

21

From: [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 11 December 2017 14:13
To: [redacted] Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Corporate Communications; Communications DFM & Education; [redacted] DG Education, Communities & Justice; Robertson FMG (Fiona); DG Education, Communities & Justice; [redacted] McAllister C (Colin); Nicolson S (Stuart) Special Adviser; Ingebrigtsen R (Ross); Higgins K (Kate)
Subject: RE: Line to clear - FOI/17/02814 - FOI Response for clearance - [redacted] - Chief Inspector of Education for Scotland

Hi [redacted]

DFM is content to clear.

Thanks
[redacted]

[redacted], Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [redacted]
 E: [redacted]@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [redacted]
Sent: 11 December 2017 13:20
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Corporate Communications; Communications DFM & Education; [redacted] DG Education, Communities & Justice; Robertson FMG (Fiona); DG Education, Communities & Justice; [redacted] McAllister C (Colin); Nicolson S (Stuart) Special Adviser; Ingebrigtsen R (Ross); Higgins K (Kate)
Subject: Line to clear - FOI/17/02814 - FOI Response for clearance - [redacted] - Chief Inspector of Education for Scotland

[redacted]

I am about to issue this FoI and anticipate being asked for an on-the-record comment about the total cost of this recruitment process (c. £40k).

I have agreed this line with policy and Spads - is DFM content to clear, to hold against queries, please?

Thanks,
[redacted]

SG spokeswoman:

"Education is this government's number one priority and the Chief Inspector of Education for Scotland is a crucial role, providing strong leadership to the sector as we implement the next stage of reforms to close the attainment gap and raise standards for all.

"A robust recruitment process was necessary to attract a sufficient number of high quality candidates and ensure the right person was appointed to the post. The successful candidate, Gayle Gorman, is hugely experienced and brings considerable expertise to the role."

Background

Executive search is not used routinely by the Scottish Government. It is only used in some of our most senior roles – such as this one - to ensure as wide a field of candidates as possible. Saxton Bampfylde were appointed following a tendering process.

The Scottish Government has an existing contract with The Keil Centre for the provision of assessment services at Senior Civil Service level.

The role sits within the Senior Civil Service (SCS) Pay Band 2 and was advertised at circa £112,000 per annum, dependent on skills and experience. Specific salary details are not published as it is personal information.

[REDACTED] Communications Team Leader | Scottish Government | T: [REDACTED]

[REDACTED]@gov.scot | www.gov.scot

From: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Sent: Thursday, 7 December 2017 17:41

To: [REDACTED] Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Permanent Secretary; DG Education, Communities & Justice; [REDACTED]

Subject: RE: FOI/17/02814 - FOI Response for clearance - [REDACTED] - Chief Inspector of Education for Scotland

[REDACTED]

DFM is content for this to issue

[REDACTED]

[REDACTED] | Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED]

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From: [REDACTED]

Sent: 04 December 2017 11:26

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Permanent Secretary; DG Education, Communities & Justice; [REDACTED]

Subject: FOI/17/02814 - FOI Response for clearance - [REDACTED] - Chief Inspector of Education for Scotland

Deputy First Minister

Copy:
Permanent Secretary
DG Education, Communities & Justice
Director People
[REDACTED]

The DFM will wish to be aware that we received an FOI Request from [REDACTED] a TES Scotland reporter regarding the process and costs associated with the recruitment of the new Chief Inspector of Education for Scotland and Chief Executive of Education Scotland.

A copy of the request and the proposed response is attached. The response is purely factual and it has been agreed with DG Education, Communities & Justice and Colin McAllister for the SpAds. Karen Reid, the current Chief Executive and Gayle Gorman the successful candidate have also been informed.

Could you please let me know **by close on Monday 11 December** if Mr Swinney is content for this to be issued by the Comms Team?

Many thanks

[REDACTED]
<< Message: RE: FOI - ECJ - recruitment process for chief inspector - [REDACTED] >>
<< File: FOI_17_02814 - reply - FINAL - 4 Dec 17.docx >>

[REDACTED]
HR Manager, Senior Staff Team, People Directorate, Scottish Government
E1, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD
Tel: [REDACTED] Email: [REDACTED]@gov.scot
Supporting the People Strategy by improving online guidance
HR Help can help if you can't find what you need on saltire - 0131 244 8500

22

[REDACTED]

From: [REDACTED] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 11:50
To: [REDACTED]
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills; FoI SpAds PO; [REDACTED]
Subject: FOI 17/02787 - [REDACTED]

Hi [REDACTED]
(Cc SpAds office for awareness)

I understand that this FOI has been sent to SpAds and that you are also compiling more information for the response. However, it was just to make you aware that the DFM is keen to see this particular response as soon as possible.

