

Annex A

Please note: These meeting notes are Scottish Government summaries of the discussions Scottish Government officials heard at these meetings, not formal minutes agreed by those attending.

Police Scotland Meeting Summary

17th October 2017

Victoria Quay, Edinburgh

Attendee's – [Redacted Text] (SG)

[Redacted Text] (Police Scotland)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for Police Scotland to share views on the Bill.

Points raised by Police Scotland included –

- Police Scotland highlighted that they were unclear how an amendment to the Bill, as suggested by some, to have a requirement to seek consent before sharing information would work with other conditions that permit sharing of information? Similarly they were also unclear how this would work if it was a primary requirement of the Code of Practice.
- Police Scotland emphasised that the incorporation of General Data Protection Regulation's into UK data protection law through the UK Data Protection Bill will require significant changes to the Illustrative Draft Code of Practice.
- Police Scotland stated that there would be implementation costs for them, including training that have not been recognised in the Financial Memorandum. They had not quantified these yet.

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Care Inspectorate Meeting Summary – Teleconference

18th October 2017

Victoria Quay, Edinburgh

Attendee's – [Redacted Text] (Care Inspectorate)
[Redacted Text] (SG)
[Redacted Text] (SG)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for the Care Inspectorate to share views on the Bill.

Points raised by the Care Inspectorate included –

- Highlighted apprehension about the change from “duty to share” to “duty to consider” causing delay in sharing information.
- Emphasised the need to clarify information sharing now and when the new General Data Protection Regulation comes into force.
- Reiterated that wellbeing was commonly understood among all services.

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Children and Young People Commissioner's Office Meeting Summary

19th October 2017

Victoria Quay, Edinburgh

Attendee's – [Redacted Text] (SG)

[Redacted Text] (SG)

[Redacted Text] (Commissioner's Office)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for the Children and Young People Commissioner's Office to share views on the Bill.

Points raised by the Children and Young People Commissioner's Office included –

- Concerns that information sharing is unclear at present.
- The Commissioner's Office highlighted that they felt that the Bill lowered the threshold for sharing information which could lead to Children's privacy being at risk.
- Emphasised that the current Illustrative Code of Practice is too legalistic. The language needs to be simplified for practitioners and families to understand.
- Apprehensions held around the General Data Protection Regulations and how these will be incorporated into the Code of Practice and Statutory Guidance.

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CELCIS Meeting Summary

19th October 2017

Victoria Quay, Edinburgh

Attendee's – [Redacted Text] (SG)
[Redacted Text] (SG)
[Redacted Text] (CELCIS)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for CELCIS to share views on the Bill.

Points raised by CELCIS included –

- CELCIS emphasised the importance of clarity in terms of practical guidance in the Code of Practice and Statutory Guidance for information sharing with and without consent in relation to wellbeing.
- Suggested that time needed to be taken in developing the code and guidance to ensure that practitioners are actively engaged.
- Highlighted that the Financial Memorandum does not cover the full scope of implementation costs for all organisations and stakeholders involved in successful implementation.

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Centre for Youth and Criminal Justice Meeting Summary

19th October 2017

Victoria Quay, Edinburgh

Attendee's – [Redacted Text] (SG)

[Redacted Text] (SG)

[Redacted Text] (Centre for Youth and Criminal Justice)

[Redacted Text] (SG)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for the Centre for Youth and Criminal Justice to share views on the Bill.

Points raised by the Centre for Youth and Criminal Justice included –

- The Centre for Youth and Criminal Justice highlighted queries around the opt out process for parents.
- How the role of the Named Person as the central conduit for information would work in practice with the introduction of the General Data Protection Regulations and the following UK Data Protection Bill.
- Further guidance required surrounding consent and what to do if consent is not given.

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Colleges Scotland Meeting Summary

23rd October 2017

Kelvin College, Glasgow

Attendee's – [Redacted Text] (SG)

[Redacted Text] (Colleges Scotland)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given Colleges Scotland to share views on the Bill.

Points raised by Colleges Scotland included –

- Colleges Scotland raised queries around the Illustrative Code of Practice and the language used and legalistic tone.
- Highlighted the need for clear and unambiguous guidance so there is no delay in important information being shared.

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Joint meeting with Aberlour and Barnardo's Meeting Summary

26th October 2017

Aberlour Office, Glasgow

Attendee's – [Redacted Text] (SG)

[Redacted Text] (SG)

[Redacted Text] (SG)

[Redacted Text] (Aberlour)

[Redacted Text] (Barnardo's)

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for both Aberlour and Barnardo's to share views on the Bill.

