

PERTH AND KINROSS COUNCIL

Lifelong Learning Committee

27 May 2015

Consultation on Statutory Guidance for Parts 4, 5 and 18 (Section 96) of the Children and Young People (Scotland) Act 2014**Report by Executive Director (Education and Children's Services)****PURPOSE OF REPORT**

This report is to inform the Lifelong Learning Committee of the responses issued on behalf of the Council and the Perth and Kinross Child Protection Committee for the Scottish Government's consultation on the Statutory Guidance for Parts 4, 5 and 18 (Section 96) of the Children and Young People (Scotland) Act 2014.

1. BACKGROUND/MAIN ISSUES

- 1.1 The Scottish Government issued their consultation on the Statutory Guidance on Parts 4 (Named Person), 5 (Child's Plan) and 18 (Section 96 – Wellbeing) of the Children and Young People (Scotland) Act 2014 on 6 February 2015. The draft Statutory Guidance can be found at <http://www.gov.scot/Publications/2015/02/1851/0>. The Council's written response to the Scottish Government takes account of a range of views across relevant Council services and was submitted to the Scottish Government to meet the deadline of 1 May 2015.
- 1.2 Council staff also participated in each of three Scottish Government National Consultation Events which took place in March, and provided their views via an electronic voting system in relation to key questions posed by the Draft Statutory Guidance.
- 1.3 The Perth and Kinross Child Protection Committee prepared a multi-agency response to the consultation which focuses on key elements of the Draft Statutory Guidance as they relate to the protection of children and young people and the sharing of information to safeguard wellbeing. This response was submitted to the Scottish Government to meet the deadline of 1 May 2015.
- 1.4 The following key points were made in the written responses:
 - (i) The Draft Statutory Guidance is intended for strategic leaders and gives scope for the development of local approaches to meet new statutory duties. The suggestion was made that the document could be more refined, to draw out clearer guidance for strategic leaders to assist them in the fulfilment of statutory duties. It was also suggested that this needed to be supplemented by more detailed guidance to assist practitioners, particularly the Named Person, to implement the key aspects of Getting it Right for Every Child (GIRFEC) set out in Parts 4, 5 and 18 of the Act and to become familiar enough with this by August 2016.

For example, through more detailed descriptions of the (SHANARI) wellbeing indicators:

- Safe
- Healthy
- Achieving
- Nurtured
- Active
- Respected
- Responsible
- Included

- (ii) The Draft Statutory Guidance introduces the concept of a wellbeing concern and sets out duties to develop a Child's Plan to support and coordinate targeted intervention to meet wellbeing needs. The suggestion was made that more detailed guidance would assist in the development of local guidance and processes which will articulate clearly what might trigger a wellbeing concern and define a targeted intervention.
- (iii) Challenges in providing a Named Person for all 15–18 year olds who have left school were noted, along with the lack of reference to the legal implications of providing a Named Person service for young adults. For example, the difference in legal considerations when sharing information about a young adult and their right to give consent was highlighted as an important omission.
- (iv) A suggestion was made that the guidance could be improved by placing greater emphasis on the positive nature of the Named Person's role in promoting and safeguarding wellbeing.
- (v) The response notes that the Guidance could be improved through more detailed references to National Guidance for Child Protection and improving the way in which the introduction of the Named Person and assessment of wellbeing can support complex judgements about risk to ensure children and young people are protected from abuse and significant harm. This is also set out in detail in the response from the Perth and Kinross Child Protection Committee.

2. The Council's written response to the consultation questions is attached at Appendix 1.

2.1 The Perth and Kinross Child Protection Committee's written response to the consultation questions is attached at Appendix 2.

3. **CONCLUSION AND RECOMMENDATION**

It is recommended that the Lifelong Learning Committee notes the responses to the Scottish Government Consultation on the Draft Statutory Guidance for Parts 4, 5 and 18 of the Children and Young People (Scotland) Act 2014.

Author(s)

Name	Designation	Contact Details
Caroline Mackie	Service Manager, Children and Families' Services	CLMackie@pkc.gov.uk

Approved

Name	Designation	Date
John Fyffe	Executive Director	23 April 2015

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	N/A
Resource Implications	N/A
Financial	N/A
Workforce	N/A
Asset Management (land, property, IST)	N/A
Assessments	Yes
Equality Impact Assessment	N/A
Strategic Environmental Assessment	N/A
Sustainability (community, economic, environmental)	N/A
Legal and Governance	Yes
Risk	N/A
Consultation	Yes
Internal	Yes
External	Yes
Communication	N/A
Communications Plan	N/A

1. Strategic Implications

Community Plan/Single Outcome Agreement

1.1 Implementation of Parts 4,5,and 18 of the Children and Young People (Scotland) Act 2014 is intended to improve and achieve significant positive change in the culture, systems and practice of all those who work with children and young people.

(i) Giving every child the best start in life.

Corporate Plan

1.2 The Perth and Kinross Community Plan 2013-2023 and Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:

(i) Giving every child the best start in life.

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Integrated Working

2. Resource Implications

Financial

2.1 There are no financial implications at this stage.

Workforce

2.2 There are no workforce implications at this stage.

Asset Management (land, property, IT)

2.3 N/A

3. Assessments

3.1 N/A

Equality Impact Assessment

3.2 N/A

Strategic Environmental Assessment

3.3 N/A

Sustainability

3.4 N/A

Legal and Governance

3.5 Legal Services have been included in this consultation response.

Risk

3.6 There are no risks associated with this consultation.

4. Consultation

4.1 Consultation has taken place with the following:

- Social Work
- Education
- Educational Psychology
- Legal Services
- NHS Tayside
- Police Scotland
- Community Learning and Development

5. Communication

5.1 N/A

6. APPENDICES

- Appendix 1: Perth and Kinross Council response to Scottish Government on the Draft Statutory Guidance on Parts 4,5 and 18 of the Children and Young People (Scotland) Act 2014.
- Appendix 2: Perth and Kinross Child Protection Committee response to Scottish Government on the Draft Statutory Guidance on Parts 4,5 and 18 of the Children and Young People (Scotland) Act 2014.

Consultation inviting views on Draft Statutory Guidance on Parts 18, Section 96 (Wellbeing) 4 (Named Person), and 5 (Child's Plan) of the Children and Young People (Scotland) Act 2014 and draft Orders made under Parts 4 and 5.