Many thanks,

[REDACTED]
[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [REDACTED]
[REDACTED] E: [REDACTED]@gov.scot

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[Redacted]

From: [Redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 11:59
To: [Redacted]
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: FOI responses in progress

[Redacted]

Sorry I should have mentioned that DFM is also keen to see the responses to the following FOI's you are leading on:

- 17/02940
- 17/02966
- 17/02967
- 17/02968

Thanks

[Redacted]

[Redacted] Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [Redacted]
E: [Redacted]@gov.scot

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From: [Redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 11:50
To: [Redacted]
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills; FoI SpAds PO; [Redacted]
Subject: FOI 17/02787 - [Redacted]

Hi [Redacted]
(Cc SpAds office for awareness)

I understand that this FOI has been sent to SpAds and that you are also compiling more information for the response. However, it was just to make you aware that the DFM is keen to see this particular response as soon as possible.

Many thanks,

[Redacted]

[Redacted] Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [Redacted]
E: [Redacted]@gov.scot

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From: [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 14:52
To: [redacted] Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; DG Education, Communities & Justice; Robertson FMG (Fiona); [redacted] McAllister C (Colin); Higgins K (Kate); Communications DFM & Education; [redacted]
Subject: RE: FoI/17/02811

DFM is content for this to issue

Thanks

[redacted] | Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [redacted]

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-----Original Message-----

From: [redacted]
Sent: 11 December 2017 09:47
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Minister for Further Education, Higher Education and Science; Minister for Childcare and Early Years; DG Education, Communities & Justice; Robertson FMG (Fiona); [redacted] McAllister C (Colin); Higgins K (Kate); Communications DFM & Education; [redacted]
Subject: FoI/17/02811

Please find attached a submission and enclosures regarding FoI/17/02811 about Teach First. The deadline for this is Tuesday 19 December.

Learning Directorate
 Scottish Government
 2-A South
 Victoria Quay
 Edinburgh EH6 6QQ

Tell us how to make Scottish education even better:



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From: [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 12:14
To: PS/Education Scotland; Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: [redacted]
 Communities & Justice; FoI SpAds PO
Subject: RE: For Approval: FOI Internal Review - FOI/17/02285 - Frequency of Inspections

DFM is content for the review response to issue.

Thanks

[redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [redacted]
 [redacted] | E: [redacted]@gov.scot

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From: [redacted] On Behalf Of PS/Education Scotland
Sent: 12 December 2017 13:18
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Gorman G (Gayle); [redacted] DG Education, Communities & Justice; FoI SpAds PO; PS/Education Scotland
Subject: FW: For Approval: FOI Internal Review - FOI/17/02285 - Frequency of Inspections

Minister,

Please see the FoI internal review below from [redacted]

[redacted] believes that we provided incorrect information in our response to his original FoI request and would like some clarification to the response FOI/17/02285 and a response previously provided by ES, he quotes 'these statements appear to be mutually incompatible'.

Our response to this review has been approved by Colin McAllister and we would be very grateful for final Ministerial approval to issue the response.

Request for Review – 22 November 2017	<< Message: Re: FOI request >>
Draft response	<< File: FOI Review 17 02285 [redacted] response to SPADS 81217.doc >>

Original request	<< Message: FOI - ES - School Inspections - [REDACTED] >>
Original Response	<< Message: RE: FOI request >>

If you have any questions please let me know.

[REDACTED]
Education Scotland,
The Optima,
58 Robertson Street,
Glasgow,
G2 8DU

Telephone:- [REDACTED]
Email: [REDACTED]@gov.scot

<< OLE Object: Picture (Device Independent Bitmap) >>

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[REDACTED]

From: [REDACTED] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 18:00
To: [REDACTED] Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Higgins K (Kate); McAllister C (Colin); [REDACTED] Director for Children and Families; [REDACTED] GIRFEC & CYP Bill Team; [REDACTED]
Subject: RE: URGENT ACTION REQUIRED: FOI/17/02787 FOR [REDACTED]

[REDACTED]

Can you let us know when the deadline for clearance is for this one please?

thanks,

[REDACTED]
[REDACTED] | Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED]

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From: [REDACTED]
Sent: 13 December 2017 17:47
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Higgins K (Kate); McAllister C (Colin); [REDACTED] Director for Children and Families; [REDACTED] GIRFEC & CYP Bill Team; [REDACTED]
Subject: URGENT ACTION REQUIRED: FOI/17/02787 FOR [REDACTED]

[REDACTED],

Grateful if the below FOI/17/02787 response to [REDACTED] could be signed off as soon as possible. SpAds are content.

