

United Free Church of Scotland

United Free Church of Scotland Church and Society Committee Response



SUBJECT: Children and Young People (Information Sharing) (Scotland) Bill

REQUESTED BY: Education and Skills Committee – Scottish Parliament

REFERENCE: SP Bill 17

DATE: MONDAY 21 OCTOBER 2017

FROM: Ian D. Buchanan, Convener

Thank you for the invitation to submit a written response to your call for evidence.

When the United Free Church of Scotland General Assembly met in Perth in June of this year the following motion was put and unanimously agreed:

“The General Assembly welcome the decision of the Supreme Court on the Children & Young People (Scotland) Act 2014.

The General Assembly urge the Scottish Government, in their re-drafting of the legislation, to consult widely, so that any final legislation addresses holistically the needs and well-being of children and young people so that beyond correcting the issues of information sharing there are measures to encourage and strengthen the family as a vital element of their well-being.”

The Church and Society committee would make the following observations and comments regarding the Bill:-

- An important aspect of the Bill is the **duty to consider** before sharing information. Will this in itself ensure a consistent approach across the country, bearing in mind that wellbeing indicators are much broader and not always so easy to define compared to child protection concerns?
- The need for a Code of Practice is recognised but the illustrative draft still means that the named person, or whoever is considering sharing information, has to make a judgement that puts a lot of onus on them as to whether it is an appropriate response.
- Resources to provide adequate training will be required for all those involved in information sharing, not just the named persons.
- Need for a clear guidance leaflet for young people and parents about the process of information sharing, the need for consent and the avenues available to find out about what information has been recorded over time and making a complaint.
- With the various caveats about obtaining consent, how easy would it be to have a complaint upheld if a young person or parent believed consent had not been given or information had been obtained inappropriately?
- In recent years there has been more of an issue between the rights of the child and the rights of parents to have access to information that, for example, doctors may have about their child. When it comes to the broader issue of wellbeing, who decides the balance to be struck?

Conclusion

The committee welcomes the Scottish Government’s willingness to continue to engage with stakeholders in order to improve the quality of service in support of children and young people.

The Bill is meant to bring consistency, clarity and coherence to the practice of sharing information. It is therefore worrying that the Faculty of Advocates have expressed concern about the lack of clarity in the legislation and the burden being placed on professionals to assess whether it is appropriate to share information. The committee is of the view that such concerns should be addressed.