



**Supporting the
Third Sector Project**

**Children and Young People (Scotland) Act 2014
Revised Draft Statutory Guidance for Part 18 (Section 96) –
Assessment of Wellbeing**

04 February 2022

About Children in Scotland

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

About the Supporting the Third Sector Project

The Supporting the Third Sector project's ambition is that the Third Sector is fully integrated with Community Planning Partnerships (CPPs) and contributes to the strategic planning of local children and family services as equal partners. This means:

- Increased local third sector engagement in planning, development and budgeting of services
- Strengthened local support structures and clear paths for effective engagement with third sector locally
- Local and community-based third sector voices are amplified within national policy development

- Stronger impact of the third sector across all areas of national and local policy development as a result of increased capacity and capability of Third Sector Interfaces.

Introduction

Children in Scotland and the Supporting the Third Sector Project is pleased to be able to respond to the GIRFEC Statutory consultation on the Assessment of Wellbeing. Our response draws on engagement with the children's sector and children and young people.

In November 2021, the Supporting the Third Sector Project partnered with GCVS Everyone's Children to facilitate a Third Sector Interface GIRFEC Consultation event which was attended by 63 participants from a variety of third sector organisations across Scotland.

We also consulted with Children in Scotland's children and young people's advisory group Changing our World on the Policy Statement and the Information Sharing Charter which will be referred to in this follow up response. The group is made up of children and young people aged nine to 23 who share their experiences, opinions and ideas and try to influence decision-makers to make Scotland a better place for young people. Six members aged 10-24 looked over the Information Sharing Charter and the Policy Statement.

As well as informing this response, these engagement sessions also informed our response to the late 2021 Stakeholder Consultation of the below guidance documents:

- Policy Statement
- The role of the named person
- The role of the lead professional
- Using the National Practice Model
- Information Sharing
- Information Sharing Charter

These refreshed draft practice guidance documents were generally welcomed across the sector. However, some concerns were raised about the implementation of GIRFEC and how the third sector, and particularly smaller organisations, would be supported to implement the practice guidance to provide the best possible outcomes for children, young people, and families they support. Our response to the stakeholder engagement is available [here](#).

This response will focus on the statutory Assessment of Wellbeing guidance in the Children and Young People (Scotland) Act 2014, part 18 (section 96).

General comments

Children in Scotland welcomes the guidance's recognition that third sector practitioners may be among those undertaking assessments of children's wellbeing.

Smaller third sector organisations have told us that they find it challenging to keep informed of new policy, legislation, guidance and training available. It is important to ensure that all services supporting children can embed the GIRFEC approach (including wellbeing assessments) effectively and confidently. The Independent Care Review highlights the Scottish Government's commitment to workforce planning to deliver holistic services and support for children, young people and families to ensure continuity with national policy initiatives in health, social services, and the delivery of national outcomes¹.

It would be beneficial therefore, to see a commitment to embedding the GIRFEC approach (including the updated wellbeing assessment guidance) reflected in Children's Services Planning throughout Scotland,

Through this consultation process, practitioners and service managers have stressed that the children, young people, and families they work with, are not familiar with GIRFEC or associated terms such as the 'lead professional' or a 'wellbeing assessment'. This is also reflected in the response from our Enquire colleagues delivering the national Additional Support for Learning information and advice service, which responds to queries from parents, carers and professionals. Clear communication with children, young people and families about GIRFEC and the purpose of wellbeing assessments is still needed.

Para 6.5 states if the child's needs indicate that they may need support from additional services, agreed local pathways should be used to access these and the practice guidance on information sharing should be followed.

Whilst we support that communication and decision making should be a shared process between children, families, and professionals, this requires practitioners, organisations, and families to have a solid understanding of the Information Sharing guidance and GDPR requirements. Feedback from our TSI consultation event suggested the Information Sharing guidance is complicated and unclear and that uncertainty around GDPR compliance and information sharing still exists.

It is important that families and practitioners have confidence that information sharing is lawful, and clear guidance is essential to achieving this goal. During our Stakeholder consultation process with our Changing Our World advisory group, members highlighted points 8 and 9 within the Information Sharing Charter did not provide enough information about how data would be stored and how long for. It was felt the document did not explain what data was

¹ [change-programme-one-pdf.pdf \(thepromise.scot\)](https://www.thepromise.scot/change-programme-one-pdf.pdf)

being kept as the word 'data' was too general a term. These concerns must be addressed.

The provision of training and practice examples by the Scottish Government would allow practitioners and service providers to better understand the implications of information sharing. Acknowledging the positives of information sharing whilst keeping the child and family at the center would be a welcome addition. The Christie Commission emphasised seamless care and working in partnership as integral² and embedding this requires information sharing protocols, recognising we can provide better support if we work in partnership. This must include children, young people and families as well.

Para 7.3 requires third sector organisations (among other service providers including related services) contributing to assessments of wellbeing to have local training, policies, and procedures in place to contribute effectively. This raises an issue of ensuring third sector organisations have access to tools and resources to effectively contribute to an assessment of wellbeing. Going forward, capacity building for third sector organisation on GIRFEC should be reflected in children's services planning with additional national GIRFEC training and support available across the country. Our Supporting the Third Sector project is very well placed to support this training through TSI networks, and we would be happy to discuss this further with Scottish Government officials.

It was discussed during the TSI consultation event that the National Practice Model was useful for practitioners to present their assessments in a way that would provide a common understanding across services. However, we believe the addition of best practice examples would be useful in bringing the model closer to the realities of practice. It was noted that the language used in the National Practice Model is not child and family friendly. Some organisations have consulted with their service users to adapt the language, making it more accessible for children and families. We understand that children, young people and families were involved in the refresh planning process but feel there is still more work required to make information accessible to all.

The addition of the assessment of groups or populations of children in the statutory guidance para 8.1 is positive. However, it is unclear if this guidance relates to assessments carried out by children's services planning partnerships at a community level and/or organisations working with groups of children for example Young Carers or children and young people with additional support needs. Further clarity here would be welcome. Additionally, this section of the guidance only refers to children and does not mention young people, and we suggest that this omission should be corrected. The definition of a child according to the Children and Young People (Scotland) Act 2014 and article

² [Commission on the Future Delivery of Public Services \(www.gov.scot\)](http://www.gov.scot)

1 of the UNCRC, includes all children and young people up to the age of 18, however, we recognise not all young people identify as children.

The statutory guidance also refers to the use of Child Rights and Wellbeing Impact Assessment (CRWIA) as a key tool for those engaging with children in Scotland to take a rights-based approach when working with groups of or individual children. CRWIAs are used to think about what more we can do to place children at the centre of policies. We feel organisations will need practical support to use CRWIAs and some guidance and training is needed across Scotland to ensure all organisations, including those related to children's services such as adult drug and alcohol services can use CRWIAs for a structured lens on their policy developments.

The GIRFEC policy refresh has been a welcomed initiative and it was needed to provide clarity and to bring the policy in line with current national developments such as the pending UNCRC incorporation, The Promise, Child Poverty Delivery Plans and COVID recovery. We feel there should be more case studies included in these documents to bring the guidance more in line with the realities of practice. We would recommend that the Scottish Government develops additional resources to compliment and embed the refreshed GIRFEC guidance, such as training and GIRFEC 'experts' within public services for the workforce to access for specific advice.

For more information contact:

Amy Woodhouse

Head of Policy, Projects and Participation

awoodhouse@childreninscotland.org.uk