<< File: FOI-17-02787 - Response.docx >>

Thanks again,

[REDACTED]
Administrative Officer,

Children & Young People (Information Sharing) (Scotland) Bill Team | Creating Positive Futures | Directorate for Children and Families | Scottish Government | Area 2B South | Victoria Quay | Edinburgh | EH6 6QQ

27

From: [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 December 2017 17:29
To: [redacted] Cabinet Secretary for Justice; Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: [redacted]
[redacted] Communications DFM & Education; Communications Justice; [redacted]
[redacted] News Desk; Lewis SJ (Stuart); Ingebrigtsen R (Ross); Nicolson S (Stuart) Special Adviser; McFarlane J (John)
Subject: RE: Lines for clearance - weapons in schools - [redacted] - 1815

[redacted]
DFM is content

Thanks

[redacted] Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [redacted]

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From: [redacted]
Sent: 13 December 2017 16:54
To: Cabinet Secretary for Justice; Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: [redacted]
[redacted] Communications DFM & Education; Communications Justice; [redacted]
[redacted] News Desk; Lewis SJ (Stuart); Ingebrigtsen R (Ross); Nicolson S (Stuart) Special Adviser; McFarlane J (John)
Subject: RE: Lines for clearance - weapons in schools - [redacted] - 1815

Hi [redacted]

Grateful for Mr Swinney's feedback on the query below pls. Plan is now to issue as an SG spokesperson, rather than in Mr Matheson's name.

From: [redacted]
Sent: 13 December 2017 16:44
To: Cabinet Secretary for Justice
Cc: [redacted]

[REDACTED] Communications DFM & Education; Communications Justice; [REDACTED]
[REDACTED], News Desk; Lewis SJ (Stuart); Ingebrigtsen R (Ross); Nicolson S (Stuart) Special
Adviser; McFarlane J (John)
Subject: Lines for clearance - weapons in schools - [REDACTED] - 1815

Hi [REDACTED]

The Courier have obtained stats on blade possession in schools, courtesy of a recent FOI to Police Scotland (see email trail). SpAds and officials are content for us to issue lines below. Grateful for Mr Matheson's feedback pls – by 1815 if possible.

Stats colleagues are largely happy that the figures are correct.

Justice Secretary Michael Matheson said:

"It is important that these figures are seen in the overall context of a 69% reduction in offences of possession of offensive weapons in the last decade.

"We are determined to continue making progress – and the decision to specifically record offences of possession of weapons in schools was precisely in order to support efforts to make Scotland's schools safer. We continue to work with schools and local authorities on anti-violence campaigns and curriculum programmes on a range of initiatives.

Background:

We have been engaging closely with stakeholders as part of this process, including the Violence Reduction Unit and the Scottish Advisory Group on Relationships and Behaviour in Schools, whose members includes the Association of Directors of Education and all the teaching unions.

Since 2008, the Scottish Government has invested more than £8.7 million into the Violence Reduction Unit. The Scottish Government has also included information on managing incidents involving weapons within schools in its refreshed guidance 'Included, Engaged and Involved Park 2: A Positive Approach to Preventing and Managing School Exclusions' which was published in June of this year.

The Scottish Government consulted expert stakeholders – including Police Scotland, teaching unions and leaders, National Parent Forum of Scotland, and Medics Against Violence – on the issue of knife crime in schools, and there was no support from any of them for a new search power to be given to teachers in Scotland.

The No Knives Better Lives programme – which has received more than £3.4 million of Scottish Government funding since 2009 – has recently developed a play, 'The Balisong' which has been performed at over 60 schools across Scotland. It promotes the reduction of knife use, and is a unique and powerful way to engage with, and open up discussions with, young people about the

risks and consequences of carrying a knife and the challenge of speaking up in situations where other people might be at risk. (<https://news.gov.scot/news/school-pupils-stand-up-to-knife-crime>)

As of the 1st April 2017 the Scottish Crime Recording Board approved the introduction of several crime codes that allow for the specific crime of possessing either an offensive weapon or an article with a blade or point in schools to be separately identified within the National Statistics on Recorded Crime in Scotland.

From: [REDACTED]
Sent: 13 December 2017 12:03
To: [REDACTED]@gov.scot
Subject: Weapons in schools

Hi [REDACTED]

Thanks for taking my call. As discussed, the story relates to the new offence specific to the possession of a weapon or blade in a school brought in this year. We've obtained figures showing a total 115 such offences were recorded throughout Scotland between April and October. We are going to be focusing a bit more on the local angle so for Tayside and Fife, the figures are 34 overall, with Tayside having the highest of any divisional area at 22.

We're going to be placing this one pretty prominently so if we could get a quote with a name please, that would be great.

I've put some of the figures below but let me know if you need any more information. We're going to be running the story in tomorrow's paper.

Best regards,

[REDACTED]

Tayside

Possession of an offensive weapon (not elsewhere specified) in a school – 4
Having in a school an article with a blade or point – 6
Possession of offensive weapon in a school used in other criminal activity – 6
Having in a school an article with a blade or point used in other criminal activity - 6

Fife

Possession of an offensive weapon (not elsewhere specified) in a school – 1
Having in a school an article with a blade or point – 8
Possession of offensive weapon in a school used in other criminal activity – 3
Having in a school an article with a blade or point used in other criminal activity - 0

Scotland

Possession of an offensive weapon (not elsewhere specified) in a school – 21
Having in a school an article with a blade or point – 64
Possession of offensive weapon in a school used in other criminal activity – 16
Having in a school an article with a blade or point used in other criminal activity - 14

