

Education and Skills Committee

Petition - PE01692: Inquiry into the human rights impact of GIRFEC policy and data processing.

Submissions pack

The Committee wrote to local authorities regarding revised guidance on data processing which the Information Commissioners Office released in 2016. A link to the letter the Committee sent to Local authorities is [here](#).

The responses from the local authorities are reproduced below.

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Aberdeen

Our Ref: AS/gjh
Contact: Angela Scott
Location: Marischal College

Date: 6 January 2020

Clare Adamson MSP Convenor
Education & Skills Committee
T3.40
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Ms Adamson MSP

Many thanks for your letter regarding the Education and Skills Committee's recent consideration of public petition PE1692.

I can confirm that all information sharing guidance issued to practitioners across Aberdeen City is based on enacted legislation. Practitioners do not have access to the ICO guidance of 2013 and the guidance is not referred to or referenced in any way.

I trust this sufficiently clarifies our position but please do not hesitate to get in touch if I can be of any further assistance.

Yours sincerely

Angela Scott
Chief Executive

Aberdeenshire

By Email

From: Laurence Findlay **Sent:** 06 January 2020
To: Education and Skills Committee Submissions
Subject: GIRFEC response

With reference to the attached letter, I can confirm that in Aberdeenshire we make no reference whatsoever to the 2013 guidance.

Regards

Laurence

Laurence Findlay
Director of Education and Children's Services
Aberdeenshire Council
Woodhill House
Aberdeen
AB16 5GB

Angus

29/1/2020

Ms Clare Adamson MSP
Convener – Education and Skills Committee
T3.40
Scottish Parliament
Edinburgh
EH99 1SP

CHIEF EXECUTIVE
Margo Williamson

Dear Ms Adamson

Thank you for your letter of 30 December 2019, received via email on 6 January 2020.

I can confirm that Angus Council replaced the 2013 guidance with the 2016 guidance at the time of issue. I can confirm that we no longer refer to the contents of the 2013 guidance or rely on this in our practice.

We have reviewed information sent out to key staff and have checked that the 2013 guidance is not embedded in any of our policy documents or available via links on either our corporate or our education intranet.

These checks highlighted that the multi-agency Code of Practice to support information sharing which was endorsed by the one of our TRIC priority groups requires to be amended. An amended version will be circulated following the next group meeting of 5 February.

Yours sincerely

Kelly McIntosh
Director of Education and Lifelong Learning

Argyll and Bute

Date: 21st January 2020
Enquiries to: Patricia Renfrew

The Scottish Parliament
Edinburgh
EH99 1SP
es.committee@parliament.scot

Re: ICO 2013 data sharing guidance

Dear Ms Adamson

I write to confirm that Argyll and Bute local authority does not refer to the 2013 data sharing guidance on websites or in training materials.

Yours sincerely

Patricia Renfrew
Consultant Nurse Children and Families
Argyll and Bute Health and Social Care Partnership

Clackmannanshire

By Email

28/02/2020

Dear Jane

First of all please let me offer my apologies for our failure to respond to you timeously.

I can confirm that all reference to the 2013 guidance have been removed from Education service material and the Social Work service were completing this update this week

Kind regards

Lindsay

Lindsay Thomson
Senior Manager Legal and Governance
Partnership and Performance Directorate

Comhairle nan Eilean Siar

By email

07/01/2020

Good morning,

I refer to the letter of 30 December 2019 from Ms Clare Adamson MSP, Convener, regarding Councils' Data Sharing Practices in relation to GIRFEC.

The 2016 Guidance forms the basis for information and data sharing practice with Comhairle nan Eilean Siar, and the Comhairle is shortly to commence a review of all GIRFEC materials to ensure that there are no remaining references to the 2013 Guidance. Any references to parts 4 and 5 of the Act, now repealed, will also be removed.

I hope that this information is of assistance.

Yours sincerely,

Malcolm Burr
Àrd-oifigear/Chief Executive
Comhairle nan Eilean Siar

Dundee

By Email

28/1/20

Dear Colleague

In response to your letter to the Chief Executive, I can advise as follows:

Dundee City Council's Guidance on Information Sharing, Confidentiality and Consent ([External Link](#)) was produced in 2019 and signed off by Dundee Partnership Lead Officers. It makes some reference to the 2013 ICO letter, but updates that with quotations from the 2016 letter. This guidance gives clear instruction on these matters to ensure compliance with data protection and other relevant legislation. It will be reviewed and updated, if required, on a regular basis, and, in particular, in the light of the proposed legislative changes.