Respondent Information Form (RIF)



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation Name

Perth and Kinross Council

Title Mr Ms Mrs Miss Dr

Please tick as appropriate (if completing electronically, double click on box and select default value as 'checked')

Surname

Pepper

Forename

Jacqueline

2. Postal Address (if organisation, please provide organisation address)

35

Kinnoull Street

Perth

Postcode PH1 5GD

Phone 01738 476205

Email JPepper@pkc.gov.uk

3. Permissions - I am responding as...

Individual / **Group/Organisation**

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes **No**

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

Please tick as appropriate

Yes **No**

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate **Yes** **No**

Consultation questions

General

1) Overall, do you think that the draft guidance gives a clear interpretation of the Act to support organisations' implementation of the duties?

Yes No

(if responding electronically, please double click on one of the boxes above and select the default value as 'checked')

Please provide details:

We view the draft statutory guidance to be a combination of strategic and operational guidance. Our task of developing operational guidance will be easier to achieve if the draft statutory guidance gave clearer strategic direction and was supported by more detailed practitioner guidance. This would help to set out what is a statutory duty and the expectations and actions of strategic leaders to ensure compliance and fulfilment of those statutory duties would be clearer.

We welcome the general direction and aspiration of the draft statutory guidance, and in some areas this is well supported by detailed information. However, there are some areas where the guidance would benefit from further definition, for example as to what might constitute a "significant event" and more cross referencing to National Child Protection Guidance in this respect.

We would suggest that a section about addressing disputes in relation to the Named Person Role is needed and understand this will be contained in the final document. We would suggest that this links well with existing Local Dispute Resolution/Mediation Services. We consider this to be an important omission in the draft guidance.

Part 18, Section 96 - Wellbeing

2) Do you think the draft guidance on wellbeing provides clarity about what wellbeing means in the context of the Act?

Yes No

What is helpful and/or what do you think could be clearer?

We welcome the broad description of wellbeing within the Act; however we acknowledge that more detail will be needed within local operational guidance to aid practitioners.

Further clarity in practitioner guidance would be useful in relation to the actions required and expected of the practitioner as a result of the information gathered around wellbeing. The guidance would benefit from this being clearly laid out.

In 1.36 the draft statutory guidance states that the right time for a concern to be

raised is before a child is adversely affected. The guidance would benefit from further clarity with regard to what may trigger this to balance aspirations and what needs to happen in practice.

We have noted that the focus within the draft statutory guidance on wellbeing is around risk. We would welcome the inclusion of an asset or strengths based approach rather than deficit approach to enable more balance and consideration of wellbeing.

It would be beneficial if the group of examples used at 2.7.2 were able to show what the level of concern may look like. The descriptors included within the guidance for SHANARRI at 2.5 could be further enhanced from a hyperlink to the information previously published by the Scottish Government which provides helpful detail.

Within paragraph 2.7.7 the indicators may benefit from consideration of the possibility that “existing matters” could be criminal matters, and matters for Child Protection procedures such as underage drinking, child left alone etc. This gives rise to a blurring of what is a wellbeing concern and a wellbeing need.

3) Are the explanations of the eight wellbeing indicators helpful? (2.5)

Yes No

What is helpful and/or what do you think could be clearer?

There is basic information contained within the explanations but as per our response to question 2 a hyperlink to existing Scottish Government descriptors would be useful.

4) Are the descriptions and examples of wellbeing concerns sufficiently clear and helpful? (2.7)

Yes No

What is helpful and/or what do you think could be clearer?

The basic information within the guidance is clear. Professional judgement has become more developed around wellbeing concerns and specific advice as queries arise is likely to be more helpful over time.

5) Please provide any other general comments about the draft guidance on wellbeing:

It would be beneficial if the guidance could clearly differentiate between wellbeing needs and wellbeing concerns. This would also ensure that there was clarity of use between child protection terms and the terminology within the guidance.

We note that wellbeing is not tied into the duties of the Act, however where there is a duty to assess a child’s wellbeing. As a result of this assessment, a child’s plan may

be produced which will become a statutory document.

We would suggest that through the introduction of concepts such as wellbeing concern and wellbeing risk there is the potential to confuse the response of the Named Person to support wellbeing and the response needed to take the necessary actions to protect children at risk of abuse.

This is considered particularly important for staff that are making complex and often subtler judgements about the extent to which parental neglect is harmful and the point at which it adversely affects wellbeing to become a matter for the protection of the child. This is not addressed sufficiently within the guidance which unhelpfully refers simply to child protection concerns as being the trigger for child protection. After careful consideration, we conclude that there needs to be a better fit between the guidance on wellbeing and child protection processes. We note that the guidance makes no reference to existing mechanisms for the effective management of concerns about children, usually multi-agency screening groups, which have been instrumental in reducing referrals to the Children's Reporter and securing proportionate, timely and early intervention for families at risk and the important role they play currently in supporting Named Persons.

We would welcome a more inclusive reflection of the range of agencies potentially involved in assessment and support of wellbeing concerns. For example we noted that within paragraph 2.9.2 there is no mention of Police Scotland or any other agency apart from Social Work.

Part 4 - Named Person

Section 19 – Named Person Service

6) Is the draft guidance clear on the organisational arrangements which are to be put in place by the service provider to support the functions of the Named Person? (4.1.3 - 4.1.4)

Yes No

What is helpful and/or what do you think could be clearer?

We would suggest that this section would benefit from being simplified. It may be beneficial to produce a core checklist of tasks to be considered by the Named Person. Supervision of the Named Person role and quality assurance of how this role is undertaken will provide a significant challenge to all organisations involved and this is not referenced within the guidance.

7) The Named Person Order and the draft guidance in support of this relate to training, qualifications, experience and position of who can be a Named Person. (Named Person Order and 4.1.5 – 4.1.17)

Are they sufficient to promote reliability in the quality of the Named Person service while supporting the flexibility to ensure that organisations can provide the service universally and consistently?

Yes No

Do they provide clarity?

Yes No

Please give reasons for your answers, including if you think they should be changed:

We note the requirements and expectations in relation to the training, qualifications, experience and position of Named Persons for children of school age.