[Redacted]
Senior Reporter
Dundee

D C Thomson & Co Ltd
2 Albert Square
Dundee
DD1 1DD

[Redacted]
[Redacted]
www.dcthomson.co.uk
www.lieccourier.co.uk
Twitter: @ [Redacted]

<< OLE Object:
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<< OLE Object: Picture (Device
Independent Bitmap) >>

Please consider the environment before printing this email

28

[REDACTED]

From: [REDACTED] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 14 December 2017 11:35
To: [REDACTED] Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: [REDACTED] [REDACTED] [REDACTED] McAllister C (Colin); Freedom of Information
Subject: RE: Fol/17/02278

Hi [REDACTED]

DFM is content to clear this

[REDACTED]

[REDACTED] | Private Secretary Depute to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED]

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From: [REDACTED]
Sent: 13 December 2017 15:45
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: [REDACTED] [REDACTED] McAllister C (Colin); Freedom of Information
Subject: RE: Fol/17/02278
Importance: High

[REDACTED]

We have attached an Fol review response for ministerial clearance.

The review response confirms the initial response without modification. The attached response has been cleared by senior officials, by the Fol unit and by SG comms colleagues.

The deadline for issuing this response is 14th December. We would be grateful if this could be considered and cleared.

I would be happy to respond to any questions.

Thank you

[REDACTED]

From: [REDACTED]
Sent: 13 December 2017 14:59
To: [REDACTED]

Cc: [REDACTED]
Subject: FoI/17/02278

Hi [REDACTED]

You will have seen the e-mail trail.

Are you content with this draft before it goes to ministers?

Thanks.

[REDACTED]

29 (b)

Advanced Learning and Science Directorate
Colleges, Young Workforce and SFC Sponsorship Division



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300-244 1177
E: [redacted]@gov.scot

[redacted]
E: [redacted]
[redacted]

Our ref: Fol/17/02196
Date: xx December 2017

Dear [redacted]

Further to my letter of 01 November, I have now completed my review of our failure to respond to your request under the Freedom of Information (Scotland) Act 2002 (FOISA).

In accordance with section 21(4) of FOISA, I have also reached a decision on your request.

I apologise for the delay in responding, this delay was due to your initial email being missed on our systems and also due to the high volume of material we have had to review.

I can now provide our response to your original request.

Your request

Under FOISA please supply in electronic format, copies of all correspondence, appertaining to the series of meetings that took place between May and September 2015, which involved Scottish Government officials, the funding council, the Glasgow Colleges Regional Board and Angela Constance, in relation to the order laid before the Parliament to remove from office the chair and members of the board of Glasgow Clyde College and to appoint a new chair and members in their place by the then The Cabinet Secretary for Education and Lifelong Learning (Angela Constance):

There has also been extensive correspondence between the funding council, the board and the Scottish Government, in which it was made clear the concerns and they sought to understand the facts. The board was given the opportunity to make its case, and Angela Constance states she considered its responses carefully.

To be clear the request for all correspondence, appertaining to the above includes but is not limited to internal letters, emails, memos, minutes of meetings, external letters to the



aforementioned institutions, governmental letters, opinions, telephone records or findings between the SFC/ Glasgow Clyde Board of Management/Glasgow Clyde College/Glasgow Colleges Regional Board/The Scottish Government between the dates of May and September 2015, as per the public record at:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10137&i=93553>

I appreciate that there may be instances where personal information can and should be redacted, and as such this should not thwart the disclosure of this information.

Response to your request

I enclose a copy of some of the information you requested in the attached pdf files.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exemption applies to that information. The reasons why that exemption(s) applies are explained in the Annex A to this letter.

Some of the information you have requested is available online, for example <https://beta.gov.scot/publications/foi-17-02051/>. Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

Your right to request a review

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. Information on how to make an appeal, along with an application form, is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>. You can also contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

E-mail: enquiries@itspublicknowledge.info
Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely


Policy Executive

REASONS FOR NOT PROVIDING INFORMATION

Exemption under section 38(1)(b) of FOISA (personal information)

This applies to some of the information requested because it contains personal data of a third party, i.e. Scottish Government official names below Senior Civil Service and their direct contact details. This information has been redacted throughout the documents which are being released. Disclosing this information would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Section 33(1) (b) – commercial interests

An exemption under section 33(1) (b) of FOISA (commercial interests) applies to some of the information requested. This exemption applies because disclosure of this particular information would, or would be likely to, prejudice substantially the commercial interests of all legal companies involved. Disclosing this information would be likely to give the company's competitors an advantage in future similar tendering exercises, which would substantially prejudice their ability to submit competitive tenders and so could significantly harm their commercial business.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open and transparent government, and to help account for the expenditure of public money. However, there is a greater public interest in protecting the commercial interests of companies which enter into, Scottish Government contracts, to ensure that we are always able to obtain the best value for public money.

