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

I am writing to you to express our support for the Children and Young People (Information Sharing) (Scotland) Bill and to urge you to give it your backing. Social Work Scotland is the professional leadership body for social work. We work to influence and advise on policy and legislation and to support the development of the social work profession. We represent over 300 senior leaders in social work including all 32 Chief Social Work Officers.

While we were not called to give evidence, we would like to reiterate our views and directly address some of the concerns that have come across in your evidence sessions recently.

The need for legislation

The legislation contains a ‘duty to consider’ sharing information to support or safeguard the wellbeing of a child or young person. If this is not included, there is a risk that professionals will not share information to support and safeguard children at the right time because they are unsure if it is lawful to do so. If they have a duty to consider, they will have to document the reasons why they decided to share or not to share. This in itself provides a framework for a robust process and, in tandem with the Code of Practice, will support professionals to make good decisions in the interests of children and their families. None of this will stop the current best practice of communicating clearly and openly with families.

The Code of Practice

At the moment the Code of Practice as published by the Scottish Government is for illustrative purposes only. We are confident that the Scottish Government has heard our views about what is needed in a Code of Practice and we will actively engage to support the Government to draft a Code of Practice that is fit for purpose.

There was a concern at some of your evidence sessions that a Code of Practice was not workable for front line staff. From a social work viewpoint, we are clear that a Code of Practice written in the right way, with the right training, will support staff to be confident in their decision making. Our staff work within the frameworks of multiple pieces of legislation all the time and are adept at ensuring their practice fits with these. A Code of Practice which enables and guides professional judgement will be welcomed by our frontline practitioners.
Over and under referral

The Named Person legislation is about making sure that the right resources and support are targeted at the right children at the right time. There has been a concern at your evidence sessions that the lack of clarity around wellbeing sets a new lower threshold that will result in over and under referral to specialist services.

Social work is one of these specialist services, and while there may well be a bedding in period as everyone works to understand and practice within a new legislative framework, essentially this Bill will ensure that only the issues that should go to social work, go to social work. It also allows professionals in universal services like the NHS and schools to provide the support they can, without recourse to social work unless or until it is necessary.

Working in this way will target early help into families to prevent situations escalating to the point they need social work support; and allow social work to focus on the most vulnerable children and young people.

Focus on social work

A number of evidence sessions have focused on social work services. It is important to note that the functions of GIRFEC and the Named Person legislation are principally to allow services to work together and to get the right help to the right people at the right time.

GIRFEC and the Named Person work for all children and their families. Most of these children and their families will never receive a social work service. Instead it ensures that those professionals already known to the family are the centre of providing timely support. It is important to keep this perspective in mind.

Supporting the Bill

We have been working with our members and our members having been working with their staff and partners for over 10 years to embed GIRFEC. Sharing information is vital to the way GIRFEC works. If this Bill is not supported, there is a risk that the significant gains in organisations working together to meet the needs of children may be set back without the clarity that the Bill provides.

We support the Bill because it underpins a key part of GIRFEC and we are confident that the Scottish Government will work with us and others to address the concerns we have already raised with them with regard to developing a clear and accessible Code of Practice and resources for training.

Social Work Scotland believes strongly that clear legislative framework for sharing information will lead to better decision making, timely and proportionate interventions and have a significant impact on improving outcomes for children. We believe the Bill will have the most impact on our most vulnerable children. We are asking you to pass this Bill at Stage 1 and give us and the Scottish Government time to get it right.

Further discussions

If you would like to discuss any aspect of this note with us please call our office and we'll be happy to talk to you about it. Please call Jane Devine, Director of Social Work Scotland on 0131 281 0852 or 07766 758039.

Yours sincerely

Susan Taylor
President of Social Work Scotland