

Update on the Children and Young People (Scotland) Act 2014 Parts 4 - Named Person**Report by: Joan Tranent, Head of Children's Services, Education, Communities and Economy****1 Purpose of Report**

To provide an update on the Named Person, Part 4 of the Children and Young People (Scotland) Act 2014 where following the Supreme Court judgment of the 28 July 2016, the information sharing provisions of that Part were not 'in accordance with the law'.

2 Background**The Children and Young People (Information Sharing) (Scotland) Bill**

The purpose of the Bill is to respond to the Supreme Court judgment of the 28 July 2016 which found that while the aims of Part 4 of the Children and Young People (Scotland) Act 2014 Act were "legitimate and benign", the information sharing provisions of that Part were not "in accordance with the law". You may wish to review the specific changes to Parts 4 and Part 5 of the Act by referring to an amended version of Parts 4 and 5 which can be accessed on the Scottish Government Getting it right for every child website at <http://www.gov.scot/Resource/0052/00521303.pdf>

- 2.1** The Bill will introduce a duty on public and other services to consider if the sharing of information will promote, support or safeguard the wellbeing of a child or young person. It will also ensure that the sharing is compatible with current law.
- 2.2** The Bill specifically makes changes to the information sharing provisions in Part 4 of the Children and Young People (Scotland) Act 2014 in response to the Supreme Court's finding and intensive engagement with stakeholders which took place in 2016. The Bill also makes changes to Part 5 of the 2014 Act in order to keep the information sharing provisions of Parts 4 and 5 in alignment.
- 2.3** The aim of the Bill is to bring consistency, clarity and coherence to the practice of sharing information about children's and young people's wellbeing across Scotland. It ensures that the rights of children, young people and parents are respected when information is shared under Part 4 (Provision of Named Persons) and Part 5 (Child's Plan) for the purpose of promoting, supporting or safeguarding children's or young people's wellbeing.
- 2.4** The Bill process will be followed by a formal public consultation on the revised statutory guidance for Parts 4 and 5 of the Act and the Code of Practice on information sharing. The Scottish Government will work with Parliament to agree a timetable to enable commencement in 2018.

3 Report Implications

3.1 Resource

Within Midlothian we had undertaken extensive training with children's services, education and health staff prior to the court judgement. Training has ceased whilst we awaited the outcome of the Supreme Court and the necessary guidance. Midlothian council along with our health colleagues shall now develop a training programme ensuring the new code of practice on information sharing is embedded within our practice going forward.

3.2 Risk

The risks involved in breaching The Data Protection Act 1998 are considerable both from a financial and reputational perspective. Therefore training in this area needs to be carried out across all relevant service areas to ensure that we comply with the law on data protection as it applies to Parts 4 & 5 of the Act.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

Implementing the Children and Young People Act is a legislative requirement of the Council and its partners and is reflected throughout the 2017/18 Single Midlothian Plan. The anticipated timescale for implementation of the Named Person is 2018/19.

3.5 Impact on Performance and Outcomes

The successful implementation of the Act should improve outcomes for children and young people across Midlothian, and particularly those who need additional support through the Named Person, who have a Child's Plan or who are looked after.

3.6 Adopting a Preventative Approach

Many of the provision of the Act are preventative, such as early learning and childcare, and the named person service is intended to provide early support to families.

3.7 Involving Communities and Other Stakeholders

The Community Planning GIRFEMC Board undertook stakeholder consultation on the new Children's Services plan, 2016/19 and the Act was central to the structure and content of this plan. More widely, the Council and partner organisations in Midlothian have been working together to implement the provisions of the Act. Implementing each provision involves different groups of stakeholders.

3.8 Ensuring Equalities

The Scottish Government undertook an EQIA process on the Act. The equality impact assessment is available here:

<http://www.scotland.gov.uk/Topics/People/Young-People/legislation/impact>

Scottish Government is committed to supporting the Act and has stated that the implementation by local authorities will be fully funded; however this will need to be closely monitored.

3.9 IT Issues

The Named Person provision will require a significant level of training to ensure all staff involved in delivering the Service are familiar with the new SEEMiS module. This work is progressing.

4 Summary

The Children and Young People (Scotland) Act 2014 is a significant Act that has a widespread effect on outcomes for children and young people in Midlothian, and changes the way that the Council and its partners work. To date, services have been put in place or amended in line with the requirements of the Act and work is continuing as the further provisions come into force such as the new Information Sharing (Scotland) Bill referred to in this report.

5 Recommendations

- Note the update on the Named Person and Child Plan's, Parts 4& 5 of The Children & Young People (Scotland) Act 2014.
- Note the new Bill on Information Sharing presented to parliament on 19 June 2017 in response to the Supreme Court Judgement of 28 July 2016 which found the information sharing provisions of the Part were 'not in accordance with the law'.

25 July 2017

Report Contact: Joan Tranent, Head of Children's Services

Tel No: 0131 271 3721

joan.tranent@midlothian.gov.uk

Background Papers: None