

**REPORT TO:** Education Committee

**MEETING DATE:** 20 September 2016

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Update on the Named Person Service

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## **1 PURPOSE**

- 1.1 To provide the Committee with an update on the implementation of the Named Person Service.

## **2 RECOMMENDATIONS**

- 2.1 The Education Committee is asked to:-
- i. Note the content of the report.
  - ii. Note the outcome of the Supreme Court's decision on the implementation of the Named Person Service.

## **3 BACKGROUND**

- 3.1 Following the Supreme Court's decision, implementation of Part 4 of the (The Named Person) and Part 5 (The Child's Plan) of the Children and Young People (Scotland) Act 2014 has been put on hold. This is due to controversy over the sharing of information. The Authority has been advised that the Scottish Government will make amendments and aim to proceed with implementation once these amendments have been agreed through the Scottish Parliament.
- 3.2 East Lothian Council has issued a newsletter (Appendix 1) to all staff, partners and the public explaining the current position and how this will impact on practice. This has been shared electronically with staff and on East Lothian social media sites and school websites.
- 3.3 Before the summer and before the judgement, East Lothian raised awareness of the role of a Named Person with parents through presentations at Parent Councils, Councillors, school bag leaflet drops and website messages.

- 3.4 All school staff have received comprehensive training in “The role of a Named Person” and they are clear on their responsibilities and duties. Once we receive further information from Scottish Government, the Authority will provide clarity for staff around information sharing so staff fully understand any amendments that have been made.
- 3.5 The electronic SEEMiS system that Named Persons will be using upon implementation is called the Wellbeing Application. This is a new area of SEEMiS designed specifically for this purpose. Arrangements put in place to train school staff in using the SEEMiS Named Person system, prior to the judgement, will continue to ensure staff are familiar with the mechanics of the system in preparation for implementation.
- 3.6 The Authority has developed and are finalising our vision for East Lothian Council’s Named Person Service. This will then enable work to progress in relation to cover for holiday periods, post-16 leavers, home educated children and gypsy travellers (if this continues to be applicable following amendments). The Named Person Service will receive wellbeing concerns from agencies such as the police, health and other agencies via an East Lothian dedicated e-mail address. Any concerns will be re-directed to the Named Person in schools or picked up by Education staff within John Muir House during holiday periods. The Named Person Service will also provide support and advice to Named Persons should they need it.
- 3.7 The Authority will continue to raise awareness and collaborate with other agencies and partners in relation to GIRFEC. These include third sector partners, Children’s Services and a wide range of East Lothian staff who access training opportunities and receive newsletters. These agencies and partners have also been made aware of the processes for referral of a wellbeing concern to the Named Person Service, come implementation of Part 4 of the (The Named Person) and Part 5 (The Child’s Plan) of the Children and Young People (Scotland) Act 2014.
- 3.8 East Lothian’s multi-agency GIRFEC group has worked collaboratively to shape some of the developments above. They will continue to meet regularly and review progress of implementation of Part 4 of the (The Named Person) and Part 5 (The Child’s Plan) of the Children and Young People (Scotland) Act 2014 over the coming year.
- 3.9 East Lothian’s Staged Assessment Process, which is currently under review, will take cognises of the Part 4 of the (The Named Person) and Part 5 (The Child’s Plan) of the Children and Young People (Scotland) Act 2014.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Department will consider updating the relevant policies when the Children and Young People (Scotland) Act 2014 is implemented.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1. Financial – Possible cost of purchasing EGRESS (secure email address for Named Persons) as used by the police along with training costs and required publications. All costs will be met through current budgets.
- 6.2 Personnel - None.
- 6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 Education Committee report entitled “Children and Young People (Scotland) Act 2014 dated 22 September 2015.

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# Named persons

## It's business as usual for nurseries, schools and colleges in East Lothian



Update August 2016

### Welcome

We thought you would be wondering how the recent Supreme Court judgement about the Children and Young People (Scotland) Act would affect children and young people's welfare in our nurseries, schools and colleges. This newsletter sets out the key points for you.

### Impact of the Supreme Court decision on the Named Person Scheme

The Supreme Court decision means that the Scottish Government now has to amend:

- Section 4 of the Act that deals with provision of Named Persons
- Section 5 that covers the Child's Plan.

They have to show that the provisions relating to information-sharing will operate in line with data protection and human rights law. This means that suitable amendments will have to be made and then approved by the Scottish Parliament.

### Olivia McLeod, Director of Children and Families, Scottish Government, says:

*'We are working now to assess what that means for the timescale for implementation. In the meantime, we will continue to progress with preparing for implementation of the Named Person and related provisions and support current good practice.'*



### John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills, says:

*'Given the time required for Parliamentary and legal processes to achieve the required changes to the 2014 Act, the Scottish Government will not commence any provisions within Part 4 (Provision of Named Persons) and Part 5 (Child's Plan) of the 2014 Act on 31 August 2016. In addition, the draft statutory guidance on these Parts of the 2014 Act will be revised.'*

### Business as usual

The judgement does not affect current practice in relation to information-sharing. Partners in schools, health, social work and the police must continue to share information appropriately, as set out in child protection guidance.

### Inter-agency Child Protection Procedures Edinburgh and the Lothians

We will continue to share information in line with section 5.5 of the [Inter-agency Child Protection Procedures Edinburgh and the Lothians](#).

### Section 5.5—sharing information

Sharing appropriate information is an essential component of child protection to secure the best outcomes for children. Anyone who has concerns about the safety of a child(ren) should, without delay, contact one of the core agencies.

Practitioners need to understand when it is appropriate to seek or share information, how much information to share and what to do

with that information. They also need to consider from and with whom information can, and should, be sought and/or shared. This applies not only between different agencies, but also within agencies.

## General principles for information-sharing

- The wellbeing of a child is of central importance when making decisions to share information with or about them lawfully
- Children have a right to express their views and have them taken into account when decisions are made about what should happen to them
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know
- The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families.

### Fiona Robertson, Head of Education at East Lothian Council, says:

*'We will carry on sharing wellbeing concerns with partner agencies as before, using the GIRFEC approach and in line with the child protection procedures discussed above.'*



*'We are going to continue training staff on the Named Person application for CMIS. The training embeds good practice and means that we will be in a good position to implement the amended legislation. Depending on the timescale for the amendments being enacted, we would be happy to offer refresher courses, if people would like them.'*

### Sharon Saunders, Head of Children and Adult Services adds:

*'We are working closely with the Health Visiting Service (who have responsibility for children aged from 0-5). They are also operating on a "business as usual" basis.'*



*'Our aim, as stated in the East Lothian Children and Young People's Plan, is to ensure that we help our children and young people to achieve their fullest potential in life and, in this instance, to make sure that children are protected from harm at home, at school and in their communities.'*



## Keep up with what's happening

- [Scottish Government media release](#)
- [Scottish Government Named Person web pages](#)
- [East Lothian Council Named Person web pages](#)

You can also follow East Lothian Council on Facebook and @elcouncil on Twitter for updates.

## Who to contact for more information

Fiona Robertson and Sharon Saunders will be updating managers, headteachers and staff regularly. If you have an urgent enquiry, please contact:

- Schools—your senior management team
- Social work staff—team leader or area manager.

If you have any concerns, we want to know. Email us at: [children&families@eastlothian.gov.uk](mailto:children&families@eastlothian.gov.uk)

## What next?

We will follow guidance from the Scottish Government and keep staff and parents fully informed.