Submission to Education and Skills Committee

Everyone wants to achieve better systems for children and responses to individual situations. Named person is a positive development bearing in mind the need for information sharing where appropriate and for services to be to be underpinned by public trust.

Clarity of guidance on information sharing was as issue in the ruling- a clear position would be that wellbeing information is shared with consent, and when it reaches a risk of harm threshold can be shared without consent i.e. under existing legal information sharing provisions. The guidance is currently not clear enough in this regard.

The guidance appears to describe a grey area where wellbeing information can be shared without consent when the infringement of privacy can be justified. The justification would need to be to a judgement about consequences of the wellbeing issue/s, which comes back to concern about adverse impact on the child or harm. Common definitions of these thresholds are very difficult to define, and if it is unclear decisions either way will be challengeable.

More information sharing should occur with named person with consent and heightened awareness of staff, and a requirement to consider this is reasonable. Whether this ‘consideration’ needs to be documented in every case needs to be questioned as many children or young people have wellbeing needs to some degree.

It would be detrimental to public health if trust in services were eroded by concern about information sharing without consent such that children were not brought or young people and parents/carers did not come to health services for assessment and advice, missing the opportunity to intervene, assess development and receive immunisations etc. and where needed refer to other agencies including named person where relevant.

For young people up to age 18, confidentiality of services is particularly important. Using the example of sexual health, there will be risk assessments for child sexual exploitation which would result in referral to child protection if needed, however the possibility of involving named person without consent at a level which does not reach a child protection threshold would need to be made fully explicit to service users in advance if that were to be the case.

Lynne Garvey
Senior Manager - Children's Services

29th August 2017