

**Submission from CrossReach Children & Family Services
on
Children and Young People (Information Sharing) (Scotland) Evidence**

August 2017

We are responding to the Scottish Parliament's call for evidence in relation to the Bill and a call for views on the illustrative draft Code of Practice.

CrossReach delivers a range of services to children, young people and families in a variety of settings throughout Scotland and is the Social Care Council of the Church of Scotland. As most of our support is tailored to meet children's and young person's specific needs, we are supportive of sharing the key message of wellbeing and getting it right for every child across all professionals, practitioners and families so we help to achieve good outcomes for children in Scotland. GIRFEC principles should continue to be promoted as a valuable framework and 'tool' for children and families to use, as well as for practitioners across children's services.

We have provided some comments and observations on some specific points from the Code of Practice on Information Sharing:

1. The Code of Practice applies to all practitioners who may provide information under Parts 4 & 5. This is welcomed as this will be helpful both to our services and those we work with in the ongoing implementation of GIRFEC, and in providing additional safeguards in relation to information sharing.
2. The duty to "consider" whether to share information places the responsibility on the practitioner and each organisation to make the decision whether or not to share information. There is therefore a need for clear advice, guidance and support so that these decisions are made safely and consistently and in the best interests of children and their families. This will necessitate clear national guidance as well as good local procedures.

3. A Code of Practice for such an Act should provide this clarity and be a reliable tool for any individual, community group, or other organisation working with children and young people across Scotland. However, the draft copy is principally written within a legal framework. It requires more detail and it would be helpful to provide a user friendly guide with relevant examples of scenarios and Q&A.
4. In terms of sharing without consent, we feel that it would be helpful to define these situations more clearly in the code of practice. For example: Section 6
 - *(ii) (d) the best interests of the child* (this requires definition)
 - *(iii) there is some other compelling reason not to inform the person* (this requires further explanation or examples).
5. The terminology of "Wellbeing" remains a vague and undefined concept, the code of practice simply states the eight factors under the acronym of SHANARRI. This issue had previously been highlighted, but appears to have gone unnoticed. CrossReach Children & Family Services in particular are supportive of the wellbeing outcomes as a uniform way of assessing and monitoring a child's / young person's wellbeing on an ongoing basis, as they are easily shared and understood by parent/carers and other practitioners potentially involved with the child and the Child's Plan. We would welcome however greater clarity or a specific definition of "wellbeing".
6. The draft Code states on numerous occasions (10; 15; 17) that "you should record you actions, the reasons for them, and any views expressed." With the increasing requirements for data protection, as stated in the DPA and the forthcoming GDPR (General Data Protection Regulation 25/05/18), the statement needs to be more clearly explained and defined, stating how and where such 'recordings' should be made; how long such records need to be stored securely; and how they could be shared if the need ever occurred.
7. There is no reference to the reforms about to be introduced through the General Data Protection Regulation which is due to come in to force on 25th May 2018.

We appreciate the opportunity to comment and are willing to engage in further discussion as and when it is suitable.

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CrossReach