I hope this is of assistance, but if you require any further information, please do not hesitate to contact me.

Many thanks.

Paul

Paul Clancy
Executive Director of Children and Families Service
Children and Families Service

Dumfries and Galloway

By email

8/1/2020

I can confirm that Dumfries and Galloway Council training and guidance refers to the 2016 guidance.

Gillian Brydson
Director of Education, Skills and Learning
Dumfries and Galloway

East Ayrshire

By Email

28/01/2020

In response to your email of 6 January 2020 regarding the Education and Skills Committee's recent consideration of public petition PE1692 , I can confirm that we are fully compliant in the 2016 recommendations and do not refer to the 2013 guidelines.

Kind regards

Caroline Craig on behalf of:

Linda McAulay-Griffiths
Head of Education
East Ayrshire Council

East Dunbartonshire

By email

8/1/2020

I can confirm that East Dunbartonshire did not issue or implement the 2013 advice to schools. Guidance in line with the IOC guidance in 2016 was issued to schools to ensure compliance.

If you require any further information, please let me know

Jacqui MacDonald
Chief Education Officer

East Dunbartonshire Council

East Lothian

24 February 2020

Claire Adamson MSP
Convenor
Education & Skills Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Ms Adamson

Thank you for your letter dated 30th December 2019.

I apologise for the delay in responding to you but please find our response to your initial request below:

East Lothian Council do not refer or make use of the 2013 guidance. All policy, guidance and practice is based upon the 2016 revised guidance issued by the ICO.

Yours faithfully

Lesley Brown
Chief Operating Officer (Education)

East Renfrewshire

East Renfrewshire Health and Social Care Partnership
HSCP Headquarters, Eastwood Health and Care Centre, Drumby Crescent,
Clarkston, G76 7HN Phone: 0141 451 0748
Date: 28th January 2020

Clare Adamson MSP T3.40
The Scottish Parliament Edinburgh
EH99 SP
Es.submissions@parliament.scot

Dear Ms Adamson MSP

GIRFEC Information Sharing Practices

Further to your letter dated 30th December 2019, I am writing on behalf of Lorraine McMillan, Chief Executive.

East Renfrewshire Council's Getting it Right for Every Child Information Sharing Guide was updated to reflect the ICO briefing issued in 2016.

In light of the more recent decision by the Scottish Government in autumn 2019 to repeal Parts 4 and 5 of the Children and Young People Act 2014 i.e. Named Person and Child's Plan, our Getting it Right for Every Child Leadership Group took the decision to review the guidance to ensure it complies with legislation and national policy.

Once reviewed and revised it will be reissued to staff across the Council, Health & Social Care Partnership and wider partnerships to ensure ongoing compliance with legislation in this area.

Yours sincerely

Kate Rocks
Head of Public Protection & Children's Services
Chief Social Work Officer)

Edinburgh

**By email
4/2/2020**

I can confirm the City of Edinburgh Council training and guidance refers to the 2016 guidance and the clearer information sharing protocols contained within that updated legislation.

Alistair Gaw
Executive Director of Communities and Families

Falkirk

Date: 6 February 2020

Falkirk Council
Children's Services

Clare Adamson, MSP
Convener, Education and Skills Committee
T3.40
Scottish Parliament Edinburgh
EH99 1SP

Dear Ms Adamson

GIRFEC POLICY AND DATA PROCESSING

I am writing in response to your letter date 30th December 2019 and would apologise for the delay in responding by the deadline of 29th January 2020.

Children's Services have reviewed the material held on the GIRFEC practitioners pages in relation to information sharing. Reference is made to the 2016 Guidance and that refreshed GIRFEC Policy is under development (Autumn 2019).

Our material provides hyperlinks to the Scottish Government GIRFEC web pages thereby ensuring that staff have access to the most up to date information.

The most recent training on information sharing was delivered by our Lead Officer, (Child Protection) using the Practitioner Forum format. Material on our website referenced during the Forum sessions reflects the 2016 guidance and references the Data Protection Act 2018.

