



the National Parent Forum of Scotland

Children and Young People (Information Sharing) (Scotland) Bill. August 2017

Introduction

The National Parent Forum of Scotland (NPFS) was established in 2009 following the introduction of Parent Councils by the Scottish Schools (Parental Involvement) 2006 Act. The Forum aims to support parental involvement in education and provides a parental perspective at a national level. The Forum is parent-led; comprised of volunteer parent representatives from each local authority area, who communicate with Parent Councils and support parent involvement at a local level.

This response draws on the views expressed in the many discussions with these representatives, and colleagues from partner organisations around GIRFEC, particularly a recent Children's Sector forum event and a NPFS information session hosted by Scottish Government colleagues. NPFS is a member of the GIRFEC National Implementation Support Group and was involved in the 2015 co-production project, which created messages about the GIRFEC provisions in the Act with parents, children and young people. This work was funded by the Scottish Government and undertaken in partnership with Children in Scotland, Young Scot and the Scottish Youth Parliament.

While NPFS provides a parental perspective on matters pertaining to education policy and practice, we do not claim to represent all parents. Our policy positions are informed by the views of parents, as gathered through our research and as reported to us through our network of parent volunteers representing local authority areas across Scotland. However, some parents may have a different position from the majority view presented here.

General comments

Overall, we continue to support the aims of GIRFEC and the underlying principle that the needs and views of parents and children should be placed at the centre of all policy and practice relating to them, and welcome the intention to provide safeguards to the procedures on information sharing. However, there are areas of the legislation that we believe require more development to be effective for our young people and their families.

Parents have told us that whilst they welcome this Bill, in particular the removal of the previous 'duty to share' aspect and the addition of guidance on when to inform parents that information has been shared, Scottish

Government must ensure that the new process is as clear as possible and does not become too bureaucratic. It is important that it does not lead to a reduction in the sharing of information, due to practitioners worrying about the new multiple criteria. Parents are always very forthright in the opinion that teachers should be free to teach, so would not welcome a new bureaucratic burden being placed on the teachers who will become their child's Named Person. However, parents are clear that they wish their Named Person to have an adequate understanding of all relevant legislation.

Code of Practice

We are encouraged that the Code of Practice, as proposed, would take the form of essential secondary legislation that must be followed. This is vital; parents frequently tell us that the guidance on various topics is not being followed in their local authority area, as it is advisory and not statutory.

However, the illustrative code of practice, whilst good in principle, is a very problematic concept. It is difficult to respond to a code of practice that may, in reality, undergo significant change due to possible alterations in the Bill.

As it stands, the code of practice is not, in our opinion, exemplifying the clarity required. We hope that colleagues developing the code of practice will take on board the suggestions on clarity from *Together*:

'...It must be written in an accessible manner that can be actively used by practitioners and include case examples of:

- situations in which practitioners may need to share information
- the kind of information that might need to be shared
- what informed consent looks like
- when information might need to share without consent.'

We would also like to add: families need to be able to easily understand the rules.

Consent

We welcome the emphasis that has been placed in the code of practice on obtaining consent. However, as this is only an illustrative code, it is most problematic that the importance of consent has been removed from the face of the Bill. We agree with *Together* that an explicit amendment should be introduced to the face of the Bill, to ensure that the views of children, young people and their parents are recognised and given adequate importance.

Parents are also concerned that children under 12 could have their views disregarded. Furthermore, there is a concern that practitioners may not be able to ensure that the children old enough to give consent can fully understand the implications of giving this consent.

Also, very few parents will believe that they can withhold consent without a penalty. The onus will be on Scottish Government to impart this message, and on practitioners to exemplify this in practice.

The National Parent Forum of Scotland supports that where there are concerns for a child's or young person's wellbeing, which constitutes child protection concerns, local child protection procedures should be followed without delay.

Named person as an entitlement

We welcome that Scottish Government is highlighting that access to a Named Person is an entitlement, with no obligation for children, young people or parents to accept the advice or support. This needs to be effectively promoted, with an acknowledgment that non-engagement with a Named Person is not in itself a cause for concern.

It is essential to establish a means of gauging the impact of this communication, as the spread of these messages cannot be taken for granted. For example, many parents have informed us that they did not know it was possible to opt out of health visitor visits.

If Scottish Government does not make a concerted effort in continuing to promote Named Person as a right, or a beneficial entitlement, this message will be lost in the roll out.

Communications

Whilst the recent policy update in July was welcome, information is still lacking for ordinary parents with no policy knowledge. Scottish Government needs to make an immediate effort to communicate positive messages in order to combat the inevitable negative publicity that will arise while the bill passes through parliament. Informing parents after receiving royal assent will be too late. NPFS would like to see a clear plan for communicating with parents established urgently, paying particular attention to difficulties communicating with parents at certain times of the year. We would also welcome the use of the work created in the co-production project with Children in Scotland, Young Scot and Scottish Youth Parliament.

The GIRFEC messages, i.e. the intentions and overarching principles, are not understood by many of the parents we are in contact with. It is unfortunate that mainstream media has engrained political objectives alongside the GIRFEC message; Scottish Government must work to correct this. Information needs to be tailored appropriately for each group affected by GIRFEC, rather than overwhelming people with lots of extraneous information. For example, we suggest that parents and children are targeted with information relevant to their child's particular age group.

Lastly, for GIRFEC to have full impact, other relevant legislation must be updated to take it into account e.g. the legislation around school placement requests. There needs to be a clear plan for these updates, with appropriate timescales.

To conclude, we are keen to see the Scottish Government engage with the full range of interested stakeholders, to ensure that every opportunity is taken to improve the quality of service which children, young people and families experience from public services across Scotland.

Kind regards,

Joanna Murphy, Chair, National Parent Forum of Scotland