

**Education and Skills Committee
Illustrative Information Sharing Code of Practice
Survey Results
20 September 2017**

Introduction

As part of its scrutiny of the Children and Young People (Information Sharing) (Scotland) Bill, the Committee asked SPICe to run a short electronic survey on the illustrative Code of Practice that was issued with the bill documents.

The survey ran from 8 July to 8 September and received 460 completed responses. It was published on the Committee's webpage and sent by e-mail to more than 70 third sector organisations, all local authority education boards and health boards, as well as four relevant unions. The organisations contacted were invited to distribute the survey to their membership to complete on an individual basis where relevant. Invitations to complete the survey were also regularly tweeted from the Committee's Twitter account throughout July and August.

Code of Practice

The bill requires Ministers to issue a Code of Practice on information sharing. Anyone providing or sharing information under the Children and Young People Act 2014 must do so in accordance with the Code. Ministers must consult on the Code and lay a draft in Parliament at least 40 days prior to issuing it in its final form. Ministers must take into account any comments made during this consultation. This mirrors the legislative provision for the Code of Practice on additional support for learning, provided for in [s.27 of the Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#).

Many of the written submissions received by the Committee were critical of the illustrative draft code of practice, generally considering that it needed to be written in plain English and include practice examples. However, as the results reported below show, the electronic survey gives a more positive impression.

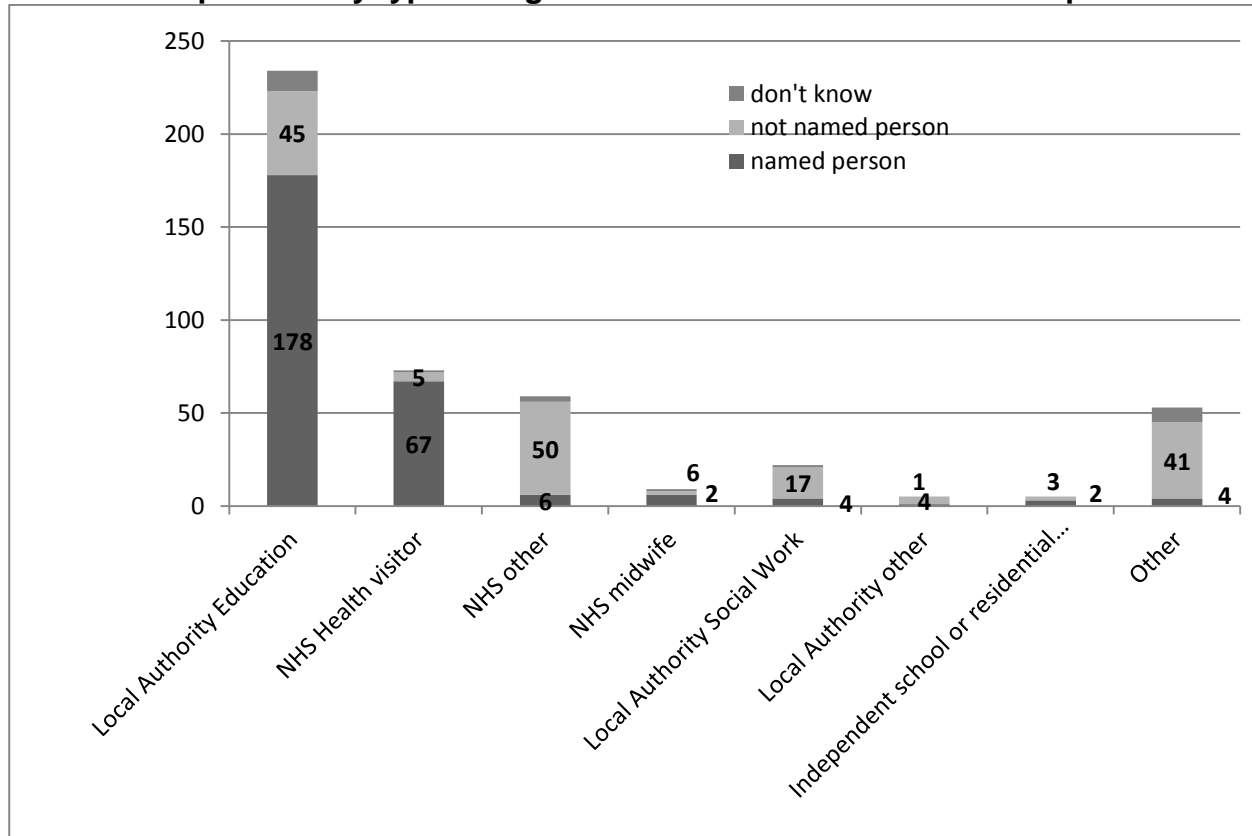
Respondents

Over half of those responding either were, or expected to be Named Persons. 88% of respondents expect to share information with Named Persons.

