

Notice of Meeting and Agenda Children & Young People Thematic Board

Date	Time	Venue
Thursday, 31 March 2016	10:00	Abercorn Conference Centre, Renfrew Road, Paisley, PA3 4DR

KENNETH GRAHAM
Head of Corporate Governance

Membership

Councillors Henry, Bibby and McCartin (Renfrewshire Council); L O'Brien, Barnardos; F McBride, Children 1st; N Burns, Police Scotland; F MacKay and M Ferguson (both Renfrewshire Health & Social Care Partnership); A Lowe, Renfrewshire Child Protection Committee; J Melrose, Renfrewshire Children's Panel; L King and N Harkness (both Scottish Children's Reporter Administration); P MacLeod, D Hawthorn, G McKinlay, J Trainer, S Bell, S Graham and S Glasgow (all Renfrewshire Council); J Divers, Scottish Fire and Rescue Services; S Graham, West College Scotland; and M Dunn, University of the West of Scotland.

Chair

Councillor Henry.

Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the reception where they will be met and directed to the meeting.

Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at www.renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx

For further information, please either email democratic-services@renfrewshire.gov.uk or telephone 0141 618 7112.

Items of business

Apologies

Apologies from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

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| 1 | Minute of Previous Meeting | 5 - 10 |
| | Minute of Meeting of the Children & Young People Thematic Board held on 4 February 2016. | |
| 2 | Rolling Action Log | 11 - 12 |
| | Report by Director of Finance & Resources, Renfrewshire Council. | |
| 3 | Integrated Children's Services Improvement Plan - Outcome 3 Progress Report | 13 - 18 |
| | Report by P MacLeod, Director of Children's Services, Renfrewshire Council. | |
| 4 | West Regional Developing Young Workforce | |
| | Presentation by B Davidson, Programme Director, Developing Young Workforce. | |
| 5 | Developing a National Missing Persons Strategy: Provision of Return Interviews | 19 - 24 |
| | Report by D Hawthorn, Head of Childcare & Criminal Justice, Children's Services, Renfrewshire Council. | |
| 6 | Stronger Communities | |
| | Presentation by L Devine, Community Engagement Officer, Stronger Communities. | |

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| 7 | Establishment of the Children & Young People Participation Group | 25 - 28 |
| | Report by D Hawthorn, Head of Child Care and Criminal Justice, Children's Services, Renfrewshire Council. | |
| 8 | Children & Young People (Scotland) Act 2014 - Getting it Right for Every Child (GIRFEC), Information Sharing Practitioner Guidance | 29 - 72 |
| | Report by Senior Officer, GIRFEC, Children's Services, Renfrewshire Council. | |



Minute of Meeting Children & Young People Thematic Board

Date	Time	Venue
Thursday, 04 February 2016	10:00	Conference Room, First Floor, Skills Development Scotland, 27 Causeyside Street, Paisley, Renfrewshire, PA1 1UL,

PRESENT

Councillors Henry and Bibby (Renfrewshire Council); L O'Brien, Barnardos; K Miller, Engage Renfrewshire; F MacKay and M Ferguson (both Renfrewshire Health & Social Care Partnership); A Lowe, Renfrewshire Child Protection Committee; L King, Scottish Children's Reporter Administration; P MacLeod, D Hawthorn, G McKinlay and S Glasgow (all Renfrewshire Council); P Nelis, Scottish Fire and Rescue Services; M Gilligan, Skills Development Scotland; S Graham, West College Scotland; and M Dunn, University of the West of Scotland.

CHAIR

Councillor Henry, Chair, presided.

IN ATTENDANCE

C Thomas, D Black and S Ahmed (all Active Communities); S King, Barnardos; N Matta and G Stewart (both NHS GGC&C); F Capaldi, Police Scotland; and A Armstrong-Walter and C MacDonald (both Renfrewshire Council).

APOLOGIES

Councillor McCartin, Renfrewshire Council; J Melrose, Renfrewshire Children's Panel; N Burns, Police Scotland; and J Trainer, Renfrewshire Council.

DECLARATIONS OF INTEREST

There were no declarations of interest intimated prior to commencement of the meeting.

The meeting was opened by Maurice Gilligan, Area Manager, Skills Development Scotland who welcomed everyone to the SDS offices. He highlighted some of the current projects and thanked everyone for their support and partnership working.

Councillor Henry thanked SDS for hosting the event and also congratulated Professor Ross Deuchar, Assistant Dean (Research, Enterprise and International) of University of the West of Scotland's School of Education on being awarded a Fulbright Scholar-in-Residence (SIR) scholarship.

1 MINUTES OF PREVIOUS MEETINGS

There was submitted the Minutes of the Children & Young People Thematic Board held on 17 November, 2015, and the Joint Meeting between Children & Young People Thematic Board and Economy & Jobs Thematic Board held on 17 November, 2015.

DECIDED: That the Minutes be approved.

2 ROLLING ACTION LOG

The Rolling Action Log was submitted for approval.

DECIDED: That the Rolling Action Log be approved.

3 PRE-TERM BABIES

A presentation was given by G Stewart and N Matta, NHS GG&C relative to Pre-Term Babies. The presentation indicated the importance of identifying the problems early and outlined the definition of a pre-term baby. It also highlighted the impact of prematurity on social life and education; looked at the gestational age at delivery and special education needs; detailed school performance and outcomes; highlighted the implications for learning; drew attention to prematurity and cognitive workload; and summarised the way forward.

Councillor Henry indicated that there was a requirement to look at the dispersal of information and use of the information between partners. She also intimated that there were policy and procedure implications to be looked at and practice and research implications for both WCS and UWS as well as a requirement to work with Health Visitors.

After further discussion it was agreed that the Children's Services Partnership would scope out an action plan, draft a policy position and submit a report to a future meeting of the Board.

DECIDED:

(a) That it be agreed that the Children's Services Partnership would scope out an action plan, draft a policy position and submit a report to a future meeting of the Board; and

(b) That the presentation be noted.

4 PEER MENTORING IN RENFREWSHIRE SCHOOLS (IMPROVING HEALTH & WELLBEING)

A joint report was submitted by F MacKay, Head of Strategic Planning and Health Improvement, Renfrewshire HSCP and Cheryl Thomas, Hearty Lives Renfrewshire Project Co-ordinator, Active Communities updating the Board on the implementation of peer mentoring in Renfrewshire schools to improve health and wellbeing.

The report outlined the success of the peer mentoring project which was funded in St Benedict's and Linwood High Schools. It was intimated that the project aimed to reduce cardio-vascular risk factors of low physical activity levels, poor eating habits, smoking and low self esteem. D Black and S Ahmed outlined the benefits of the project.

It was noted that six schools, in addition to St Benedict's and Linwood, had expressed interest in developing peer mentoring and Active Communities would work with these schools and other partners to progress the initiative.

DECIDED:

(a) That the positive progress made in St Benedict's and Linwood High schools through the Hearty Lives project be noted; and

(b) That the progress made in implementing peer mentoring across all Renfrewshire secondary schools with funding identified through the Poverty Action Plan be noted.

5 PAISLEY THREADS AND FIVE TO THRIVE

A presentation was given by L O'Brien and S King relative to the Paisley Threads partnership project.

The presentation gave a brief overview of the project; summarised the service delivery model; outlined the interventions and the "Five to Thrive" approach; detailed a snapshot of the statistics from April-December 2015; and outlined referral sources and service delivery. A short video was shown which gave an insight into the project.

DECIDED: That the presentation be noted.

SEDERUNT

M Dunn left the meeting.

6 CORPORATE PARENTING UPDATE, SCOTTISH CARE LEAVERS COVENANT AND GETTING IT RIGHT FOR LOOKED AFTER CHILDREN AND YOUNG PEOPLE

A report was submitted by J Trainer, Acting Head of Early Years and Inclusion, Education Services relative to the a Corporate Parenting update, Scottish Care Leavers Covenant and Getting it Right for Looked After Children & Young People.

The report advised that The Corporate Parenting Group, chaired by the Acting Head of Early Years and Inclusion was reviewing how agencies in Renfrewshire were presently meeting their corporate parenting responsibilities. The Renfrewshire draft of the Corporate Parenting Plan would be prepared and consulted on over the next three months. It was noted that the Children's Champions Board would be actively involved in the review, drafting and consultation process for the Renfrewshire Corporate Parenting Plan and the draft plan would be available for the meeting of the Board on 26 May 2016. A timeline for the review of corporate parenting and the production of the draft plan was attached at Appendix 1.

The Scottish Care Leavers Covenant (the Covenant) was co-produced by a wide range of organisations including Who Cares? Scotland, Centre for Excellence for Looked After Children in Scotland (CELCIS) and Barnardo's Scotland. Appendix 2 outlined the full membership including subgroups. The Covenant set out an ambitious agenda for agencies to ensure that outcomes for care leavers were improved. The Covenant was based on the principles of Getting it Right for Every Child and was structured in a way which would assist Corporate Parents to meet their responsibilities and duties under the Children and Young People (Scotland) Act 2014.

DECIDED:

- (a) That the timescale for the review of corporate parenting in Renfrewshire, the consultation and engagement process for the draft Renfrewshire Corporate Parenting Plan as detailed in Appendix 1 be noted;
- (b) That it be noted that the publication of the Scottish Care Leavers Covenant, the planned review by the Corporate Parenting Group to map Renfrewshire's practice against the aspiration of the Covenant and an update would be provided to the next meeting of the Thematic Board;
- (c) That it be noted that the Scottish Care Leavers Covenant, as contained in Appendix 3, be referred to the CPP Board for endorsement and that it be agreed that the Board aspire to meet the commitments contained in the Covenant; and
- (d) That the publication of Getting it Right for Looked After Children and Young People by the Scottish Government be noted and that it be noted that a report on progress in Renfrewshire would be provided to the next meeting of the Thematic Board.

7 REPORT OF THE JOINT INSPECTION OF SERVICES FOR CHILDREN & YOUNG PEOPLE IN RENFREWSHIRE

There was submitted a report by D Hawthorn, Head of Child Care and Criminal Justice, Renfrewshire Council relative to the Joint Inspection of Services for Children and Young People in Renfrewshire.

The report advised that the inspection was part of a national programme of scrutiny and was the first time that all children's services in Renfrewshire had been inspected jointly. The inspection had taken place between December 2014 and February 2015 and the findings had been published on 11 December 2015. The inspection measured progress against nine quality indicators marked against a six point scale.

Renfrewshire received six "very good", two "good" and one "adequate" grades which was

a very positive result given the scale of the inspection. This placed Renfrewshire in the top four of such inspections undertaken to date. The inspection recognised that the community planning partners and elected members were all highly committed to working together and had a compelling vision, value and aims, with meaningful ownership across the partnership to realise the vision collaboratively.

DECIDED:

(i) That the report be noted; and

(ii) That the actions undertaken to strengthen processes in response to Care Inspectorate feedback be noted.





8 TACKLING POVERTY UPDATE

Annabelle Armstrong-Walter gave a presentation relative to an update on the Tackling Poverty Strategy and Action Plan.

The presentation gave a brief overview of what had been achieved to date; outlined some key facts from the Tackling Poverty Programme; drew special attention to the Tackling Poverty outcomes and the significant progress towards the three key pledges; and highlighted the need for well-designed sustainable neighbourhoods and how organisations should work.

DECIDED: That the presentation be noted.

RENFREWSHIRE COUNCIL CHILDREN AND YOUNG PEOPLE THEMATIC BOARD ROLLING ACTION LOG

	Actions on track
	Areas for concern that will impact on completion date if not fixed.
	Action required to bring up to satisfactory level
	Past deadline date and action required.







