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Convenor
Education and Skills Committee
T3.40
The Scottish Parliament

By email

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Children and Young People (Information Sharing) (Scotland) Bill

Thank you for your letter of 10 November 2017.

The Committee seeks clarification on the commencement provisions of the Bill: Section 3(2) of the Bill provides that sections 1 and 2 *"come into force at the end of the period of 2 months beginning with the day of Royal Assent."*

Sections 1 and 2 of the Bill amend Parts 4 and 5 of the Children and Young People (Scotland) Act 2014. Those Parts are not yet in force and the amendments this Bill will make to them will not change that. So, while the the Act resulting from this Bill will come into force, and Parts 4 and 5 will be amended, 2 months after the day of Royal Assent, Parts 4 and 5 themselves (concerning the Named Person Service and the Child's Plan) will not. These Parts of the 2014 Act will need to be brought into force by a Commencement Order under section 102 of the 2014 Act itself.

I would also like to provide clarity on the second point the Committee raises, *"clarification that the duties contained in sections 1 and 2 will not come into effect until a finalised Code of Practice is agreed and available to named service providers and practitioners."*

As stated above, until Parts 4 and 5 of the 2014 Act as amended are brought into force by Commencement Order, neither the duties contained in sections 26A and 40A nor the provisions on the Code of Practice in sections 26B and 40B have any effect. I confirm it is my intention that the Codes of Practice (and the statutory guidance under sections 28 and 41 of the 2014 Act) are finalised and available before the commencement of the rest of Parts 4 and 5 of the 2014 Act. It is also my intention for these to be finalised and available in good time to allow local authorities, other named person service providers, and people who will be named persons, to familiarise themselves with the Codes and the guidance. Parts 4 and 5 of the 2014 Act will therefore be brought into force in such a way to ensure this can happen.



I look forward to engaging further with the Committee and I am happy to clarify any further queries.

Yours,
JS

JOHN SWINNEY