

**Education and Culture Committee  
Children and Young People (Scotland) Bill**

**Scottish Parent Teacher Council**

**Background**

1. SPTC is pleased to respond to the Scottish Parliament's Education and Culture Committee's Call for Evidence regarding the Children and Young People (Scotland) Bill.
2. SPTC is a membership organisation for parent groups in schools all over Scotland. We also provide information and advice to parents and carers on every aspect of their child's schooling and the education system as a whole.
3. In our response to this consultation we seek to present a parental perspective and to give balanced feedback on the Bill. At the consultation stage, as now, the questions at the forefront of our mind were simple ones: 'What problem is this proposal trying to resolve?' and 'Will it make a real difference to the lives of children and young people?'

**Children's rights or children's services?**

4. We have been very challenged by the premise in the Bill that there is a comfortable fit between the areas of children's services and children's rights. We are not convinced this is true and feel the Bill attempts to straddle both horses, suffering as a result.
5. On the one hand the bill seeks to place obligations on those providing services to families (both parents/carers and young people) and on the other it seeks to strengthen the rights framework (UNCRC) for children and young people, though without full incorporation of the convention into Scots law. We believe this is a missed opportunity and urge the Government to address this obvious issue.
6. We are fully supportive of the proposed changes to the role and remit of the SCCYP, based on the assumption that the resources are provided to ensure the Commissioner can adequately fulfil this extended role.

**Universal services versus targeted support**

7. From our perspective, the vast majority of children and families require nothing more complicated than high quality universal services provided by motivated and skilled professionals, with parents and carers as advocates when required.
8. What we have witnessed throughout the journey of this Bill is a situation where – understandably – the organisations and individuals engaged in the debate around the Bill come to it with a world view which is focused on the needs of children and families who are facing particularly difficult circumstances.
9. The perspective of the 90% of typical families who 'get through' without additional support from social work, health, education or other services has as a result been

largely unheard in the debate. We are therefore concerned that in its attempt to support those children and young people who are experiencing difficulties, this Bill has the potential to draw families into the system unnecessarily, expending time and expensive resources needlessly and potentially detrimentally.

### **Named person**

10. We believe the concept of a Named Person for every child is ill thought through and offers no benefit to the majority of children, whose 'named person' is already in place – their parent or carer.

11. For most children in receipt of universal services, their parent or carer is the person who has most interest in their wellbeing, knows them best, is committed, has staying power and is most motivated to ensure the health, education and other services they come into contact with deliver for them. This proposal completely fails to recognise that significant relationship and effectively seeks to usurp the role of the parent.

12. We are opposed to this proposal on this ground alone. In addition:

- The Named Person is not defined sufficiently. There is no clarity of thinking within the bill around the role of Named Person as opposed to Lead Professional and, indeed, the significant roles and responsibilities of other professionals. This role will demand that an individual has an oversight of all of a child's support, plays an active role in ensuring that is delivered and carries the gravitas to influence other professionals. We do not believe such an individual exists at present within the system, with the capacity to take forward such a significant role. The resource implications alone in the creation of this role are enormous and we believe are underestimated in the Bill.
- The pressure on the capacity of the Named Person (eg a guidance teacher with a case load of circa 200 children) has the potential to lead to increased workload and the escalation of issues which may previously have been resolved having taken their natural course without intervention.
- The implications of the Bill's Section 26 on Information Sharing are a matter of great concern as information regarding a parent which is currently confidential (eg work-related stress which leads to a GP visit) could be shared. We believe such sharing of information is inappropriate and counter to the rights of individuals to confidentiality. By bringing such information to the attention of the Named Person, as suggested in 4.1 above, matters which are by rights confidential could be escalated, drawing families into services.
- This adds to workload across services, breaks trust and disrupts family life.
- We question where the rights of the child are in this proposal as there seems to be no mechanism for the child's view to be taken into account in the selection/allocation of the Named Person.

- There is potential for disagreement between the Named Person and the parent or carer where they fail to agree on the support or objectives for a child. This would be both destructive and resource-intensive. We query what systems would be required to avoid and deal with this situation, and whose view would take priority. This has not been addressed in the Bill.

### **Increased childcare hours**

13. We have previously argued that increasing the hours of childcare for most children is undermining their right to the care of their parent/primary carer and that we should be cautious about the implications of this move. Is it actually driven by economic considerations (ie releasing more parents for paid employment)? Further, the proposal has the potential to increase pressure on parents to return to the workplace when their preferred option would be to be care-givers for their children.
14. We recognise early learning and childcare are of great importance to many children and can lead to improved outcomes as they move through school and beyond. However, this benefit has to be balanced against the rights of parents and children to spend time together, because we also know that strong bonds between child and parent/carer are critical for the development and wellbeing of children.
15. We are concerned the additional hours of funded childcare are more likely to be accessed by families who are already economically active and for whom additional hours reduce the need for them to 'juggle' their working lives and childcare: it is arguable that few of these additional hours will in fact be accessed by those families for whom this intervention will make a substantial difference to educational or social outcomes.
16. In relation to childcare provision for looked-after children (particularly those who are looked after at home) we have specific concerns that local authority provision requires to be stable and consistent, not subject to change and withdrawal in response to funding issues. For these children in particular, stability is a fundamental right which effective use of GIRFEC principles should ensure.
17. We agree with the principle of consultation as to the nature of the childcare and education to be provided, however we do not agree that this consultation should be with 'such persons as appear to ...be representative of parents'. The consultation must specifically be with a cross-section of parents of children who are of pre-school age.
18. We believe the Bill should also include an obligation on local authorities to provide 'wrap-around' childcare options for children of all ages, including those with disabilities and other additional support needs.
19. In relation to placement of children, we are well aware of how difficult it is for both parents and children where a placing request is made within authority and so it is a significant concern that pre-school placements might enter the same labyrinth.

It is to be anticipated that only economically active and confident parents would consider this option for a pre-school child.

### **Single child's plan**

20. We believe a single planning approach should be just that: what appears to be proposed is the creation of a further plan which would 'sit on top of' existing plans. We would argue there are already too many plans, too many layers for children and their parents to navigate.
21. A child or young person at school could have a PLP, an IEP, and CSP. They may also have a care plan and other plans in relation to their care and support.
22. We would support a single planning approach and a single plan which brings together and simplifies the planning process for both families and professionals working with them. Such a plan requires the active involvement of the young person and their family. A statutory duty should be placed on all the public bodies needed to make the planning and implementation robust and co-ordinated.

### **Kinship Carers**

23. We recognise that kinship carers provide parental care to many children in Scotland with little or no support in their role. We believe their care provides continuity of care and sustains family life for many children and young people. We also believe these formal and informal arrangements reduce the financial burden on public services by keeping children out of care. We therefore support the proposals as outlined.

### **Conclusion**

24. We support many aspects of the Bill as outlined above.
25. We welcome the Government's effort in this Bill to strengthen the support of public services around children who need that support, but we oppose strenuously the introduction of the Named Person as it currently stands.
26. We are cautious about the way in which extended hours of childcare will be designed and delivered, and to whom, and urge careful consideration as to how this element of the Bill is drafted.
27. We urge the Government to be bold by enshrining the UNCRC in Scots law as part of this Bill.

**Scottish Parent Teacher Council**  
**26 July 2013**