

**1 - Email - PQ - Written - S5W-27488 - Mary Fee - Repeal of Parts 4 and 5 - Background Note**

**From:** Mairi.macpherson@gov.scot

**Sent:** 24 February 2020 16:39

**To:** [Redacted]

**Cc:** [Redacted][Redacted]

**Subject:** RE: PQ- Written - S5W-27488 - Mary Fee - Repeal of Parts 4 and 5 - Background Note (A27238366)

Hi [Redacted]

Many thanks. I've reviewed the background note linked to below, and [Redacted] has shown me the question and draft answer on her screen.

I'm content to approve this as drafted.

Mairi

**Mairi Macpherson**

Deputy Director, Creating Positive Futures  
Children and Families Directorate, Scottish Government  
Area 2B South, Victoria Quay, Edinburgh, EH6 6QQ

[Redacted]

[Redacted]

[Mairi.macpherson@gov.scot](mailto:Mairi.macpherson@gov.scot)



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**From:** [Redacted]

**Sent:** 24 February 2020 08:19

**To:** [Mairi.Macpherson@gov.scot](mailto:Mairi.Macpherson@gov.scot)

**Cc:** [Redacted] [Redacted]

**Subject:** PQ- Written - S5W-27488 - Mary Fee - Repeal of Parts 4 and 5 - Background Note (A27238366)

Good morning Mairi,

With apologies for the short notice, please can you approve this PQ as it's PO deadline for DFM is COP today.

We've had a PQ in querying when we plan to repeal Parts 4 and 5 of the Children and Young People (Scotland) Act 2014.

I've drafted a response and background note. The eRDM links to both are below.  
[Redacted] has okayed it – Grateful for your approval or suggested edits.

Many thanks in advance,

[Redacted]

**2 - Email attachment - PQ - Written - S5W-27488 - Mary Fee - Repeal of Parts 4 and 5 - Background Note**

**BACKGROUND NOTE FOR S5W-27488**

(To be completed as necessary with any additional information)

The above question was lodged by Mary Fee, MSP, West Scotland, Scottish Labour.

Ms Fee has lodged multiple Parliamentary Questions which are somewhat connected, in that she has requested information relating to the repeal of Parts 4 and 5 of the Children and Young People (Scotland) Act 2014 and how this will affect legislation. This is the only question which sits with the Getting it right for every child team.

We are unsure why Ms Fee has lodged this question, although it may be worthy of note that she is the convener of the Cross-Party Group in the Scottish Parliament on Families Affected by Imprisonment. Ms Fee submitted a number of questions in relation to how the repeal of Part 4 would affect the Criminal Justice Act section on named person.

Question S5W-27488 asks about when Parts 4 and 5 will be repealed. Since your announcement the priority has been to cascade key messages to give confidence and assurance to practitioners about the commitment to continued good practice. We have also begun to develop updated Policy and Practice Guidance to provide organisations and practitioners with confidence, clarity and practical support to deliver GIRFEC underpinned by good, proportionate and appropriate information sharing. We will further develop guidance and information for children, young people and parents on how the GIRFEC approach can provide support and benefits while ensuring that their rights are respected. We are proposing to develop a policy overview and separate practice guidance which covers named person, assessment of wellbeing, child's plan and information sharing.

This work has commenced including engagement with Councils, health boards, parent organisations, and other key partners to ensure that we maintain consistent good practice across all children's services.

We have established an internal steering group to oversee the development of a suite of products and we will host our first external steering group in March 2020.

Contact Name: [redacted]  
Ext: [redacted]

**3 - PQ - Written - S5W-27488 - Mary Fee - Repeal of Parts 4 and 5 - Response**

**Written PQ - [S5W-27488](#)**

From: **Mary Fee, West Scotland, Scottish Labour Party**

Date Lodged: Monday 17 February 2020

PO Due Date: Monday 24 February 2020

Query:

To ask the Scottish Government, further to the commitment by the education secretary during the ministerial statement on 19 September 2019 to repeal parts 4 and 5 of the Children and Young People (Scotland) Act 2014 (Official Report, c. 52), when it plans to formally do so, and whether it plans to repeal any other legislation in connection to the named person scheme.

Response:

John Swinney, MSP - Deputy First Minister and Cabinet Secretary for Education and Skills

Following my announcement in September 2019 that we will seek to repeal Parts 4 and 5 of the Children and Young People (Scotland) Act 2014, I have tasked officials with updating policy and practice guidance on Getting it right for every child as a priority. This refreshed guidance will provide clarity on policies, including the named person approach. The guidance aims to provide organisations and practitioners with confidence, clarity and practical support to deliver GIRFEC, underpinned by necessary, relevant and proportionate information sharing.

Scottish Government will seek to determine a suitable legislative vehicle to repeal parts 4 and 5 of the Children and Young People (Scotland) Act 2014 in due course. The named person and child's plan provisions within the Children and Young People (Scotland) Act 2014 have not been commenced. As this law has never been in force, this does not affect the existing named person or child's plan practice, only the legislation that would have made it law.

SCOTTISH GOVERNMENT