Our local GIRFEC Guidance is due to be updated in line with the launch of the revised national policy and revised training materials will reflect the 2016 guidance and most up to date national policy. -

I trust this is helpful

Yours sincerely,

Robert Naylor
Director of Children's Services
Falkirk Council

Fife

By email

24/1/2020

Dear Ms Adamson

Thank you for your letter of the 30th December 2019 regarding the ICO letter of 2013, Data Sharing. I can confirm that this letter has been removed from Fife Council website and that there are no references to this in publications available to the public or professionals.

I hope this is satisfactory.

Yours sincerely

Gordon Wardrope
Education Manager (School Systems/Child Protection/ Complex Complaints/HR)
Fife Council Education and Children's Services Directorate

Glasgow

By Email

30/1/2020

Dear Committee clerks,

I refer to the letter from Clare Adamson MSP to our chief executive concerning the above dated 30 December 2019, and to my email to yourselves yesterday regarding this. As indicated, our inquiries continued and I can now advise as follows:

The Head of Inclusion for Education Services contacted all schools in Glasgow in 2016 and signposted them to links to GIRFEC guidance. We have links on our support intranet for staff which takes them to the Scottish Government website GIRFEC pages which were themselves updated to reflect the more recent guidance. We work closely with our colleagues in the Health and Social Care partnership and Third Sector to ensure that we are following the latest guidance from the Scottish Government and this is evidenced in our shared document issued in 2017. The 2017 document in particular included a link to the updated ICO guidance from 2016 and the information sharing advice in the document was based on that updated guidance.

We are presently reviewing our Child's Plan documentation including updating advice on information sharing to reinforce the guidance from Scottish Government. We constantly review our advice to schools, the ways we work in partnership with other agencies, and the guidance regarding information sharing.

Please do not hesitate to contact me if you require anything further regarding this.

Best wishes,

Kenny Meechan

Dr Kenneth Meechan
Head of Information and Data Protection Officer
Glasgow City Council
Corporate Governance
Chief Executive's Department
City Chambers

Highland

Ms Clare Adamson MSP
Convener
Education and Skills Committee
T3.40
The Scottish Parliament
Edinburgh
EH99 1SP
Date: 7 February 2020

Please ask for: Lesley Weber
Our ref: LW/mm

Dear Ms Adamson
GIRFEC Information Sharing Practices

I refer to your letter dated 30 December 2019 and can confirm that Highland Council no longer refers to the 2013 guidance or relies on its contents in our practices. Please accept my apologies for the delay in responding to you.
Yours sincerely

Lesley Weber
Executive Chief Officer – Health and Social Care

Inverclyde

By Email

Date: 23/1/20

Dear Ms Adamson,

We have undertaken a review our information sharing guidance and training and as a result Inverclyde Council are no longer referring to the 2013 ICO guidance.

We are planning to revise our information sharing documents and training to reflect the 2016 ICO guidance and Scottish Government revision of GIRFEC Guidance. The final completion date relies on the production of the aforementioned document however it is anticipated that this will be completed within the 2020/2021 work plan of our GIRFEC Strategic Group.

Kind Regards,

Ruth Binks
Corporate Director
Education, Communities & Organisational Development
Inverclyde Council

Midlothian

By email

Date: 27/2/20

We refer to your undernoted reminder email and apologise sincerely for the delay in responding to this enquiry.

We would wish to confirm that this Authority does not refer to, nor relies on the 2013 Guidance.

Should you require any further information, please do not hesitate to contact ourselves.

Kind Regards,
Cathy

Cathy Lailvaux
Executive PA Education, Communities and Economy
Midlothian Council

Moray

By email

Date: 29/1/2020

Dear Ms Adamson

Please find attached the undernoted response to the letter dated 30 December 2019 from the Education and Skills Committee regarding the above:-

“The guidance has been produced by a multi-agency approach across Grampian and will be updated accordingly.”

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Roddy Burns

Chief Executive

Chief Executive's Office

Moray Council

North Ayrshire

By email

Date: 29/1/2020

In response to your email of 6 January 2020 regarding the Education and Skills Committee's recent consideration of public petition PE1692, I can confirm that we are fully compliant in the 2016 recommendations and do not refer to the 2013 guidelines.

Kind regards

Nicola Clayton
Operations Manager
North Ayrshire Council

North Lanarkshire

Good afternoon,

In relation to the specific question asked at the Education and Skills Committee, I would offer the following response for North Lanarkshire:

There is no reference to 2013 ICO guidance or its details on NLC websites or in NLC training materials.