KEY

Actions on track

Areas for concern that will impact on completion date if not fixed.

Action required to bring up to satisfactory level

Past deadline date and action required.

Action No.	Action	Action Owner	Status	Expected Date of Completion	Actual Date of Closure	Update & Comments
C&YP.05.09.13(5)	Update on STV/Hunter Partnership to next meeting Stronger Communities - Save The Children's Stronger Communities Programme	Lead Officer				<u>C&YP.04.02.14(2)</u> Awaiting formal proposal from STV/Hunter Partnership. Funding issues appear to be hampering progress. <u>C&YP.03.06.14(5)</u> Briefing note submitted and noted. <u>C&YP.24.02.15(4)</u> (a) Children's Services staff in conjunction with the Stronger Communities Programme to organise a meeting of the Glenburn and Muirton programmes at a later date; and (b) Relevant data and point of contact information be passed to the Project Manager.
CAYP.26.011.13(6)	NHS GG&C Healthy Children's Programme And Family Partnership Programme report to be submitted to a future meeting.	CHP- D Leese/ K Phillips		Future meeting		<u>C&YP 4 February 2015</u> Project now applying for additional funding and report to be submitted to a future Board follow on outcome. This is an ongoing programme of work which is well progressed. NHSGGC and CHP will provide regular updates and will provide a detailed report for future meeting.
CAYP. 24.02.15(8)	Joint Inspection of Services – a report on the findings of the inspection to be submitted to a future meeting of the Board	Lead Officer		Future Meeting	04.02.16	<u>C&YP.04.02.16(7)</u> Report noted.
CAYP. 24.02.15(9)	Education Outcomes and Destinations for Looked After Children – report to be submitted on an annual basis	Lead Officer		February 2016		<u>C&YP.04.02.16(2)</u> Figures not yet available from SG. Report delayed to future Board.
CAYP.11.06.14(4)	Corporate Parenting – Part 9 of Children & Young People (Scotland) Act 2015 Report to be submitted to future meeting on reporting framework	S Glasgow		Future Meeting	24.02.16	<u>C&YP.04.02.16(6)</u> (a) Scottish Care Leavers Covenant to be referred to CPP Board for endorsement. (b) Update report will now be provided to a future meeting of the Board.
CAYP. 04.02.16(3)	<u>Pre-term Babies</u> Children's Services Partnership to scope out an action plan, draft a policy position and submit a report to a future meeting of the Board.	Lead Officer/D Hawthorn				

To: Children and Young People Thematic Board

On: 31 March 2016

Report by:

Peter MacLeod, Director of Children's Services

Integrated Children's Services Improvement Plan – Outcome 3 Progress Report

1. Summary

- 1.1 In order to achieve our vision and our associated outcomes and targets, the Children and Young People Board developed the Integrated Children's Services improvement plan. Following agreement of the improvement plan, the Board requested that progress reports be submitted to the Children and Young People Thematic Board for scrutiny.
- 1.2 As the Board has previously scrutinised the progress being made against outcomes one and two of the improvement plan, the focus of for this report is outcome three:
- 'Our children and young people feel confident and responsible – able to participate fully in learning and in their wider community and take part in opportunities which meet their needs, interests and aspirations'

2. Recommendations

It is recommended that the Board

- a) Scrutinise each of the actions detailed in appendix 1
- b) Notes the key areas of progress highlighted in Section 4

3. Background

- 3.1 The Children and Young People Board has responsibility for coordinating and driving multi-agency activity to ensure that we achieve our long term vision that:
- 'By 2023 we will get it right for every child and young person by ensuring that they live in a positive and inclusive environment, have the best start in life, are confident, healthy and free from disadvantage'.

- 3.2 In order to achieve this vision and our associated outcomes and targets, the Children and Young People Board developed an Integrated Children's Services improvement plan. Following agreement of the plan, the Board agreed a reporting schedule for monitoring and scrutinising the progress being made against each of the Children and Young People Outcomes and this report herewith details the progress being made against Outcome 3 "Our children and young people feel confident and responsible – able to participate fully in learning and in their wider community and take part in opportunities which meet their needs, interests and aspirations"

4 Key Areas of Progress

The progress being made against each individual action is detailed in Appendix 1, however some key areas of progress are as follows:

- 4.1 Children's Services and the Health and Social Care Partnership have formed part of an inter-authority group, working together with colleagues from the Greater Glasgow and Clyde area to develop the Substance Misuse Toolkit.

The aim of the group was to develop an online toolkit to promote a planned and progressive approach to substance misuse education in line with curriculum for excellence across educational and community settings that gives consistent messages in relation to alcohol and drugs.

The toolkit brings together tried and tested high quality resources to support the delivery of substance misuse education in primary and secondary schools. The secondary version was launched in December 2014 with the primary version being developed thereafter. Renfrewshire staff were released from schools to support the development of the primary materials and played a key role in both developing and quality assuring the resources.

In order to ensure that staff across the Greater Glasgow and Clyde area were aware of the toolkit and the support it provided, a national event was held in 2015 to launch the materials. Renfrewshire primary schools were well represented at this event.

- 4.2 Children's Services were successful in securing £50,000 from the Tackling Poverty Fund to undertake a second epidemiological study in Renfrewshire. The approach consists of Renfrewshire working in partnership with the Dartington Social Research Unit to conduct a study of the population needs for children and young people aged 9 to 17 in Renfrewshire.

Children and Young People will be invited to participate in an online survey and once the results analysed the data will inform the shaping of services to address the needs identified. The data will allow analysis of the outcomes and needs for children experiencing poverty and for interventions to improve their outcomes identified.

Author: For more information about the report, please contact Yvonne Farquhar, Senior Policy Officer, Chief Executive's Service 0141 618 7409

Renfrewshire Renfrewshire's Integrated Children's Services Plan – Outcome 3 Progress Report

Our children and young people feel confident and responsible – able to participate fully in learning and the wider community and take part in opportunities which meet their needs, interests and aspirations

Proposed Actions	Lead organisation and group	Resource requirements	Milestones	Progress
<p>3.1 Increase the reported school perception score amongst our secondary school pupils to 69</p> <p>3.2 Increase the reported school perception score amongst our primary school pupils to 85</p> <p>3.3 Reduce the percentage of secondary pupils with poor engagement with school to 12%</p> <p>3.4 Reduce the percentage of primary school pupils with poor engagement with school to 4%</p>				Through the work of a newly established inter-authority group the Substance Misuse Toolkit was developed. The aim of the group was to develop an online toolkit to promote a planned and progressive approach to Substance Misuse education in line with curriculum for excellence across educational and community settings that gives consistent messages in relation to alcohol and drugs. The toolkit brings together tried and tested high quality resources to support the delivery of Substance Misuse education in primary and secondary schools. In order to ensure that staff across the GCC area were aware of the toolkit and the support it provided, a national event was held in March 2015 to launch the materials. Renfrewshire primary schools were well represented at this event.
Investigate opportunities to meet needs and aspirations through interventions such as life skills training	Children's Services – Renfrewshire Children's Services Partnership	Additional resources required to be identified	<ul style="list-style-type: none"> Review curriculum for excellence in relation to substance misuse and decision making Investigate links between life skills training and curriculum for excellence Establish short life working group to develop proposal in relation to the introduction or rejection of life skills training approach 	The all children epidemiology study will now be conducted in October/November 2016
Agree a plan for the frequency of epidemiological testing of pupils perceptions	Children's Services – Renfrewshire Children's Services Partnership	Within existing resources	<ul style="list-style-type: none"> All children epidemiology to be conducted September 2015 	
Undertake an analysis of the perception scores	Children's Services – Renfrewshire Children's Services Partnership	Within existing resources	<ul style="list-style-type: none"> Review in October 2015 following the above 	The analysis of the all children epidemiology study will be completed by January 2017

Proposed Actions	Lead organisation and group	Resource requirements	Milestones	Progress
3.5 15 % reduction in the number of days lost per 1,000 secondary pupils through exclusion				
3.6 15 % reduction in the number of days lost per 1,000 primary pupils through exclusion				
Explore multi agency in school support provisions for children at risk of exclusion	Children's Services - Renfrewshire Children's Services Partnership	Within current resources	<ul style="list-style-type: none"> Ongoing 	The Council's Exclusion Policy was reviewed and a new approach has been agreed. Monitoring of exclusions is carried out in a quarterly basis at the Children's Services Senior Leadership meeting
3.7 30% increase in the number of children and young people participating in sporting, cultural and citizenship activities				
Increase the profile of youth volunteering opportunities	Engage Renfrewshire – Renfrewshire Forum for Empowering Communities	Marketing resources Resource to work with organisations to develop volunteering opportunities.	<ul style="list-style-type: none"> Positive stories of young people volunteering in local press/other media Testimonies from people leading volunteering projects or those helped directly by young people volunteering Renfrewshire Forum for Empowering Communities Increase in local organisations taking on young people as volunteers Evidence that employers /other organisations value young people volunteering Testimony from young people that volunteering has been a positive experience. 	<p>Schools across Renfrewshire continue to seek opportunities to publicise and highlight stories of young people volunteering. Local media outlets regularly carry content related to stories of our young people volunteering.</p> <p>Engage Renfrewshire created a Summer and Winter Brochure highlighting suitable volunteering opportunities for young people which was circulated to Renfrewshire High Schools. A Spring Brochure will be circulated to the schools in February 2016.</p> <p>Engage Renfrewshire promote Saltire Awards and Young Scot Points to young people via Schools and youth groups</p>

Proposed Actions	Lead organisation and group	Resource requirements	Milestones	Progress
				<p>Renfrewshire Council, in partnership with Engage Renfrewshire and Renfrewshire Access Panel are Jointly working on a project to enhance employability of young people aged 16+ with disabilities or additional support needs by volunteering in the Third Sector. These young people are leaving school in summer and winter 2016. They will be provided with a quality volunteering service which will identify suitable opportunities tailored to suit interests and capabilities to ensure the best match / experience. They will also be registered for the Saltire Awards and receive Young Scot Points.</p> <p>In partnership with Police Scotland, Engage Renfrewshire is organising an event on 23 March to celebrate young special police volunteers achieving various levels of Saltire Awards</p> <p>In partnership with Street Stuff, Engage Renfrewshire is organising an event in March to celebrate young street stuff volunteers achieving Saltire Awards.</p>



To: Children and Young People Thematic Board

On: 31 March 2016

Report by:

Peter MacLeod, Director of Children's Services

Developing a National Missing Persons Strategy: Provision of Return Interviews

1. Summary

- 1.1 The National Missing Persons Steering Group is currently developing good practice guidance which will support the provision of return interviews across Scotland. Each Community Planning Partnership (CPP) has been asked to co-ordinate a survey response to gather information about current practice. Renfrewshire CPP's response is detailed in Appendix1.

2. Recommendations

It is recommended that the Board notes the Community Planning Partnership response to the Provision of Return Interviews survey

3. Background

- 3.1 The National Missing Persons Steering Group has been established to support the development of a national Strategy to address the issue of missing people by providing advice and expert knowledge to the Scottish Government. Members are drawn from local authorities (including Renfrewshire Council), third sector organisations, NHS, CoSLA, Police Scotland and Scottish Government. The Steering Group is currently leading on developing guidance on return interviews and also creating a national definition of 'missing'.
- 3.2 On 2 February 2016, the Steering Group wrote to all Community Planning Partnerships to advise that they are currently developing good practice guidance which will support the provision of return interviews across Scotland and are gathering information from CPP's about current practice.
- 3.3 As a range of agencies and professionals may be involved in return interviews the Steering Group requested that CPP's co-ordinate a response to the survey by 14 March 2016. Following this, the members of the Child and Adult Protections Committees were consulted on the survey and the response is detailed in Appendix 1.

