

**Item 8 - Question Time**

To the Chair of the Care, Learning & Housing Committee

“How does the Highland Council named person scheme operate and how does this differ from what was ruled illegal by the Supreme Court in July 2016?”

Response to Mr A Jarvie

The Highland Practice Model, including a Named Person for each child, has been in place for many years, predating the introduction of a legislative basis for the model. The Scottish Government sought to incorporate a version of this model into legislation through the Children and Young People (Scotland) Act 2014.

The Supreme Court determined that Ministers needed to provide greater clarity about the basis on which health visitors, teachers and other professionals supporting families will share and receive information in their named person role. They ruled that the information-sharing provisions of Part 4 of the Children and Young People (Scotland) Act 2014 are incompatible with Article 8 of the European Convention on Human Rights and that changes are needed to make those provisions compatible with Article 8, to ensure respect for one’s “private and family life, his home and his correspondence”.

This led to the relevant parts of the Act being put on hold until new information-sharing guidance was approved, however the Highland Practice Model continued as it did before the introduction of the Act. The local information-sharing guidance is based on Data Protection legislation and emphasises the need for consent unless a child is thought to be at risk, and the Council continues to operate the named person scheme in compliance with data protection legislation.

The legal challenge was in respect of information-sharing and the Scottish Government is working on a revision of the information-sharing elements of the Act. There was no wider ruling by the Supreme Court. The Highland Practice Model predated the Act and the Supreme Court judgement does not directly affect this so the model remains in place.