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**GIRFEC Engagement on Information Sharing**

**Meeting with Education Unions and Minister for Childcare and Early Years**

14 December 2016

**Scottish Government Note of Meeting**

1. **Welcome and Introductions**

The Minister welcomed the group to the meeting and explained the purpose.

2. **Setting the scene**

The group were provided with a summary of the Supreme Court judgment and an update on the engagement activity so far.

3. **Organisational Perspectives**

The Minister invited each of the organisations to briefly share their position on information sharing elements of GIRFEC provisions, before discussing in more detail later in the meeting.

Organisations expressed a range of views at this point, key points included:

- Would be helpful to consider how bureaucracy (Named Person and also wider education policy) can be reduced and that the Named Person role does not create additional bureaucracy as there is already a lot of paperwork in schools.
- Needs commitment of all partners to GIRFEC. Having effective child planning meetings takes time and it is valuable that all agencies, including GPs attend. As it is more difficult to have close relationships with families in the education environment (particularly at later school stages), it is important the Named Person works with other children’s and families services.
- What are the provisions for 16-18 year olds, given it is more difficult to engage with a child who has left school?
- Parents need to be on board.
- Engagement with the Named Person is voluntary, but much harder for parents to choose not to engage with teachers (in the role of a teacher or pastoral care role).
- Need to increase parent’s understanding/parent’s need clear information on what can and cannot be shared. Suggested Enquire could help with this.
- In support of Named Person.
- Organisations use different protocols and continuity and consistency of information sharing is therefore important.
- Suggested a ‘key test model’ to apply in the sharing of information, giving structure, guidance and consistency, by asking a number of key questions. This would help with the appropriate and proportionate sharing of information.
- Potential for unintended consequences – don’t want existing structure for information sharing to be “damaged.”
Information sharing should be necessary, proportionate, and reasonable with the wellbeing of the child foremost in any disclosure.

Detailed guidance for practitioners would be welcomed, including checklists to follow. Guidance can’t be exhaustive but could include possible detail on the benefits of sharing information to give context for decisions on whether to share or not.

Creating complex processes around seeking consent will increase workload.

It is important that when information needs to be shared this is done in a timely manner.

Once information is known it can’t be ‘unknown.’

Capacity to give consent. At what age/when should consent be sought from young persons and how does this sit alongside parental consent?

Suggested an algorithm to help with decisions on whether to seek consent.

Post Supreme Court judgment there is concern over potential legal action when staff are acting within the Law.

Recent discussions about information sharing has been focused on the functions of the Named Person and not the wellbeing of the child.

Use of wellbeing indicators need to be “drilled down more” to take account of and give clarity to context.

Concerns about the recent perceived trend of Named Person functions being drawn to the top of establishments away from guidance teachers who carry out the pastoral care pupil support role on a day to day basis.

Schools are good places to promote wellbeing, but staff should not be compelled to take on the Named Person role, would an independent person be more appropriate for this role?

Need training for all staff, including child protection.

Cuts to resources. Concerns over data management and teacher workloads (both to fulfill the Named Person role and wider education policy).

Need more staff to do the Named Person role. Would it be helpful to carry out a work impact assessment on how the Named Person role fits with teachers wider work load?

Once decisions are made on services or support for individual children, there can be a lack of resources to implement these.

More resources are required to support implementation of GIRFEC and the ability to access and make available, appropriate, early support to children and young people.

Further clarity on the role of other community planning partners in supporting children’s wellbeing.

Continuity for holiday cover.

Balance of the principles of GIRFEC.
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4. Exploring engagement questions set out in the discussion paper
The Minister facilitated a round table discussion where the group considered the questions set out in the engagement paper around the following themes:

**Information Sharing**
- Continuity and consistency in sharing information by all organisations and at lower level of wellbeing need.
- Time scales to share information can be delayed (from a concern existing to when it is shared).
- Challenge of highlighting the most important information when information needs to be digested quickly, the person receiving information must be able to see crucial information clearly and easily. The use of chronologies was suggested.
- It is the school’s role to work in partnership with families which is “legitimate engagement with families”.
- Early intervention in the best interest of child.
- Investment in school nursing service would assist in the provision of early support for wellbeing.
- During the discussion there was references to the value of having further guidance on information sharing and that this would be helpful.

**Consent**
- Information sharing should be based on consent.
- Implication of putting a duty of obtaining consent in law needs to be properly understood. Setting out consent in legislation could be challenging if it is over prescriptive and could lead to unhelpful duplicate and multiple service contacts being made with a family.
- Infrastructure to be able to share between agencies that consent has been received to avoid duplications.
- Need to go back to the ethos of what we are doing, i.e. professionals supporting children and families (‘working with, not doing to’)
- If no consent given and more than one organisation has a wellbeing concern, how can the fact that concerns themselves exist be shared?
- Need clear, simple, short guidance – free of jargon and using universal language.
- Importance of building relationships early on to support the understanding and obtaining of consent.

**Safeguards**
- Data sharing checklists and a supportive team is a safeguard in itself.
- Safeguards and checks should also be at the senior level of those accountable for theNamed Person service.
- Use a positive and negative evaluation model using key tests (‘key test model’), as a safeguard for professionals when deciding whether to share information. Key tests could ask questions such as: should information be shared? How much? What would be the impact of not sharing?
- IT systems/algorithm suggested where a set of questions is used to determine whether information should be shared or consent sought. This must support
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- professional judgment, not dictate it, as Named Persons are experienced professionals.
- Building safeguards around what already exists, for example the Information Commissioner’s Office checklist alongside a ‘key test model' to support decision making.
- Support for informed professional judgment and decision making through ensuring knowledgeable and experienced staff.
- Scottish Government guidance must interface with and reflect other regulatory bodies guidance.
- Importance of training and good records.
- Building good relationships and trust.

Other:
- Time required to take on Named Person role.
- Need to cut bureaucracy.
- Ensure resources are there so that the Named Person role is fulfilled effectively and the right services are available.

5. Close
The Minister closed the meeting by thanking the attendees.