Author: Yvonne Farquhar, Senior Policy Officer, Chief Executive's Service, Renfrewshire Council
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Provision of Return Interviews – survey of Community Planning Partnerships

1. In your local authority area, are return interviews routinely provided or offered for:

- **children and young people** who have been missing?
- **adults** who have been missing?

Both children and adults are interviewed on return by Police Scotland. Additionally, for children and young people, Renfrewshire Council and Police Scotland have jointly commissioned Barnardo's Scotland to undertake return interviews for children and young people who go missing as part of the Safer Choices Missing Service.

2. What are the differences, if any, in terms of the process you use for adults versus children and young people?

In respect of police interviews, other than adapting the style of the police officers approach, the basic format is the same for both.

For children and young people, we have commissioned a specialist service where the approach is about engaging with the young person in order to establish a relationship and from there determine the best approach to discussing the missing episode. This service has been commissioned partly in recognition of the fact that frontline police officers would not have the time and depending on their experience may not have the necessary skills/training to undertake this process.

This service is specific to children and young people as we recognise that this is not necessarily an approach that would be beneficial for all missing person cases. Other situations, such as adults with dementia for example, may require a different process.

3. Who presently carries out return interviews? (For example a third-sector organisation, police officer, social worker, housing officer, health professional.)

For all adults and children who go missing the initial return interview is carried out by front line uniformed police officers. This includes a "safe and well" check. It is best practice if possible that the enquiry officers do this interview as they have a working knowledge of the enquiry and they know the avenues to explore for example if a name or address has come to light and needs to be expanded upon as part of the interviewing plan. These officers are also able to explain the collective actions taken to locate the missing person. However, there remains some concern for officers in that often due to circumstances, the return interview provides little meaningful intelligence or actionable information which could assist them in their duties.

As identified above, Renfrewshire Council and Police Scotland have jointly commissioned Barnardo's Scotland to undertake return interviews for children and young people who go missing as part of the Safer Choices Missing Service. We firmly view return interviews as a process rather a single interview. In addition to Safer Choices staff, our staff in children's houses and our locality teams will also where appropriate/ necessary participate in a return interview process with children and young people. Our local police officers also undertake safe and well checks as identified above which contributes to the process. Depending on

relationships, education pastoral care type staff (ie guidance teachers) may also participate in the process

4. Are any other people involved in discussions with the individual on their return?

Where an individual has a carer and it is in the person's interests and may be beneficial to the process then a carer may also be involved such as the individual's keyworker in a children's house or adult care home. For those individuals in receipt of statutory social work service then it is possible that their social worker could become involved. In respect of young people in education, as identified above, their pastoral care or guidance teacher could be involved. In each case it will be dependent on the individual's circumstances and their relationships with those professionals.

5. Is there any guidance available for people carrying out interviews? If 'yes' it would be helpful if you could share the guidance.

Section 19 and 20 of the Police Scotland Standing Operating Procedure Guide (SOP) covering Missing Person Investigations, gives guidance on the "Safe and Well" checks and management of return interview.

Safer Choices is a specific service and as such has it's own guidance. We have had for some time guidance regarding the response to children missing from local authority care however in practice this has extended to include children in the community. The guidance requires to be updated and we are awaiting feedback from the police led national pilot in order to do this.

Due to the known correlations between young people who go missing and the risk of child sexual exploitation (CSE), awareness raising information and guidance has been given to staff across the partnership area.

6. Is any training provided to those involved in return interviews? If 'yes', we would be grateful if you could provide information about the content and delivery of the training.

As stated above, Safer Choices is a specific service and as such has it's own training.

Since 2012, Renfrewshire has had in place a comprehensive training programme regarding CSE which explores missing episodes and staff engagement with young people. Bespoke training has also been provided to relevant social work staff by Police Scotland and Barnardo's Scotland.

In addition to their specific guidance, Police Scotland staff also receive on the job training supported by peers.

Renfrewshire has been keen to ensure that awareness is raised across the partnership regarding the concerns associated with people who go missing. To support this, a missing person strategy consultation event was held in Renfrewshire on 23rd November 2016 which was attended by representatives from across the partnership including elected members.

In addition to providing direct support to children/ young people and their families, the Safer Choices Service provides a consultation service to staff and regularly visit our children's houses to provide support and guidance to staff and be visible to young people should they wish to speak to a worker.

7. How is the information obtained during the interview shared with other agencies? (eg police if indication of criminality, or with support services, social worker etc)

Sharing of information is in line with data protection requirements.

Police concern reports regarding children and young people who go missing is shared by the police with children's services social work and Barnardo's Scotland. Barnardo's report back to the police and social work following their engagement with the young person and where appropriate their family.

Renfrewshire has an established Vulnerable Young Persons' Operational Group. Multi agency in nature and chaired by the police, this groups comes together to share information and consider plans and tactical action for those young people whom we are most concerned about in relation to missing episodes and/or the risk of CSE. Any service can refer to the group. This facility is an enhancement to the usual child protection and care planning processes.

Where the police have identified a possible adult protection concern or a wellbeing concern has been identified and the adult has given permission, police concern reports regarding adults who go missing are shared with the adult social work service.

8. What are the enablers or barriers, if any, to information sharing?

In general, working with a number of services together means that data processing arrangements can take time to establish.

However, in Renfrewshire there are robust structures in place to support good information sharing.

Police Scotland have morning review meetings covering missing people over the previous 24 hours. At a local management level this creates the opportunity to assess the immediate risk and intelligence in quick time at the earlier operational stage whilst also undertaking a slower form based review in respect of cross checks and sharing of information through the correct channels to the correct agencies.

In respect of children and young people, as previously mentioned there is a Vulnerable Young Persons Operational Group specifically to address concerns regarding missing episodes and the potential risks of CSE. This is overseen by a strategic group which ensures that any issues regarding information sharing are addressed timeously.

Information sharing can become more difficult in relation to independent care providers in the local area where Renfrewshire is not responsible for the young people in placement.

Renfrewshire also has in place effective early sharing arrangements through multi agency daily tasking meetings. Involving community safety, police and other appropriate services this can assist in sharing information and identifying risks in the community.

9. Do the return interviews identify what support is needed? If so, how is this taken forward (for example through referrals to local services, providing contact details for national organisations)?

At the initial point of contact, the police officer will undertake an assessment of risk and will complete a concern report to this effect. This is reviewed by the public protection hub managers who will then ensure all necessary information has been provided and determine which agencies

this information requires to be shared with/ referred on to and whether there may be a need for adult or child protection procedures. The police will also consider in respect of children or young people whether there may be a need for compulsory measures of care and will refer the matter to the Scottish Children's Reporters Administration.

In respect of adults who go missing, where there are no protection concerns identified, the police may still refer on to others services with the agreement of the adult.

In respect of children and young people, as noted previously the police will also make a referral to the Safer Choices Missing Service. Where initial information and engagement indicates a concern, Safer Choices staff undertake a specific risk assessment which feeds into the holistic social work assessment in determining what support is required. Depending on assessment, in addition to any other identified services, the Safer Choices Service may continue to provide one to one support to the child/ young person and their family.

The work of the Safer Choices Service feeds into the wider integrated assessment, looked after children and child protection assessment and planning processes. Any agency can refer to the service.

10. Please provide any other comments you wish to make.

Partners indicated they had protocols in relation to missing persons.

To: Children and Young People Thematic Board

On: 31 March 2016

Report by:

Dorothy Hawthorn, Head of Childcare and Criminal Justice

Establishment of the Children and Young People Participation Group

1. Summary

- 1.1 Our Participation Strategy sets out the key principles of participation and how we ensure that the right to participate is realised for all of our young people and is extended to more children and young people across Renfrewshire through changing and adapting our approaches to practice, planning and policy development.
- 1.2 In response to the recommendation of the Children's Services Inspection and to ensure a co-ordinated partnership approach to participation, it is recommended that a multi agency partnership group be established.
- 1.3 The Children and Young People Participation Group will be responsible for reviewing the Participation Strategy and developing a Participation Action Plan. The group will also play a key role in coordinating the planning and reporting around Children's Rights as detailed within the Children and Young People (Scotland) Act 2014.

2. Recommendations

It is recommended that the Board

- a) Agrees to establish a Children and Young People Participation Group
- b) Agrees that a role and remit of the group be presented to the next meeting of this thematic board

3. Background

- 3.1 Renfrewshire's Participation Strategy for Integrated Children's Services vision is that:
'Every child and young person in Renfrewshire will have the opportunity to express their views, be listened to and have their opinions respected. All our services will listen and respond honestly to what children and young people have to say'.

3.2 The strategy aims to:

1. Establish a shared understanding of what participation means amongst children, young people and service providers.
2. Increase opportunities for children and young people to participate in existing structures/processes within children's services in Renfrewshire.
3. Increase opportunities for children and young people to participate within planning processes for children's services.
4. Establish methods to evidence how the views of children and young people have been listened to, respected and acted upon

3.3 Our Participation Strategy sets out the key principles of participation and how we ensure that the right to participate is realised for all of our young people and is extended to more children and young people across Renfrewshire through changing and adapting our approaches to practice, planning and policy development.

3.4 As part of the Children's Services Inspection undertaken during December 2014 and February 2015 the extent to which children, young people, families and other stakeholders are involved in policy, planning and service development was examined. As part of the pre-inspection process the partnership was required to provide a 'Participation Position Statement' which was informed by the Participation Strategy.

3.5 The inspection report highlighted that Renfrewshire Community Planning Partnership has

'a very strong ethos in how partners meaningfully involved children, young people and families in shaping policy, planning and service development. The views of children, young people and families were fully evident within joint plans and strategies' including the Integrated Children's Services Plan and were being used to helpfully shape policies and inform planning processes. There were many outstanding examples of innovative and meaningful ways of consulting effectively and involving young people in service development through a wide range of activities and planning forums. Services were strongly committed to promoting children's rights. Partners should now build on this very good practice to extend these opportunities to younger children and other minority stakeholder groups'

3.6 In response to the recommendation and also to ensure a more co-ordinated approach to participation, it is recommended that a multi agency partnership group be established. The Children and Young People Participation Group will be responsible for reviewing the Participation Strategy and developing a Participation Action Plan. The group will play a key role in coordinating the planning and reporting around Children's Rights as detailed within the Children and Young People (Scotland) Act 2014.

- 3.7 In addition, the group will support partners to undertake consultation and participation events and activities. The group will also have responsibility for ensuring that children and young people's views are listened to, acted upon and responded to within the community planning partnership environment. Good practice will be shared and partners will be encouraged to utilise the tools outlined within the strategy.
- 3.8 Strategic Leadership of the group will be provided by the Children's Services Partnership Group.
- 3.9 Following agreement of the establishment of the group, a role and remit will be provided to the next meeting of the Children and Young People Board.

