



Call for evidence: Children and Young People (Information Sharing) (Scotland) Bill

Introduction

The Care Inspectorate is the official body responsible for inspecting standards of care in Scotland. That means we regulate and inspect care services to make sure they meet the right standards and help them improve if needed. We also carry out joint inspections with other scrutiny bodies to check how well different organisations in local areas are working to support adults and children. We help ensure social work, including criminal justice social work, meets high standards. Across all our work, we provide independent assurance and protection for people who use services, their families and carers and the wider public. In addition, we play a significant role in supporting improvements in the quality of care, and reducing health and social inequalities, in Scotland.

General comments

We welcome the opportunity to respond to the call for evidence on the Children and Young People (Information Sharing) (Scotland) Bill.

The Care Inspectorate developed a model for scrutiny and improvement of services for children, young people and families provided in local authority areas. The approach focuses on the experiences of, and outcomes for, children and young people and is based on the premise that positive outcomes are achieved when agencies work effectively together with a clear focus on the interests of children and young people at the heart of their activity.

We agree with the general principles of this Bill and our response is based on our findings from 30 joint inspections of children's services carried out between 2012 - 2017, our report on inspection findings between 2014 -2016ⁱ and from our biennial report of significant case reviews (SCRs) covering the period from 2012-2015ⁱⁱ.

Our response focuses on the duties to consider sharing information where the information would promote, support or safeguard the wellbeing of the child or young person and on the duty on Ministers to issue a Code of Practice to those exercising functions under Parts 4 and 5 of the Children and Young People (Scotland) Act 2014 on how they are to go about considering whether information can be shared and how it can be shared.

Sharing the right type of information at the right time can improve outcomes for children, young people and their families and can help prevent concerns growing into problems. This is central to the early intervention approach of Getting it Right For Every Child (GIRFEC).

Duty to consider sharing information where the information would promote, support or safeguard the wellbeing of the child or young person

While we agree with the duty to consider sharing information, we would want to be assured that the processes involved would not delay decision making or taking action to promote, support or safeguard the wellbeing of the child or young person. As part of our joint inspections of services for children, we report on the extent to which partners recognise children, young people and families who need additional support and help at an early stage, and how they are sharing and making use of information. Our inspections consider the extent to which partners involve children, young people and families in key processes, such as how their views are represented within risk assessments and children's plans. A common understanding of wellbeing across services to the effective identification of needs and joint working is important to meet them.

An overview of the findings from joint inspections of services for children and young people and an overview of learning from SCRs tell us that effective early intervention, joint working and sharing of information can have a significant positive impact on the wellbeing and protection of children. Where this does not happen, there can be a detrimental impact on wellbeing and safety.

We welcome the clarity around the duty to consider sharing information where it would promote, support or safeguard the wellbeing of the child or young person. We would recommend in line with GIRFEC, that where services have concerns about the wellbeing of children and young people, and feel that they are unable to support a child within their own service, they always consider sharing information within the context of assessment of risk and need, and relevant legislation.

Our inspections to date have found that when children, young people and families are provided with services appropriate to meet their needs, these can have a positive effect on improving outcomes. Through our inspections, we found that where wellbeing concerns had been identified and acted upon, there was often improvement in safety and wellbeing as a result of the help provided for the majority of those children and young people. When children, young people and families received additional support to prevent difficulties arising or escalating, and where services had shared and made use of information to provide support at an early stage, there was evidence that safety and wellbeing were improved.

The use of the wellbeing indicators is supporting the creation of a shared language and concepts around wellbeing, which is helping staff from different disciplines (including in some places, staff in adult services) to work together to identify aspects where children and young people may need additional help.

Overall, services are responding well to concerns about children's wellbeing. Practice is less consistent where adult behaviour is impacting on children's wellbeing, rather than their immediate safety. For example, where there are repeated instances of lower-level concerns. Examples could include children missing health appointments or school, incidents of anti-social behaviour in the community and children living with domestic violence. In these examples, we believe that it is vital that there is a clear understanding of the duty to consider sharing information that is

relevant and proportionate to promote a child or young person's safety and wellbeing.

While the number of SCRs is low in Scotland, where there was weakness in relation to information sharing and communication, these were identified as a factor influencing poor outcomes or increased risks. Examples included failure to share information or check if there was relevant information that could inform decisions and actions; poor practice at times of transitions where services were not always completely clear about when their involvement with a child or family was ending, which led to significantly increased risks for the child. When communications about a child or family were not always full and direct from the source of the information, this could lead to a significant lack of, or partial understanding of, the importance or weighting of risk.

Duty on Ministers to issue a Code of Practice to those exercising functions under Parts 4 and 5 on how they are to go about considering whether information can be shared and how it can be shared

We support the development of a code of practice being available to guide those exercising functions under Parts 4 and 5 on how they are to go about considering whether information can be shared and how it can be shared.

We recognise that there is a need to ensure that there are safeguards in place to ensure that information sharing is appropriate and proportionate and that due consideration is given to what information is shared and how it is shared. Through our inspections we have found that most areas have developed mechanisms for sharing information about individual children with the relevant services to assess whether additional help might be required, while carefully balancing the need to ensure children's wellbeing and safety with the requirements of data protection legislation.

The highest performing areas could not only show effective and efficient information-sharing processes, but were able to provide, without delay, a range of responsive, flexible and coordinated interventions to meet children's and families' needs.

However, our review of SCRs, highlighted that in some cases, in spite of information sharing protocols being in place, they were not always followed or fully understood, with practitioners being unclear about their role with families. In these instances, these factors contributed to poor outcomes for children, young people and their families.

We have found that a common challenge across the country was in ensuring children get early help when parents are reluctant to engage or resistant to change. Protocols were in place in a few areas to alert managers and relevant people in other services quickly when families did not engage with agreed supports or where cooperation started to wane. However, in most areas, these were not in place, or not working effectively.

A code of practice could help to increase services' confidence when considering whether information can be shared and how it can be shared.

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- ⁱ [Joint inspections of services for children and young people: A report on the findings of inspections 2014-16](#)
- ⁱⁱ [Learning from Significant Case Reviews in Scotland: A retrospective review of relevant reports completed in the period between 1 April 2012 and 31 March 2015](#)