If the role had to be undertaken by a senior education member of staff, this may be restrictive if applied to all schools including smaller rural schools, and could have a major impact on structures. There is a perceived increase in workload for senior teaching posts associated with the Named Person role. Some guidance regarding exceptional cases where non-promoted education staff is needed.

8) Is the level of detail provided on the delivery of the Named Person functions within the draft guidance appropriate to guide service providers in the provision of the service? (4.1.19 – 4.1.27)

Yes No

What is helpful and/or what do you think could be clearer?

Further alignment with GIRFEC principles would be useful. Further clarity on the Named Person function is required to give guidance to the extent to which their use is formal/recorded etc.

This will link to the complaints process and provide acceptable evidence that the 5 questions have been asked. It would be beneficial to have further clarity within the guidance around paragraph 4.1.24 regarding the details to be recorded to support the decisions to share/not share information and how that will be managed.

9) The draft guidance outlines how arrangements for making the Named Person service available during school holiday periods and other absences should be put in place. Do you agree that this provides sufficient clarity while allowing local flexibility? (4.1.30 – 4.1.32)

Yes No

What is helpful and/or what do you think could be clearer?

The responsibility for the Named Person arrangements during school holiday periods is clear. We recognise the need for a clear delegation process locally in order to provide a Named Person service all year round and we have concerns that the level of service provided within the holiday periods cannot be to the same standard as during term time.

Section 20 – Named Person service in relation to pre-school children

10) This section of the draft guidance outlines arrangements for making the Named Person service available for pre-school children. Do you think it provides clarity?

Yes No

What is helpful and/or what do you think could be clearer?

Section 21 – Named Person service in relation to children who are not pre-school children

11) This section of the draft guidance outlines arrangements for making the Named Person service available for children who are not pre-school children. Do you think it provides clarity? (6.1.1 – 6.1.8)

Yes No

What is helpful and/or what do you think could be clearer?

The objective of this section of the guidance is clear.

We would welcome more guidance for the provision of a service to those children not known to universal services i.e. who have never enrolled in educational provision.

It would be beneficial for the guidance to set out the expectation of an 'effective' Named Person support service specifically for an excluded child as this could be an issue at exclusion appeals.

12) Does the draft guidance make clear arrangements for providing the Named Person service for children who leave school before their 18th birthday? (6.1.9 – 6.1.25)

Yes No

What is helpful and/or what do you think could be clearer?

Although this section was clear regarding the expectations on the local authority, we are not clear about the implications of the right of a young person over the age of 16, as an adult, to choose not to engage or to refuse consent for the Named Person to hold or share information. This is considered a significant omission in the guidance.

In section 6.1.9 we question the need for the Named Person for school leavers to hold a promoted post in the field of Education. We consider a wider range of professionals could perform this role and consider the role of voluntary services, FE Colleges, Universities and youth services to be crucial to providing support for school leavers. Perth and Kinross has approximately 900 young people leaving school each year to a multiplicity of destinations in and out of the authority. We have some concerns that a very formal approach may discourage young people from engaging with services.

13) Does the draft guidance make clear arrangements for providing the Named Person service for children of Gypsy/travellers? (6.1.26 – 6.1.31)

Yes No

What is helpful and/or what do you think could be clearer?

14) Does the draft guidance make clear arrangements for providing the Named Person service for children who are home educated? (6.1.32 – 6.1.39)

Yes No

What is helpful and/or what do you think could be clearer?

The guidance would benefit from further information for Children not in school and not registered to home schooling (Missing In Education)

15) Does the draft guidance make clear arrangements for providing the Named Person service for those families with more than one Named Person? (6.1.41 – 6.1.43)

Yes No

What is helpful and/or what do you think could be clearer?

The guidance would benefit from further clarity in relation to families with more than one person as a Named Person. We acknowledge that these families are likely to

be some of the most vulnerable families we deal with.

Section 24 – Duty to communicate information about the role of the Named Person

16) Does the draft guidance make clear the requirements and expectations in relation to communicating information about the Named Person service and the Named Person?

Yes No

What is helpful and/or what do you think could be clearer?

The duty to communicate information about the named person service within 10 working days is considered too tight a timescale.

The guidance does not cover refusal by a parent or a young person/young adult to engage with the Named Person service and the expectations of the subsequent actions for the Named Person Service. We consider this to be an important omission.

Section 25 – Duty to help the Named Person

17) Does the draft guidance make clear the arrangements which should be in place for service providers or relevant authorities to help a Named Person? (9.1.1 – 9.1.8)

Yes No

What is helpful and/or what do you think could be clearer?

Guidance on monitoring and logging the clear reasons for declining to comply with a request for a Named Person for assistance would be helpful. Examples of what are considered clear and acceptable reasons would be useful. We anticipate that workload capacity and waiting times may feature as reasons for not providing a service.

Concerns were raised with regard to the effort required to ensure other relevant services are involved when there are wellbeing concerns. We suggest that there is an opportunity within the guidance to make this requirement explicit and exemplify what the duty to help and support the Named Person in practice when concerns are mounting.

We noted that in 9.1.4 further expansion would be beneficial to clarify expectations, reasonableness etc.

We are aware that requests for assistance have caused huge workload issues elsewhere and may conflict with tackling bureaucracy.

Sections 23, 26 and 27 – Information sharing

General

18) Is the draft guidance on these sections clear on requirements in relation to consideration and sharing of relevant and proportionate information when there are wellbeing concerns?

Yes No

What is helpful and/or what do you think could be clearer?

It would be beneficial to have further emphasis on how other people should share information with the Named Person (Can we consider a prompt list in the operational practice notes?)

The need for information sharing to the Named Person to be proportionate and timely should be emphasised.

It would be useful to reference examples of information not relevant to the Named Person function within the guidance to help illustrate this point.

19) Does the draft guidance make clear the arrangements and processes that authorities will need to put in place to facilitate and support the consideration and sharing of relevant and proportionate information?

Yes No

What is helpful and/or what do you think could be clearer?

The guidance would benefit from further clarity around what is expected and in conjunction with our response to question 18; we would welcome guidance around what should be shared when a wellbeing concern is raised by a universal service/professional to the Named Person.

20) Does the draft guidance make clear that the sharing of relevant and proportionate information under this Act must meet the requirements of the Data Protection Act 1998 and the European Convention of Human Rights?