Author: For more information about the report, please contact Yvonne Farquhar, Senior Policy Officer, on 01416187409 or by emailing yvonne.farquhar@renfrewshire.gov.uk



To: Children and Young People Thematic Board

On: 31st March 2016

**Report by:
Sharon Glasgow, Senior Officer (GIRFEC)**

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014 GETTING IT RIGHT FOR EVERY CHILD (GIRFEC), INFORMATION SHARING PRACTITIONER GUIDANCE

1. Summary

- 1.1 The Children and Young People (Scotland) Act 2014 introduces new duties in relation to the Getting It Right for Every Child approach. GIRFEC is the national approach to improving the services that support the wellbeing of children and young people in Scotland. It is an approach that has several principles at its core:
 - puts the wellbeing of the child or young person at the heart of decision making;
 - takes a holistic approach to the wellbeing of a child or young person;
 - works with children, young people and their families on ways to improve wellbeing;
 - advocates preventative work and early intervention to support children, young people and their families; and
 - supports professionals working together in the best interests of the child.
- 1.3 The approach underpins the Children and Young People (Scotland) Act 2014, the Early Years Framework, Curriculum for Excellence and a range of programmes to support improvements in services. GIRFEC is being threaded through all existing policy, practice, strategy and legislation affecting children, young people and their families.
- 1.4 The GIRFEC approach should lead to early and effective intervention at any point in a child's life where it is necessary to improve wellbeing outcomes. By acting to support wellbeing as soon as needs or concerns are identified and well before crisis points are reached, the approach ensures that every child is supported in a timely and proportionate way.
- 1.5 The Act has put into statute some key aspects of the GIRFEC approach. It sets out a definition of 'wellbeing'. It formalises the role of the Named Person ensuring that a Named Person will be available for every child from birth to 18 (or older if still in school) and it makes provision for a statutory Child's Plan to coordinate support for those children who may require additional help. The Act also provides a framework

for information sharing between professionals to support the functions of the Named Person and the operation of the Child's Plan.

- 1.6 The current information Sharing Practitioners Guidance was approved in 2014 with a view to further update and review as part of the full implementation of the information sharing duties from 31st August 2016 . Feedback from practitioners and the Children's Services Inspection Report (December 2015) indicated that this was valuable guidance for staff.
- 1.7 The Guidance is supported by interagency information sharing briefing sessions delivered by the Council information Governance team alongside a practitioner. This training has been revised as part of the GIRFEC implementation plan and future training incorporates details relating to the new duties. All education Named Persons have been prioritised for this training and further inter agency sessions are planned through to March 2017 as part of the inter agency training calendar.
- 1.8 Additional content will be added to the Guidance with detailed information about contact details of the Named Person Service when this is finalised in the near future.

2. Recommendations

- 2.1 To approve the updated Information Sharing Practitioner Guidance for implementation from 31st August 2016 (document attached)
- 2.2 To agree to minor amendments to the Guidance once specific contact details on the Named Person service are available.



RENFREWSHIRE CHILDREN'S
SERVICES PARTNERSHIP



Children and Young People (GIRFEC) Practitioner's Guide to Information Sharing

Implementation date	31 st August 2016
Review date	August 2019

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INFORMATION SHARING

Nothing in Scottish, UK and/or European Law and/ or in the Scottish child protection legislative, policy and/or practice environments prevents you from sharing personal information and in some cases sensitive personal information where you are worried or concerned about a child or young person's wellbeing.

If you are worried or concerned about a child or young person's wellbeing, concerns should be shared quickly, efficiently and effectively.

If a child is considered to be at risk of harm, relevant information must always be shared for their protection and child protection procedures followed.

KEY MESSAGES

- The **wellbeing** of children and young people is everyone's job and everyone's responsibility. Keep your focus on the **wellbeing** of the child or young person
- **Relevant information must always be shared if a child is considered to be at risk of harm (or if it is considered that it might be necessary for a compulsory supervision order to be made).** Legislation does not prevent you sharing information where you are concerned about a child or young person's wellbeing.
- Consider the alternatives and/or implications of not sharing information. Doing nothing is not an option. Do not delay unnecessarily – act quickly
- Share what you consider only to be **necessary, legitimate, appropriate and proportionate – on a need-to-know basis only.**
- Take all reasonable steps to ensure that information is accurate and up to date before you share it.
- Always ensure you follow your agency guidance on recording information
- Keep all information safe and secure at all times
- If in doubt - seek help and support in doing so – from a Line Manager/ Supervisor.

1. Introduction

- 1.1 The Scottish Government introduced *Getting it right for every child* (GIRFEC) as a national approach to apply across all children and adult, public and voluntary sector services to improve the use of resources and achieve better outcomes for children and young people .
- 1.2 The GIRFEC approach ensures that services are brought together more effectively to provide help and support for children, young people and their parents when they need it. The approach supports children and young people's rights, involving children and young people whenever possible in any decisions that affect them and helping services to support parents while respecting their rights and responsibilities. The approach creates a single system of service planning and delivery across services for children. It is rooted in cooperation between services with the child at the centre, encourages streamlining and collaboration, and prevents services working in isolation from each other.
- 1.3 The Children and Young People (Scotland) Act 2014 provides a legislative basis for key elements of GIRFEC. *This guidance should be read in conjunction with the Children and Young People (Scotland) Act Statutory Guidance 2016.*
- 1.4 This guidance places information sharing within the context of the national [GIRFEC approach](#). The GIRFEC duties in the Children and Young People (Scotland) Act 2014 will be put into force on **31st August 2016**. This guidance will be implemented from 31st august 2016
- 1.5 This guidance should be read in conjunction with Renfrewshire Children's Services Partnership (RCSP) GIRFEC policy and single and multi agency child protection procedures and guidance
- 1.6 The key principles of the GIRFEC approach are outlined in the [RCSP GIRFEC policy](#). The policy also outlines the role of the [Named Person](#) and the [Lead Professional](#).
- 1.7 **Sharing appropriate information is an essential component of child care and child protection activity. If a child is considered to be at risk of harm, relevant information must always be shared for their protection.**
- 1.8 Sharing information that is *relevant* and *proportionate* about children who are at risk of harm is fundamental to keeping children safe. The GIRFEC approach focuses on early intervention and prevention, recognising that it is very likely that information may need to be shared before a situation reaches crisis.
- 1.9 The Data Protection Act 1998 (DPA) outlines how personal information must be handled, but the DPA is not a barrier to information sharing. In some cases consideration should be given to the risks of *not sharing* information. Data Protection is about information rights and the protection of people's information. Although there are inevitable tensions between information sharing and data protection, the DPA should not be regarded as conflicting with individual rights.

The circumstances making the sharing of information lawful are:

- where the individual to whom the information relates has **consented**;
- where disclosure is in the **public interest**; or
- where there is a **legal duty** to do so.

1.10 Any sharing of information should be

- **Relevant**;
- **Necessary**;
- **Legitimate**;
- **Appropriate**;
- **Proportionate** and
- Go no further than the **minimum necessary** to achieve the public interest objective of protecting a child or young person's **wellbeing**.

The wellbeing of children and young people is at the heart of the GIRFEC approach, but the key here is that the approach supports families and professionals to work *together* to consider a child's wellbeing. Different services may be able to support one aspect of wellbeing more than another, but it is important that they are aware of all aspects.

1.11 It is important that data protection is not seen as an obstacle to effective information sharing, especially when this is necessary to protect individuals. Penalties are aimed at systemic failures and not practitioners making good faith decisions to share information in the best interests of children.

1.12 Where a practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the DPA.

1.13 When deciding whether to share information, the potential risks and benefits to either individuals or society must be considered. It is also important to consider the risks of **not** sharing the information. Misunderstanding of what information can and cannot be shared can disadvantage service users.

1.14 The GIRFEC approach promotes engagement with the child and family at all stages during which practitioners will want to keep them informed and seek their views and obtain consent to the sharing of information where appropriate.

1.15 There are some circumstances where it is not necessary to seek consent, for example where an assessment using the wellbeing indicators (SHANARRI) raises concerns or there is a child protection issue, the DPA provides conditions to allow sharing of this information, such as 'for the exercise of any other functions of a public nature exercised in the public interest by any person' or 'in the legitimate interests of the data controller

or the third party to whom the data are disclosed so long as it is not prejudicial to the child', and practitioners should be clear about those circumstances which may necessitate sharing information without consent.

- 1.16 If there is any doubt about the wellbeing of the child and the decision is to share, the DPA should not be viewed as a barrier to proportionate sharing.**
- 1.17 Respect for privacy does not necessarily mean that there should be unnecessary restrictions imposed on the use of information. It does, however, require transparency. In the interests of openness, individuals should be made aware of how their information will be used if it is appropriate to do so.
- 1.18 Agencies should tell children and young people and their parents about the kinds of situation in which they may have to share information. This will always be based on the assumption that, by sharing information the child and young person and their parents will receive a better, supportive and comprehensive service. Agencies and services will agree why and with whom they need to share information at the earliest stage of the assessment process and seek the consent of the child/young person and parent to do so.
- 1.19 Good practice indicates that where possible consent will be sought for the sharing of information and, parents, carers and young people will be given an explanation about the concerns the agency has and information about the duties and responsibilities of agencies towards children in need.
- 1.20 If you are in any doubt about sharing information, you should seek further help, advice, support and/ or assistance from your Line Manager/ Supervisor or from the Information Governance Team in your service or agency.**

2. Legislative Context

- 2.1 The handling, storage, processing, sharing, and retention of information by all service providers, relevant authorities and those providing services on their behalf must be legal. This also means keeping a proper record about decision making (in relation to sharing information) and about what information is shared with whom. Practice suggests that most of the information that must be shared under the Children and Young People (Scotland) Act 2014 is already being shared within the existing legal framework. The legislation does not change the type of information being shared, but will increase consistency in practice and that is likely to mean that more information is shared with and by Named Person service providers and relevant authorities.
- 2.2 **Legislation does not prevent you from sharing information, if you have concerns over a child or young person's wellbeing. Relevant information must always be shared if a child is considered to be at risk of harm.**
- 2.3 It is important that you understand the current legal framework around information sharing, confidentiality and consent; however it is crucial that you understand that you are empowered to share personal and/or sensitive personal information if you are worried and/or concerned about a child or young person's wellbeing and the legislation does not prevent you from doing so.
- 2.4 The laws relating to confidentiality and consent underline the child's right to privacy as well as the duty of confidentiality all staff have towards children they work with, but also stresses that sharing information is justifiable as long as the information shared is necessary and proportionate. There is also emphasis on the imperative of informed, explicit consent where possible and appropriate.
- 2.5 In general, if it can be shown that the requirements of the DPA and the Human Rights Act 1998 have been taken into consideration when deciding whether it is appropriate to share and/or seek and/or exchange information, then the requirements of Scottish Common Law and other statutory obligations will also be met.
- 2.6 The DPA provides specific conditions for processing personal information and sensitive personal information respectively. At least one criterion from the Schedule 2 conditions must be met before processing personal information and at least one from each column for sensitive personal information (see below).
- 2.7 Organisations processing sensitive personal information, for example information about a person's health, will need to satisfy a further, more exacting condition. It is important to be clear that meeting a condition for processing will not in itself ensure that the sharing of personal information is fair or lawful. These issues need to be considered separately.
- 2.8 Schedule 2 and Schedule 3 of the DPA describes clearly in what circumstances you can share information.

Schedule 2 Conditions	Schedule 3 Conditions
With the person's consent	With the person's consent
Where there is a legal obligation*	Where there is a legal obligation*
To protect the vital interests of the	To protect the vital interests of the person

person	
For the administration of justice	In connection with legal proceedings, obtaining legal advice or defending legal rights
For the exercise of any functions conferred under any enactment	For the administration of justice
For the exercise of any function of a public nature exercised in the public interest	To protect the person from dishonesty, misconduct or unlawful conduct and in the substantial public interest.