Section 30(b)(i) – free and frank provision of advice [in relation to Cabinet/ Ministerial/official discussions and policy formulation/development]

An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to Ministers/other officials before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on the removal of Glasgow Clyde Board members will substantially inhibit the provision of such advice in the future, particularly because these discussions relate to a sensitive or controversial issue such.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can provide full and frank advice to Ministers/other officials, as part of the process of exploring and refining the Government's position on the removal of Glasgow Clyde Board members until the Government as a whole can adopt a decision that is sound and likely to be effective. This private thinking space is

essential to enable all options to be properly considered, based on the best available advice, so that good decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

Section 30(b)(ii) – free and frank exchange of views for the purposes of deliberation [in relation to communications/meetings with external stakeholders]

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for Ministers/officials to have a private space within which to discuss issues and options with external stakeholders before the Scottish Government reaches a settled public view. Disclosing the content of these discussions with stakeholders on the removal of Glasgow Clyde College Board will substantially inhibit such discussions in the future, because these stakeholders will be reluctant to provide their views fully and frankly if they believe that those views are likely to be made public, particularly while these discussions relate to a sensitive issue.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing Ministers and officials a private space within which to communicate with appropriate external stakeholders as part of the process of exploring and refining the Government's position on the removal of Glasgow Clyde College Board, until the Government as a whole can adopt a decision that is sound and likely to be effective. This private space is essential to enable all options to be properly considered, so that good decisions can be taken based on fully informed advice and evidence, such as that provided by stakeholders. Premature disclosure is likely to undermine the full and frank discussion of issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the decision making process, which would not be in the public interest. There is also an important public interest in avoiding the loss of stakeholder confidence in cases where they thought they were providing comments in confidence, which would be inevitable if an individual's contribution was released against their wishes.

Section 36(1) – legal advice

An exemption under section 36(1) of FOISA (confidentiality in legal proceedings) applies to some of the information requested because it is legal advice and disclosure would breach legal professional privilege.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release as part of open and transparent government, and to inform public debate. However, this is outweighed by the strong public interest in maintaining the right to confidentiality of communications between legal advisers and clients,

to ensure that Ministers and officials are able to receive legal advice in confidence, like any other public or private organisation.

Section 29(1)(a) – formulation or development of government policy

An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the formulation of the Scottish Government's policy on the removal of Glasgow Clyde College Board.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the removal of Glasgow Clyde College Board will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.

Section 30(c) – substantial prejudice to the effective conduct of public affairs [in relation to communications/meetings with external stakeholders]

An exemption under section 30(c) of FOISA (prejudice to effective conduct of public affairs) applies to some of the information requested. It is essential for Ministers/officials to be able to communicate/meet, often in confidence, with external stakeholders on a range of issues, including the removal of Glasgow Clyde College Board. Disclosing the content of these communications, particularly without the consent of the stakeholder, is likely to undermine their trust in the Scottish Government and will substantially inhibit communications on this type of issue in the future. These stakeholders will be reluctant to provide their views fully and frankly if they believe that their views are likely to be made public, particularly while these discussions relate to a sensitive issue. This would significantly harm the Government's ability to carry out many aspects of its work, and could adversely affect its ability to gather all of the evidence it needs to make fully informed decisions.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing Ministers and officials a private space within which to communicate with appropriate external stakeholders as part of the process of exploring and refining the Government's position on the removal of Glasgow Clyde College Board, until the Government as a whole can adopt a decision that is sound and likely to be effective. This private space is essential to enable all options to be properly considered, so that good policy decisions can be taken based on fully informed advice and evidence, such as that provided by stakeholders. Premature disclosure is likely to undermine the full and frank discussion of

issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the policy making process, which would not be in the public interest.



31

[Redacted]

From: [Redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 15 December 2017 10:22
To: [Redacted] Minister for Childcare and Early Years
Cc: FoI SpAds PO; Higgins K (Kate); Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: RE: FoI-17-02876 - [Redacted]

[Redacted]

DFM is content to clear the draft response.

Thanks

[Redacted]

[Redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [Redacted]

[Redacted]

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [Redacted]
Sent: 13 December 2017 15:42
To: Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Childcare and Early Years
Cc: FoI SpAds PO; Higgins K (Kate)
Subject: FoI-17-02876 - [Redacted]

PS/ Deputy First Minister and Cabinet Secretary for Education and Skills
PS/Minister for Childcare and Early Years

Please find below a response to a Baby Box related FOI, for your comment/approval. The response is due on Wednesday 27 December. The FOI is from [Redacted] a researcher at Scottish Parliament. The response has been cleared by SpAds.

<< File: FoI-17-02876 [Redacted].doc >>
Kind Regards

[Redacted]

32

[Redacted]

From: [Redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 15 December 2017 10:21
To: [Redacted], Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Higgins K (Kate); McAllister C (Colin); Griffin J (Joe); Director for Children and Families; Brown C (Catherine); GIRFEC & CYP Bill Team; [Redacted]
Subject: RE: URGENT ACTION REQUIRED: FOI/17/02787 FOR [Redacted]

[Redacted]

DFM is content to clear the draft response.

