



# Item No: 16

Meeting Date: Wednesday, 21<sup>st</sup> September 2016

## Glasgow City Integration Joint Board

**Report By:** Susanne Millar, Chief Officer Strategy, Planning & Commissioning / Chief Social Work Officer

**Contact:** Mike Burns, Head of Children's Services

**Tel:** 0141 276 5627

### NAMED PERSON HUB

<b>Purpose of Report:</b>	To brief the Integration Joint Board on the current position in relation to the implementation of the named person service.
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<b>Recommendations:</b>	<ul style="list-style-type: none"><li>a) Note the contents of this report and the current position in relation to the named person</li><li>b) Instruct the Head of Children's Services to provide future updates on progress as more information becomes available on the amendments to the legislation.</li></ul>
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### Implications for IJB:

<b>Financial:</b>	Funding will be required to develop a named person information sharing hub and this will be found from within the existing Health and Social Care Partnership budgets. The Scottish Government is providing finance to recruit additional health visitors and Glasgow's share of this funding will enable the recruitment of around 130 new staff for Glasgow City by 2018/19. There will be other costs related to staff training.
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<b>Personnel:</b>	Recruitment of additional health visitors is in progress.
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<b>Legal:</b>	This paper relates to the implementation of the Children and Young People (Scotland) Act 2014 and the secondary legislation flowing from the Act.
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<b>Economic Impact:</b>	The objective of the Act is to promote the wellbeing of children and young people, especially through early intervention. In the longer term this should have positive impacts on the economy.	
<b>Sustainability:</b>	Not applicable	
<b>Sustainable Procurement and Article 19:</b>	Not applicable	
<b>Equalities:</b>	Getting it Right for Every child promotes a child and family centred approach and, therefore, takes into account the diverse needs of children.	
<b>Risk Implications:</b>	The uncertainty around the legislation may undermine the current governance arrangements and consequently, practitioners may become confused about the guidance on information sharing, resulting in vital information about children at risk not being shared. Clear and regular communication with our staff and with our partner agencies will be key to ensuring that practitioners continue to operate within the best practice guidelines.	
<b>Implications for Glasgow City Council:</b>	The Council will continue to work with partners to ensure that the necessary preparations are made for when the amended legislation becomes law. The Council will also wish to input into the re-drafting of the legislation. The Council will ensure that staff are fully briefed on progress with the changes to the legislation and the work that is taking place locally.	
<b>Implications for NHS Greater Glasgow &amp; Clyde:</b>	NHSGG&C will continue to work with partners to ensure that the necessary preparations are made for when the amended legislation becomes law. NHSGG&C will also wish to input into the re-drafting of the legislation. NHSGG&C will ensure that staff are fully briefed on progress with the changes to the legislation and the work that is taking place locally.	
<b>Direction Required to Council, Health Board or Both</b>	Direction to:	
	1. No Direction Required	✓
	2. Glasgow City Council	
	3. NHS Greater Glasgow & Clyde	
	4. Glasgow City Council and NHS Greater Glasgow & Clyde	

## 1. Purpose of Report

- 1.1 To brief the Integration Joint Board on the current position in relation the implementation of the named person service.

## **2. Background**

- 2.1 The Children and Young People (Scotland) Act 2014 included a duty on health boards and local authorities to provide a named person for children from aged zero to 18 years. The named person aspect of the Act is one part of a package of measures related to “Getting it Right for Every Child (GIRFEC)”. GIRFEC is the national approach in Scotland that aims to improve outcomes and the wellbeing of our children and young people by offering them the right help at the right time from the right people. It supports children and their parents/carers to work in partnership with the services that can help them.<sup>1</sup> The Scottish Government had planned originally that the legislation in relation to the named person, along with the other GIRFEC-related parts of Act, would be implemented from the 31<sup>st</sup> August 2016.
- 2.2 The Act stipulates each child should have a named person. The Named Person will be available to listen, advise and help a child or young person and their parent(s), provide direct support or help them access other services. They will also be a point of contact for other services if they have any concerns about a child’s or young person’s wellbeing.
- 2.3 The legislation stipulates that Health Visitors or Family Nurses would provide the named person service for children in the pre-school years with Head Teachers/promoted teachers providing the service for school age children.
- 2.4 The Act also provides that information about a child should be shared between services and the Named Person, if it is likely to be relevant to promote, support or safeguard the wellbeing of the child. Information to be shared should be discussed with child and family unless there is a specific reason not to i.e. where there is a child protection concern.
- 2.5 The Supreme Court was asked to decide on the legality of this information sharing aspect of the legislation and its decision was published at the end of July this year. Whilst the Supreme Court found that the named person role in itself did not breach human rights or European Union law, it did rule that changes would be required to the information-sharing provisions of the Act, to make those provisions compatible with Article 8 of the European Charter of Human Rights<sup>2</sup>.
- 2.6 In view of the Supreme Court’s decision, the Scottish Government decided to delay the implementation date for the named person service to provide additional time for the legislation to be amended. The Scottish Government has advised that it will work closely with local authorities, health boards and other key public service partners to ensure that those performing the named person role have the support and guidance they need ahead of implementation.

## **3. Glasgow position**

- 3.1 The partner agencies in Glasgow have been working together for a number of years to make sure that the legislation could be implemented successfully. We have established a

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<sup>1</sup> The Scottish Government website has more information at <http://www.gov.scot/Topics/People/Young-People/gettingitright/what-is-girfec/children-and-young-people>

<sup>2</sup> Everyone has the right to respect for his or her private and family life, home and correspondence. This right is subject to proportionate and lawful restrictions.

number of working groups to develop the necessary systems, policies and practice arrangements. We have a web page devoted to GIRFEC at <https://www.glasgow.gov.uk/index.aspx?articleid=17275>.

