Humanist Society Scotland
Submission to Education and Skills Committee
September 2017

Children and Young People (Information Sharing) (Scotland) Bill

About Humanist Society Scotland

1. Humanist Society Scotland promotes Humanist values to people in Scotland, campaigns for an ethical, rational and secular future and gives voice to the millions of people in Scotland who live without religion.

2. We support a community of 15,000 active members working together for a compassionate, dignified and respectful vision of Scotland and the world. We provide services, such as ceremonies and school visitors, which enable people to learn about Humanism and live their lives as Humanists.

Views on the Bill

3. Humanist Society Scotland are supportive of the principles of the Named Person scheme and the thinking behind ‘Getting It Right For Every Child’. Indeed some of the early examples of good practice developed under the pilot schemes show the benefit of how these could work in practice to benefit children and young people. However this bill considers the information sharing element of the legislation only and it is in this specific context that our response should be considered.

4. Humanist Society Scotland believe that children and young people’s fundamental human rights should be protected under law. Key to this is the issue of consent of children and young people regarding information sharing. We do not believe that the current drafting of the legislation has adequately addressed issues regarding consent of young people that was raised by the Supreme Court.

5. The new bill will repeal requirements to take account of a child or young person’s views and in doing so taking account of that child’s age and maturity that was included in the 2014 Act. It is of concern for the Humanist Society Scotland that this does not appear on the face of the new bill that has been presented to Parliament, especially given that in consultation for the 2014 Act strong views were expressed regarding the need for children and young people’s views appear on the face of the bill. We do not believe that undrafted guidance is a substitute for recognising these views and rights on the face of the bill.

6. We would support where guidance is being drafted for this to be at a National level rather than relying on that produced by Named Persons service providers. This would remove the risk of an
inconsistent approach under the current drafted legislation between local authorities/health boards/charities etc. However the current process for the development of this guidance means that only an indicative draft form has been published alongside the bill. Given the key concerns that the Supreme Court raised regarding this guidance we would support full guidance being published and considered alongside the legislation.

7. In addition the indicative draft guidance is extremely overly complex and legalistic in nature. It must be written in a way that will make decisions easier to make not harder. The current guidance seems to suggest the NP is entirely responsible for making a complex legal decision on if the information can be shared within data protection regulations. The national guidance should be drafted in co-operation with the 'end users' so as to ensure it is useful to their needs.

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