18th September 2017

Dear Mr Dornan

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

I write as a parent of three children educated in Council schools in Edinburgh. I am concerned about the imposition of the Named Person Service and in particular about the failure of the Scottish Government and the Council to communicate with parents in any effective way about it.

I am also concerned that the parental voice may not be heard at the Committee meeting on 20th September which is why I am sending this letter to all Committee members.

I found out by accident that one of my children had a Named Person last year. He happened to mention that he had been told at school that his Named Person would be his head teacher. I didn’t think that this could be true because I knew that the legislation had not become effective.

I checked on the Children and Families section of the website (which contains information about schools) and found nothing there. (Information has since been added.) My local councillor helped me to obtain the Council response which was that the policy had been operating as an integral part of GIRFEC since 2009. A leaflet had been distributed through schools to parents and carers at the time.

We are now in 2017. At no time since 2009 have I been told by the Council that my children have Named Persons, of their identity, of any change in identity, of the delegation of the role during the school holidays or about what they actually do, including any rights I may have about consent.

Even more worryingly, I have no information at all about what my children are being told at school, in particular about their rights regarding consent.

The Named Person has been described as an entitlement and a point of contact to support families. This is untrue in my experience. It cannot act as a point of contact if parents know nothing about it.
To actually act as an effective point of contact, I would expect the Council (directed by the Scottish Government) to have communicated directly and individually to the many thousands of parents of children in its schools since 2009 to tell them that their children have Named Persons, to identify them and to explain their role. Parents should be told each time the identity of the Named Person changes and also each time the role is delegated to others to operate during the school holidays. Otherwise, how can parents know who to contact for support?

The fact that the Named Person Service is operating as a policy only at this stage is no excuse for the substantive and long term failure to communicate to parents. My conclusion is that children and parents have been ignored, a similar conclusion to that reached by the Supreme Court.

I am concerned that within this Committee process there is a risk that this may continue. The Scottish Government has blocked Committee scrutiny of the crucial draft Code of Practice for this Bill with the holding device of the Illustrative Code.

Further, this Illustrative Code is addressed only to Named Persons and service providers. This is a mistake. It ignores children and parents. It should be written in such a clear, practical yet comprehensive way that it can be understood by parents and children aged 12 and over too. After all, it is their personal information which is under consideration for sharing.

If parents and children are really to work in partnership with Named Persons then it is important that everyone works from the same reference point and has the same access to easily understood information.

This is particularly important regarding the ability to make a balanced judgement about consent.

Parents and children should not be expected to simply accept the Named Person’s advice about the law as their interests may be separate and different. Children (and parents in cases of conflict) should have access to free independent advice.

I find it hard to see how the consent of children and parents will be “informed” otherwise. The balance of power (in terms of position and access to
information and advice) between the Named Person and the child or parent will be too great.

**It should never be forgotten that the Named Person Service does infringe article 8 of the ECHR and that parents and children have no right to opt out.**

I ask you to please:-

(a) Adopt the perspectives of a child and a parent faced with dealing with this legislation in your questioning of witnesses at the Committee meeting.

(b) Insist that the Scottish Government allow Committee scrutiny of the actual draft Code.

(c) Ensure that the draft Code fully and clearly addresses children and parents as well as professionals.

(d) Ensure that the principle of consent to sharing is included in the Bill.

(e) Investigate how Mr Swinney intends to go about a comprehensive and ongoing education of all current and future Scottish children and parents about their rights under this legislation.

I hope that you will respond to my concerns.

Yours sincerely,

Katherine Taylor