



## Children and Young People (Scotland) Act 2014 – GIRFEC Implementation

### Introduction: the implications of the Supreme Court Ruling

The Supreme Court issued its ruling on the Named Person provisions in the Children and Young People (Scotland) Act 2014 (“2014 Act”) on 28 July 2016. The Scottish Government remains committed to the principles of the Named Person service and has clearly stated its intention to amend **the information-sharing provisions** in the 2014 Act to provide greater clarity about the basis on which information will be shared to ensure compliance with the ECHR. These sections of the Act thus cannot come into force on 31 August 2016 as planned. The Scottish Government will work to make adjustments to the legislation to reflect the judgement as quickly as possible, however it is likely that there will be a delay of at least 4 – 6 months to enable the Parliamentary and legal processes to achieve the required changes.

### Progression of the Inverclyde GIRFEC Pathway

Inverclyde Council and partners are fully committed to building upon the excellent practice developments achieved to date in preparation for full implementation of the Act. The key cornerstones of the Getting it Right for Every Child approach - the wellbeing assessment and the offer and provision of early help to children and their families will thus be implemented as planned and as outlined in the Inverclyde GIRFEC Pathways in the Inverclyde GIRFEC Practice Guidance.

### The Named Person service

The title of Named Person is not required for staff to continue to provide appropriate support and help to families. Thus staff will continue to provide assistance and advice to families as they did previously. The Named Person service itself will not be implemented until Scottish Government complete the adjustments. Further information regarding how to respond to parental queries, use of SEEMiS, will be sent in separate correspondence, as appropriate, for specific services.

### Information Sharing – with consent

It is already established practice in Inverclyde that children and young people are discussed on occasion at a forum or meeting which gives the opportunity for other agencies or services to offer a perspective and where necessary support. Examples of such fora are school Joint Assessment Teams, Extended Support Teams, ASN Monitoring Forum and Early and Effective Intervention meetings. Staff in Inverclyde, who know children and families well, have a strong track record of helping families recognise that when additional support is needed other services require to know information about their child’s challenges so they are in a position to help. It is already established practice that parents, carers, children and young people are aware of and have consented to these discussions taking place. This is good collaborative work which sees the importance of families being part of the solution. This good practice, with the appropriate recording, should continue.

### Information sharing where consent has not been given

On the few occasions where parents and/or young people have not agreed to the sharing of information with other agencies or services individual staff members should be clear regarding the network of support available to enable them to know what to do next. They should continue to use their service’s line management structures to seek support and advice. Again, such discussions and agreed actions should be recorded. If there continues to be any dubiety regarding appropriate action the staff member should contact the Children and Families Social Work Services duty team to seek advice on an anonymised basis. This should help to clarify how to proceed. At all times if there is concern that a child or young person is at risk of significant harm consent is not required and there should be no delay in action.

### Child Protection

All guidance, training and advice regarding GIRFEC within Inverclyde has strongly emphasised that Child Protection procedures remain unaltered. Staff within services should be clear regarding their role and responsibilities in relation to Child Protection, and should continue with the established excellent practice in relation to Child Protection procedures. As always, if any member of staff is unsure regarding whether a situation is a child protection matter they should discuss with Social Work or, if out of hours, Police Scotland.