*A legal obligation could include, for example, the duty to refer to Scottish Children's Reporter Administration (SCRA) if it might be necessary for a compulsory supervision order to be made in relation to a child.

2.7 Remember, nothing whatsoever, in Scottish, UK and/or European Law and/or in the Scottish child protection legislative, policy and/or practice environments prevents you from sharing personal information and in some cases sensitive personal information where you are worried or concerned about a child or young person's wellbeing. On the contrary, you are, within certain limitations and constraints, empowered to do so.

2.8 Children and Young People (Scotland) Act 2014

Information sharing is dealt with throughout the Children and Young People (Scotland) Act 2014. The duties will be put into force on **31st August 2016**. The main sections to be aware of are as follows:

Section 23 specifies how communication and the transfer of information should be managed at the points when the Named Person service provider changes.

Section 25 sets out the duty on service providers and relevant authorities to respond to a Named Person service provider to assist the Named Person in exercising their functions.

Section 26 is the main section on information sharing and sets out the duties and powers in relation to information sharing, and provides a framework to support the appropriate and proportionate sharing of information by the Named Person and others in support of the Named Person functions.

Section 27 gives more detail about what to do if information is shared in breach of a duty of confidentiality.

Appendix (J) outlines the duties within the Act.

The Named Person

Access to a Named Person is an entitlement for children and young people from birth to 18 years, or beyond if still in school. The Named Person has various statutory responsibilities set out in the Children and Young People (Scotland) Act 2014. The Named Person will be available to listen, advise and help a child or young person and their family, providing direct support or helping them to access other services. They can help families address their concerns early and prevent them becoming more serious. They can also respond to requests for assistance from other services in situations where this may support the child's or young person's wellbeing.

While the Named Person will be available to offer advice and support, children, young people and parents will continue to access advice and support from a range of services as they currently do without reference to the Named Person. It will be for other services or practitioners to consider whether there is a wellbeing need and whether there is relevant information that they ought to share with the Named Person service.

Where necessary, the Named Person should be able to call upon professional support and advice from their own or other services to carry out an assessment. In all cases where the Named Person has information which indicates a possible child protection concern, local child protection procedures should be followed without delay. The Children and Young People (Scotland) Act 2014 does not change guidance and policy in relation to responding to a child protection concern.

3. Information Sharing

- 3.1 If you are concerned about a child you should seek all the information you need to inform your assessment, including engagement with the child to obtain their view. Relevant information must always be shared if a child is considered to be at risk of harm.
- 3.2 You are expected to identify and consider the child or young person's needs, share information and concerns with other agencies and work collaboratively with other services (as well as the child or young person and their family) to improve outcomes for the child or young person.
- 3.3 If you are worried or concerned about a child or young person's wellbeing, you should share your concerns quickly, efficiently and effectively. You may decide to make more enquiries first. If you do, do so quickly and ensure your focus remains on the safety of the child or young person.
- 3.4 At each stage of an intervention, practitioners should consider the [5 key GIRFEC questions](#)

FIVE key GIRFEC questions:

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

- 3.5 To answer all these questions comprehensively, there will be a need for you to share information with other practitioners, working between and/or across a wide range of other services and/or agencies. This is particularly important where the answer to any of these questions is no; or you do not know; or you are unsure of the answer to any one of the above questions.
- 3.6 **If you are worried or concerned about a child or young person's wellbeing or welfare, you should immediately alert your Line Manager/ Supervisor and discuss your worry or concern with him/ her. At each stage in the process, consideration must be given to whether Child Protection measures should be implemented.**

- 3.7 A worry or concern can relate to a child or young person's **WELLBEING**, defined by the 8 Wellbeing (SHANARRI) Indicators: safe; healthy; achieving; nurtured; active; respected; responsible; and included.
- 3.8 Professional judgement based on an understanding of wellbeing, experience, training and information about the child and their circumstances will be key to identifying wellbeing needs, and weighing up whether the sharing of relevant information is likely to affect wellbeing. In some cases, a single observation or incident may result in a wellbeing need being identified and prompt consideration of sharing information. In other situations, a range of factors may either heighten or reduce a perceived wellbeing need and any related consideration about sharing information. A wellbeing need for one child may not be considered to be a need for another child – it will depend on the individual child and circumstances.

i. **Who should I share information with?**

- 3.9 In the first instance, you should immediately alert your Line Manager/ Supervisor. You should fully discuss your worry or concern; agree a course of action and/or intervention; and record what has been agreed or disagreed.
- 3.10 Where you have agreed to share information you should do so with the child or young person's Named Person (and if already appointed and/or known the Lead Professional).
- 3.11 You may also wish to consider the need to share information with other practitioners, services and/ or agencies who are involved with the child, young person and/ or their family. If so, you should do so on a need-to-know basis only.
- 3.12 The GIRFEC approach includes the need for a Named Person for every child, from pre-birth until they reach 18 years of age.

The Children and Young People (Scotland) Act 2014 states that service providers, relevant authorities and those providing services on their behalf must share information with the Named Person's organisation if these three tests are met:

1. The information **is likely to be relevant** to the exercise of the functions of the Named Person in relation to a child or young person (i.e. it is considered that the information is likely to help the Named Person promote, support or safeguard the wellbeing of a child or young person);
2. The information **ought to be provided** for the purpose of the exercise of Named Person functions (i.e. taking into account the views of the child or young person and the likely benefit to the wellbeing of the child or young person weighed against any likely adverse effect that could result from sharing the information);
3. That sharing this information with the Named Person service provider would **not prejudice the conduct of a criminal investigation or the prosecution of any offence**. (Such circumstances will be rare and will involve close partnership working with Police Scotland and the Crown Office Procurator Fiscal Service.) If information is not shared, the information holder will need to consider the likely impact on the child's wellbeing.

If these three tests are met, and there are no other legal restrictions, then the Named Person service provider must be given relevant and proportionate information to help an identified Named Person to carry out their functions.

- 3.13 Where there is a Named Person in place, then all **wellbeing** concerns that you have about a child or young person should be shared with them, after discussion with your Line Manager/ Supervisor.
- 3.14 At each stage in the process, consideration must be given to whether **Child Protection** measures should be implemented.
- 3.15 On some occasions, it may also be appropriate to share information with other organisations which may hold additional information and/or provide you with further help, advice, support and/ or assistance.
- 3.16 Whilst there is a duty on you to share information with certain other practitioners, services and/or agencies, equally there is a duty on them to share information with you.
- 3.17 Information must be shared with SCRA if it is considered that it might be necessary for a compulsory supervision order to be made in relation a child.

ii. **What** information should I share?

- 3.18 Only share information that you consider **relevant, necessary, legitimate, appropriate and proportionate** to your worry or concern.

You should share information which:

- Helps you answer the *five* key GIRFEC questions;
- Clearly identifies the child or young person you are worried or concerned about;
- Relates directly to your current worry or concern;
- Describes the child's current living and family circumstances; and
- You consider to be relevant.

- 3.19 You need to exercise **professional judgement**; adopt a **common sense approach**; and only share information on a **need-to-know basis**.
- 3.20 In addition the decision to share information will be informed by historical and current information contained in case files and/or electronic record systems. This information will be used to ensure you have all the necessary and relevant information.

iii. **How should I share information?**

- 3.21 You must comply with your agency's Data Sharing Code and protocols. You can contact your agency's Information Security Officer if you need further advice on the secure transfer of information.
- 3.22 In practice you may be sharing information verbally face-to-face with other practitioners; over the telephone; in reports/ assessments; and/ or at meetings. If you are doing so via fax and/or by e-mail, you should ensure these networks are secure.
- 3.23 Sensitive and/ or confidential information should only be transferred securely. Where practitioners require to send confidential, sensitive or personal information via email, advice should be sought from your agency's ICT services. You should follow your own organisation's guidance on secure transfer of information.
- 3.24 NHS Greater Glasgow and Clyde (GG&C) protocol for information sharing with Councils (2013) and NHS GG&C Email Usage Policy (2015) provides guidance for health staff.
- 3.25 When sharing information, you should tell the recipient exactly what information you are providing; why you are providing this information; what you would be proposing to do with this information; who else it may be shared with. You should only share information on a need-to-know basis. You may be asked to support this in writing.

iv. **What should I be recording when I share information?**

- 3.26 When you are actively sharing information you should record this in the child or young person's case file notes and/ or any electronic system. You should follow your service/ agency policies on recording information.
- 3.27 You should also be recording any circumstances where information is **not being** shared and the reason for that. You should also record any circumstances where there is a refusal to share information and the reason for that too.
- 3.28 You should ensure that you record this clearly, accurately and concisely. You should ensure that all this information is kept safe, secure and that there is no unauthorised access to this information.

v. What if I decide **not to share information?**

- 3.29 If you are worried or concerned about a child or young person's wellbeing, you should have alerted your Line Manager/ Supervisor.
- 3.30 You should also be actively sharing information with the child or young person's Named Person (and if already appointed and/or known the Lead Professional). You may also be sharing information with certain other practitioners, services and/or agencies involved with the child, or young person and their family. However, in some circumstances, you may decide not to share information, albeit this would be the exception, as opposed to the rule.

If you decide **not to** share information, then you must ask yourself the following three questions:

- What are my reasons for deciding not to share information?
- What harm could result if I do not share information? And
- What are the implications for the child or young person, for me and/or my service, if I decide not to share information?

- 3.31 The decision **not to** share information should be properly recorded following your agency/ service guidance on recording.

- 3.32** It is a common misconception that data protection legislation prevents you from sharing personal information and in some cases sensitive personal information where you are worried or concerned about a child or young person's wellbeing. It does not. It actually empowers you. In these circumstances, you should share information.

If any concerns arise that the child may be at risk of significant harm, it is essential that child protection procedures are followed immediately and Police and/ or Social Work contacted without delay.

3.33 [RCPC Guidance: Effective Communication between Agencies and Professionals](#)

Must be followed in situations where a member of staff from one agency has asked a member of staff from another agency to carry out a specific task.

Information is **likely to be relevant** to the exercise of the functions of the Named Person where an information holder considers that the information is likely to help the Named Person promote, support or safeguard the wellbeing of a child or young person by:

- (a) Advising, informing or supporting the child or young person, or a parent of the child or young person;
- (b) Helping the child or young person, or a parent of the child or young person, to access a service or support;
- (c) Discussing, or raising, a matter about the child or young person with a service provider or relevant authority; or
- (d) Other functions that a Named Person carries out in relation to a child or Young Person.

The test to determine whether information **ought to be provided** is in 2 main parts:

- (a) **Views of the child or young person** – the information holder must, where reasonably practicable, seek and take into account the views of the child or young person.

Examples of where it might not be reasonably practicable to obtain the views of the child or young person may be because the child cannot be found; the child is unable to express their view; or because obtaining the views would not be possible without compromising the child's wellbeing. The information holder will need to clearly record and explain why they did not seek and consider the child's views.

This does not mean, however, having to comply with the child's wishes. Where the information holder makes a decision to share specific information against the wishes of the child they should record what that information is, what the child's views are, and why they decided to share the information.

- (b) **Likely benefit** – the information holder must consider whether the likely benefit to the wellbeing of the child or young person outweighs any likely adverse effect that could result from sharing the information.

In weighing this up and reaching a decision, the information holder should use their judgement, experience and professional guidance.

4. Consent

‘any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed’

- 4.1 If you are working with a child, young person and/or their family and you do not have any concerns about a child or young person’s **wellbeing**, you may feel it appropriate to rely on consent, as a condition to allow you to share information.
- 4.2 Consent is most likely required where:
- Confidential information is to be shared, without a clear legal basis; and/ or
 - Individuals may be expected to object.