Thanks

[Redacted]

[Redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [Redacted]
E: [Redacted]@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [Redacted]
Sent: 13 December 2017 17:47
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Higgins K (Kate); McAllister C (Colin); Griffin J (Joe); Director for Children and Families; [Redacted]
GIRFEC & CYP Bill Team; [Redacted]
Subject: URGENT ACTION REQUIRED: FOI/17/02787 FOR [Redacted]

[Redacted]

Grateful if the below FOI/17/02787 response to [Redacted] could be signed off as soon as possible. SpAds are content.

<< File: FOI-17-02787 - Response.docx >>

Thanks again,

[Redacted]
Administrative Officer,

Children & Young People (Information Sharing) (Scotland) Bill Team | Creating Positive Futures | Directorate for Children and Families | Scottish Government | Area 2B South | Victoria Quay | Edinburgh | EH6 6QQ

37

[Redacted]

From: [Redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 18 December 2017 08:03
To: Glass G (Gill); [Redacted] Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Further Education, Higher Education and Science
Cc: McAllister C (Colin); Higgins K (Kate); [Redacted] Director of Advanced Learning and Science; [Redacted] FoI SpAds PO; [Redacted] Communications DFM & Education; [Redacted]
Subject: RE: URGENT - RE: [Redacted] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196

[Redacted]

DFM is content.

Thanks

[Redacted]

[Redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [Redacted]
 E: [Redacted]@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [Redacted]
Sent: 15 December 2017 18:11
To: [Redacted]; Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Further Education, Higher Education and Science
Cc: McAllister C (Colin); Higgins K (Kate); [Redacted] Director of Advanced Learning and Science; [Redacted] FoI SpAds PO; [Redacted] Communications DFM & Education; [Redacted]
Subject: RE: URGENT - RE: [Redacted] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196

[Redacted]

Colin is content with the material to be released to the OSIC.

[Redacted]

Private Secretary
 Special Advisers' Office

Tel: [REDACTED]
Mobile: [REDACTED]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

From: [REDACTED]
Sent: 14 December 2017 15:52
To: Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Further Education, Higher Education and Science
Cc: McAllister C (Colin); Higgins K (Kate); [REDACTED]
[REDACTED]; Director of Advanced Learning and Sciences; [REDACTED] FoI SpAds PO;
[REDACTED] Communications DEM & Education; [REDACTED]
Subject: RE: URGENT - RE: [REDACTED] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196
Importance: High

Please find attached:

Ministerial submission

<< File: Submission - Glasgow Clyde College - FOI 17_02196.docx >>

Proposed information for release

Emails:

<< File: Redacted Documents for releasing - FOI 17 02196 - Ministerial Clearance - 14 December 2017.docx >>
Documents:

<< File: ObjRef.obr >>

Proposed response to requester

<< File: FoI 17 02196 - Draft Response.doc >>

I appreciate the volume of material to be considered and grateful for a response at the earliest given pending deadline to the Office of the Information Commissioner (close of business 18th December 2017).

Kind regards

[REDACTED]
Head of College Policy

Telephone: [REDACTED]

Mobile: [REDACTED]

From: [REDACTED]
Sent: 13 December 2017 16:15
To: Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Further Education, Higher Education and Science
Cc: McAllister C (Colin); Higgins K (Kate); [REDACTED]

[redacted]; Director of Advanced Learning and Science; [redacted] FoI SpAds PO;
[redacted] Communications DFM & Education; [redacted]
Subject: URGENT - RE: [redacted] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196
Importance: High

We have completed approximately 80% of the review of the material gathered to respond to this request. We aim therefore to send the complete material (and submission highlighting sensitivities) by 4 pm tomorrow (to allow for DFM's overnight box).

I have spoken with the FOI unit who advise (given that this case is a technical appeal by the Scottish Information Commissioner) that the **absolute** deadline for reply to the requester is **Monday 18th December 2017**.

Head of College Policy
Telephone: [redacted]
Mobile: [redacted]

From: [redacted]
Sent: 13 December 2017 12:44
To: Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Further Education, Higher Education and Science
Cc: McAllister C (Colin); Higgins K (Kate); [redacted]
[redacted]; Director of Advanced Learning and Science; [redacted] FoI SpAds PO;
[redacted] Communications DFM & Education; [redacted]
Subject: RE: [redacted] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196
Importance: High

PO

We continue to progress this FOI as quickly as possible. At this point, we will miss 2.30 pm and we will now aim for 4.30 pm. We will update further in due course.

Kind regards

[redacted]

Head of College Policy
Telephone: [redacted]
Mobile: [redacted]

From: [redacted]
Sent: 12 December 2017 15:34
To: Deputy First Minister and Cabinet Secretary for Education and Skills; Minister for Further Education, Higher Education and Science
Cc: McAllister C (Colin); Higgins K (Kate); [redacted]
[redacted]; Director of Advanced Learning and Science; [redacted] FoI SpAds PO;
[redacted] Communications DFM & Education; [redacted]
Subject: RE: [redacted] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196
Importance: High

For the benefit of copy recipients, I've spoken with Ministerial Private Offices (DFM and Ms Somerville) to provide a progress update and to block off time in respective Ministerial diaries to enable clearance by close of play 14/12. We are working towards a submission plus finalised material to release by 2.30 pm tomorrow to enable DFM to clear later that day. Failing this, a deadline of 4.30 pm will allow for overnight clearance.