Yes No

What is helpful and/or what do you think could be clearer?

The guidance is clear in relation to the proportionate sharing of information however the need for balance would benefit from further precision – for example within paragraph 10.1.10.

We are aware that intensive training should support the implementation of the requirements of the guidance, but specifically around the expectation of what good

practice is in relation to 10.1.12.

We note the helpful list within 10.2.9 and note that these are general statements with no parameters of what extent these concerns have reached. We acknowledge that the guidance is intended for professionals however we note that it will also be referred to by parents considering raising dissatisfaction or to make a complaint.

The guidance is clear that the views of both child and parent should be sought, however further guidance in relation to what the right of the child/parent is to refuse sharing of information and in what cases (ie not if child protection issue) would be beneficial.

A specific example of proportionate sharing of information was given as the handover from Health Visitor to Principal Teacher – the question was raised as to why you would seek agreement from child/parent to undertake this task, rather than inform them as part of the process. There needs to be further clarity around decisions for the Named Person acting on their duties to receive and share relevant information in their role under this Act and to distinguish this from the sharing of information held by that service in respect of their core functions. An example might be the child’s progress report or results from a development check which is not obtained as a result of the Named Person role set out in the Act. This information is held by the service and not in terms of the Named Person role set out in Part 4. This has the potential to be misinterpreted and to be confusing and obstructive.

Section 23/Section 26

21) Does the draft guidance make clear the arrangements for managing and sharing information when duties of confidentiality are a consideration? (10.2.14 – 10.2.16 and 10.3.10 – 10.3.13)

Yes No

What was helpful and/or what do you think could be clearer?

The responsibility to share information from and to adult service providers should be clearly set out. The need for further clarity of the pertinent information required to support the named person role should be explained.

22) Are the arrangements set out for considering the views of the child clear? (10.3.3 – 10.3.4)

Yes No

What is helpful and/or what do you think could be clearer?

Sixteen to 18 year olds have legal rights that are not covered within these arrangements in relation to decision making about involvement, sharing of their information etc and there are further situations where a young person has a legal right that are not reflected within the guidance. For example, a child who is aged 14

has the right to consent to health services such as contraception provision and to do so in a private and confidential manner. We think this is a significant omission within the guidance.

We would suggest that in section 10.3.3a the wording could be more inclusive and be altered to read 'to the detriment of the child's wellbeing'.

23) Please provide any other general comments about the draft guidance on the Named Person service, including the information sharing sections:

The guidance would benefit from referencing the principle of 'the safety of the child is paramount' in relation to confidentiality and sharing of information.

Draft Named Person Order

See question 7 above; and

24) Please provide any other general comments about the draft order on the Named Person:

Part 5 – Child's Plan

Section 33 - Child's Plan requirement

25) Is the draft guidance clear about the definition and explanation of what constitutes a 'targeted intervention'? (11.2.4. – 11.2.5)

Yes No

What is helpful and/or what do you think could be clearer?

Clearer definitions about the need for and requirement to produce a child's plan is needed particularly to assist staff in circumstances where a child requires one additional service or that the help they need can be met from within an integrated service. The guidance may benefit from re-ordering information around page 76 regarding Child's Plan. The use of mixed terminology such as Child's Plan/Statutory Plan is unhelpful.

The definition of Targeted Intervention is a sensitive trigger point for further service provision. Clarification is required around the level of intervention by a single agency. This section of the guidance also reflects the ASN Legislation Guidance.

Within each local authority there are a range of different arrangements such as specialist bases within schools, Local Management Groups, etc. which are designed to respond to emerging need quickly and in an integrated way and to avoid statutory interventions. We question the need for all of these circumstances to result in a Child's Plan which in turn becomes a statutory document. For example, Nurture Groups are sometimes accessed for a specific short term purpose.

We would suggest that targeted intervention is likely to be different across establishments, services, local areas and from one Local Authority to another so clear definition of what is expected to fulfil statutory duties in this respect is needed.

There is a wide range of Speech and Language Therapy services available and a list may not reflect this.

26) Are the arrangements for seeking the views of the child, parents and others during consideration of the need for a Child's Plan set out clearly in the draft guidance? (11.2.7 – 11.2.12)

Yes No

What is helpful and/or what do you think could be clearer?

We acknowledge that the guidance reflects the arrangements to seek the views of those involved, however this needs to be supported carefully by further information in the guidance so that a Child's Plan is in place if that is the right thing for the child, and is not dependent on or triggered by parental request.

It is not clear what is expected when the parent or child or young person is not in agreement with the plan and what arrangements are in place for addressing dissatisfaction or disagreements. Our view is that this is a significant omission given that all plans prepared under Part 5 of the Act means that the plans have a statutory basis. The mechanism for appeal and redress are not covered and this is a concern for the Council.

Section 34 – Content of a Child's Plan

27) Do you agree that the content of the plan, as set out in the Schedule to the draft Order and described further in the draft guidance is clear and covers the full range of likely circumstances? (11.3.1. – 11.3.9 and draft Child's Plan Order)

Yes No

What is helpful and/or what do you think could be clearer?

If this is a statutory requirement the word statutory is not included in the guidance. Page 80 needs more detail in relation to the manner in which the intervention is provided and who is responsible for the action.

We would suggest that much of the process guidance could be better presented as decision trees or flowcharts.

Section 35 – Preparation of a Child's Plan

28) Are the arrangements and processes set out in the draft guidance for preparing child's plan clear? (11.4.1 – 11.4.6)

Yes No

What is helpful and/or what do you think could be clearer?

The guidance would benefit from timescales for completion of plan or review.

11.4.5 – further clarity is sought in relation to the Named Person role in education, when there is a targeted intervention within that service, does the Named Person become a Lead Professional although technically no other service is involved?

Some guidance about how decisions are made in relation to the role of the Lead Professional and who is best placed to take on this role would be helpful although this is not covered in the 2014 Act. The decisions about whether the existence of a Child's Plan will always require a Lead Professional are not covered sufficiently.

29) Does the draft guidance give clear support on how the child's plan and the co-ordinated support plan should be integrated? (11.4.7 – 11.4.10)

Yes No

What is helpful and/or what do you think could be clearer?

