



Scottish Churches Parliamentary Office Briefing Paper

A 'Named Person' for Children and Young People in Scotland

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The Children and Young People (Scotland) Act 2014

This SCPO briefing looks in detail at Part 4 of the recently passed Children and Young People (Scotland) Act 2014. The Scottish Government introduced the Bill with an intention to further support children and families by providing a clear, streamlined and simplified channel of communication that follows a child from birth to adulthood, so that everyone across all services are clear about how to help children and young people.

The Act has come under criticism from some religious groups and third sector organisations who feel it undermines parents' authority over their own children and provides the Government with unprecedented powers to interfere with family life. There have also been criticisms into the financial costs of implementing the legislation and the fact that parents and guardians cannot choose to opt out of the system.

Main Points of the Bill

The [Children and Young People \(Scotland\) Act 2014](#) was passed by the Scottish Parliament on 19 February 2014, and received Royal Assent on 27 March.

The [Act](#) includes provisions that will:

- From August 2014 increase the amount and flexibility of free [Early Learning and Childcare](#) from 475 to a minimum of 600 hours per year for 3 and 4 year olds, and 15% of Scotland's most vulnerable 2 year olds. From August 2015 this will extend to 27% of the most vulnerable 2 year olds;
- Provide Free School Lunches to all children in primary 1–3 by January 2015;
- Giving all 16 year olds in care the right to stay in care until the age of 21 from 2015; extend the support available to young people leaving care for longer (up to age 26), and support the parenting role of [kinship carers](#);
- Create new duties in relation to the [UNCRC](#) and strengthen the [Children's Commissioner](#) role;
- Strengthen existing legislation that affects children, including a number of amendments to the process for school closure proposals under the [Schools \(Consultation\) \(Scotland\) Act 2010](#), and;
- Enshrine elements of the [Getting it Right for Every Child \(GIRFEC\)](#) approach in law, ensuring there is a single planning approach for children who need additional support from services, providing a single point of contact for every child and providing a holistic understanding of wellbeing.

The 'Named Person'

[Part 4 of the Act](#) refers to the provision of a 'Named Person' for every child and young person in Scotland who will act as the first point of contact for children and families. Some children and young people will get all the help and support they need from their families, education and health services, and from their neighbourhoods and communities. Even so, the Scottish Government state that many children and young people may need some extra help.

In such cases, the Scottish Government propose that the Named Person will be the first point of contact for each child and young person. This role will be part of their day-to-day work. It may be that a child or family wish to contact their Named Person if they are worried about something. The Named Person may have concerns about the child's well-being that suggest further action is needed. Other individuals or agencies may have concerns about the child's well-being that they wish to bring to the attention of the Named Person.

Once a concern has been brought to the attention of the Named Person, it is their responsibility to take action to provide help or arrange for the right help to be provided to promote the child's development and well-being. In order to respond proportionately, the [Named Person](#), referring to the [eight wellbeing indicators \(Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included - \(also known as SHANARRI\)\)](#), will ask five questions:

- What is getting in the way of this child or young person's well-being?
- Do I have all the information I need to help the child or young person?
- What can I do now to help this child or young person?
- What can my agency do to help this child or young person?
- What additional help, if any, may be needed from others?

If the child or young person's needs are assessed as more complex or require help from two or more agencies that need to work together to help a child or young person and family, there will be a [Lead Professional](#) to co-ordinate this. The Named Person should determine who is the most appropriate person to take on the role of '[Lead Professional](#)' as well as the means of transferring that responsibility and any relevant information.

Who will be the 'Named Person'?

During pregnancy and in the period following the birth of a child, the named person will be the midwife. After the midwife's postnatal assistance ends (usually around ten days after birth), a health visitor will become the child's Named Person until the child goes to nursery or school. When the child enters early primary school, he or she should be assigned a member of the school staff as the Named Person. This could be the child's class teacher, a teacher with a guidance role, the head teacher or another designated member of staff. At secondary school level, a Named Person can be allocated taking into account the skills and expertise of staff.

It will also be for local authorities to decide for themselves at what age or stage Named Person responsibility will transfer from health to education.

Scottish Government Views

Evidence from a pilot scheme in Highland (known as 'pathfinder'¹) in implementing the role of the Named Person has shown that:

- Named Persons are identifying children's needs at an earlier stage.
- Children and young people are being supported within the universal services for longer and are receiving targeted help for shorter periods of time.
- The role of the Named Person appears to be critically important in supporting the transition from single to multi-agency support because of the range, depth and scope of the knowledge they have gained about an individual child or young person.
- The working relationship between the Named Person and the Lead Professional, where they are different, is proving to be critically important to the effective assessment and planning of multi-agency support for the child or young person.

¹ MacNeil, M. and Stradling, B. (2010) Lead Professionals and Named Persons, Evaluation Briefing 1, Edinburgh, Scottish Government.

Furthermore, experience from the pathfinders and learning partners have suggested that, in spite of anxieties, the role of the Named Person has not created additional work. Instead the new processes have helped to clarify existing roles within universal services. The evidence from Highland has indicated that the Named Person system will be significant in furthering the 'Getting it right for every child' aim of using early intervention effectively to improve outcomes for children who have additional needs.