Following the release of the 2016 ICO Guidance, staff were made aware of the updated guidance. An interim Information Sharing Guidance signed off by LDSPB in December 2019 is due to be sent to all establishments as part of a GIRFEC refresh in North Lanarkshire.

If you require any further information then please don't hesitate to contact me.

Kind regards
Gerard

Gerard J. McLaughlin
Head of Education (North)
Education and Families
North Lanarkshire Council

Orkney Islands

Chief Executive's Office
Interim Chief Executive: John W Mundell, OBE.

Our Ref: JWM/pd/AW.
01 May 2020.

Clare Adamson MSP
Convener Education and Skills Committee T3.40
The Scottish Parliament Edinburgh
EH99 1SP

Dear Ms Adamson

GIRFEC Policy and Data Processing

I refer to your letter of 30 December 2019 and sincerely apologise for the delay in responding.

In our own getting it right guidance (2012) there was no reference to data protection as such. The understanding was that all activity needed to be compliant with data protection legislation.

To this end, in training we talked about being 'consent driven but risk aware' (this simply means seeking proportionate and least intrusive interventions, starting with the family on board, as this approach generates the highest level of success). However, where the concerns include the potential of 'significant harm', the child protection decision making tree takes over and consent is not a necessity etc.

As supplementary guidance we referred education practitioners to the Perth and Kinross guidance; this has been updated (end of 2019) and remains the basis of advice to schools/education service practitioners. While the guidance clearly relates to P&K, the flow charts and decision making trees are compliant with the most recent advice referred to in the correspondence.

www.pkc.gov.uk/article/17692/Practitioners-guide-and-toolkit-information-sharing-confidentiality-and-consent

I hope the above information is of assistance to you.

Yours sincerely

John Mundell OBE
Interim Chief Executive

Perth and Kinross

Ms Clare Adamson MSP
Convener Education & Skills Committee

Date 29th January 2020

Dear Ms Adamson

GIRFEC Information-Sharing Practices

Thank you for your letter and for drawing attention to guidance issued by the Information Commissioner's Office (ICO) in 2013 on data sharing which was revised in 2016 following the Supreme Court judgment in relation to provisions in the Children and Young People (Scotland) Act 2014 relating to the named person service.

In response to your letter, Perth and Kinross Council has reviewed its webpages and guidance material and taken appropriate action to remove references to the 2013 guidance.

Yours sincerely

Karen Reid
Chief Executive

Renfrewshire

Our Ref: SB/MAMcG/200109 C Adamson MSP

Contact: Sandra Black

Date: 13 January 2020

Clare Adamson, MSP Convener
Education and Skills Committee T3.40
The Scottish Parliament Edinburgh
EH99 1SP

By email

Dear Ms Adamson

I refer to your letter of 30 December 2019 concerning the guidance issued by the Information Commissioner's Office in relation to information sharing under the Children and Young People (Scotland) Act relating to the named person scheme.

I can confirm that following the judgment by the Supreme Court Renfrewshire Council reviewed the guidance provided to staff in relation to information sharing. The initial Renfrewshire GIRFEC policy was developed in partnership with colleagues from health, police and voluntary sector. Following the Supreme Court judgment, the review of the Renfrewshire GIRFEC policy and guidance in relation to information sharing was also undertaken on a multi-agency basis.

The guidance on information sharing issued by the ICO in 2016 was incorporated into the revised Renfrewshire GIRFEC policy. All policy and practice in Renfrewshire is therefore compliant with the ICO 2016 guidance and all references to the ICO 2013 guidance have been removed.

Yours sincerely

Sandra Black
Chief Executive

Scottish Borders

By email

Date: 4/2/2020

To whom it may concern

Please find the following response from Scottish Borders Council with regard to the attached query:

Scottish Borders has a practitioners manual named 'Child's Planning Manual' which outlines the Single Planning Process for Children and Young People within the local authority. This was last up-dated in 2017 and the new guidance in 2016 from the ICO was considered and updated within the manual when the information sharing section was revised.

The manual is being currently up-dated again this term, and following this communication, we will ensure the named document from the ICO in 2016 is attached as an appendix to further emphasise the importance.

There is a direct link to Scottish Government GIRFEC information from the Scottish Borders 'Getting It Right For Every Child' (GIRFEC) section on the corporate website. Our internal intranet information about GIRFEC takes staff directly to an electronic copy of the above mentioned 'Child's Planning Manual'.