4.3

Consent should only be sought when the individual has a real choice over the matter.

If you have a genuine, professional concern in relation to a child or young person’s wellbeing that you believe must be shared with another service, agency and/or practitioner with or without consent, there is no requirement to seek consent and you should rely on one of the other conditions for processing (please see above).

If, in your professional judgement, there is a need to share information – consent is not necessary.

- 4.4 Good practice indicates that **where possible** consent will be sought for the sharing of information. However, there will be circumstances where information will be shared without consent. As such, you should be careful about offering individuals a ‘choice’ if the information sharing is going to take place regardless of their wishes, for example where it is required by statute or is necessary because of wellbeing concerns.
- 4.5 Parents, carers and young people should be given an explanation about the concerns the practitioner has and information about the duties and responsibilities of agencies towards children in need, and **where appropriate**, an explanation that information might sometimes have to be shared without consent.
- 4.6 Steps taken to seek consent and the outcome of this must be recorded in the child’s file. Where consent has not been sought or granted, the reasons for this must be recorded in the child’s file.

4.7 What types of consent should be considered?

There are two key principles involved in consent, as it applies to information sharing between practitioners, services and/ or agencies.

- **Informed Consent** – the individual (child or young person and if appropriate their parent/ carer) must understand what is being asked of them and must give their permission freely. Information should be provided of the possible consequences of withholding information; and
- **Explicit Consent** – the individual (child or young person and if appropriate their parent/ carer) positively gives their consent for their information to be shared.

4.8 You must record the granting of consent, when and why it was supplied for future reference. Details of refused or withdrawn consent should also be recorded; together with any subsequent reviews of consent.

4.9 **Implied consent** is not sufficient for this type of information sharing. Implied consent simply means that the individual (child or young person and if appropriate their parent/carer) has not explicitly said they do not agree to their information being shared; so it is inferred that they do agree to their information being shared.

4.10 Consent (explicit consent for sensitive personal data) is one of the conditions the DPA provides to legitimise processing.

4.11 There must therefore be some form of active communication where the individual knowingly indicates consent. Whilst consent will provide a basis on which organisations can share personal information, the Information Commissioner recognises that it is not always achievable or even desirable.

4.12 If you are going to rely on consent as your condition you must be sure that individuals know precisely what information sharing they are consenting to and understand its implications for them. They must also have genuine control over whether or not the information sharing takes place.

4.13 Who can give consent?

- **Children under the age of 12** – Where the child or young person is under the age of 12, consent for information sharing should be sought from a parent/ carer. However, the child or young person has a right to be kept informed and to participate in the process if possible. In circumstances where you consider a child or young person under 12 to have the capacity to understand *informed consent* and where there is difficulty in relationships with their parents/ carers, then a request by the child or young person that consent should not be sought from their parents/ carers should be respected, wherever possible.

- **Children from age 12 – 15** – Children and young people from the age of 12 are presumed to have the full mental capacity to give *informed consent* and to take decisions in their own right. Children and young people age 12 – 15 are presumed to have a sufficient level of understanding of the nature of consent and its consequences and you should seek their consent. However, if this is not the case or you are in any doubt, you should seek consent from their parent/ carer or other person with legal authority to act on behalf of the child or young person.
- **Children from 16 – 18** – Parental rights and responsibilities largely cease when a child is aged 16. The exception to this is a parent/ carer's responsibility to continue to provide guidance to their child from age 16 – 18. In these circumstances, you should seek to keep their parent/ carer or guardian involved in issues affecting their child or young person, but only to the extent that this is compatible with the rights and autonomous choices of the child or young person.

How should I ask for, obtain and record consent?

- 4.14 Where you decide it is appropriate to seek consent to information sharing, you should make sure that consent is given on an **informed basis** by explaining:
- The purpose for which the information is to be shared
 - What information is to be shared
 - With whom it is to be shared
- 4.15 You should obtain the consent of the child or young person (and if appropriate their parent/ carer) to share their information when seeing them for the first time, or when you decide that another practitioner, service and/or agency input is required.

What should I do if consent to information sharing is refused?

- 4.16 If you have decided that there is a need to seek consent and/or that the situation is not one where information can be shared under any of the other criteria stipulated in Schedule 2 or Schedule 3 of the DPA, you should not share that information without consent.
- 4.17 You may in the future re-visit this decision if there are changes to the child or young person's **wellbeing** situation or if risk is present. Consent is most likely required where:
- Confidential information is to be shared, without a clear legal basis; and/or
 - Individuals may be expected to object.
- 4.18 In some cases, the child or young person (and if appropriate their parent/ carer) may refuse to give consent. If consent is refused then, unless there are other factors about the child or young person's ability to understand the implications of refusal, or risk exists, then in the first instance, the child or young person's right to refuse must be accepted and recorded.

- 4.19 Where there is doubt about the child or young person's capacity and understanding, or risk exists, you should **weigh up the balance between the child or young person's right to privacy and their wellbeing**. In these circumstances, you should consider whether there remains a need and/or justification to share information without consent, despite permission to share being withheld.

The following indicators may help you decide not to seek consent:

- Where there is a perceived risk to a child or young person's **wellbeing**, which may, if not addressed, lead to harm
- When a child or young person is believed to have been abused or at risk of harm
- Where there is evidence of serious public harm or risk of harm to others
- Where there is evidence of a serious health risk to the child or young person
- For the prevention, detection or prosecution of crime
- When instructed to do so by the court; and
- Where there is a statutory requirement, e.g. when making a referral to SCRA when it might be necessary for a compulsory supervision order to be made or where information is required by a Children's Reporter as part of their investigation of a child or young person referred to them.

- 4.20 It is important that the basis for sharing information *or not* sharing information is recorded and noted in the child or young person's case file notes and/or electronic file and that the child or young person (and if appropriate their parent/ carer/ guardian) is informed of the decision.
- 4.21 **Consent should only be sought when the individual has a real choice over the matter. If you have a genuine, professional concern in relation to a child or young person's wellbeing that you believe must be shared with another service, agency and/or practitioner with or without consent, there is no requirement to seek consent and you should rely on one of the other conditions for processing as outlined above.**

What if consent is withdrawn?

4.22 Children and young people (and if appropriate their parent/ carer) have the right to withdraw consent for information sharing. If they withdraw their consent to sharing their information, the considerations about sharing without consent will still apply.

4.23 In these circumstances, you should:

- Fully explain the consequences to the child or young person (and if appropriate their parent/ carer)
- Advise your Line Manager/ Supervisor
- Record the decision in the child or young person's case file notes and/or electronic file; and
- Advise any other practitioner, service and/or agency receiving information that consent has been withdrawn and that they should cease processing the information from that point onwards.

4.24 A child or young person (and if appropriate their parent/ carer) cannot withdraw consent retrospectively. If wrong information has been shared, the child or young person has the right to ask for that wrong information to be corrected. The receiving practitioner, service and/or agency should be notified accordingly and the information should be corrected.

What if someone is unable to provide informed consent?

4.25 If a child or young person (and if appropriate their parent/ carer) cannot give consent to share information you should ask yourself the following four basic questions:

- a) Does the child or young person (and if appropriate their parent/ carer) understand the nature of consent and its consequences?
- b) Is there a legitimate need to share information?
- c) Will failure to share mean that assistance and support will not be provided? And
- d) Will the child or young person be at risk?

4.26 Where the child or young person (and if appropriate their parent/ carer) is deemed not to have capacity, you should also record the following in the child or young person's case file notes and/or electronic file:

- Why the decision was made
- Who was involved
- The purpose of sharing the information; and
- What information was shared, with whom and the date

4.27 You should inform the recipient of the information on what basis the decision to share the information was made. You should always endeavour to ensure that anyone lacking capacity to consent to share their information understands the implications of their information being shared.

- 4.28 The parent/ carer should also be informed, unless this might place the child or young person at greater risk of harm and/or abuse, e.g. the parent/ carer is a factor in such concerns.

What about sharing information pre-birth?

- 4.29 You may also be worried or concerned about the **wellbeing** of an unborn child. In these circumstances, you should try to involve the expectant parents in decisions about sharing information, unless this would increase the risks to the unborn child.
- 4.30 Where you have a worry or concern about foetal development, or the mother's health, or the future wellbeing of the child when born, you should share information. This includes sharing information prior to the birth of a child to ensure planning during the pregnancy, which will inform protective planning from the moment of birth.
- 4.31 Practitioners caring for a pregnant woman should always consider if the unborn child may be endangered, or its future wellbeing harmed by the adult's condition, behaviour or lifestyle. In these circumstances, child protection procedures must be followed.
- 4.32 If a decision is taken to share information about an unborn child, the pregnant woman should be informed and this decision should always be recorded. The recipient of the information should also be informed of why it was decided to share the information.

Do I always need to seek consent? – No, not always.

- 4.33 The Information Commissioner has said that:

“Where a practitioner believes, in their professional opinion, that there is a risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the Act in such circumstances. It is very important that the practitioner uses all available information before they decide whether or not to share. Experience, professional instinct and other available information will all help with the decision making process as will anonymised discussions with colleagues about the case. If there is any doubt about the wellbeing of the child and the decision is to share, the DPA should not be viewed as a barrier to proportionate sharing.”

- 4.34 In such cases, where information will be shared, consent should not be sought, as to do so would give the subject (child or young person and/ or their parents/ carers) a false belief that they can control the decision, which they cannot.
- 4.35 In such circumstances, the child, young person and/or their parents/ carers should be informed of the intention to share information and the reasons why, unless by doing so would further expose the child or young person to risk or hamper a police investigation.

- 4.36 This must be recorded in the child or young person's case file notes and/ or in an electronic file.

Key points on Consent:

- Do not seek consent in situations where you are likely to share information in any case (i.e. where you are concerned about the *wellbeing* of a child or young person).
- Consent can be difficult and it should only be sought when the individual has a real choice over the matter
- Consent should be informed and explicit – implied consent is not enough
- Children and young people, subject to their age and developmental capacity, can provide consent, if consent is necessary; and
- Consent must always be recorded.

5. Confidentiality

Section 26(11) of the Children and Young People (Scotland) Act 2014 permits information sharing in breach of a duty of confidentiality in relation to the information sharing duties in the legislation – however there are a number of considerations before doing so (see below). This section of the legislation permits professionals under a duty of confidentiality to legally disclose relevant information without the information provider's consent, where disclosure of that information has been considered and meets the tests set out in the relevant section of the legislation. Such information can be shared where it is necessary to promote, support or safeguard the child's wellbeing. This would include taking into account the child's views and understanding the likely effect of sharing on the child's wellbeing.

Practitioners must work within the limitations and constraints of Confidentiality.

- 5.1 The child's right to confidentiality and privacy is defined as a *qualified right* which needs to be balanced with the rights and freedoms of others. **If a child is considered to be at risk of harm, relevant information must always be shared for the child's protection.**
- 5.2 The circumstances making the sharing of confidential information lawful are:
- Where the individual to whom the information relates has consented;
 - Where disclosure is in the public interest/ function; and
 - Where there is a legal duty to do so.
- 5.3 **It is accepted that where there is a risk to a child or young person's wellbeing which may lead to harm, then it is acceptable to share confidential information in the best interest of the child or young person and/ or in the public interest.**
- Does all information have to be kept confidential? – No. Not all information is confidential. Confidentiality is not an absolute right.**
- 5.4 Information that is considered confidential is usually of some sensitivity; is neither lawfully in the public domain nor readily available from another public source; and is shared in a relationship, where the person giving the information understood that it would not be shared with others.
- 5.5 The duty of confidentiality requires that, unless there is a statutory requirement to use information that has been provided in confidence or, a court orders the information to be disclosed, it should only be used for the purposes that the subject (child or young person) has been informed about and has consented to.
- 5.6 This duty of confidentiality is not absolute but should only be overridden if you, as the holder of the information, **can justify the information being shared as being in the public interest (e.g. to protect wellbeing and/or others from harm).**

What should I consider when deciding to share information given to me in confidence?