Church Views

The [Methodist Church in Scotland responded to the initial consultation](#) of the Bill in 2012. Whilst in favour of the purpose of the Bill to improve the lives of children and young people in Scotland, the Church outlined some areas of concern: *"It can be argued that this step will further erode the traditional role of the family and place the onus on bringing children up firmly with the state rather than with their parents. For some in the churches and wider society this may prove to be a step too far... it does not seem to send a strong message that we are seeking better parenting rather than increasing state intervention."*

The [Church of Scotland's Church and Society Council also responded](#) to the consultation regarding the omission of spirituality from the eight wellbeing indicators: *"The SHANARRI Wellbeing Indicators do not include spirituality. We find this to be a serious omission and would like to see spirituality included. In recent years the importance of spiritual development as an integral part of being human has been incorporated into the education system through the inclusion of Religious Observance in schools and that commitment should be reflected in the Children's Bill."*

The Church also disagreed with a universal approach to the role of the Named Person: *"We do not agree that a universal approach should be taken to the Named Person role. We believe that the family is the fundamental unit of society and are concerned that such a universal approach would contribute to a general diminishing of parental responsibilities. For the majority of children access to services should be managed by their parents; only where a child requires access to multiple specialist services should a Named Person be required."* This 2012 response was reaffirmed with a [follow up](#) in 2013 during Stage 1 of the Bill.

John Deighan, Parliamentary Officer of the [Roman Catholic Bishops' Conference of Scotland](#), stated that the appointment of state guardians to every child could go against the church's teachings on the family. He said it is *"highly questionable to go to these lengths to intervene"* in the life of every single family.

[Rev Dr John Ross from the Free Church of Scotland issued a statement](#) on June 19th 2014 urging the Scottish Government to re-think the Act before it is rolled out. Whilst in support of the measures to assist those at risk, Rev Dr Ross highlighted that the Scottish Government's initial estimate of £13million to finance an additional 500 health visitors has now increased to £43million. This he states, indicates the Act *"has not been properly thought through"* and may burden local services which are already stretched.

Opposition to the legislation

The implementation of a Named Person for every child and young person in Scotland has been heavily criticised by some third sector organisations and religious groups. One issue some Christian groups have with the Act is how 'risks' to a child's wellbeing will be defined.

Could the new Act cause problems for parents who chose to raise their children to understand traditional marriage? Would the Named Person think wellbeing was being compromised if parents were opposed to same sex relationships for their children?

The [Christian Institute](#), [CARE](#) and the [Scottish Parent Teacher Council](#) among others, launched a new campaign, [NO2NP](#), to oppose the named person scheme. The campaign is concerned about the rights of the named person to raise concerns with authorities and "advise" or "inform" the child concerned directly.

In July, the NO2NP has mounted a legal challenge costing £30,000 "*in defence of family life against state intrusion*". Part of its campaign claims that the scheme contravenes the [European Convention on Human Rights](#), in particular, Article 8 which states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The executive director of the [Tymes Trust](#), a partner body to The [ME Association](#), Jane Colby said in a [statement](#) the Act would be 'dictatorial' and without 'precedent':

"This must not go unchallenged. The Named Person will automatically be given details of appointments with the child's doctor, and countless other personal information. No parent can opt out of this system. If the family misses an appointment, or disagrees with their doctor's suggested treatment, the Named Person can and will be told."

Support for the Named Person system

The Act attracted support from a wide range of charitable organisations with Christian foundations.

[Action for Children](#) who work in partnership with the Methodist Church [responded to the Government's consultation](#) in support of the proposal to provide a Named Person "*as long as it is delivered in a way that recognises and encourages trusted professional relationships with children and young people*". They also encourage flexibility regarding the appointment of Named Persons to ensure include robust arrangements for children who are educated at home and for children with particular vulnerabilities or needs.

[Aberlour Childcare Trust](#), Scotland's largest solely Scottish Children's charity, firmly support the Act, citing the opposition campaign as "*both misinformed and risks undermining the piece of legislation which is both timely and wholly compatible with the rights, interests and welfare of both children and their families*".

From the perspective of [Barnardo's Scotland](#), the Act places existing good practice on a statutory footing: teachers and health visitors already look out for the children they work with beyond their health or education remit. They should therefore be in a position to spot concerns at an early stage, listen to issues raised by children or their parents, and work with them to find solutions before these issues become more serious and damaging.

[Children 1st](#) (formally the RSPCC) also support the Act, as they believe it could offer a way to avoid children 'slipping through the net' when they are at their most vulnerable, and a useful point of contact for families so they can access advice and services without having to deal with excessive delay or 'red tape'.

They highlight however that teachers and health visitors all experience high caseloads. In order for the role to work, there will need to be significant extra resources provided.

Looking ahead

In June 2014, The Scottish Government [published a letter](#) outlining how they plan to implement the legislation over the coming months. Around the same time, [the Christian Institute launched its legal challenge to take Part 4 of the Act to Judicial Review](#).

What do you think? Does the Children and Young People (Scotland) Act work to ensure the safety and wellbeing of children and young people in Scotland or is it a step too far into the private sphere of family life?

Read more:

[Latest on the legislation](#)

[About the Act](#)

[Impact of the Act](#)

[Consultation and Engagement](#)

[Getting it Right for Every Child](#)