

STATUTORY GUIDANCE REFERENCE GROUP

Note of meeting on 25 October

1. Introduction

Hannah welcomed members to the meeting. Introductions were made.

2. Remit of the group

Hannah 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

Bob 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. Bob 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

Lynn led a session on the 2015 draft Statutory Guidance. Lynn 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.