Half of all responses were from local authority education departments. The next most common group was health visitors, who made up 16% of respondents. The chart below shows the type of respondent and whether or not they are or would be a Named Person. It shows that the largest group of responses were received from those working in local authority education departments who are, or expect to be, named persons (39% of all responses).

There was little response from midwives, (who are likely to be named persons), from independent schools or from those organisations listed in schedules 2 and 3 to the 2014 Act – i.e those who will be sharing information with named persons. This includes the police, further and higher education institutions and the fire service.

Chart 1: Respondent by type of organisation and whether is a named person



Views on the illustrative Code of Practice

Respondents were asked to what extent they agreed with the following statements:

- The Code will make it easier for me to decide whether to share information
- On most occasions I expect I would need to refer to someone else in my organisation for confirmation of whether I can share information
- I would expect further guidance from my organisation about when I can share information
- This Code and legislation will ensure consistency in how different people decide to share information about children

Around half (49%) agreed “to some extent” that the Code would “make it easier for me to decide whether to share information.” A further 16% agreed “a great deal” with this statement.

Views were more mixed on whether people expected to have to refer to someone else for confirmation of whether to share information. (27% agreed “to some extent”, 29% agreed “little” and 23% didn’t agree at all.)

However, over three quarters (77%), agreed “a great deal” or “to some extent” that there should be further guidance provided by their organisation about when information can be shared.

One of the policy aims of the bill is to increase consistency in information sharing. The Policy Memorandum states at paragraph 23 that:

“The policy intention of the bill is to bring consistency, clarity and coherence to the practice of sharing information about children and young people’s wellbeing across Scotland.”

Around two thirds of respondents (65%) agreed “a great deal” or “to some extent” that the code and legislation would “ensure consistency in how different people decide to share information about children.”

The chart below gives the range of responses to the four questions on the illustrative Code of Practice.

