Glasgow City Children’s Services Response

To Scottish Parliament’s Education and Skills Committee:

Call for written submission on whether or not the Parliament should agree to the general principles of this Bill and, if so, what improvements could be made to its provisions on the Children and Young People (Information Sharing) (Scotland) Bill.

1. Introduction

Glasgow City Children’s Services welcome the opportunity to respond on the general principles of the Bill.

The GIRFEC Service Managers’ Group is an established multi-agency group of senior practitioners from across Health, Social Work and Education services in Glasgow. The group has responsibility for developing solutions to support staff and improve joint working, particularly, in the implementation of the Children and Young People (Scotland) Act 2014: Named Person, Child’s Plan and Information Sharing. This group have come together to develop this Glasgow Children’s Services’ response to the call for written submission on the general principles of Children and Young People (Information Sharing) (Scotland) Bill.

2. Information Sharing

The Bill is Scottish Government’s response to the findings of the Supreme Court against Part 4 and 5 of the 2014 Act, which is to develop a code of practice that brings consistency, clarity and coherence to information sharing by professionals working with children, young people and families, that is “in accordance with the law” and ensures safeguards are in place. We agree with the principle of developing a code of practice rather than placing this practical practitioner guidance into legislation.

The Bill relies on the Scottish Government’s development of a Code of Practice that will be a “vehicle for explaining the processes that need to be followed in order to meet requirements that are set out elsewhere in existing law”. Getting the Code of Practice right will be pivotal to the implementation of the Named Person and Child’s Plan across Scotland.

The Information sharing code of practice needs to support and nurture the GIRFEC approach and we would make the follow recommendations:

- The Code should reflect an understanding that the people who are sharing the information are professionals, (such as health visitors, teachers, police officers etc.) who work with children, young people and families personal and confidential information every day in a manner that is thoughtful, respectful, confidential, proportionate and within the current Data Protection and ECHR legislation and in line with professional standards and codes – for example, the NMC code section 5, which outlines the responsibilities of nurses and midwives in respect of privacy and confidentiality.

- Professionals work with the children, young people and families to ensure that the “rights” of all are respected. Their purpose when working with the families is to engage and empower rather than “do to them.” Any sharing of proportionate information is done to improve the development, wellbeing and outcomes for children and young people.
• On a daily basis, in order to safeguard children, practitioners make professional judgements based on a child centred approach; they consider how much personal and confidential information they should share when they see emerging problems and they refer the child or family to those services that can offer them the most appropriate support resulting in effective preventative action.

• It needs to be made clear that valid consent to share information is not about obtaining a signed form from a young person or parent/carer but whether the child, young person or families were given all the information they needed to make a considered decision. It is, therefore, crucial that the essential elements of discussions with the people concerned are documented in the Child’s Plan.

• There has to be evidence based discussions to demonstrate why decisions to share information with another service are made.

• Practitioners can evidence why they shared information with another service or practitioner through good reporting and recording chronologies and significant incidents.

3. Information Sharing Bill: Code of Practice

We acknowledge that the current code of practice is an illustrative draft only. However, the current format of the code of practice appears to be a repetition of Data Protection, European Convention of Human Rights and confidentiality law, rather than a clear statement of what professions should do and how they should implement information sharing to improve the wellbeing of children.

We would suggest that the code of practice should

• Be set in clear plain English statements.
• Provide examples and scenarios of situations when a Named Person and other professionals can share information.
• Take account of daily practice and the issues we have outlined in the bullet points above.

Children’s services in Glasgow look forward to seeing the draft version of the code of practice for consultation.

We will follow advice and guidance that is anticipated from the Children and Young People (information sharing) Bill, Code of Practice and use this to develop joint staff training and amend our Glasgow City “GIRFEC Practice Guidance” to include the new processes for information sharing.