- 5.7 In deciding whether it is justified, or not, to share information given in confidence, you should first **consider the harm that might result from failing to disclose the information against the harm that could result from a breach of confidence.**
- 5.8 Any sharing of information should be relevant, necessary, legitimate, appropriate and proportionate and go no further than the minimum necessary to achieve the public interest objective of protecting a child or young person's wellbeing.
- 5.9 Acting in the child or young person's best interest and/or in the public interest is a defence to a concern of breach of confidentiality, provided it can be demonstrated that the information shared was **necessary** and **proportionate**.

Key points on Confidentiality:

- Practitioners must work within the limitations and constraints of Confidentiality
- Confidentiality does not prevent you from sharing a worry or concern about a child or young person's *wellbeing*
- Confidentiality is not an absolute right (it is a qualified right) - never promise that information will be kept confidential
- Acting in the public interest can be a defence to an accusation of breach of confidence – but this must be justified

6. Information Security

- 6.1 The DPA obliges agencies to have appropriate technical and organisation measures in place to protect the security of information which is being shared.
- 6.2 Consideration should always be given to any risk to security in relation to information sharing and the impact that this could have on both the individual and the agency.
- 6.3 Personal information should only ever be accessed or shared on a 'need to know' basis. Information must be afforded a suitably high level of security when it is being shared, particularly if this is sensitive.
- 6.4 Sensitive and/ or confidential information should only be transferred securely (for example, always identify the person you are communicating with; do not give verbal information where you can be overheard; do not leave information on answering machines or voicemail, do not use fax if at all possible etc.) Where practitioners require to send confidential, sensitive or personal information via email, advice on encryption methods and software should be sought from your agency's ICT Service.
- 6.5 NHS Greater Glasgow and Clyde (GG&C) protocol for information sharing with Councils (2009) and NHS GG&C Email: acceptable use policy (2010) provides guidance for health staff.

7. Appendices

- a) Quick Practice Guide
- b) Conditions for Lawful Processing
- c) Information Sharing Summary
- d) Information Sharing Checklist
- e) ICO Letter
- f) Extract from “National Guidance for Child Protection in Scotland 2014”
- g) Extract from “Protecting Children and Young People: Framework for Standards”
- h) Flowchart – Renfrewshire Children’s Services Partnership (RCSP) Consent Process
- i) Flowchart – General Consent Process
- j) Extract: Children and Young People (Scotland) Act 2014

Appendix (a) - Quick Practice Guide

GIRFEC – Information Sharing

Why do we need to share information?

Relevant information must always be shared if a child is considered to be at risk of harm. Sharing information that is *relevant* and *proportionate* about children who are at risk of harm is fundamental to keeping children safe.

Any sharing of information should be **relevant, necessary, legitimate, appropriate** and **proportionate** and go no further than the minimum necessary to achieve the public interest objective of protecting a child or young person's wellbeing.

As GIRFEC is about early intervention and prevention it is very likely that information may need to be shared before a situation reaches crisis.

The circumstances making the sharing of information lawful are:

- where the individual to whom the information relates has **consented**;
- where disclosure is in the **public interest**; or
- where there is a **legal duty** to do so (e.g. if it is considered that it might be necessary for a compulsory supervision order to be made in relation a child).

What should I consider before sharing information?

- Remember that the DPA is not a barrier to sharing information. It provides a framework to ensure that personal information about living persons is shared appropriately.
- Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- Please ask for advice from your Line Manager if you are in any doubt.
- Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
- Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- **Relevant, necessary, legitimate, appropriate and proportionate**: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose. If you decide not to share, then record why.

What about consent?

You don't always have to rely on consent to share information. There are other 'conditions' which allow information to be shared even where there is no consent, such as

- Where it is in the public interest, or
- Where it is for legitimate purposes of the agency / Council or the party with whom you are sharing the information (and it is not prejudicial to the Child),

Sharing confidential information without consent will normally be justified in the public interest:

- When there is evidence or reasonable cause to believe that a child is suffering, or is at risk of suffering, significant harm;
- To prevent significant harm to a child, including through the prevention, detection and prosecution of serious crime.

Practitioners must decide whether sharing information is a necessary and proportionate response to the need to protect the child in question. The decision making process must weigh up what might happen if the information is shared against what might happen if it is not shared.

What about confidentiality?

Information which is not confidential may generally be shared where necessary for legitimate purposes. There will not be a breach of confidence where there is explicit consent to the sharing.

Confidential information can be lawfully shared, even if this has not been authorised, if this can be justified in the public interest (as above).

Remember:

Nothing in Scottish, UK and/or European Law and/ or in the Scottish child protection legislative, policy and/or practice environments prevents you from sharing personal information and in some cases sensitive personal information where you are worried or concerned about a child or young person's wellbeing.

If a practitioner is worried or concerned about a child or young person's wellbeing, concerns should be shared quickly, efficiently and effectively.

It is vital that decisions to share information are formally recorded - including the rationale behind making the decision to share the information. This will also assist in providing confidence to practitioners in the event the decision is challenged.

It is very important that the practitioner uses all available information before they decide whether or not to share.

Appendix (b) – Conditions for Lawful Processing

Schedule 2

Personal information can only be lawfully processed if ONE of the following conditions is met:

- The data subject has **consented** to the processing
- The processing is necessary for compliance with a **legal obligation**
- The processing is necessary to **protect the vital interests** of the data subject
- The processing is necessary for the performance of a **contract** to which the data subject is a party
- The processing is necessary for the **administration of justice**
- The processing is necessary to pursue a **legitimate interest** but this must not prejudice the rights and freedoms or legitimate interests of the data subject.

Schedule 3

Sensitive personal information be only be processed when at least one condition from Schedule 2 is met and one of the following is **also** met:

- The data subject has given **explicit consent** to the processing
- The processing is necessary in terms of **employment law**
- The processing is necessary to protect the **vital interests** of the data subject or any other person when consent cannot be obtained
- The information has already been made **public** as a result of steps deliberately taken by the data subject
- The processing is necessary for **legal proceedings**
- The processing is necessary for the **administration of justice** or for the exercise of any functions conferred by enactment

Appendix (c) – Information Sharing Summary

When to Share

- Share Information when worried or concerned about a Child or Young Person's Wellbeing (Wellbeing: Safe; Healthy; Achieving; Nurtured; Active; Respected; Responsible and Included).

What to Share

- Share Information which is
 - Relevant
 - Necessary
 - Legitimate
 - Appropriate
 - Proportionate
- Share Information relating only to your worry or concern – reduce or remove unnecessary information.
- Always use your Professional Judgement/ Instincts – adopt a common sense approach
- Share information quickly, efficiently and effectively

Who to Share With

- Share information on a 'Need to Know' basis only
- Share Information with your Line Manager/ Supervisor; Named Person; Lead Professional or other Key Workers or SCRA

How to Share

- Share Information verbally, face-to-face, at meetings, written reports or assessments
- Share information by secure methods
- Ensure you record information sharing accurately

Appendix (d) - Information Sharing checklist

Is the sharing justified?

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm? Do you think that it might be necessary for a compulsory supervision order to be made in relation a child?
- Do you need to consider an exemption in the DPA to share?

Do you have the power to share?

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share

- What information do you need to share?
 - Only share what is necessary.
 - Distinguish fact from opinion.
- How should the information be shared?
 - Information must be shared securely.
 - Ensure you are giving information to the right person.
- Consider whether it is appropriate / safe to inform the individual that you have shared their information.

Record your decision

Record your information sharing decision and your reasoning – whether or not you shared the information.

If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

Information Sharing Between Services in Respect of Children and Young People

The Information Commissioner's Office (ICO) is contacted regularly by practitioners seeking advice and guidance on whether they can share professional concerns about their clients/patients and, if so, what level of information may be shared. Often, the Data Protection Act 1998 (the Act) is viewed as preventing such sharing and it can be fear of non-compliance that becomes a barrier, even though there may be a concern about a child's or young person's wellbeing. While it is acknowledged that practitioners need to be sure their actions comply with all legal and professional obligations, fear that sharing genuine concerns about a child's or young person's wellbeing will breach the Act is misplaced. Rather, the Act promotes lawful and proportionate information sharing, while also protecting the right of the individual to have their personal information fairly processed.

Most practitioners are confident about appropriate and necessary sharing where there is a child protection risk. The problem can be where the circumstances do not yet reach the child protection trigger yet professional concerns exist, albeit at a lower level. GIRFEC introduced eight indicators of wellbeing: safe, healthy, achieving, nurtured, active, respected, responsible and included (SHANARRI). In many cases, a risk to wellbeing can be a strong indication that the child or young person could be at risk of harm if the immediate matter is not addressed. As GIRFEC is about early intervention and prevention it is very likely that information may need to be shared before a situation reaches crisis. In the GIRFEC approach, a child's Named Person may have concerns about the child's wellbeing, or other individuals or agencies may have concerns that they wish to share with the Named Person. While it is important to protect the rights of individuals, it is equally important to ensure that children are protected from risk of harm.

Where a practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the Act in such circumstances.

The Act requires that an individual's data be processed fairly and lawfully and that specific conditions/justifications for processing are met. The Act provides several conditions/justifications for processing, only the first of which rely on consent and, where required, it should be fully informed and freely given. However, the issue of obtaining consent can be difficult and it should only be sought when the individual has real choice over the matter. Where circumstances exist such that consent may not be appropriate, for example where an assessment under the SHANARRI principles raises concerns, the Act provides conditions to allow sharing of this information, such as 'for the exercise of any other functions of a public nature exercised in the public interest by any person' or 'in the legitimate interests of the data controller or the third party to whom the data are disclosed so long as it is not prejudicial to the child', and procedures should be clear about those circumstances which may necessitate processing without consent.

It is vital that data controllers put appropriate and relevant protocols in place and that they are conveyed to practitioners to provide them with a support mechanism for the decision making process. It is also vital that a recording process is included in the protocol so that the decision – including the rationale behind making it – is formally recorded. Such protocols will assist in providing confidence to practitioners in the event the decision is challenged.

It is very important that the practitioner uses all available information before they decide whether or not to share. Experience, professional instinct and other available information will all help with the decision making process as will anonymised

discussions with colleagues about the case. If there is any doubt about the wellbeing of the child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing.

Dr Ken Macdonald
Assistant Commissioner Scotland & Northern Ireland
Information Commissioner's Office

Information-sharing for child protection: general principles

- The wellbeing of a child is of central importance when making decisions to lawfully share information with or about them.
- Children have a right to express their views and have them taken into account when decisions are made about what should happen to them.
- The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families.
- In general, information will normally only be shared with the consent of the child (depending on age and maturity). However where there is a risk to a child's wellbeing, consent should not be sought and relevant information should be shared with other individuals or agencies as appropriate.
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know.
- When gathering information about possible risks to a child, information should be sought from all relevant sources, including services that may be involved with other family members. Relevant historical information should also be taken into account.
- When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without informed consent. Similarly, any decision *not* to share information and the rationale should also be recorded.
- Agencies should provide clear guidance for practitioners on sharing information for example, the GMC guidance on [*Protecting Children and Young People*](#). This should include advice on sharing information about adults who may pose a risk to children, dealing with disputes over information-sharing and clear policies on whistle-blowing.
- It is not necessary to seek consent when there is legislative requirement to share information; for example when making a referral to the Children's Reporter, or the prevention and detection of crime.

