

Delivery of Practice	
Area/ Organisation/ Sector/ Discipline Specific Policies, Procedures, Protocols, Guidance and Systems	
(National) Practice Materials (General GIRFEC Practice Guidance and targeted guidance to assist where there are specific circumstances e.g. Named Person service for Gypsy/ Travellers)	
Statutory Guidance for Parts 4 and 5 (Explains what should be done to comply with the provisions including expanding on how information sharing will work) Must have “due regard” to this guidance – this allows for justifiable departure from expanded detail where there are no other binding restriction	
Code of Practice for Information Sharing (Clarifies applicable safeguards and relevant law in relation to sharing information under Parts 4 and 5 of the CYP Act) Must “adhere” to Code – no scope for departure unless allowed for in Code	
Complaints Order, Child’s Plan Order Named Person (Training, Qualifications, Experience & Position) Order	
CYP (S) Act Parts 4 and 5	← Info Sharing Bill

Supporting Delivery of Parts 4 and 5 of the CYP Act

<p>Statutory Guidance for Parts 4 and 5</p>	<ul style="list-style-type: none"> • The primary audience is strategic leaders and operational managers of organisations legally responsible for implementing parts 4, 5 and 18 (Sec 96) of the Act • Should also be accessible to children and families as well as other interested organisations • Must reflect and accurately explain the law and the steps service providers must take to comply with it & how the secondary legislation are to be interpreted. • Should be rights-based and that it would be helpful to link to the United Nations Convention on the Rights of the Child (UNCRC) and human rights • Provide a high level of clarity on the links between Getting It Right For Every Child, the data protection legislation and the GDPR • Clarify how the Statutory Guidance and Code of Practice will work together
<p>(National) Practice Materials</p>	<ul style="list-style-type: none"> • A robust and clear national practice resource that is available in one single document containing practical materials and tools such as case studies/ examples, flow charts/ decision trees, graphics etc • Address the needs of practitioners who will have formal responsibilities in relation to Parts 4, 5 and 18 (Sec 96) of the Act, and also those practitioners that won't have formal duties but who will still have a role in supporting children, young people and families, including the third sector. • Aim to achieve a consistent approach to delivering the services outlined in Parts 4 and 5 as well as allowing the flexibility required by service providers to develop practice that suits the needs of each individual organisation and the children and families they serve • Allow flexibility in terms of other issues that it can cover (such as Information Management) and the option to continually update the resource according to emerging best practice.
<p>Area/ Organisation/ Sector/ Discipline Specific Policies etc</p>	<ul style="list-style-type: none"> • The Scottish Government, Local authorities, health boards, the third sector and other organisations may wish to develop other supporting materials in addition to the Statutory Guidance and national practice resource
<p>Supporting Activities</p>	<ul style="list-style-type: none"> • Accessible information to help children, young people and families to understand the core elements of Parts 4, 5 and 18 in a variety of formats as part of wider comms activity • National learning and development materials developed by the Scottish Government and partners to be used by local organisations to support staff in their areas and organisations, and drive national consistency.