3.2 Members of the GIRFEC Senior Managers' Group met recently to develop a Named Person briefing presentation for staff. However, following the recent decision by the Supreme Court it was felt that we could not develop practical information around the implementation of the Named Person until we know the final outcome of the Scottish Government's amendments to the legislation (see appendix). Instead, the meeting was used to discuss some of the key issues that we need to improve, in order to obtain a multi-agency shared responsibility around meeting the needs of children and young people in an early and preventative way as detailed in the Named Person approach. The key issues discussed were:

#### **A) Named Person Briefings for Staff**

We have a shared responsibility with our partners (education, social work, health, the police and the third sector) to provide briefings for staff. These briefings will be for children and family staffs initially but then rolled out for staff in adult services.

#### **B) Named Person Hub**

We need a multi-agency response (such as a single hub) to allow concerns about children and young people raised by both practitioners and members of the public to come in by telephone as well as e-mail.

#### **C) Information Sharing**

We have already developed information sharing protocols and processes which reflect the current Scottish Government guidance on the legislation. Furthermore, the learning from a pilot project on information sharing led by Education Services and Police Scotland information has been helpful in identifying a number of issues that would not have otherwise been foreseen. However, until we know how the information sharing aspects of the Act will be changed following the Supreme Court's decision we cannot do anymore at this time.

#### **D) Lead Professional**

Where a child needs coordinated support a lead professional should be put in place by one of the agencies. Social Work still has some work to do to ensure that at the point of sharing information to the child or young person's Named Person that there is an up to date Child's Plan in place. Social Work currently has 12,000 open cases for children and young people on the CareFirst system and we need to consider the following:

- Should Social Work be the Lead Professional for all these children and young people?
- Should Social Work only be the Lead Professional for children and young people where there is a statutory intervention: children looked after away from home, Child Protection, looked after at home under a supervision order, and some Kinship Care placements?

- Would Social Work have to do anything different for those children and young people who are looked after away from home and placed in another local authority area?

### **E) Joint Support Teams**

These are multi-agency groups that help to identify the appropriate care and support for children and ensure that this support is provided in a planned and coordinated way. Work is underway to improve the effectiveness of the Joint Support Teams.

### **F) Common Language**

Overall we need to ensure as changes are made to current procedures and systems, that we all use the same language to name these changes.

## **4. Recommendations**

4.1 The Integration Joint Board is asked to:

- a) Note the contents of this report and the current position in relation to the named person.
- b) Instruct the Chief Officer Strategy, Planning and Commissioning / Chief Social Work Officer to provide future updates on progress as more information becomes available on the amendments to the legislation.

## Glasgow City Council Position on Named Person 4 August 2016

Following the Supreme Court judgement on the Named Person legislation, Glasgow City Council's current position on information sharing in relation to children and young people is set out below.

Glasgow City Council continues to prepare for the introduction of the Named Person legislation. In doing so, it will work with partners in Glasgow City, the Scottish Government and other agencies and in accordance with the recent Information Commission Office (ICO) statement on the Named Person Scheme.

The Council will follow advice and guidance that is anticipated from the Scottish Government as part of this process. The council notes the concerns of the Supreme Court but is also reassured by the ICO statement that information sharing for child protection is not affected by the judgement and consequently, we should continue to share such information within the framework of the Data Protection Act 1998 and other relevant legislation.

Glasgow City Council remains committed to the aspirations of getting it right for every child and to that end the council have developed, with partners well established pathways, processes and protocols to safeguard and support children and young people. In addition, every day within Glasgow, professionals continue to share information in a thoughtful, respectful and proportionate manner. There will be no change to that ongoing professional practice. It remains business as usual and to that end the well-established pathways will continue to operate;

- Early Years Joint Support Teams EYJST (Co-ordinated through early years establishments).
- Joint Support Teams JST (Co-ordinated through our Learning Communities).
- Social Care Direct-will continue to receive all social work requests for assistance and urgent child protection
- Out of Hours-Glasgow and Partners Emergency Social Work Service Non-Offence Referral Management NORM (Co-ordinated by Social Care Direct addressing all domestic violence incidents).
- Early and Effective Intervention EEI (Co-ordinated by Community Safety Glasgow)

The council will continue to work with partners to protect and support children and young people by sharing information without the consent of the child or young person if the disclosure is necessary in order to protect their vital interests or if the disclosure is necessary for the exercise of a statutory function. We will also continue to comply with other data protection principles under the Data Protection Act (for example, in relation to sensitive personal data, conditions under Schedule 3 of the Data Protection Act) and will ensure that all information sharing is lawful, proportionate and necessary in order to ensure compliance with human rights and law. We will continue to work with health colleagues, Police Scotland and other agencies to ensure that any processes in place comply with the Data Protection Act and Human Rights Act. We will also continue to provide further communication and clarification as it emerges.

I am particularly grateful for the support and patience of colleagues while we worked through the Supreme Court's judgement and how this impacted on our practices going forward. I would now expect our proof of concept approach to continue with Police sending in Concern forms which in their view comply with the Data Protection Act to "Named Person Service". This process should resume as of Friday 5<sup>th</sup> August. We will continue to roll out our training which is being adjusted to take cognisance of the Supreme Court's ruling and any concerns should be flagged to Lesley Mortimer ([Lesley.mortimer@glasgow.gov.uk](mailto:Lesley.mortimer@glasgow.gov.uk)), which will feed into our learning as we move towards a Named Person Service.

Maureen McKenna  
Executive Director of Education Services  
Glasgow City Council