National guidance would be useful to clarify who would lead this discussion/work, in 11.4.5; - A framework to support this dual role would be beneficial.

11.4.9; - It is not clear whether the Coordinated Support Plan should be subsumed within the Child's Plan.

Sections 36, 37 and 38 – Responsible authority: general, Responsible authority: special cases and Delivery of a Child's Plan

30) Does the draft guidance make clear the different roles of the responsible, relevant, directing and managing authorities?

Yes No

What is helpful and/or what do you think could be clearer?

Further clarity is required for each Local Authority's responsibility towards looked after children placed out of the local authority area. A flowchart may help to illustrate this part of the guidance.

Section 39 – Child’s Plan: management

31) Does the draft guidance make clear the processes and arrangements for managing the child’s plan? (11.8.1 – 11.8.13)

Yes No

What is helpful and/or what do you think could be clearer?

A flowchart may help to illustrate this part of the guidance.

32) Does the draft guidance make clear the arrangements for transferring management of a child’s plan? (11.9.1 – 11.9.21)

Yes No

What is helpful and/or what do you think could be clearer?

A flowchart may help to illustrate this part of the guidance.

Section 40 – Assistance in relation to Child’s Plan

33) Is the draft guidance helpful in describing the processes and arrangements for providing assistance in relation to functions under this part of the Act? (11.10.1 – 11.10.8)

Yes No

What is helpful and/or what do you think could be clearer?

Further specific guidance is request to assist the parties who may be involved and services approached for assistance.

34) Please provide any other general comments about the draft Child’s Plan guidance:

Draft Child’s Plan Order

See question 26 above, and:

Part 1, Article 2 - General

35) Whenever possible we have referenced existing regulations to show the interaction with the new duties. Do you find this helpful?

Yes No

Please provide any comments on this approach:

It would be beneficial if the guidance could detail the content of the existing legislation or hyperlink the guidance to other relevant legislation.
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Part 3, Article 6 – Preparation and content of a child’s plan

36) In terms of the 2014 Act, the Named Person; and, as far as reasonably practicable, the child and their parents are to be consulted on the preparation of a child’s plan. The draft Order sets out who else should be consulted in certain circumstances. Under the Act, the responsible authority can also consult with anyone it considers appropriate in any particular case. Do you think any other people should be consulted, as far as reasonably practicable, for the preparation of every plan?

Yes No

Please provide details, including who and why.

Part 3, Article 7 – Copies of a child’s plan

37) Copies of the child’s plan should be provided to persons specified in the draft order, except in certain circumstances. This is set out in article 7 of the draft Order. Does this article meet the intention to ensure that others are not placed at risk of harm as a consequence of copies of the plan being provided?

Yes No

If no, please provide details including what you think should be changed:

38) Please provide any other general comments about the draft Child’s Plan Order:

Thank you, please send with your respondent information sheet to:

GIRFECConsultations@scotland.gsi.gov.uk

or

*Alan Davidson
Getting it right for every child
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ*

Consultation inviting views on Draft Statutory Guidance on Parts 18, Section 96 (Wellbeing) 4 (Named Person), and 5 (Child's Plan) of the Children and Young People (Scotland) Act 2014 and draft Orders made under Parts 4 and 5.

Respondent Information Form (RIF)



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation Name

Perth and Kinross Child Protection Committee (CPC)

Title Mr Ms Mrs Miss Dr

Please tick as appropriate (if completing electronically, double click on box and select default value as 'checked')

Surname

Pepper

Forename

Jacqueline

2. Postal Address (if organisation, please provide organisation address)

Perth and Kinross Council

Pullar House

35 Kinnoull Street

Perth

Postcode PH1 5GD

Phone 01738 476205

Email jpepper@pkc.gov.uk

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes **No**

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

Are you content for your **response** to be made available?

Please tick as appropriate

Yes **No**

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate **Yes** **No**

Consultation questions

General

1) Overall, do you think that the draft guidance gives a clear interpretation of the Act to support organisations' implementation of the duties?

Yes - Partially No

(if responding electronically, please double click on one of the boxes above and select the default value as 'checked')

Please provide details:

Perth and Kinross CPC has considered this Draft Statutory Guidance and in answering these consultation questions, does so as a multi-agency partnership with experience in child protection policy and practice development.

Our view is that this guidance goes some way to help strategic leaders to implement these Parts of the Act; however, we suggest more is needed. We note the intended audience is *those with statutory responsibility for implementing and operating the provisions of the Act*, and we suggest that there is a separation of statutory guidance for strategic leaders in order to ensure compliance and guidance aimed at operational managers and practitioners.

Throughout this guidance, there are a significant number of references made to a need for *local guidance; policies; procedures; protocols and training*. It would be particularly helpful if these requirements were collated and listed together to assist in the translation of guidance into practice.

We note that the draft guidance makes references to the National Guidance for Child Protection in Scotland 2014 (Scottish Government: 2014). The policy connection is helpful however; we suggest that the documents have different target audiences. Our view is that the reference to and explanations of processes for protecting children could have a higher prominence in the final statutory guidance. Our view is that the guidance which has a clear focus on promoting wellbeing oversimplifies the complexity of judgements which are needed to ensure that a protective response is taken for children whose wellbeing is so adversely affected as to present significant harm.

Part 18, Section 96 - Wellbeing

2) Do you think the draft guidance on wellbeing provides clarity about what wellbeing means in the context of the Act?

Yes - Partially No

What is helpful and/or what do you think could be clearer?

Overall, we are concerned about the size of the guidance document and the amount of repetition throughout which affects its clarity. We acknowledge that an attempt has been made to broadly define wellbeing through descriptors and the need for local interpretation and implementation; but suggest that further clarity in this statutory guidance is essential. Our view is that the General Introduction (Section 1), whilst helpful in terms of setting the scene, offers little further clarity in terms of defining wellbeing and is not strategic enough.

We also note that in the General Introduction Section at 1.3.6 onwards, the guidance introduces the concepts of *primary intervention and early intervention*. We suggest that the document could provide further clarification on these matters, in particular a better explanation as to the triggers for such interventions and the fit with the need to protect children from significant harm.