On an annual basis in April/May of each year, a multi-agency GIRFEC briefing is delivered across the local authority to practitioners. Over the past three years' information concerning the 2016 guidance has been referred to in each of the sessions.

For clarity, I can confirm that Scottish Borders Council no longer refers to the 2013 guidance or relies on its contents in our practices.

Regards

Stuart C. Easingwood

Stuart C. Easingwood
Chief Social Work & Public Protection Officer /
Interim Service Director Children and Young People
Scottish Borders Council

Shetland Islands

By email

27/1/2020

I am writing to confirm that Shetland Islands Council's GIRFEC practice, guidance, website documents and training do not include the ICO 2013 guidance. There is a single reference to the 'Information Commissioner Office guidance letter', however this link is disabled. This document will be updated and the reference removed by the end of February 2020.

Although none of the other materials refer to the ICO 2013 guidance, there are older documents on our website which will be updated by end August 2020 to reflect changes in local practice.

Please contact me if you require any further information.

Kind regards
Maggie

Maggie Sandison
Chief Executive- Shetland Islands Council

South Ayrshire

By email

Date: 6/1/2020

South Ayrshire Council takes a consent and rights-based approach to information sharing. The approach is set out on the website shared across Ayrshire. <http://girfec-ayrshire.co.uk/> There should therefore be no reference to the 2013 advice from the Information Commissioner.

Douglas Hutchison
Director of People & Depute Chief Executive
South Ayrshire Council

South Lanarkshire

Our Ref: WAD/CDC-19950

28th January 2020

Ms C. Adamson MSP Convener
Education and Skills Committee T3.40
The Scottish Parliament Edinburgh
EH99 1SP

Dear Ms Adamson MSP

GIRFEC Policy and Data Processing

I refer to your letter dated 30 December 2019 asking for confirmation that the Council no longer refers to the 2013 guidance or relies on its contents in its practices. Having checked the position with the Resources who are most likely to be responsible for such processing, I can confirm that the Council bases its data sharing practices on the Guidance issued by the Information Commissioner in 2016 and not the previous version issued in 2013.

Yours sincerely

Bill Dunn
Information Compliance Manager
South Lanarkshire Council

Stirling

By email

30/1/2020

SENT ON BEHALF OF CHIEF EXECUTIVE CAROL BEATTIE

Please find response below from Stirling Council, apologies for the late response which was due yesterday.

Following review of our guidance and learning and development materials, I can confirm that we no longer refer to the 2013 ICO guidance or rely on its contents in our practices. Awareness of the 2016 updated guidance has been raised with support coordinators across establishments and relevant guidance has two key themes emphasised.

Firstly, guidance clarifies that support coordinators in their role as named persons are available to offer advice and support to children, young people and families and to seek support and advice in partnership with them. Secondly, our guidance is clear that information can only be shared in partnership with children and families or in line with data protection legislation or child protection requirements.

Kind regards

Win

Win King

PA to Chief Executive & CEX Office Coordinator
Stirling Council

West Dunbartonshire

Our Ref: JSFEB2020

Date: 11 FEBRUARY 2020

GIRFEC GUIDANCE

Good morning,

Please accept this response as confirmation that West Dunbartonshire Council Education Department no longer refers to the 2013 guidance nor relies on its contents in our practices. Current practices and protocols reflect the most recent guidance.

Yours sincerely

Jo Scott
Education Support Officer – Services for Children and Young People

West Lothian

By email

Date: 15/1/2020

Dear Ms Adamson,

I can confirm that we, West Lothian Council, have taken reasonable steps to ensure that no references to this guidance exist on council websites. The actions taken are outlined below:

Discussion at Education SMT to agree specific actions required.
Request to Corporate Web Team to conduct a search for all references to the document to be removed. Confirmation received that all references have been removed.

E-mail drafted and circulated to schools to advise them of the requirement to remove all hard copy references to the 2013 guidance from school information areas and also from non-corporate web-sites.

E-mail sent to Social Policy colleagues to request similar checks and communications as considered necessary.

We can also confirm that, following the most recent guidance on GIRFEC received from the Deputy First Minister in October, an e-mail was sent to all schools to indicate that GDPR guidance is now the main operating principle for information sharing in relation to children and young people (Child Protection processes remain unchanged).

Should you require any further information, please let us know.

Kind regards
Elaine

Dr Elaine Cook
Depute Chief Executive
West Lothian Council