

Review of GIRFEC guidance and support documents – deadline of [stakeholder consultation response 10 Dec](#)

1. [Practice Development Panel: Getting It Right For Every Child – March 2019](#)
2. [GIRFEC – Policy Statement](#)
3. [Practice Guidance – The Role of the Named Person](#)
4. [Practice Guidance – The Role of the Lead Professional](#)
5. [Practice Guidance – Using The National Practice Model](#)
6. [Practice Guidance – Information Sharing](#)
7. **Information Sharing Charter – no comment**

**Practice Development Panel Recommendation to DFM: Getting It Right For Every Child – March 2019 – for information**

### **The Panel's Approach**

The Panel's objective in drafting the Code was to explain how the provisions for sharing of information relating to children and young people, by or with the Named Person service or in connection with a Child's Plan, should be lawfully applied in practice. The Panel felt it was important for the **Code to bring consistency, clarity and coherence to the practice of sharing information** about children and young people's wellbeing across Scotland in a way that upholds the human rights of children, young people and their families.

### **Audience**

- **front line staff** with the necessary confidence that information can be shared to support good practice in a legally compliant way; and
- **parents, children and young people**, with accessible and understandable information on their rights in relation to information sharing.

Ultimately, the Panel felt that, generally, **practitioners should not be expected to deal with the legal technicalities of information sharing**. As has been historically the case, practitioners are supported and guided in working within and applying the law through organisational systems, policies, procedures, protocols, guidance and supervision.

The Panel felt that the primary audience for the **Code should be Named Person service providers and responsible local authorities**, as the data controllers and information governance leads.

In addition to the Code and Guidance, there would **need to be supporting training materials to support learning and development**. These materials should be aimed at front line staff and should also be available to rights holders.

### **Status of the Code**

When information is shared with or by a Named Person service or in relation to a Child's Plan, failure to comply with the legally binding Code would result in a failure to comply with the legislation.

As the thinking of the Legal Focus Group developed, it came to the conclusion late in October 2018 that for the proposed Code to be effective in providing the safeguards looked for in the Supreme Court ruling, these safeguards would need to be placed directly into the draft Code. In other words,

the draft Code would need to be detailed in terms of how data protection law, human rights law, the law in relation to confidentiality and other areas of law interacted with the information sharing provisions in Parts 4 and 5 of the 2014 Act.

The Panel shared its emerging thinking with the Deputy First Minister in December 2018

## Engagement

Key messages from the engagement were that:

- stakeholders accepted the Panel's emerging conclusion that it was **unlikely to be possible to produce an authoritative draft Code that properly reflects the relevant legal requirements**, is workable, comprehensive and user-friendly for children and young people, parents and practitioners.
- the need for **guidance** on sharing wellbeing concerns, risks and **needs to provide clarity as far as possible for practitioners and build confidence in their practice**.
- the need for **specific guidance on information sharing** e.g. where there was a question of neglect, where the information related to adults and where the sharing of information was to be with the third sector.
- guidance, communication, learning and development **materials should as far as possible be tailored so that they best enhance the understanding for families and practitioner practice**. Use should be made of scenarios to explain how safeguards are applied and choice and decision making is managed in different situations.
- **guidance should help practitioners to understand better how to work with families through consensual agreement**; where they actively engage with services and only the necessary information is shared for them to get the services they wish. **Families should be empowered and where possible decision making should be person-led as well as person-centred**.

## Panel's recommendation

The Panel's prime recommendation is that Ministers should not pursue a binding Code for Information Sharing in relation to information sharing under Part 4 (Provision of Named Persons) of the Children and Young People (Scotland) Act 2014.