We feel the most useful guidance provided in Section 2 – starts at paragraph 2.3 onwards and we would suggest the introductory paragraphs could be removed without detriment to the overall statutory guidance. In paragraph 2.4.2, brief mention is made of professional judgment. We suggest that this could be further expanded in keeping with the findings from the Review of Child Protection in England by Professor Eileen Munro (2013), who contends that procedures and processes do not protect children and young people, but rather it is the professional judgement, skills and knowledge of a confident and competent workforce.

3) Are the explanations of the eight wellbeing indicators helpful? (2.5)

Yes No

What is helpful and/or what do you think could be clearer?

We feel that Section 2.5 – *Indicators of Wellbeing* is particularly helpful descriptors for practitioners and we would suggest that these reflect fully previous GIRFEC Briefings on Wellbeing (SHANARRI Indicators), to make sure there are no inconsistencies.

4) Are the descriptions and examples of wellbeing concerns sufficiently clear and helpful? (2.7)

Yes No

What is helpful and/or what do you think could be clearer?

We suggest strongly that the terms *wellbeing need*, *wellbeing concern* and *wellbeing risks* are potentially confusing for practitioners and are disappointed that this may blur professional judgements about vulnerability and risk and interfere with well-established processes and practices for protecting children. We suggest that this section needs to set out more clearly these inter-relationships.

Our view is that whilst a *wellbeing concern* can be defined and identified by a wider skilful workforce, the identification of vulnerability and risk to a child or young person is more likely to be addressed and managed by a skilled-up workforce, using existing assessment and planning mechanisms for protecting children. This is particularly important when we are considering child neglect and the experience, skill and professional judgement required to assess and determine at which point that neglect presents significant harm to a child and warrants protective and/or statutory intervention.

We suggest that the illustrative examples shown in paragraph 2.7.7 are not as helpful as they could be. We feel they are at odds with paragraphs 2.5.1 to 2.5.2. Many of the examples illustrated could easily fall within the domain of child protection (abuse, harm or significant harm) and indeed, a number are potentially criminal matters. We suggest that these should be removed or reframed. These examples have the potential to undermine existing good practices in child protection.

5) Please provide any other general comments about the draft guidance on wellbeing:

Section 2.13 – We suggest that the insertion of a hyperlink to the National Guidance for Child Protection in Scotland 2014 is not sufficient in terms of strategic direction or to aid the understanding of the “fit” of the role of the Named Person and child protection. This guidance does not make mention of, or reference to, pre-existing information sharing, screening, assessment, decision making and / or planning processes which exist across Scotland. We suggest that this is a significant omission in terms of assisting strategic leaders with local implementation as these arrangements have had an important positive impact in reducing the numbers of referrals to the Children’s Reporter and providing timely and proportionate assistance to children and their families. These arrangements are currently supportive of the work of the Named Person and a local review of our Multi-Agency Screening Group is due to report to the Perth and Kinross Child Protection Committee which provides evidence of this.

Part 4 - Named Person

Section 19 – Named Person Service

6) Is the draft guidance clear on the organisational arrangements which are to be put in place by the service provider to support the functions of the Named Person? (4.1.3 - 4.1.4)

Yes No

What is helpful and/or what do you think could be clearer?

As a CPC, we acknowledge this is principally a matter for the Named Person Services (in Education and Health).

7) The Named Person Order and the draft guidance in support of this relate to training, qualifications, experience and position of who can be a Named Person. (Named Person Order and 4.1.5 – 4.1.17)

Are they sufficient to promote reliability in the quality of the Named Person service while supporting the flexibility to ensure that organisations can provide the service universally and consistently?

Yes No

Do they provide clarity?

Yes No

Please give reasons for your answers, including if you think they should be changed:

We note that paragraphs 4.1.15 to 4.1.17 specify the skills and knowledge requirements for Named Persons. We note that there is no mention in the bullet point list of knowledge and understanding of child protection and we suggest that this is a significant omission. Establishing a shared understanding of roles and responsibilities of staff across services has been crucial to improving and sustaining high quality child protection practices.

8) Is the level of detail provided on the delivery of the Named Person functions within the draft guidance appropriate to guide service providers in the provision of the service? (4.1.19 – 4.1.27)

Yes No

What is helpful and/or what do you think could be clearer?

We consider that the functions described within these paragraphs are fairly clear in terms of *promoting, safeguarding and supporting* wellbeing. We suggest that there could be a better connection made with the previous paragraphs in terms of skills and knowledge, almost a person specification.

We suggest that there is a need to expand further upon the National Practice Model; National Risk Framework to Support the Assessment of Children and Young People and Information Sharing. We suggest that there is an over-emphasis placed on the Resilience Matrix part of the National Practice Model.

We would recommend that the Scotland Information and Advice Letter dated 23 March 2013 from the Information Commissioner's Office should be clearly

referenced and articulated here.

9) The draft guidance outlines how arrangements for making the Named Person service available during school holiday periods and other absences should be put in place. Do you agree that this provides sufficient clarity while allowing local flexibility? (4.1.30 – 4.1.32)

Yes No

What is helpful and/or what do you think could be clearer?

Section 20 – Named Person service in relation to pre-school children

10) This section of the draft guidance outlines arrangements for making the Named Person service available for pre-school children. Do you think it provides clarity?

Yes No

What is helpful and/or what do you think could be clearer?

Section 21 – Named Person service in relation to children who are not pre-school children

11) This section of the draft guidance outlines arrangements for making the Named Person service available for children who are not pre-school children. Do you think it provides clarity? (6.1.1 – 6.1.8)

Yes No

What is helpful and/or what do you think could be clearer?

12) Does the draft guidance make clear arrangements for providing the Named Person service for children who leave school before their 18th birthday? (6.1.9 – 6.1.25)

Yes No

What is helpful and/or what do you think could be clearer?

The guidance is clear on the need for local protocols and we suggest that there needs to be more guidance in relation to respecting the rights of the young person to refuse or not to take up such support. It is at this point that the guidance would benefit from clear reference to Adult Support and Protection. The introduction of duties of the Named Person Service to 16 -18 year olds will mean that issues of transitions and decisions about managing risk to and risk from young adults come to

the fore. Local protocols and practice guidance will be needed.

13) Does the draft guidance make clear arrangements for providing the Named Person service for children of Gypsy/travellers? (6.1.26 – 6.1.31)

Yes No

What is helpful and/or what do you think could be clearer?

