

**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)**



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**1) Overall, do you think that the draft guidance gives a clear interpretation of the Act to support organisations’ implementation of the duties?**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

The duties are clear but 1.1.4 states clearly that the guidance has not been written with practitioners in mind. This is a fundamental error as the intentions of the bill is clear however the method of the application of the bill is not. How much time has been calculated for staff to be proficient practitioners?

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**2) Do you think the draft guidance on wellbeing provides clarity about what wellbeing means in the context of the Act?**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

2.1.2 Has not identified any training, support or mentoring of staff undertaking this role.  
2.3.3 It is unclear as to what training will be given to staff on the assessment process. In a recent survey undertaken by the SSTA only 25.38% of staff who completed the survey had training in the concept of Wellbeing.  
2.4.1 Does not make it clear who will be responsible for identifying an assessment trigger.  
2.4.1 The definition of the Named Person is clear but will all the duties be carried out by the Named Person? Our recent survey identified that non promoted staff have been asked and are currently doing the duties identified as those that should be done by the Named Person.

**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?**

It would be helpful to confirm that a Named Person should hold a promoted teaching post. It would be also be beneficial to identify which areas if any should or could be delegated.

**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?**

2.7.3 Is a helpful definition. Perhaps this heading would have more impact if it stated Trigger for Assessment.  
A national accredited training course would support the statement in 2.7.4 “Judgements based on experience” as this would promote a consistency and quality of service though out Scotland.

**5) Please provide any other general comments about the draft guidance on wellbeing:**

2.8.5 Five practitioner question. This surely should be done in consultation with others.  
2.9.3 Has there been time and training allocated for this task?  
2.11.3 Would benefit from a simple statement such as “If there is no need identified there will be no need for a Child’s Plan.”  
2.13.6 It would be good to mention that major changes to the Child’s Plan and the fact that the meeting has taken place should be recorded in the Chronology document.  
2.14.5 This is an ambiguous statement the wording “regard to guidance” meaning that the Local Authority have noted the guidance but do not have to follow it?

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?**

However in brackets after Local Authority should read (Education and Social Work)

**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:**

4.1.15 in the sixth line down change “promoted teachers and the skills” change to “promoted teachers with skills”.  
Who will be responsible for the training, mentoring and evaluation of the Named Persons? Will this require a change in their terms and conditions?

**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?**

Yes however it would be beneficial to state that the Named Person should be the person who carries out the duties identified. In teaching this would be a PT. In our recent survey just under 50% of staff who answered this question stated that they were doing these tasks however the vast majority have had no training in the National Assessment Model.

**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?**

No although the bill states that the Local Authority will be responsible for this, it is not clear in practical terms how this support will be given. For example who will support the children during school closure days will this be social work? How will the pupil files be accessed and updated? Who would support the child during unscheduled meetings during school closure days?

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?**

N/A

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?**

**6.1.7**

Giving the Local Authority the authority to determine how the Named Persons arrangements are most effective could lead to an inconsistency of service and support. Potentially a postcode lottery.

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

Yes  No

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

**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?

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?

**It would be useful to have an agreed set timescale for the sharing of information. Guidance on what should happen if there are incidents of failure to share information.**

**Local Authorities need to have an infrastructure in place to enable safe and reliable information sharing. In our recent survey 42% of teacher had difficulties of sharing information with social workers. 45% had difficulties sharing information with NHS, 21% had difficulties sharing with the Children’s Hearing system, 20% had difficulties sharing with Education Psychologist and 23% had information sharing difficulties with the Police service.**

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?

**Yes however clarification on the reasons why a request is denied would be helpful.**

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?**

**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?**

**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?**

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?**

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?

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

The role of the Named Person service is clear however the practical implementation of the service are not and this could lead to an inconsistent service delivered to the children in Scotland. The practical implementation of information sharing as shown in our survey has highlighted that this is an area that needs considerable support.

Draft Named Person Order

See question 7 above; and

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

It is clear from the responses given throughout the document that the Named Person will need considerable support, training and time to undertake this task. In our recent survey 91% of teachers taking on the Named Persons Role have not been given additional time to fulfil these duties. 82% of teachers taking on the role of Named Person have had not received training in the responsibilities of being 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?

11.2.3 It would be beneficial to have a flow chart here.  
11.2.5 Would also indicate that the question should be asked: Should this child require a C.S.P? This is essential especially if the child or young person is Looked After.

**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?**

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?**

It is a clear process however it does not indicate the time it would take to complete the National Practice Model of assessment. This will be problematic for the Named Person who may have a high number of children who require additional support. Our recent survey indicated that 91% of teachers doing this role have not been allocated additional time for this task.

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 is clear however the implementation of the guidance is not. Our survey noted that 72% of teachers have received no training in completing or maintaining a Child’s plan. Comments such as “on the Job training”, “one afternoon in-service and one rushed session going through the paperwork.” Shows either a lack of understanding of the value of the Children and Young People (Scotland) Act 2014 and/or the whole GIRFEC process. Our staff are not being given the appropriate time and training to support them to fulfil their responsibility in creating and maintaining a Child’s Plan.

**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?**

Advice on the process that should be put in place should there be a dispute e.g. about what service should be implementing and maintaining the Child's Plan would be useful. Historically if the main issue is relating to home and family circumstances it is the Social Work department that would be the organisation responsible for maintaining the Child's Plan, not Education or the NHS.

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?**

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?**

Questions about how the Child's Plan would be accessed and updated during school closure days. This must be made clearer.

**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?**

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?

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

N/A

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:**

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.**

It should only be the key people in the child's life. Otherwise the task becomes too cumbersome and therefore potentially unachievable. Perhaps an e-mail update could be provided by the other professionals involved in the life of the child and this information could be placed in the Child's Plan.

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:**

It would be best practice for an agreed time allocation for the training, preparing and updating of the Child’s Plan.  
Information about how and where the Child’s Plan should be stored. This would be essential during school closure days.

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

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