

## **EIS Response to the Call for Evidence by the Scottish Parliament Education and Skills Committee on the Children and Young People (Information Sharing) (Scotland) Bill**

The EIS, Scotland's largest teacher trade union and professional association, representing 80% of the teaching workforce, welcomes the opportunity to submit evidence to the Committee on the Children and Young People (Information Sharing) (Scotland) Bill.

Regarding the rationale underpinning the named person legislation, the EIS maintains its original support for the principle of there being a single point of contact through which to enhance children's access to services and support.

That said, there are growing concerns among EIS members in schools about the viability of the Named Person (NP) and that of the GIRFEC agenda more widely, in practice: under-resourcing of schools, the burgeoning workload of those whose responsibility is pastoral care, and the lack of time for teachers to work collegiately with one another and partner organisations in the interests of children's wellbeing, are undermining the confidence and ability of teachers to realise the ambitions of the existing policy.

The EIS has been clear from the outset and has repeatedly stressed that the NP service will not succeed in the delivery of its functions through the passing of legislation by national government alone. The introduction of such legislation cannot be cost-free, it having significant resource implications in those hundreds of thousands of cases in which a school is expected to be the provider of the NP.

With this in mind, the EIS would wish to reiterate the enhanced need for administrative support to those carrying out the functions of the NP. This is against a backdrop of rising levels of additional need among children and families, austerity budgeting (which, of course, contributes to the crises that many children and families experience) and resultant swinging cuts to the numbers of education support staff employed by local authorities.

However, without such administrative support in schools, the requirements of the NP legislation are such that the demands placed upon schools would be wholly unreasonable. The workload of teachers in Scotland is currently at a record high. In Secondary schools, Pupil Support Teachers are struggling with large, often unmanageable, caseloads; while in Primary, the workload of Headteachers, and where schools are fortunate enough to have them, Depute Head Teachers, is unsustainably demanding. It is therefore unacceptable to place additional workload burden generated by the associated administration on the staff who will be acting in the capacity of Named Persons. It is the firm view of the EIS that schools will need additional administrative staff.

Furthermore, the level of support to children, young people and their families that Named Persons will be expected to provide, is not yet universally clear. Indeed, there are likely to be significant variations in the amount of support that children and young people will require as determined by their individual needs which, in the cases of many children and young people, will vary over time. The system therefore requires to be resourced such that Named Persons can meet existing needs, and be responsive to changing and unforeseen needs arising from alterations to children's and young people's family circumstances, illness or emerging emotional needs, for example.

The key concern of this legislation is information sharing. The Illustrative Code of Practice outlines a number of tests that teachers acting as Named Persons are required to apply to their decision-making on what information should be shared, with whom and how. This process, if it is to be undertaken with the requisite care and with the desired professional self-confidence, requires time-time for advance training of all staff who will be acting as Named Persons; thereafter and as Named Persons are working with children, time for all of the available information about the children for whom they have pastoral care responsibility, to be fully considered; time for Named Persons to consider the implications and potential consequences for children's wellbeing of sharing information; time for consideration of the compatibility of such information sharing with other legislation (with which Named Persons must also be familiar); time for those face to face professional discussions with colleagues that support teacher judgement and confidence; and time for the information to be shared with those whom it has been judged should have it, either in writing or in the course of planned meetings.

Clearly, then, it is essential that those teachers acting as Named Persons have the necessary time allocated to them for the specific purpose of carrying out these functions on behalf of the local authority as the NP Service.

This has implications for the numbers of teaching staff employed within schools, and critically so in schools where there are large numbers of pupils whose needs are such that they will require greater support from the NP Service throughout their school careers. For example, a Physics teacher in a large secondary school serving a community in an area of high deprivation, who is also a Pupil Support teacher, and who has been identified as the Named Person for more than 200 children in the school, is likely to have less time available for the teaching of Physics than prior to the introduction of the NP service. Considering information, the wellbeing implications of sharing it, the wider legal landscape, and then, where judged appropriate, actively sharing the information with others, will take Named Persons away from the classroom or from other duties such as in the case of Primary Headteachers. In the case of the Secondary example, the gap would require to be filled with additional teaching staff whose specialism is Physics; in the Primary example, the requisite additional management time would have to be resourced with additional staffing. Even where the model in secondary is to deploy Pupil Support Teachers fulltime to pastoral care duties,

there need to be enough of them to properly staff a service that will be subject to such strong, sustained and varied demand.

Beyond such core additions, to enable responsiveness by the Named Person Service to the varying needs of individual children and young people, the particularity of which cannot be predicted in advance, a healthy pool of supply staff is essential.

Such human resource need must be considered both by national and local government, and a solution found and agreed with teacher unions, that avoids further additional and unsustainable workload burdens being placed on teachers- either those identified as Named Persons or their colleagues.

Regarding the Illustrative Code of Practice, produced to assist 'persons exercising functions under Parts 4 and 5 of the Act and who may provide information when exercising those functions', the EIS is of the view that it falls short of its intended purpose, certainly in terms of supporting teachers who are acting as Named Persons. The language is highly technical and legalistic and would present barriers to time-pressed teachers as users of the Code.

Although teachers are not listed explicitly among those who will exercise the NP functions, local authorities being rightly identified as the service provider, communication by the civil service team working on the Bill has not made this distinction clear enough. The EIS would recommend that, as it seeks to progress this new legislation, the Scottish Government emphasises in its various communications to education stakeholders, including schools and teachers, that the legal duties being brought, rest firmly with local authorities as the NP Service, and not with individual promoted teachers who are acting as Named Persons in schools. Without such essential re-clarification, this phase of consultation is likely to re-stir anxiety within the profession about the legal responsibility attached to the NP service.

Given the relative lack of utility of the Code of Practice to teachers, those in the NP role will require clear, manageable guidance as to the steps and tests that the legislation requires of the Service, expressed in language and within a layout, that is widely and readily accessible. The draft Code of Practice does not fulfil this requirement and for reasons explained by civil servants, is unlikely to in any future iteration, therefore additional guidance materials will be required for use in schools.