Chart 2: Views on the illustrative Code of Practice

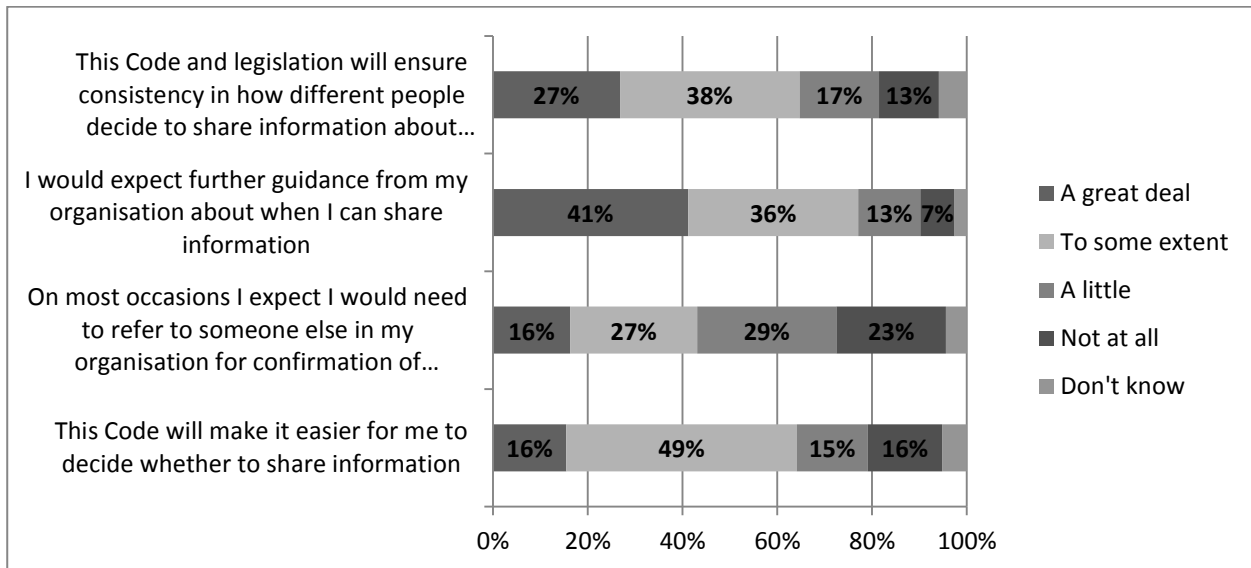
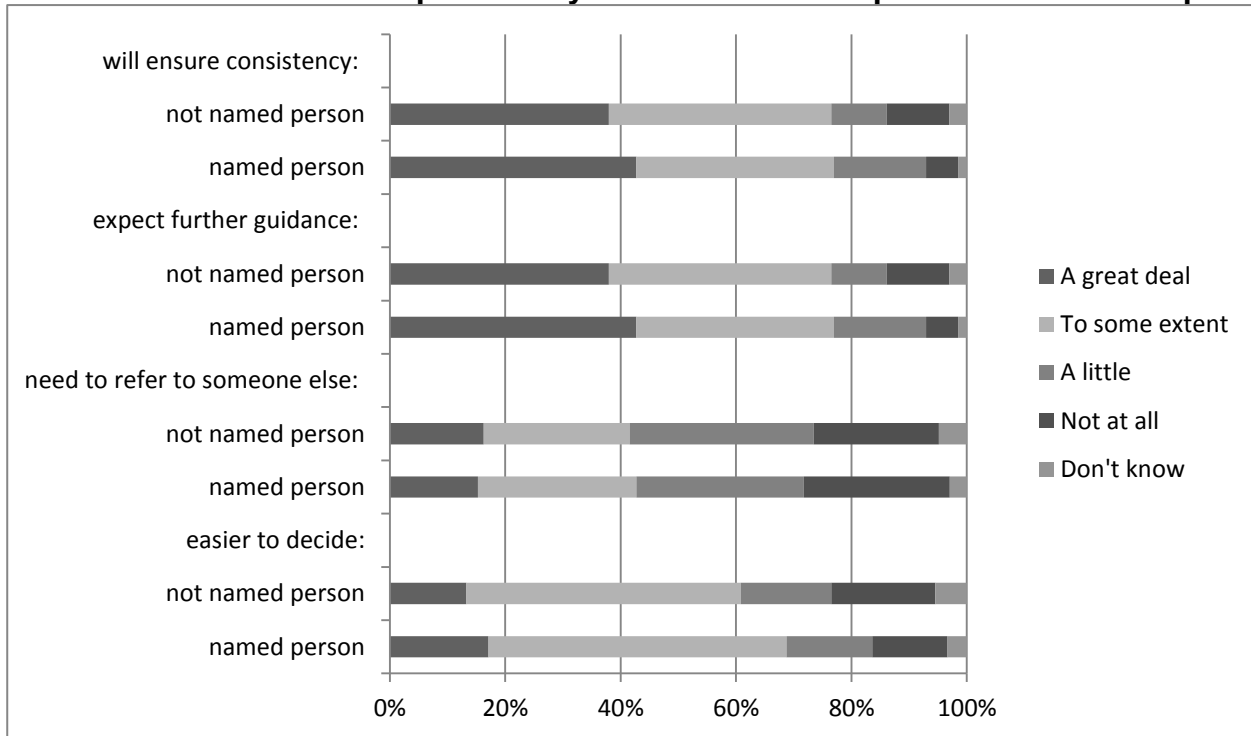


Chart 3 below shows there was little difference in views according to whether the respondent is a named person or not. As mentioned, around half of respondents are, or expect to be, named persons.

Chart 3: Views on code of practice by whether or not respondent is a named person



Responses were also cross referenced by whether the respondent worked in a local authority education department (the largest category of responses) or for the NHS.

Table 1 below shows that respondents working for the NHS were less likely than those in education departments to say that the illustrative code would make information sharing decisions easier. They were also less likely to say that the bill and the code would ensure consistency in information sharing practice. Interestingly they were slightly less likely to say that they would expect to refer to someone else in their organisations for confirmation of whether they could share information.

There was very little difference between NHS and education authority staff about the need for further guidance. In both groups, around three quarters of respondents agreed ‘a great deal’ or ‘to some extent’ that they would expect further guidance from their organisation about when they can share information.

Table 1: Views on the illustrative Code of Practice by type of organisation

	A great deal	To some extent	A little	Not at all	Don't know
Makes it easier to decide...					
LA education	18%	53%	12%	11%	6%
NHS	11%	47%	20%	18%	4%
All respondents	16%	49%	15%	16%	5%
Would need to refer to someone else...					
LA education	19%	28%	26%	22%	5%
NHS	11%	28%	35%	23%	3%
All respondents	16%	27%	29%	23%	4%
Expect further guidance...					
LA education	44%	34%	15%	5%	2%
NHS	42%	37%	13%	7%	1%
All respondents	41%	36%	13%	7%	3%
Will ensure consistency...					
LA education	32%	40%	17%	6%	6%
NHS	21%	42%	17%	14%	6%
All respondents	27%	38%	17%	13%	6%

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