getting it right for every child

Supporting children & young people

with consistent and effective support for their wellbeing wherever they live or learn.

Practitioners FAQ
to support communication with the public

NHS SCOTLAND

Education Scotland
Foghlam Alba
Transforming lives through learning

POLICE SCOTLAND
Keeping people safe

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Riaghaltas na h-Alba

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1

What is wellbeing?

A child or young person's wellbeing is influenced by everything around them and the different experiences and needs they have at different times in their lives. Each child or young person is unique and there is no set level of wellbeing that children should achieve. Each child should be helped to reach their full potential as an individual.

Eight indicators are used to make it easier for everyone to be consistent in how they consider a child's wellbeing. These are how safe, healthy, active, nurtured, achieving, respected, responsible, and included the child or young person is. The eight wellbeing indicators connect and overlap.

2

What is the relationship between wellbeing, welfare and child protection?

Child protection is a term associated with the need to take swift, and sometimes longer term, action to safeguard a child where they may be at risk of significant harm. In these circumstances, the National Child Protection Guidance and the law relating to child protection must be used to safeguard the child.

Wellbeing needs cover a broad range of issues that may include welfare and child protection needs. Welfare and child protection reflect a high level of wellbeing needs.

More information on child protection laws and guidance can be found here: **www.gov.scot/Topics/People/Young-People/protecting/child-protection**

3

Why put the Named Person service into law?

Provision of a Named Person service is considered good practice by people working with children and families. However, this practice is not consistent across Scotland. We want to make sure children, young people and parents have confidence that if and when they wish to access help or support, it will be available, no matter where they live or what age the child is.

4

Why give every child up to the age of 18 a Named Person?

The Named Person service is available to children up to 18, and beyond if still in school, except those who are serving in the armed forces. It is available up to this age because the United Nation Convention on the Rights of the Child (UNCRC) considers those under 18 to be children.

Most children get all the help and support they need from their parents, wider family, community, and from universal services like the local health team and school. However, we cannot predict which children or families may want additional help or support or when they will seek it. Families have told us that when they go looking for help it is often unclear who to turn to for the right support.

The Named Person is an identified professional who will be available for families if they wish information, advice or support, either providing this themselves or helping them access other appropriate services or support in a timely way.

5

Can a parent be a Named Person?

The Named Person service is part of the support network made available for parent(s), and therefore it would not be appropriate for a parent to be a Named Person.

Parents have rights and responsibilities to raise their children and provide for their wellbeing needs. A Named Person is available to respond to requests for help from a child, young person or parent, and those who work with them where they have concerns for a child's wellbeing.

6

Will a Named Person replace the role of a parent?

No. A Named Person does not replace or change the role of a parent or carer, or undermine families. Their responsibility is to respond to requests for help from a child, young person or parent, and those who work with them, where they have concerns for a child's wellbeing.

7

Will I have a say in who my child's Named Person is?

Local authorities, health boards and other organisations responsible for providing the Named Person service have processes in place to identify who will have Named Person responsibilities as part of their role e.g. health visitors and promoted teachers. They also have existing procedures to support discussion with families when they are unhappy with the professional identified.

8

Who will be my child's Named Person and how do I contact them?

If your child is a pre-school child, their Named Person is most likely to be your health visitor. Once they attend school, the Named Person will be a promoted member of staff in the school, such as the head teacher, depute head or a guidance teacher. Some groups of children – such as children who are home educated, and those who leave school before their 18th birthday – will have different arrangements in place.

Organisations providing the Named Person service, e.g. your local health board or local authority, will tell you who your child's Named Person is and how you can contact them.

9

How will my home-educated child access their Named Person?

Once a child reaches school age, local authorities have a responsibility to make a Named Person available to children who are educated at home. Parents and children will be informed by their local authority of who their Named Person is and how to contact them. These arrangements do not affect parents' existing rights to home educate their children.

10

How does this fit into the existing roles of health visitors and teachers?

The activities that the Named Person will carry out are integral to the role of the staff delivering the duties. Health visitors, promoted teachers, and others who will be Named Persons already have responsibilities for providing advice and support to children, young people, and families. The new legislation simply makes good practice the standard and formalises this part of their role.

The Named Person service provider, e.g. the local authority or health board, responsible for the individual identified as a Named Person must ensure that they are supported and have the capacity to meet their responsibilities.

11

How many children will a Named Person be responsible for?

There is no set number of children or young people that a Named Person will support. The Named Person responsibilities are integrated into the existing role of professionals who currently support children, young people and families, normally a health visitor or promoted teacher.

The number of children and young people they support varies currently, depending on local circumstances. A degree of local variation will continue.

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What happens if my child's Named Person is not able to help?

A Named Person will not replace or take on the role of other specialist professionals. If they can't offer direct help they will try to put you or your child in touch with a person who can.

Their responsibility is to act as a point of contact so that children, young people or parents always have someone they can approach if they think they need help or advice relating to a child's or young person's wellbeing.

The Named Person, normally a health visitor or promoted teacher, can advise and provide information or support to the child, young person or parent directly. They can also help the child, young person or parent to access support from other services if they need it.

13

Will Named Persons be legally accountable for the advice they offer?

Individuals undertaking Named Person responsibilities have no additional personal legal responsibilities but they are accountable under their professional codes of practice and to the protocols and procedures set out by their employers.

Named Person service providers – local authorities, health boards, independent or grant-aided schools, secure accommodation units and the Scottish Prison Service - are legally accountable for the Named Person service they provide.

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Will the Named Person service divert resources or put children and young people at greater risk?

Vulnerable children, young people and families will continue to receive targeted support from specialist services such as social work. The Named Person service does not change child protection procedures. The police and/or social work will continue to be contacted and to respond if a child is believed to be at risk of significant harm.

