

REPORT TO: Education Committee

MEETING DATE: 22 September 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Children and Young People (Scotland) Act 2014

1 PURPOSE

- 1.1 To update the Committee on The Children and Young People (Scotland) Act 2014.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to consider the implications that the Children and Young People (Scotland) Act 2014 will have on the Education Department and schools across East Lothian.

3 BACKGROUND

- 3.1 The Children and Young People (Scotland) Act 2014, is aimed at making sure every child and young person gets all the support they need to do well in their lives.
- 3.2 The Children and Young People (Scotland) Act 2014 will:-
- Ensure that every child from birth to age 18 has a Named Person.
 - Say that the people and organisations who work with and for children and young people must work more closely together to make sure Children's Services are easy for families to find and use if they need them.
 - Get everyone to talk about a child's wellbeing using the same language – so that teachers and health workers are speaking in the same terms as children and families.
 - Make sure that if information about a child needs to be shared that this is carried out in line with the Data Protection Act 1998.

- Mean that in certain cases, a statutory “Child’s Plan” will be prepared by the team around the child detailing wellbeing concerns, the needs of the child and outlining actions to be taken.
- 3.3 The intention of the new law is to make sure everyone in Scotland has a procedure and structure to promote, support and safeguard children’s wellbeing.
- 3.4 **Who instigated the Act and when will it come into force?**
- 3.4.1 The Scottish Government instigated the Act, which will be fully implemented by August 2016.
- 3.4.2 East Lothian Council is working to make sure the authority is ready for August 2016 when the planned changes happen.
- 3.5 **What is happening just now?**
- 3.5.1 Statutory guidance has been drafted for the individuals and organisations that work to support a child (for example, teachers, health visitors and nursery staff and their respective organisations). East Lothian Council has responded to the draft statutory guidance produced by Scottish Government. The guidance is very detailed and is there to help and inform teachers, health visitors and others to understand the new law and how it might affect the way they work.
- 3.6 Final Guidance is expected to be published by autumn 2015.
- 3.7 The Education Service or the Health Board will have a legal duty to advise families who the Named Person is for their child, and how to contact them, which can be at any time.
- 3.8 East Lothian Council has seconded a Lead Officer in Education (GIRFEC) to ensure that there is a Named Person Service for every child/young person (age 5-18) and schools have a clear understanding of their responsibility around the Named Person function (Part 4), Child’s Plan (Part 5) and Wellbeing (Part 18). The Lead Officer for Education (GIRFEC) is working in collaboration with Health and Children’s Wellbeing colleagues to ensure that there is a common understanding and common use of language around ‘wellbeing’ in particular.
- 3.9 The responsibility for the lead in implementation is the seconded role (Lead Officer), and accountability is the Education Service Manager (ASN and Early Years).

4 POLICY IMPLICATIONS

- 4.1 The Named Person function will become a statutory requirement by August 2016 and East Lothian Council's Education Department has an obligation to ensure that every child age 5-18 has a Named Person and that every parent is entitled to know who the Named Person is for their child. East Lothian Council also has an obligation to ensure that where necessary, a statutory "Child's Plan" is prepared and upheld.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - Training and resource packs will be required for schools/parents and partners.
- 6.2 Personnel – The Scottish Government have allocated funds for the implementation of the Act. There is a need to develop a Named Person Service during school holidays for users and this will lead to new roles(s) being created.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 The Children and Young People (Scotland) Act 2014
<http://www.gov.scot/Topics/People/Young-People/legislation>

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