Points raised by Aberlour and Barnardo's included –

- Highlighted the importance of investing in early intervention services as these are the services which will complement the Named Person Service.
- Emphasised the importance of a communication strategy that will illustrate and communicate how the Named Person Service will operate to help children and families understand the service.
- Not sufficient consideration of the General Data Protection Regulation's and the following UK Data Protection Bill – Not enough clarity for professionals.

Annex B

National Implementation Support Group

NISG Meeting – 11 October 2017 Action Points

New Actions

ID	Action Point	Discussion/Decision	Due	Lead	Status
Matters arising					
1	NISG members to provide sector updates at each meeting.	<p>Agreement that the membership was broadly right however NISG should take some time to reflect on this and come back with any further thoughts/suggestions.</p> <p>Agreement about level of commitment required and that future meetings should as far as possible be themed around the current landscape, with scope to invite others to update the group when appropriate. Need to set timescales for life of NISG (12-18 months).</p> <p>Agreed meetings would be every 2 months.</p>	Every Meeting	NISG group all members	
2	Update on Information Sharing Bill/Getting it right for every child next steps	<ul style="list-style-type: none">The guidance will never cover every individualDiscussion on the governance – make this clear, people forget the governance part of this.Struggling to understand the role of what this is/ could look likeHow to get out and about for discussion		[Redacted Text]	

ID	Action Point	Discussion/Decision	Due	Lead	Status
		<p>in the next year.</p> <ul style="list-style-type: none"> • Key narrative – why we need this legislation • Reference group set up next stage for statutory guidance and also the code of practice. * having the right people is critical* • Further think about members – struggling area partnerships • Communication on narrative – useful touch base best mechanism, join together SG/COSLA - easiest and best outcome 			
3	Member Sector Updates on Getting it right for every child	<ul style="list-style-type: none"> • Important for members to attend to have collective discussion – hearing views • Care Inspectorate – progress is being made to the language and understanding 	asap	[Redacted Text]	
		<ul style="list-style-type: none"> • Social Work - GIRFEC needs to be seen as a whole. It is difficult to cover everything for each individual. support a narrative and understanding / connected 3rd sector early support/intervention. Keep GIRFEC fixed on focus on component parts, where does this sit and understanding of this. 		NISG Group all members	

ID	Action Point	Discussion/Decision	Due	Lead	Status
		<ul style="list-style-type: none"> • DFM meeting – equally helping reflecting back what not cohesive enough. Separate discussion – how to help and support this. • Education Scotland - harder quality indicator to measure/ wellbeing and inclusion.. Quality and delivery of this – guidance staff, different levels (looking at this) impact EIS work load on guidance staff.. reduction service additional support needs. • Police Scotland – comfortable with the legislation of the bill - evidence 25th. Driven standards of information management – duty to consider. Urge them to justify sharing Information and sharing this properly. Different levels of interpretation and understanding. Making work – different tensions, code (some issue with consent. Would like to be actively involved on re draft of the code. • NHS (public health) – mechanism is there – adversity and childhood into the picture. Opportunity to build the thinking. Working education health etc – 			

ID	Action Point	Discussion/Decision	Due	Lead	Status
		build in different way of practice, use existing policies to bring evidence. Think about front line practice.			
4	Realigning and developing children services update	<ul style="list-style-type: none"> • Interested in wellbeing that helps. • Driving investment upstream – intervention prevention • Evidence – focusing on how to make things work. • Partnership working – considering deployment. • Collaborative evidence - Needs of children (survey) talk about their experiences (wellbeing, relationships, community family) Been able to identify the appropriate children • Investment in children – where this is being focused at (where the money goes) early intervention mental health well being 		NISG group all members	
5	Child Services Plan Update	GIRFEC – very variable high levelled, detailed. How far is implementation. Didn't give intelligence we		[Redacted Text]	

ID	Action Point	Discussion/Decision	Due	Lead	Status
		hoped for. Session children services plan. SG COSLA			
6	Getting it right for every child national picture	Picture of GIRFEC again – follow this. NP service providers (questionnaire in progress with DFM on GIRFEC approach; communication and named person/ child's plan)		[Redacted Text]	In progress
7		AOB			