1. An updated policy statement on the Getting It Right For Every Child approach. This statement should clarify the **Scottish Government's expectations in relation to delivering a Named Person service and the framework** for planning for individual children and young people.
2. **Measures that support transparency of information sharing and increase the public's understanding and confidence in the GIRFEC approach** to promote, support and safeguard children and young people's wellbeing - which includes:
  - a. a summary of the **rights, principles and values that govern information sharing**, which should be accessible and understandable for children, young people and parents.
  - b. an emphasis on the **rights of children and young people as individuals, their entitlement to support and benefits of engaging with services** that are available to support them

3. **A refresh of the suite of practice guidance and learning and development materials that support organisations and practitioners to develop the culture, systems and practice that delivers the GIRFEC approach.** This should include:
  - a. **co-production of guidance for practitioners on sharing information that could promote, support or safeguard a child or young person’s wellbeing.** The production of this guidance should involve the public (children, parents, young people) statutory and non-statutory service providers, rights promoting organisations, professional organisations, unions, regulatory bodies, Information Commissioner’s Office and others as appropriate.
  - b. **guidance on sharing information without the agreement of those to whom it relates when there is a suspected risk of harm, potential risk of harm, risk of harm or actual harm to a child.** This guidance should include specific reference to when the harm is related to neglect. The guidance should also provide advice on how and when chronologies are created, who contributes and who they are shared with.
  - c. **general guidance on information sharing in relation to wellbeing concerns, risks and needs in the whole population.**
4. There should be additional multi-year investment in multi-agency training and development supporting common purpose and collaborative working in relation to sharing information and the delivery of the GIRFEC approach

### **Review of refreshed materials**

GIRFEC was developed based on evidence, is internationally recognised and an example of a child-rights-based approach. It has been locally embedded and positively embraced by organisations, services and practitioners.

There remain challenges in implementation of particular aspects of the GIRFEC practice approach, with some uncertainty following the Supreme Court ruling that meant Parts 4 and 5 of the Children and Young People (Scotland) Act 2014 were not commenced.

This document seeks to reassure leaders, managers and practitioners about how GIRFEC can be delivered within the current legislative and policy framework of rights, information sharing, and delivery of supports and services to children and their families.

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## GIRFEC Policy Statement

<p>1. How clear and easy is the statement to understand?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>2. Does the statement provide clarity on the refreshed values and principles of GIRFEC and its core components (sections 25-28)?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>3. Does the statement give practitioners confidence in the importance of embedding and implementing GIRFEC to improve outcomes for children and families?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>4. To what extent do you think that the statement will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>5. Does the statement reflect the importance of the voice of the child and family?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>6. Can you outline anything specific that would be helpful to add to this statement?</p>	<p>The Royal College of Nursing (RCN) agrees that the guidance provides confidence in the importance of embedding and implementing Getting It Right for Every Child (GIRFFEC) to improve outcomes for children and families.</p> <p>From a strategic governance perspective, RCN would be keen to emphasise the need for nursing staff to be part of the design process as one of the planning partners in producing the Children's Services Plan - a core component of the GIRFEC approach. It requires agencies to work together so we recognise the need to reflect local structures and circumstances and as such welcome efforts to achieve greater consistency in standards and in practice across Scotland. Yet, it would be important to undertake an evaluation of how this process works in practice, who is involved and how the outcomes are measured. Therefore, we would urge SG to put in place assurance processes that will</p>

	<p>ensure consistency and that each Plan can deliver quality outcomes across Scotland.</p> <p>Challenges around the consistency of provision and quality of services and although this is acknowledged in the statement already, shouldn't just be recognised. The RCN would encourage the statement to make this a clear goal that together with assurance and review processes as well as the guidance documents will support practitioners to make this a reality.</p>
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## Practice Guidance on the role of the named person