14) Does the draft guidance make clear arrangements for providing the Named Person service for children who are home educated? (6.1.32 – 6.1.39)

Yes No

What is helpful and/or what do you think could be clearer?

15) Does the draft guidance make clear arrangements for providing the Named Person service for those families with more than one Named Person? (6.1.41 – 6.1.43)

Yes No

What is helpful and/or what do you think could be clearer?

We suggest that paragraphs 6.1.41 to 6.1.43 could be firmer in setting out what is required to meet statutory duties. We consider that this is an area which is very important for large families at risk and for the co-ordination of Child's Plans in sibling groups across the age spectrum. Given the lessons from Significant Case Reviews about the importance of communication and exchange of information for children who are under the radar, and not known to statutory services, it is our view that this is a significant omission in the guidance.

Section 24 – Duty to communicate information about the role of the Named Person

16) Does the draft guidance make clear the requirements and expectations in relation to communicating information about the Named Person service and the Named Person?

Yes - Partially No

What is helpful and/or what do you think could be clearer?

In terms of the first aspect (*duty to provide information about the service*) we consider that this is clear. However, in terms of the second duty (*duty to provide dynamic named person information to children and families*) we suggest that this will be more challenging in practice. We would suggest that the guidance should make more reference to the need to ensure that the Lead Professional becomes the central point of contact when there are known child protection concerns to ensure that there is no delay in getting relevant information to the right person quickly.

Section 25 – Duty to help the Named Person

17) Does the draft guidance make clear the arrangements which should be in place for service providers or relevant authorities to help a Named Person? (9.1.1 – 9.1.8)

Yes No

What is helpful and/or what do you think could be clearer?

Sections 23, 26 and 27 – Information sharing

General**18) Is the draft guidance on these sections clear on requirements in relation to consideration and sharing of relevant and proportionate information when there are wellbeing concerns?** Yes No**What is helpful and/or what do you think could be clearer?**

As a CPC, we have worked closely with the Information Commissioner's Office (ICO): Scotland to develop our own local Practitioner's Guide to Information Sharing, Confidentiality and Consent, which reflects the Data Protection Act 1998. We are aware that all information sharing has to be legitimate, proportionate and necessary in keeping with data sharing and fair processes principles.

We assume that the Information Commissioner's Office (ICO): Scotland has had a significant input into this section of the guidance. We suggest that there is a considerable amount of information contained within these sections and it could be more beneficial to signpost to national and / or regional exemplars.

In terms of information sharing we suggest that there is a strong argument for both national and local guidance.

19) Does the draft guidance make clear the arrangements and processes that authorities will need to put in place to facilitate and support the consideration and sharing of relevant and proportionate information?

Yes No

What is helpful and/or what do you think could be clearer?

We suggest that there should be a requirement for local protocols and guidance in these sections.

20) Does the draft guidance make clear that the sharing of relevant and proportionate information under this Act must meet the requirements of the Data Protection Act 1998 and the European Convention of Human Rights?

Yes No

What is helpful and/or what do you think could be clearer?

We feel it would be helpful to include the wider policy and legislative framework relating to information sharing, confidentiality and consent.

Section 23/Section 26

21) Does the draft guidance make clear the arrangements for managing and sharing information when duties of confidentiality are a consideration? (10.2.14 – 10.2.16 and 10.3.10 – 10.3.13)

Yes No

What was helpful and/or what do you think could be clearer?

Overall, yes. However, we are not sure it fully takes cognisance of the Common Law Duty of Confidentiality and the sharing of *Personal Information* defined per Part I Section 1 of the Data Protection Act 1998 and the sharing of *Sensitive Personal Information* defined per Data per Part I Section 2 of the Data Protection Act 1998.

Schedules 2 and 3 of the Data Protection Act 1998 set out very clear data processing principles and we are not sure these are truly reflected in this part of the guidance. We also note that there is the potential to confuse information which is known to the Named Person as part of their role and information known to the Health or Education services as part of their function; e.g child's progress reports or outcomes from a developmental check. The guidance would benefit from clearer descriptions would assist Named Persons.

22) Are the arrangements set out for considering the views of the child clear? (10.3.3 – 10.3.4)

Yes No

What is helpful and/or what do you think could be clearer?

We suggest that the Information Commissioner's Office (ICO): Scotland Information and Advice Letter dated March 2013 should be referenced here.

23) Please provide any other general comments about the draft guidance on the Named Person service, including the information sharing sections:

We suggest that in terms of the Named Person, the guidance is still blurred in terms of the responsibilities of the service provider and the responsibilities of the named person. Whilst much is clearly specified, the more challenging aspects are not, and many are left referencing the need for local guidance. The Act requires national strategic guidance for strategic leaders. We suggest that Named Persons will need specific Practitioner Guidance.

Information Sharing is a crucial aspect of guidance and we do not consider that all areas have been suitably addressed in this guidance. We suggest from experience that there is a need to ensure it covers the aspects of *when to share; what to share; who to share with and how to share*. We suggest that there are a number of potential unintended consequences of this guidance which might interfere with existing good practices in child protection.

Draft Named Person Order

See question 7 above; and

24) Please provide any other general comments about the draft order on the Named Person:

No further comment.

Part 5 – Child's Plan

Section 33 - Child's Plan requirement

25) Is the draft guidance clear about the definition and explanation of what constitutes a 'targeted intervention'? (11.2.4. – 11.2.5)

Yes No

What is helpful and/or what do you think could be clearer?

We suggest that the use of the terms *Single Statutory Plan* and *Child's Plan* is misleading particularly in respect of other existing statutory plans, e.g. Coordinated

Support Plans (CSP).

We suggest that the bullet points relating to *targeted interventions* in paragraph 11.2.5 are very subjective and open to interpretation as to what is and is not a universal provision or a targeted intervention. In some local authority areas, these services may be common place, in others they may be seen as specialist.

We are also unclear, despite paragraphs 11.2.1 to 11.2.5, as to what the agreed trigger point is, how that is agreed and how any conflict resolution would be resolved.

We feel this is a gap in terms of developing a statutory Plan. We note that Plans developed to protect children will become a statutory plan from August 2016. There is no guidance about addressing dissatisfaction or appeal against a plan to protect a child which may have an element of compulsion e.g. supervised contact between an adult and a child in order to protect the child. This leaves us nervous about the extent to which this could introduce delay etc. when urgent and immediate actions are need to ensure children are kept safe.