ANNEX A

Attendance

Acceptances

Name	Organisation
[Redacted Text]	Care Inspectorate
[Redacted Text]	Police Scotland
[Redacted Text]	Children in Scotland
[Redacted Text]	NHS
[Redacted Text]	NHS
[Redacted Text]	Cosla
[Redacted Text]	Education Scotland
[Redacted Text]	National Parent Forum Scotland
[Redacted Text]	Scottish Government

Tentative

Name	Organisation
[Redacted Text]	Social Work

Apologies

Name	Organisation
[Redacted Text]	North Ayreshire
[Redacted Text]	The Highland Council
[Redacted Text]	Barnardos
[Redacted Text]	Highland Council

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Christian Science Meeting – Meeting Summary

24th October 2017

Victoria Quay, Edinburgh

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed

An opportunity was given for Christian Science to share views on the Bill.

Points raised by Christian Science included –

- Apprehensions that some people in official positions, including those having Named Person responsibilities, may have preconceived ideas or inaccurate information about their beliefs and their position with regard to the law. They were particularly concerned that there could be unwarranted interference or intervention in family life.
- Discussions around families providing Named Persons with information about their beliefs, should the need arise. Such as a leaflet.

STATUTORY GUIDANCE REFERENCE GROUP Meeting Notes

25th October 2017

1. Introduction

[Redacted Text] welcomed members to the meeting. Introductions were made.

2. Remit of the group

[Redacted Text] set out the remit of the group and reemphasised the commitment required from members.

The group's remit is to advise on the framework for the Statutory Guidance required to support Part 4, Part 5 and section 96 of the Children and Young People (Scotland) Act 2014. This framework will set out how the provisions, in the Primary Legislation, Named Person Order, Child's Plan Order, Complaints Order and Code of Practice on Information Sharing will be explained in guidance making the law accessible to those to whom it will apply and those who will apply it. The aim is that the group provide a draft framework in advance of the Children and Young People (Information Sharing) (Scotland) Bill completing its passage through Parliamentary processes. It is anticipated that a draft framework will be helpful in communicating how the amended information sharing provisions, Code of Practice and guidance will work together to ensure that the law on information sharing in Parts 4 and 5 is clear, accessible and workable. The remit also includes preparation for commencement , in particular in considering training and communication needs so that practitioners across all relevant services are ready to meet the requirements of Part 4, Part 5 and section 96.

Members of the group are therefore to:

- Play a full part in contributing to the development of the draft Statutory Guidance framework.
- Provide advice on the requirements to be fully ready for commencement of the duties.
- Help shape the communications, learning materials, training and other provisions which are identified as being required to support preparedness for commencement.
- Test the developments within their own sectors to provide wide stakeholder feedback

3. Summary of the morning session

Overview and update

[Redacted Text] provided an overview of the current situation. He noted that the Supreme Court judgment provided an opportunity to fully reconsider the Statutory Guidance, that will support Part 4, Part 5 and section 96 of the CYP Act as well as other guidance and materials. [Redacted Text] stressed the need to be clear about how the Statutory Guidance, the Code of Practice, practice materials and local guidance fit together. That includes clarity about what's statutory and what's practice, although sometimes there may be a softening of boundaries.

Review of the 2015 draft Statutory Guidance

[Redacted Text] led a session on the 2015 draft Statutory Guidance. [Redacted Text] noted the need to see the Statutory Guidance as part of a suite of materials which must combine to satisfy a range of audiences, including parents and practitioners.

Key points from discussion were:

- There was agreement that clearly defined Statutory Guidance was needed. However in practice those generally navigating through guidance should feel that it is seamless between statutory and practice guidance.
- The format (ie, adopting the same structure as the legislation) makes sense.
- Statutory Guidance is very useful at a strategic level, but doesn't fully support practitioners, who instead need more practice focused guidance that include case studies/ scenarios, flowcharts/decision trees, graphics, illustrations, check lists etc..
- Need to ensure Statutory Guidance is accessible, readable and positive in tone.
- The previous draft could have benefited from the inclusion of flow charts to support decision making and clarify statutory requirements, this would fit well with legislation.

4. Summary of the afternoon session

Small group discussions took place focusing on priorities, themes, boundaries of Statutory Guidance and the relationships with other practice materials. The output from this discussion is summarised in the section below.