<p>1. How clear and easy is the guidance to understand?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>2. Does the guidance provide clarity on the role of the named person in the implementation of GIRFEC?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>3. Does the guidance help provide confidence and understanding for practitioners working in the role or alongside the named person?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>4. To what extent do you think that the guidance will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights within the role of the named person?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>5. Does the guidance reflect the importance of the voice of the child and family?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>6. Can you outline anything specific that would be helpful to add to this guidance?</p>	<p>The RCN supports GIRFEC and the principle of the Named Person. The RCN continues to see GIRFEC and the principle of the Named Person as a positive means of promoting, supporting and safeguarding the wellbeing of children and young people in Scotland. As such, the Named Person scheme is a valuable part of the prevention and early intervention agenda. However, it is vital to recognise and respect that this support is optional and children, young people and their families are under no obligation to engage with the Named Person service.</p> <p>The RCN's comments cover governance and the involvement of health care professionals for different ages and stages.</p> <p>Regarding the governance on how a Named Person is being determined, the guidance needs to clarify whether it is done by the local authority, the health board or whether it is to be agreed in partnership. Whatever the choice, the guidance</p>

	<p>needs to clearly outline that governance structures need to be tailored for each area setting out how they relate to the professional governance for the professionals involved.</p> <p>The guidance covers examples of roles that are likely to cover responsibilities of the Named Person for children and young people of different ages. For secondary school-aged children this is covered by professionals from the education sector, but there may be circumstances for a nurse to be the Named Person for an older child with special needs for example, like that of a learning disabilities nurse. These circumstances or how these are defined also need to be included and set out.</p> <p>Similarly for young people over 18 who receive an Aftercare service, the guidance needs to include examples of professionals who might have an expectation of a Named Person role as this may also cover medical professionals including nursing staff. This is currently not set out.</p>
<p>7. Are there any areas where the further development of resources or guidance would be helpful in supporting the role of the named person?</p>	<p>The RCN's comments on areas that should be further developed include the need for a competency framework and advice on integration of the role to existing responsibilities and how this should be handled.</p> <p>In regard to the expected knowledge needed to fulfil this role, the guidance sets out a comprehensive list. This is not sufficient, and the RCN would recommend developing this into a competency framework which defines the knowledge and skills that are needed to be a Named Person, so that those professionals asked to take on the role can do so with confidence. The Named Person should be supported in this role through CPD, regular training and supervision with appropriate backfill and cover in place, an adequate IT infrastructure, an information sharing governance which enables coordination across all agencies relevant to the child's needs and dedicated administrative support, which is currently not explicitly outlined in the guidance.</p> <p>Clarity is also needed on whether taking on this role is a core part of a professional's role or if it is in addition to existing responsibilities. The guidance needs to include advise on these expectations. Using the experience of practitioners currently fulfilling this role should guide advice on this. In engaging with the Scottish Government to date, the RCN has highlighted its concerns around the impact of additional burdens placed on professionals under any new legislation including adequate resources. Without the right workforce in the right place, at the right time, there is a substantial risk that the Named Person will not be able to fully promote, safeguard and support the wellbeing of children and young people. RCN Scotland continues to support health visitors and all nursing staff within multidisciplinary teams, to deliver high quality care and support to all children, young people and their families.</p>

## Practice Guidance the role of the lead professional

<p>1. How clear and easy is the guidance to understand?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>2. Does the guidance provide clarity on the role of the lead professional in the implementation of GIRFEC?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>3. Does the guidance help provide confidence and understanding for practitioners working in the role or alongside the lead professional?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>4. To what extent do you think that the guidance will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights within the role of the lead professional?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>5. Does the guidance reflect the importance of the voice of the child and family?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>6. Can you outline anything specific that would be helpful to add to this guidance?</p>	<p>The RCN's comments relate to governance, skills required to fulfil the role including training needs, an IT infrastructure and to the choice of the professional role.</p> <p>Regarding governance, the guidance needs to clearly outline that governance structures need to be tailored for each area setting out how they relate to the professional governance for the professionals involved.</p> <p>As for skills, the RCN would recommend developing a competency framework which defines the knowledge and skills required to fulfil the responsibilities of the role as Lead Professional so that those who take on the role can do so with confidence. As with the Named Person, the Lead Professional should be supported in this role through CPD, regular training and supervision with appropriate backfill and cover in place, an adequate IT infrastructure and information sharing governance which enables coordination across all</p>



