

# East Lothian Council

FOI Ref: 2018/534807

In the first instance, it may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions or questions which simply require a yes/no answer. In view of this, some of the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that East Lothian Council may or may not hold.

In order to assist you, however, colleagues have addressed the questions posed to the best of their knowledge. For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>

**A.) Is the SEEMiS Wellbeing Application used under the Named Person scheme in the local authority area?**

No

**B.) Who uses the Wellbeing Application to obtain data as part of the Named Person scheme?**

The Wellbeing Application features a range of tools, not just features related to proposed Named Person legislation. No staff currently use the module in relation to the Named Person Scheme. In East Lothian, the module is only used as the tool to create Pupil Plans – an essential requirement pre-dating the Children & Young Persons (Scotland) Act 2014.

**C.) Have users of the Wellbeing Application been instructed to override consent by default to obtain or share information? Has this instruction been given in a video tutorial or in any other training format? How many practitioners have been told to do this? When would this have taken place?**

Yes. The wellbeing module is used in East Lothian for specifically creating and transferring child plans. The statutory duties of the Education Authority outlined in Children and Young People (Scotland) Act 2014, Part 39 Child's Plan Management (5)(b), require the authority to transfer a child plan from one education authority to another when a pupil transitions to a new school and the new school/authority take legal ownership of the plan. As this is due to a legal obligation, consent is not required to transfer a child plan (specifically) from an education authority to another education authority as this is fundamental to the ability of the education authority to carry out its public task. The only way for the system to move the plan to the new school establishment is to select the "override consent" option – even if consent is not required. If a child plan is required to be shared with any other 3<sup>rd</sup> party/agency (for example the NHS) in order to support the implementation of the plan, explicit consent from the parent is sought to enable this. Additionally, if transferring a child plan out with Scotland, consent is sought from the parent in order to do this.

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Relating to child plans only, users of the module have been instructed via face to face training they do not require consent of a parent to transfer a plan onto a new school in Scotland to which the pupil is moving. This training has taken place from May 2017 to May 2018. Only the appropriate education practitioners who are responsible for creating and managing pupil plans have access to the module in order to use it in this way. These will be specific promoted staff members and other specific Support for learning specialist teachers. 135 practitioners have received the training so far.

***D.) Is personal information extracted or shared using the Wellbeing Application by overriding the need for consent in the local authority?***

Yes - only personal information specifically related to Child Plans, for which the Education Authority has a legal obligation to share with a new Education authority when the pupil moves school, therefore not requiring consent.

***E.) How many times has information been extracted using the Application by overriding the requirement to obtain consent?***

32 times – reasons include having printed copies available for review/meetings and parental requests to produce a paper copy for their own records

***F.) How many times has information been shared (or uploaded) in the Application by overriding the requirement to obtain consent?***

Four

***G.) What are the occupations of those who have extracted or shared information in this way?***

These are specific promoted staff members and Support for Learning specialist teachers who have the appropriate knowledge and training to be carrying out child's planning along with children, young people and parents.

***H.) What is the nature of the information that has been extracted, stored or shared in this way e.g. has it been health-related, education-related or family-related? Please provide maximum detail.***

In order to create a child's plan which will improve the overall wellbeing of a child or young person, it is important to consider the relevant wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included) and any other factors/barriers which are influencing the child's wellbeing. The assessment of an individual child or young person will determine the interventions, actions and plan required to improve their wellbeing. Every assessment and plan is different.

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***I.) Has information obtained without consent been shared with other professionals and how often? What was the nature of this information and who was it shared with?***

Child plans have been shared between schools as pupils have moved school. As stated, child plans created by schools are passed only to new schools in order for them to continue to support the wellbeing of a child or young person. The management and any further necessary assessment and future planning becomes the responsibility of a particular member of staff in the new school.

***J.) Has action been taken on the basis of information accessed through the Application without consent? If so, what action has been taken?***

As referred to above, child plans will transfer to a pupil's new school when they move. The new school will then work directly with parents, children and young people to review and update an existing plan transferred. Any professionals or agencies required to be involved in the support of a child or young person within a new local authority will only take place with the consent of the parents or young person. It may be that a child or young person's particular circumstances have changed dramatically. Therefore, whatever action is required for a pupil in order to support their education and wellbeing is taken.