The Named Person service is delivered by universal services like the local health team and schools, which aim to provide support early and in some cases avoid bigger problems developing. This approach means that many targeted services, like social work, will have more time and resources to deal with more challenging issues. Therefore, the provision of a Named Person service can free up resources rather than divert them.

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How can I be sure a Named Person does not pose a risk to my child?

People with Named Person responsibilities will be professionals already working with children and families, with the appropriate training, qualifications and experience. This includes being trained and monitored in handling confidential information, governed by professional standards, and subject to criminal checks through the Protecting Vulnerable Groups scheme (PVG Scheme).

All individuals registered with the PVG Scheme are subject to ongoing monitoring (continuous updating). This means that their vetting information is kept up-to-date and if there is new information about them it will be assessed to determine if they are unsuitable to do regulated work with children and/or protected adults.

More information on the PVG scheme can be found here: **www.disclosurescotland.co.uk**

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Why is sharing my child's information important?

Effective communication, including sharing relevant information where appropriate, is essential in providing well established public service support for children, young people and families e.g. by education and health services and is current routine practice under the Data Protection Act (1998). This helps to ensure that children, young people and families are not repeatedly asked for the same information and that services can provide the support expected from them.

17

Will information about my child be routinely gathered and shared?

No. The Children and Young People (Scotland) Act 2014 does not introduce national systematic testing or questioning of children and young people to determine their wellbeing, or allow Named Persons to directly access personal information held by other services.

Under the Act, organisations or professionals like GPs or early years workers, are required to share relevant information with a Named Person if they are concerned about a child's or young person's wellbeing. They must have reason to believe that sharing the information will benefit the child and seek their views in making this decision, unless it would be detrimental to the child or young person to do so.

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Can information be shared without my or my child's consent?

Current data protection and privacy laws already permit information to be shared when it is necessary to prevent or address a risk to wellbeing. This can include sharing information without consent. These laws apply to how all information is managed and processed by public services and those who provide services on their behalf. This helps to ensure that children and young people are protected and kept safe from harm and get the right help at the right time.

In line with these laws, the Children and Young People (Scotland) Act 2014 permits professionals who have a duty of confidentiality to share relevant and proportionate information with a Named Person where they believe it is necessary to support a child or young person's wellbeing.

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How will information be stored and who else will have access to it?

Public services must handle, store, process and share personal and sensitive information in line with existing laws and guidance in relation to data protection, human rights and children's rights.

Organisations providing the Named Person service, e.g. local authorities and health boards, already routinely handle confidential information. Existing legal requirements apply to all information being handled, stored, processed and shared by and with the Named Person service and under the Children and Young People (Scotland) Act 2014. Under the Data Protection Act (1998), any information being shared must be shared legally for a specific purpose. The new law does not change this. Current protections in relation to your information do not change.

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What access will I have to information held by a Named Person?

It is routine practice for public services to provide you with access to records containing information in relation to you. Parents are also entitled to access information about their child by making a Subject Access Request if the child is unable to act on their own behalf or has given their consent. The Children and Young People (Scotland) Act 2014 and the introduction of a Named Person service do not change this.

The Data Protection Act (1998) provides people with the right to access personal information held by organisations. However, there will be occasions when this is not possible as it may place the child or another at risk or compromise an on-going police investigation.

Find out more on accessing your information here: **ico.org.uk/for-the-public/personal-information**

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Do I have to accept the Named Person's advice?

It is your choice whether to accept any offer of advice or support from a Named Person. The Named Person is there to work in partnership with children, young people and their parent(s) to advise, and where necessary, help get the support they need. Named Persons do not have any power under the Children and Young People (Scotland) Act 2014 to impose any support or intervention on a child, young person or parent. Only the Courts and the Children's Hearings system have powers to impose compulsory measures of intervention.

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Can support or services be offered to my child without informing me?

There is existing law and guidance in relation to children and young people's capacity to make decisions on what information is shared with whom, and enabling them to independently access and consent to support and services. This includes the Data Protection Act (1998) and the Age of Legal Capacity (Scotland) Act 1991. Children can, therefore, already access support and services independently of their parents. The Named Person service does not change this law or guidance.

23

How do I make a complaint about a Named Person?

The Children and Young People (Scotland) Act 2014 enables children, young people and parents to make complaints about how the Named Person service and Child's Plan functions, including the Lead Professional have been delivered. This is planned to come into effect from 31 August 2016.

Named Person service providers and organisations responsible for a Child's Plan must inform children, young people and their parents how they can make a complaint. This information must include what children, young people and parents can do if they are not satisfied with the initial outcome of the consideration of the complaint.

For more information on the Child's Plan and Lead Professional, including how to request printed or to download digital versions of the information leaflets, visit: **www.gov.scot/girfec**

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What if I don't want a Named Person?

Most children and young people get all the help and support they need from their parents and wider family, but sometimes need a bit of extra support. Local authorities, health boards and other organisations are required to provide a Named Person service from 31 August 2016 to make sure extra support is available to children and young people – and parents – if and when they need it.

The Named Person has no power to force you to take up any offer of advice or support. Some children, young people and parents may not want to use the Named Person service but it will be available by law if they do.

There will be clear duties on these organisations to make sure that any worries about wellbeing needs can be considered, taking account of the views of children and young people and their parents in accordance with the law and statutory guidance.

Further information

This Frequently Asked Questions guide should be read alongside the **Getting it right for every child (GIRFEC), Understanding Wellbeing, Named Person and Child's Plan leaflets.**

For more information on GIRFEC, including how to request printed or to download digital versions of the information leaflets, visit: **www.gov.scot/girfec**

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