

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Child’s plan

Section 40 – Assistance in relation to child’s plan

100. Subsections (1) and (2) provide that a relevant authority or a listed authority (see section 44) must comply with any reasonable request made of them to provide a person exercising a function under this Part with information, advice and assistance.
101. Subsection (3) provides that subsection (1) does not apply where the authority or person to whom the request is made considers that the provision of such information, advice or assistance would be incompatible with any of their duties or would unduly prejudice the exercise of any of their functions.
102. Subsection (4) provides that subsection (1) does not permit or require the sharing of information in breach of any legal prohibition or restriction linked to the sharing of such information, other than a breach of a duty of confidentiality.
103. Subsections (5) and (6) apply where a person (“the recipient”) receives information in accordance with section 40(1), which has been provided in breach of a duty of confidentiality and where the recipient has been made known of this breach. The recipient is not then to provide that information to anyone else (a third party) unless they are permitted or required to provide that same information to the third party by virtue of any enactment (including Part 5) or any rule of law.