



Children and Young People (Scotland) Act 2014

2014 asp 8

PART 4

PROVISION OF NAMED PERSONS

23 Communication in relation to movement of children and young people

- (1) This section applies where a person ceases to be the service provider in relation to a child or young person.
- (2) The person (“the outgoing service provider”) must as soon as is reasonably practicable—
 - (a) inform any other person which has become or which it considers may be the service provider in relation to the child or young person (“the incoming service provider”) that the outgoing service provider has ceased to be the service provider in relation to the child or young person, and
 - (b) provide the incoming service provider with—
 - (i) the name and address of the child or young person and each parent of the child or young person (so far as the outgoing service provider has that information), and
 - (ii) all information which the outgoing service provider holds which falls within subsection (3).
- (3) Information falls within this subsection if the outgoing service provider considers that—
 - (a) it is likely to be relevant to—
 - (i) the exercise by the incoming service provider of any functions of a service provider under this Part, or
 - (ii) the future exercise of the named person functions in relation to the child or young person,
 - (b) it ought to be provided for that purpose, and
 - (c) its provision would not prejudice the conduct of a criminal investigation or the prosecution of any offence.

Status: This is the original version (as it was originally enacted).

- (4) In considering for the purpose of subsection (3)(b) whether information ought to be provided, the outgoing service provider is so far as reasonably practicable to ascertain and have regard to the views of the child or young person.
- (5) In having regard to the views of a child under subsection (4), an outgoing service provider is to take account of the child's age and maturity.
- (6) The outgoing service provider may decide for the purpose of subsection (3)(b) that information ought to be provided only if the likely benefit to the wellbeing of the child or young person arising in consequence of doing so outweighs any likely adverse effect on that wellbeing arising from doing so.
- (7) Other than in relation to a duty of confidentiality, this section does not permit or require the provision of information in breach of a prohibition or restriction on the disclosure of information arising by virtue of an enactment or rule of law.