[REDACTED] and I have been undertaking a further review of the proposed response material and this has resulted in significantly less material to be considered by Ministers. That said, there is still a substantial volume to consider.

We will keep you updated.

Head of College Policy

Telephone: [REDACTED]

Mobile: [REDACTED]

From: [REDACTED]

Sent: 12 December 2017 10:49

To: [REDACTED] FoI SpAds PO

Cc: McAllister C (Colin); Higgins K (Kate); [REDACTED]

Subject: RE: [REDACTED] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196

[REDACTED] thank-you.

A submission will be prepared – [REDACTED] and I are currently going through all material for release again. SGLD have already contributed to the response as stands but we will be liaising with them closely today once we completed our final review of the material.

We will provide a further updated in due course.

Kind regards

[REDACTED]

Head of College Policy

Telephone: [REDACTED]

Mobile: [REDACTED]

From: [REDACTED]

Sent: 11 December 2017 17:29

To: [REDACTED]; FoI SpAds PO

Cc: McAllister C (Colin); Higgins K (Kate); [REDACTED]

Subject: RE: [REDACTED] FOI - Glasgow Clyde College - SPADs Clearance FOI/17/02196

[REDACTED]

I have now assembled all the information you have provided.

Given the volume and complexity of the information concerned I think you will need to provide a submission both for Special Advisers and DFM explaining the issues and sensitivities of which they need to be aware while they are considering the case. Also I think you should wait until we have a view from SGLD as that may affect the information to be released.

Grateful for a submission and confirmation of whether the advice from SGLD has amended the response

[REDACTED]

Private Secretary
Special Advisers' Office
Tel [REDACTED]
Mobile [REDACTED]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

From: [REDACTED]
Sent: 08 December 2017 14:47
To: FoI SpAds PO
Cc: McAllister C (Colin); Higgins K (Kate); [REDACTED]
Subject: [REDACTED] FOI - Glasgow Clyde College - SPADs Clearance
Importance: High

Colin/ Kate,

We received a very wide scoping request regarding the removal of Glasgow Clyde Board in 2015. The request came from [REDACTED] who has raised several similar requests in the last few months. This request is very overdue because it initially was missed on our system and there is also a very high volume of material to review.

The request for reference: << Message: FW: FOI - ECJ - Removal of Glasgow Clyde Board Correspondence - [REDACTED] - REVIEW >>

Given the high volume of documents we have listed below the files that we feel SPADs need to consider.

SGLD are currently reviewing the legal content/ files.

This request is now at an appeal stage with the commissioner as it is overdue and DFM has outlined his desire to get this answered asap. The commissioner is looking for a response by close 14th December. It would be beneficial for us to respond by then in order to make as strong a case as possible.

File 16
File 18
File 23
File 26
File 34
File 43

File 52
File 54
File 56
File 58
File 61
File 65
File 67
File 69
File 72
File 76
File 88
File 89
File 92
File 93
File 95
File 98
File 118
File 127
File 130
File 131
File 134
File 135
File 138
File 152
File 154
File 160
File 169
File 171
File 177
File 179
File 184
File 188
File 190
File 205
File 206
File 207
File 211
File 213
File 217

I have listed below links to our draft response, email files we propose to release and also the folder which contains all attachments relating to email files.

Each attachment is saved in the folder and is named to correspond with the email chain it belongs to (Do not use versions that are marked as DUPLICATE).

link to response – << File: Fol 17 02196 - Draft Response.obr >>

Link to email files – << File: Redacted Documents for releasing _ FOI 17 02196 - Redacted version.obr >>

Folder with all attachments – << File: Fol_17_02196.obr >>

Please give me a call if unclear and happy to chat through anything.

Given the short timescale we would be looking, if possible, for comments by close midday Tuesday 12th December.

Many thanks

[REDACTED] | College Governance and Workforce Branch | College Policy Team | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science Directorate | Scottish Government

5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU
[REDACTED]

38 (a)

Children and Families Directorate
Creating Positive Futures Division



Scottish Government
Riaghaltas na h-Alba
gov.scot

E: [REDACTED]@gov.scot

[REDACTED]

[REDACTED]

Our ref: FOI/17/02787
12th December 2017

[REDACTED]

Thank you for your request dated 20th November 2017 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

"To ask for copies, or the information contained therein, of all minutes/summaries/notes of meetings held between 1st October and 8th November 2017 between Scottish Government Ministers and/or officials with any organisation who subsequently gave evidence to the Education and Skills Committee on the Children and Young People (Information Sharing) Bill"

Response to your request

I enclose a copy of the information you requested in the attached Annex A for meetings with organisations who subsequently gave evidence at the Education and Skills Committee regarding the Children and Young People (Information Sharing) (Scotland) Bill.

