Dear Ms Davidson

NHS Forth Valley Response to Children and Young People (Information Sharing) (Scotland) Bill

NHS Forth Valley has taken the opportunity to make comment on this Bill and the approach being set out by the Scottish Government in addressing the Supreme Court decision. Following discussions with a number key NHS healthcare practitioners and managers, NHS Forth Valley would wish to provide the following brief collective overview.

The Bill would appear that Scottish Ministers have listened to previous concerns raised. The strong message that all young people will have access to a Named Person and the Named Person Service will be available as an ‘entitlement’ with no requirement to accept is welcomed.

The Bill and draft Code of Practice appears to give a degree of clarity as to the role of practitioners and families understanding of sharing information about a young person’s well-being. It is recognised that appropriate, timely information sharing across the various agencies when interfacing with young people and their families is key. This was exemplified with introduction of the term ‘duty to consider’ if information sharing was in the best interests of the young person. This would appear to be consistent and aligns with practitioners existing professional codes of practice. It is suggested that a direct reference to for example, the NMC Code of Practice could be inserted into final Code of Practice accompanying this legislation.

Further clarification would be welcomed regarding when a practitioner needs to record their ‘consideration’ of sharing information. The illustrative code of practice appears to suggest a record is required whether or not their consideration led to sharing of information (and regardless of whether consent was given or not) however, many children will have wellbeing needs of some sort where there will be no necessity to share information.
The provision of the ‘power to share’ relevant information was welcomed, demonstrating that this would be the case only when certain conditions have been met. The inclusion of examples of various scenarios within the Code was highlighted as being beneficial to assist practitioners understanding. This was useful set within the context of emphasising if there were child protection concerns then local child protection policy must be adhered to.

With respect to ‘parental consent’ regarding information sharing it was felt further clarification would be useful in the situation of potential conflicting views of the parents. Furthermore, colleagues highlighted the need to ensure there is consistency in approach to gaining consent with the forthcoming General Data Protection Regulation (GDPR) in May 2018.

In conclusion, I can confirm that NHS Forth Valley has cascaded the on-line survey link to all staff giving the opportunity to consider and respond to the code of practice. Finally, NHS Forth Valley is looking forward to working alongside partners in the next few months to contribute into future consultations on the code of practice and statutory guidance.

Yours sincerely

Fiona Ramsay  
Interim Chief Executive