Appendix (g) – Extract from “Protecting Children and Young People: Framework for Standards”

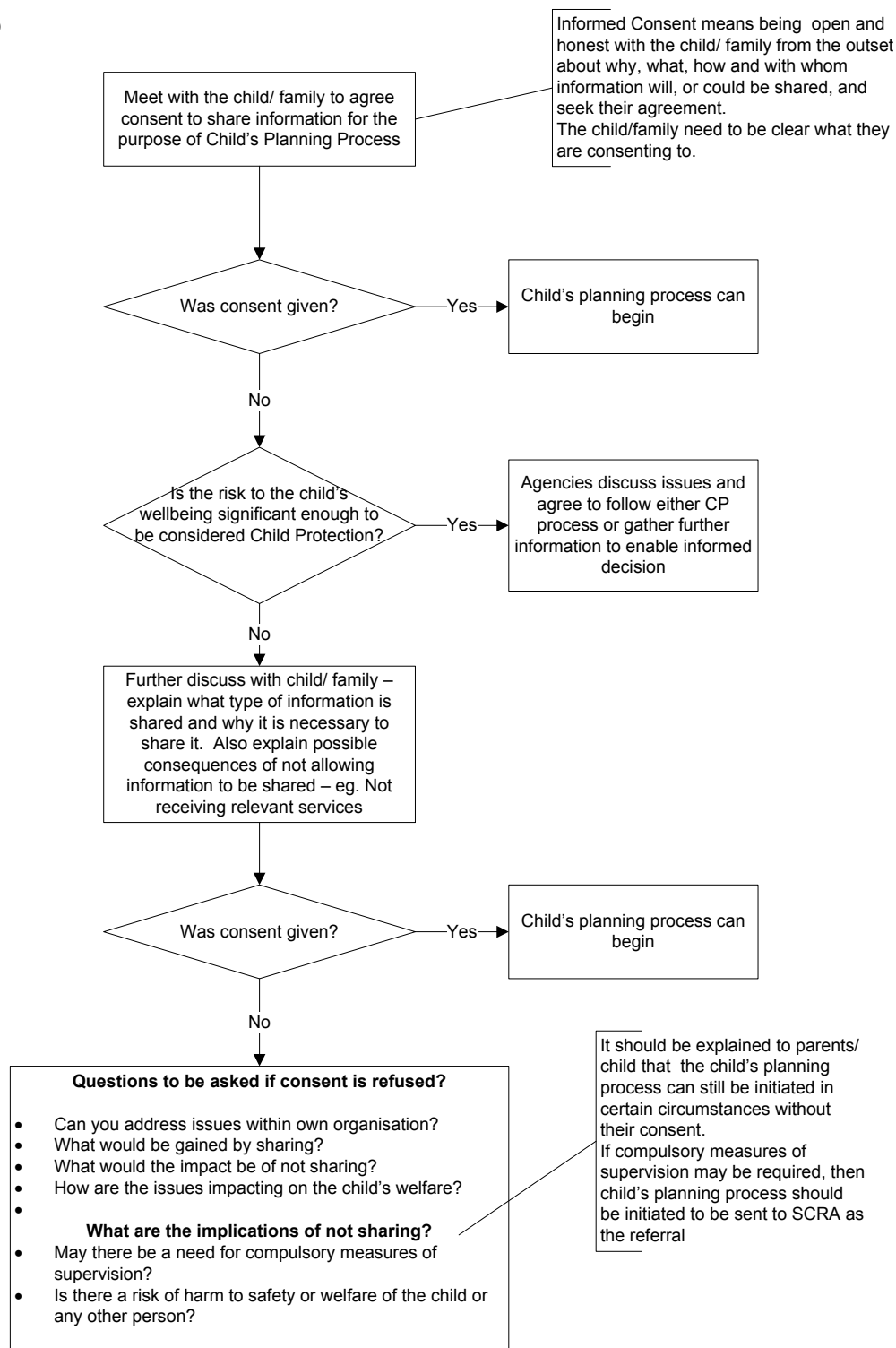
Published in 2004, the Framework for Standards translates key messages from the CHILDREN’S CHARTER into child protection practice for all practitioners, services and/or agencies, by providing *eight* high level generic practice statements, all supported by additional narrative/ text. Standard 4 relates directly to Information Sharing, Confidentiality and Consent.

Agencies and professionals share information about children where it is necessary to protect them.

1. Professionals discuss any concerns and relevant information about a child or their circumstances with those other professionals or agencies with statutory responsibilities for the protection of children when it is in the child’s best interests to do so;
2. The needs of each child are the primary consideration when professionals decide how best to share information. All decisions and reasons for them are recorded;
3. Agencies actively manage and support the sharing of information recognising that confidentiality does not prevent sharing information where a child is in need of protection;
4. Professionals ensure that parents and children are made aware of, and check it is understood, what information:
 - Agencies hold
 - How it is stored
 - With whom it may be shared; and
 - Under what circumstances information may be shared with others without their consent;
5. Professionals identify what information each child and their parents are content to share freely
6. Professionals take account of each child and their parent’s views when deciding when to share information without their consent and can provide reasons and explain to them when they have shared information without consent; and
7. Agencies and professionals store information securely.

Appendix (h): Renfrewshire children's services partnership consent process

Informed consent to share information



When considering sharing information without consent, practitioners should balance the service users right to privacy against their protection (or protection of others) from harm.

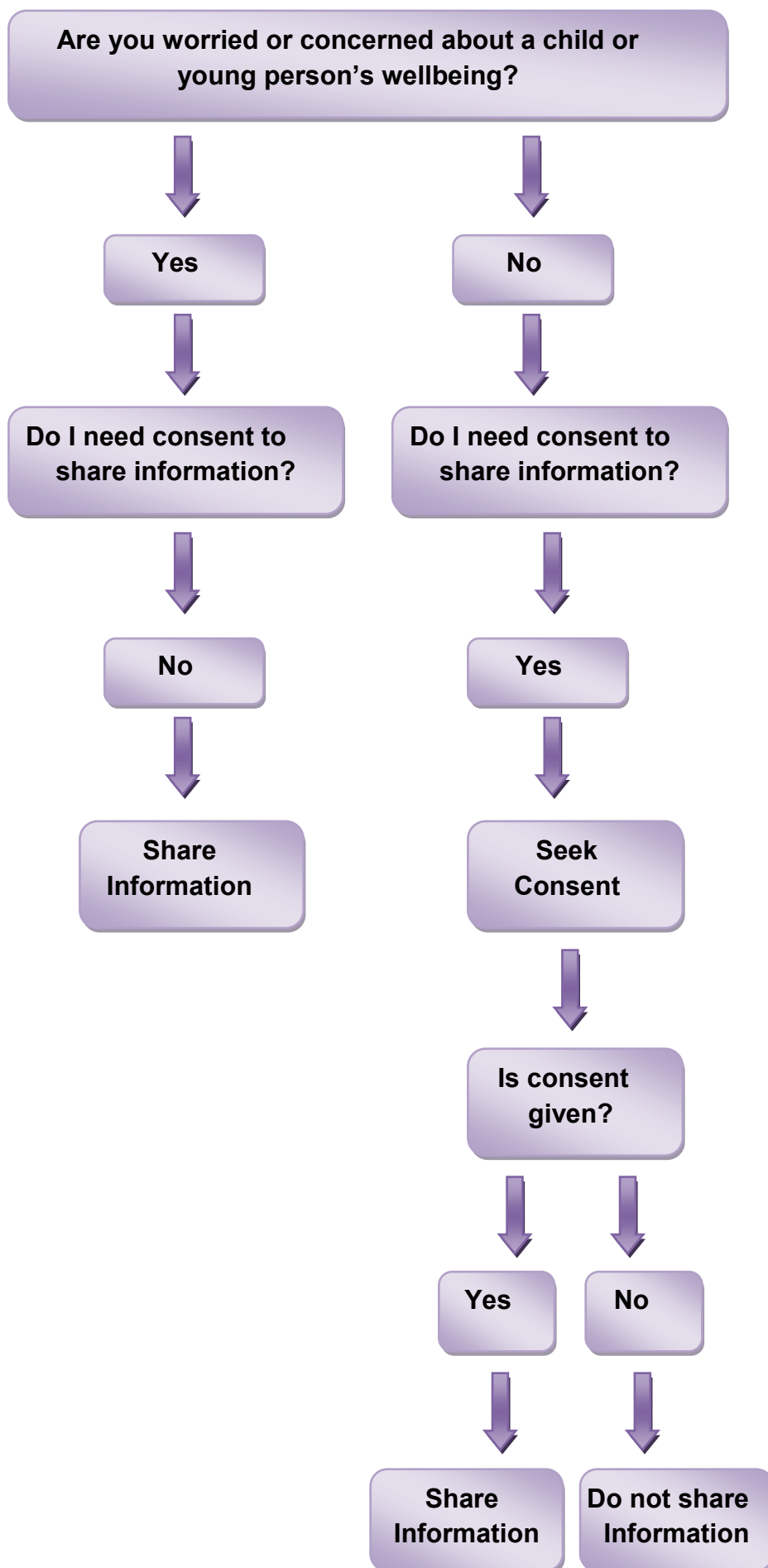
If there is reasonable professional concern that a child or young person may be at risk of harm this will always override a professional or agency requirement to keep information confidential. All service providers have a responsibility to act to make sure that a child or young person whose safety or welfare may be at risk is protected from harm. Parents, children and young people should always be told this.

If there is a risk to any individual and sharing information is the only way of minimising that risk, the information must be shared. Any action taken without consent must be proportionate to the potential risk.

March 2016

Appendix (i) – Consent Flowchart

Where there is an immediate concern to safety information **MUST** be shared



Appendix (j) - Children and Young People (Scotland) Act 2014

The duties in the Act will be in force from August 2016

Section 26 of the Children and Young People (Scotland) Act 2014 deals with Information Sharing.

This legislation sets out that service providers/ relevant authorities must share information in relation to children and young people if it considers that:

- The information is likely to be relevant to the exercise of the Named Person role and functions;
- The information ought to be provided for that purpose; and
- The provision of the information would not prejudice the conduct of any criminal investigation or the prosecution of any offence.

In establishing whether information ought to be shared, the 'information holder' should, so far as is reasonably practicable, ascertain and consider the views of the child or young person (taking into account their age and maturity). The 'information holder' **'can only decide that information ought to be shared if the likely benefit to the Child or Young Person's wellbeing outweighs any likely adverse effect on their wellbeing.'**

The legislation also provides that the Named Person may share information with a service provider/ relevant authority which is necessary or useful to help them carry out their Named Person role.

Information can be shared for the purposes set out in the Act if it breaches a duty of confidentiality, but the legislation does not permit or require information to be shared which would breach any legal prohibition or other restrictions on disclosure.

Section 27 of the 2014 Act sets out that where a person ("the recipient") receives information and that has breached a duty of confidentiality and the recipient knows it has breached a duty of confidentiality, then the recipient must not then share that information with anyone else (a third party), unless they are permitted or required to provide that same information to the third party by virtue of any enactment or any rule of law.