	<p>agencies relevant to the child’s needs and dedicated administrative support, elements of which not all are currently outlined in the guidance.</p> <p>On the choice of taking on the Professional Lead role, the RCN notes the examples of professional roles listed, but wants to emphasise that the guidance should highlight that choice should not only be influenced by appropriateness i.e. how well they know the child, but also by skills and expertise. As lead professional they also need to have the respect and buy-in from their own colleagues and from other agencies to be able to coordinate a multi-agency plan for the child</p>
<p>7. Are there any areas where the further development of resources or guidance would be helpful in supporting the role of the lead professional?</p>	<p>As with the Named Person role, further guidance and clarity is needed on whether taking on this role is a core part of a professional’s role or if it is in addition to existing responsibilities. The guidance needs to include advise on these expectations. Using the experience of practitioners currently fulfilling this role should guide advice on this. As noted previously, the RCN has highlighted its concerns around the impact of additional burdens placed on professionals and the need for adequate long-term resources to enable the implementation of the service.</p>

## Practice Guidance on using the National Practice Model

<p>1. How clear and easy is the guidance to understand?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>2. Does the guidance provide clarity on the role of the lead professional in the implementation of GIRFEC?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>3. Does the guidance help provide confidence and understanding for practitioners when including children and families in discussing the areas of the National Practice Model?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>4. To what extent do you think that the guidance will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights while using the National Practice Model?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>5. Does the guidance reflect the importance of the voice of the child and family?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>6. Can you outline anything specific that would be helpful to add to this guidance?</p>	<p>Comments the RCN is making relate to the sharing of information, a person-centred approach and professional judgement.</p> <p>Regarding the permission of sharing information, our comments do not relate to the content, but how it is organised. We would recommend consulting with practitioners to how this can be done more effectively to ensure that the 'My World Triangle' remains properly understood.</p> <p>As for the child's centred approach, the RCN very much agree with the guidance but would urge to include a commitment to review this section regularly to take research developments into account.</p>

	<p>And lastly, we welcome the emphasis the guidance is putting on support that practitioners require in making their professional judgement when assessing collated information. The language used assumes that this happens for all professionals, but this may not always be the case and so perhaps it would be better if it was more expressed in terms that this 'should' rather than 'is' happening.</p>
<p>7. Are there any where the further development of resources or guidance would be helpful in supporting the use of the National Practice Model?</p>	<p>Further guidance in relation to assessing a child's wellbeing may be of value for people outside statutory agencies.</p> <p>This relates to section 10.3 where the guidance advises on the role of people outside of statutory agencies who may raise concerns. It is the first document in the series that does so for people outside the system including members of the public. Although this is helpful, information on how it reaches the public or parts of the public is missing and as such we would recommend for the guidance to include a reference to how this would be achieved, perhaps one route would be through communications to parents via schools.</p>

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## Practice Guide on Information Sharing

<p>1. How clear and easy is the guidance to understand?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>2. Does the guidance provide clarity on the practice of information sharing within GIRFEC?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>3. Does the guidance provide practitioners with confidence and understanding in making decisions about sharing information?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>4. To what extent do you think that the guidance will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights within the practice of information sharing?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>5. Does the guidance reflect the importance of the voice of the child and family?</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Completely</li> <li><input checked="" type="radio"/> Mostly</li> <li><input type="radio"/> Somewhat</li> <li><input type="radio"/> A little</li> <li><input type="radio"/> Not at all</li> </ul>
<p>6. Can you outline anything specific that would be helpful to add to this guidance?</p>	<p>The guidance would benefit from outlining where an IT infrastructure is in place to better understand where the gaps are and so to supplement the advice to better support the information sharing governance between agencies.</p>
<p>7. Are there any where the further development of resources or guidance would be helpful in supporting the use of the National Practice Model?</p>	<p>No further comment</p>