5. Proposed framework for members to discuss with their organisations

General points

- Need a more detailed contents section, and if possible an index at the back recognising that if the structure of the guidance follows the Act then some themes will be split across a number of sections e.g. consideration of wellbeing needs, views of child, young person, parents and others, responding to requests for help and assistance, etc
- The Guidance should follow the legislation in terms of structure/order. The Statutory Guidance should link to practice guidance so that sections can be defined by areas of interest, with content for professional groups with different skills and knowledge. The four critical sections would be: Wellbeing; Named Person; Child's Plan; and Information Sharing As the legislation must be accessible to all we need to think about what is required at the strategic level/practitioner level/and young people and families level.
- The guidance should help parents, children and young people understand their legal rights, entitlements and the duties on others to support them.
- Ideally there would be links to other web-based guidance/information.
- Getting it right for every child puts the child at the centre, so it's important to stay focussed on this – emphasising the positive experiences and rights of the child.

- One option is to keep reference documents and practice documents separate, which could result in keeping the Statutory Guidance concise.

Content – must haves

- Needs to be comprehensive and follow the legislation.
- Section the legislation in terms of Wellbeing; Named Person; Child's Plan; and Information Sharing and at the end of each section list any additional practice material.
- Succinct glossary, relevant annexes and index at the end.
- Foreword/executive summary to explain the document's purpose, set context of rights and obligations. Needs to be from the point that the child is at the centre.
- Include a position statement, setting out the rights of children and young people, and the obligations from a professional responsibility standpoint.
- Hyperlinks to be used throughout, if this is possible in a document of this nature.
- Use a summary box at the end of each section.
- Ensure the document flows and is short and punchy (possibly by separating the practice guidance). A good example is the Strathclyde University Children and Young People information sheets.
- Positive tone to run throughout – don't just focus on crisis situations.

Contents – optional

- Corporate parenting and case studies, though general view was to house these in practice and training materials.
- Case studies/scenarios should cover a broad spectrum and be strength-based.
- FAQs.
- Flowcharts.
- National Practice Model, including a resilience matrix. There would be an opportunity to make a positive case for the Model.

6. Round up and next steps

Members of the Group agreed to take the themes for the Framework back to their organisation for sense checking, and then return comments to the Scottish Government by 29 November. The Framework will be drafted in time for the 19 December meeting.

7. December agenda

As noted above, the draft Framework will be discussed at the December meeting, along with the makeup of the suite of materials the Group view as being required for practitioners, families and others.

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NATSUWT – Meeting Summary

NATSUWT Office, Edinburgh

24th October 2017

This meeting included an overview of the Children and Young People Information Sharing Bill to provide clarification as to the content and purpose of the Bill.

The status of the Illustrative Draft Code of Practice on information sharing discussed.

An opportunity was given for NATSUWT to share views on the Bill.

Points raised by NATSUWT were –

- Apologised for oversight re not inviting to the meeting we had with the other teacher representatives
- They expressed concerns based on their survey of members re the capacity of Primary HTs and others to carry out the NP functions
- There was discussion re how the existing roles and duties covered or did not cover what was anticipated re NP role
- The legislative nature of the role was an issue
- They have provided written evidence to the committee but are not appearing
- They indicated that they advised their members not to take on NP role
- They indicated a desire to be involved in the development of practice materials and guidance and I assured that they would be involved.

Annex C

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Information Sharing Practitioners meeting with the Deputy First Minister Meeting Summary

31st October 2017

The Scottish Parliament, Edinburgh

- Early intervention is at the heart of their work
- It works much better when parents are in control of sharing their information rather than professionals sharing on behalf of them
- All info should be shared before meetings to alleviate any anxieties of families – no surprises
- Improvements in the last few years has made practitioners think “why” are they sharing information
- There is real improvement in info sharing but still issues around not finding out about the low level concerns in time – think this is due to the fear and anxiety to share info caused by the judgment
- Judgment has caused practice to go backwards recently
- Info sharing is critical when children moving around schools and LAs – early intervention
- The duty will push those who won’t share information – GP example given
- Not worried about those children on Child Protection as clear processes in place – concerned about those children with low level wellbeing and not being able to do anything
- Cross sector consistency is necessary for this to work
- Common language good – NP skewed that as this is just the current role of HV and Guidance/HT
- There needs to be more directive materials for practitioners on how to share information and wellbeing
- More supervisions for Health Visitors and Guidance/Head Teachers
- Time and resource needs to be given to those carry out the duties rather than cramming into the day job