26) Are the arrangements for seeking the views of the child, parents and others during consideration of the need for a Child's Plan set out clearly in the draft guidance? (11.2.7 – 11.2.12)

Yes - Partially No

What is helpful and/or what do you think could be clearer?

We recognise the development of the Child's Plan is a partnership approach, as it is at present in child protection. However there is no reference to conflict resolution guidance provided. We suggest this is a further gap in terms of the Plan's statutory basis.

Section 34 – Content of a Child's Plan

27) Do you agree that the content of the plan, as set out in the Schedule to the draft Order and described further in the draft guidance is clear and covers the full range of likely circumstances? (11.3.1. – 11.3.9 and draft Child's Plan Order)

Yes No

What is helpful and/or what do you think could be clearer?

We welcome this guidance in terms of the contents of a Child's Plan, albeit allowing for the format and presentation of the Plan to be determined locally. We agree it is less about the Format of the Plan, more about the content of the Plan. In terms of the Child's Plan, Schedule 1, the additional of Contingency Planning would be helpful.

Section 35 – Preparation of a Child's Plan

28) Are the arrangements and processes set out in the draft guidance for preparing child's plan clear? (11.4.1 – 11.4.6)

Yes No

What is helpful and/or what do you think could be clearer?

We agree that this is clear. For children in need of protection a Lead Professional may be appointed to coordinate and manage a child's plan which, at the outset will be first and foremost about eliminating and reducing risk and to keep the child safe. WE do not consider that the difference in roles between the Named Person and the Lead Professional is explained clearly enough.

29) Does the draft guidance give clear support on how the child's plan and the co-ordinated support plan should be integrated? (11.4.7 – 11.4.10)

Yes No

What is helpful and/or what do you think could be clearer?

As a CPC, whilst we are clear about the term *Child's Plan*, we are unclear as to how that fits and / or integrates with any Child Protection Plan and / or any Coordinated Support Plan. We have heard suggestions that they can be interpreted as a suite of documents, *tucked behind*, however, this remain an unexplained concept.

Sections 36, 37 and 38 – Responsible authority: general, Responsible authority: special cases and Delivery of a Child's Plan

30) Does the draft guidance make clear the different roles of the responsible, relevant, directing and managing authorities?

Yes No

What is helpful and/or what do you think could be clearer?

On balance, we consider that sections 11.5 and 11.6 remain confusing terms.

Section 39 – Child's Plan: management

31) Does the draft guidance make clear the processes and arrangements for managing the child's plan? (11.8.1 – 11.8.13)

Yes No

What is helpful and/or what do you think could be clearer?

In terms of the Child's Plan, there are some significant language interpretation issues in this part of the guidance e.g. the differentials and / or relationships between the *responsible authority; managing authority; relevant authority; inter-face between Named Person and Lead Professional*. There is a considerable amount of information included here. We suggest that this could be presented more succinctly.

32) Does the draft guidance make clear the arrangements for transferring management of a child's plan? (11.9.1 – 11.9.21)

Yes No

What is helpful and/or what do you think could be clearer?

We refer you to our response at Question 31 above.

Section 40 – Assistance in relation to Child's Plan

33) Is the draft guidance helpful in describing the processes and arrangements for providing assistance in relation to functions under this part of the Act? (11.10.1 – 11.10.8)

Yes No

What is helpful and/or what do you think could be clearer?

We refer you to our response at Questions 31 and 32 above.

34) Please provide any other general comments about the draft Child's Plan guidance:

No further comment.

Draft Child's Plan Order

See question 26 above, and:

Part 1, Article 2 - General

35) Whenever possible we have referenced existing regulations to show the interaction with the new duties. Do you find this helpful?

Yes No

Please provide any comments on this approach:

We suggest that it would be helpful if this was included in the Final Statutory Guidance and Hyperlinked for easy access.

Part 3, Article 6 – Preparation and content of a child’s plan

36) In terms of the 2014 Act, the Named Person; and, as far as reasonably practicable, the child and their parents, are to be consulted on the preparation of a child’s plan. The draft Order sets out who else should be consulted in certain circumstances. Under the Act, the responsible authority can also consult with anyone it considers appropriate in any particular case. Do you think any other people should be consulted, as far as reasonably practicable, for the preparation of every plan?

Yes No

Please provide details, including who and why.

No further comment.

Part 3, Article 7 – Copies of a child’s plan

37) Copies of the child’s plan should be provided to persons specified in the draft order, except in certain circumstances. This is set out in article 7 of the draft Order. Does this article meet the intention to ensure that others are not placed at risk of harm as a consequence of copies of the plan being provided?

Yes No

If no, please provide details including what you think should be changed:

No further comment.

38) Please provide any other general comments about the draft Child’s Plan Order:

Child's Plan

Throughout this statutory guidance, particularly in relation to information sharing; specifically at paragraph 11.3.8 and the Child’s Plan Draft Order, some mention is made of Chronologies and Significant Events.

We suggest that given the importance of Chronologies, this guidance does not contain enough statutory guidance for strategic leaders and / or operational staff. We feel this guidance should be cross-referenced to *GIRFEC Practice Guidance 8: Chronologies*, which if needs updated, should be updated. Chronologies have been identified as key in many Significant Case Reviews (SCRs), HMIe reports on child

protection and the Care Inspectorate. We feel that Chronologies should be given a much higher prominence in this guidance.

In Conclusion

We consider the protection of children to be fundamental to the overall GIRFEC approach to wellbeing. However, this has not been clearly articulated in this guidance. We feel there is insufficient emphasis on vulnerability and risk particularly in terms of significant harm and child protection.

We suggest that there is repetition throughout this guidance in some places and in others language is used inconsistently, which is disappointing as we view GIRFEC as an opportunity to develop a shared language and understanding. We are concerned that our existing multi-agency arrangements for identifying, assessing, responding to and managing risk are not acknowledged fully. This may lead to a misunderstanding that new duties replace existing practices which work well to protect children.

Thank you, please send with your respondent information sheet to:

GIRFECconsultations@scotland.gsi.gov.uk

or

*Alan Davidson
Getting it right for every child
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ*