Children and Young People (Information Sharing) Bill

Organisation - NHS Orkney

Contact – Cathie Cowan, Chief Executive

*Written submission regarding whether or not Parliament should agree to the general principles of the Bill and, if so, what improvements could be made to its provisions:*

The Bill’s amendments of Parts 4 and 5 of the 2014 Act are specific to the Supreme Court ruling in relation to information sharing. All other aspects of the 2014 Act are unchanged. The amendments are clear and appropriate in relation to the need to move away from a requirement to share information to consider sharing. This supports a clear decision to share information, with clear rationale as to what is shared & proportionate. It also allows a more specific consideration as to whether information can be shared in accordance with the Data Protection Act 1998 and increased awareness of the powers to share that information where it could promote the wellbeing of the child.

With reference to the Data Protection Act and the European Code of Human Rights there will potentially be learning needs for staff to ensure they comply with this. Some provision for this within the staff guidance would be useful. Expected changes to the Data Protection Act in May 2018 will need to be taken into account when developing the associated Code of Practice and Statutory Guidance.

The issue of responsibility around appropriate information sharing is addressed more comprehensively and clearly in this draft guidance. The clarity of the need to consider information sharing should address some concerns that the “blanket” sharing of information can be an expectation from some professional groups.

Clarity around consent and need to obtain this wherever possible, other than in exceptional circumstances could potentially made more explicit.

The Illustrative Draft Code of Practice is welcomed by staff who will provide the Named Person function.

*Other information - It is understood that a timeline has been developed, setting out key milestones and that the earliest the Bill can pass is March 2018. The documents currently circulated are “illustrative” and will be updated when the Bill is passed once any further amendments made during the parliamentary process are incorporated. A further consultation period will then follow during the summer of 2018 with anticipated implementation thereafter.*