The Children and Young People (Information Sharing) (Scotland) Bill Team also had contact with the following organisations through phone calls where no notes were taken:

- Scottish Guidance Association – 2nd October 2017
- Scottish Prison Service – 3rd October 2017
- Families Outside – 30th October 2017

In addition I have enclosed copies of meeting notes from meetings between the 1st October 2017 and 8th November 2017 with organisations who did not give oral

evidence but submitted written evidence or who have an interest in the Children and Young People (Information Sharing) (Scotland) Bill and wider Named Person Service. These can be found in Annex B.

The Deputy First Minister and Cabinet Secretary for Education and Skills also attended two meetings in this timescale with organisations who gave evidence at the Education and Skills Committee and who have an interest in the Children and Young People (Information Sharing) (Scotland) Bill.

The Deputy First Minister and the Chief Nursing Officer met with RCN officials on the 11th October 2017 to discuss concerns relating to the code of practice as currently drafted and the provisions in the information sharing bill were discussed. No formal notes were taken.


The second was with a group of Information Sharing Practitioners on the 31st October 2017. A summary of the meeting can be found in Annex C.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to DirectorforChildrenandFamilies@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours Sincerely,


Children and Young People (Information Sharing) (Scotland) Bill Team

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 individual • Discussion on the governance – make this clear, people forget the governance part of this. • Struggling to understand the role of what this is/ could look like • How 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 	asap	[Redacted Text]	
		<ul style="list-style-type: none"> • Care Inspectorate – progress is being made to the language and understanding • 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
		<p>build in different way of practice, use existing policies to bring evidence. Think about front line practice.</p>			
4	<p>Realigning and developing children services update</p>	<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 		<p>NISG group all members</p>	
5	<p>Child Services Plan Update</p>	<p>GIRFEC – very variable high levelled, detailed. How far is implementation. Didn't give intelligence we</p>		<p>[Redacted Text]</p>	

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
[Redacted Text]	Scottish Government
[Redacted Text]	Scottish Government
[Redacted Text]	Scottish Government
[Redacted Text]	Scottish Government
[Redacted Text]	Scottish Government

Tentative

Name	Organisation
[Redacted Text]	Social Work

Apologies

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

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.

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 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.

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.

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

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.

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

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[Redacted]

From: [Redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 18 December 2017 11:47
To: [Redacted] Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Higgins K (Kate); McAllister C (Colin); [Redacted] Director for Children and Families; GIRFEC & CYP Bill Team; [Redacted]; News Desk; [Redacted]
Subject: RE: Line to clear - Named Person meetings notes -

[Redacted]

DFM has cleared.

Thanks

[Redacted]

[Redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [Redacted]
E: [Redacted]@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [Redacted]
Sent: 18 December 2017 10:41
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: Higgins K (Kate); McAllister C (Colin); [Redacted] Director for Children and Families; GIRFEC & CYP Bill Team; [Redacted]
Subject: Line to clear - Named Person meetings notes -

Hi [Redacted]

In anticipation of media queries following the release of this information under Fol, can you please advise if DFM is content to clear the following holding line?

It has been agreed with policy colleagues and Spads.

Thanks,

[Redacted]

A Scottish Government spokeswoman said:

"As is entirely right and proper, the Scottish Government has and will continue to engage with stakeholders throughout the passage of the Information Sharing Bill and in the development of supporting materials, such as the Code of Practice and guidance. This is to ensure that those affected by developing law and policy are well informed, their concerns are heard and that they can be involved and influence changes that will affect them."

[REDACTED] | Communications Team Leader | Scottish Government | T: [REDACTED]

[REDACTED]@gov.scot | www.gov.scot

From: [REDACTED] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 December 2017 18:00

To: [REDACTED] Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Higgins K (Kate); McAllister C (Colin); [REDACTED] Director for Children and Families; [REDACTED]

GIRFEC & CYP Bill Team; [REDACTED]

Subject: RE: URGENT ACTION REQUIRED: FOI/17/02787 FOR [REDACTED]

[REDACTED],

Can you let us know when the deadline for clearance is for this one please?

thanks,

[REDACTED] | Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [REDACTED]

Sent: 13 December 2017 17:47

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: Higgins K (Kate); McAllister C (Colin); [REDACTED] Director for Children and Families; [REDACTED]

GIRFEC & CYP Bill Team; [REDACTED]

Subject: URGENT ACTION REQUIRED: FOI/17/02787 FOR [REDACTED]

[REDACTED] and [REDACTED],

Grateful if the below FOI/17/02787 response to [REDACTED] could be signed off as soon as possible. SpAds are content.

<< File: FOI-17-02787 - Response.docx >>

Thanks again,

[REDACTED]
Administrative Officer,

Children & Young People (Information Sharing) (Scotland) Bill Team | Creating Positive Futures | Directorate for Children and Families | Scottish Government | Area 2B South | Victoria Quay | Edinburgh | EH6 6QQ