

Scottish Government
Getting it Right for Every Child (GIRFEC) Refresh - Practice
Guidance: Consultation
Friday 10 December 2021

Introduction

1. The NASUWT welcomes the opportunity to comment on the proposed refresh of guidance on Getting it Right for Every Child (GIRFEC).
2. The NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education.

General

3. The NASUWT agrees with the principles of GIRFEC, and the aspiration that we all work together to help children and young people grow up loved, safe and respected so that they realise their full potential. We share the desire that all children and young people should live in an equal society which enables them to flourish, to be treated with kindness, dignity and respect, and to have their rights upheld at all times.
4. The NASUWT also supports the principles on which the United Nations Convention on the Rights of the Child is based, particularly its aspirations that children and young people are recognised as citizens in their own right and where their human rights are embedded in all aspects of society – a society where all children and young people have a voice and are empowered to be human rights defenders.

5. We are also clear that the effects on children of the COVID-19 pandemic have been deep and wide-reaching, causing long-lasting issues that will undoubtedly be felt for many years. In these circumstances, it seems opportune to refresh GIRFEC guidance and we particularly welcome the recognition that children can experience multiple and overlapping inequalities and a commitment to address these is vital, not just by schools and teachers, but by all parts of society.
6. The NASUWT feels that there is a real opportunity to achieve a fairer and more equal post-COVID Scotland for its children and young people. Recovery should be understood as a long-term process, given the pandemic's far-reaching impacts. It should also be viewed as an opportunity to tackle deep-rooted structural issues affecting children and young people, in all aspects of their lives, which have been exposed and exacerbated by the pandemic and must be addressed if we are truly to achieve the aim of getting it right for every child.
7. The NASUWT recognises the profound impact the disruption from the pandemic has had on the educational progress and achievement of many children and young people, as well as their emotional wellbeing. This is notwithstanding the commitment, dedication and professionalism demonstrated by teachers and school leaders in delivering high-quality learning during the lengthy crisis.
8. As part of a broader approach to deliver a continuous and sustainable recovery from the pandemic, the NASUWT stands firm in its view that substantially more investment is needed to provide increased capacity to meet the needs of children, young people and their families.

The Role of the Named Person

9. The NASUWT does not subscribe to an automatic assumption that schools should be responsible for the Named Person or for co-ordinating the planning process. The rationale for this was set out in our response to the original consultation process in 2012, an extract of which is below:

'While Curriculum for Excellence (CfE) sets out that teachers will have regard to and will support a child's wellbeing, this is different from the specific role set of Named Person. Requiring teachers to assume the responsibilities of cross-sector collaboration would have implications for the quality of education and support that child receive. It is not necessarily appropriate to expect teachers to be responsible for co-ordinating meetings and communicating actions. These tasks are more appropriately undertaken by support staff specifically employed to undertake the role by the local authority. Experience elsewhere in the UK shows that teachers are not best placed to carry out these roles and often it can detract from their core role. In addition, a co-ordinating role for schools has placed very real time and financial burdens on them.'

'Teachers are already struggling with the bureaucracy and workload associated with multi-agency working and cross-collaboration across services. In particular, feedback indicates that there are considerable costs involved in co-ordinating and hosting meetings. Teachers also report that it is often difficult to identify times when some professionals can attend meetings and that there can be considerable work involved in the follow-up actions. It is important that teachers are able to focus the teaching and learning needs of their pupils and not be diverted from their primary role and responsibilities. More exploration is needed regarding the links between Named Person and Lead Professional, and the NASUWT suggests consideration should be given to allocating the role to new posts whose primary function would be to undertake the specific tasks associated with organising and enabling communication and collaboration across services.'

10. The NASUWT notes the suggestion in 'Practice Guidance – the Role of the Named Person' that: 'while key individuals will be identified in the valued role of a named person, it is for the local authority and health board to determine how named person services should be carried out and take responsibility for that'. We also note part of the Policy Statement, suggesting: 'we also know that putting GIRFEC into practice is inconsistent across Scotland.'
11. The NASUWT would strongly argue that the failure to offer clear guidance on roles and responsibilities and leaving it to local agencies is one of the key reasons why there has been inconsistency in putting GIRFEC into practice. Indeed, in a formal communication to NASUWT members in 2017, we said: 'There is a continued lack of clear information surrounding the implementation of the 'Named Person' Scheme, with employers interpreting the legislation differently.' Suggesting that such an approach continue with regard to who should be a Named Person simply embeds such inconsistency.
12. Furthermore, the NASUWT would argue that no teacher should be compelled to take on the role of Named Person, despite the expectation of some employers that this should fall within the remit of principal teachers in primary schools or guidance/pastoral staff in secondary schools. There are clear implications in terms of additional workload and distraction for teachers from their core role of teaching and learning.
13. Whoever ends up being a Named Person faces a significant addition to their workload, given the guidance that it is insisted they must follow, being responsible for: collaboration and discussion with the child and their family, and other agencies if needed; to explore what support could be provided to address the child's identified wellbeing needs; always making children and families aware of their rights around information sharing; and asking the five GIRFEC questions all practitioners should ask when faced with each and every concern about a child's wellbeing. The NASUWT does not believe that it is possible or desirable for a teacher to fulfil the role of the

Named Person and has seen nothing in the draft papers to change the Union's view expressed in 2012 and referred to earlier.

The Role of the Lead Professional

14. The NASUWT notes the key role of the Lead Professional, where children and families require the help of two or more agencies for support. It also highlights the wide-ranging responsibilities of the Lead Professional and the suggestion that: 'The Lead Professional will have the appropriate skills and experience to oversee all agencies involved in a child's care, taking a cohesive approach in the coordination and management of the multi-agency plan for the child.' It is the strongly-held view of the NASUWT that teachers would not have the time nor the appropriate training to take on the role of the Lead Professional without there being a negative impact on their responsibility for all of the other children they teach.

Using the National Practice Model

15. The NASUWT recognises that some of the information and guidance in the National Practice Model may be useful in helping teachers to identify the wellbeing needs of the children and young people for whom they are responsible. There is certainly some truth in the suggestion that: 'Health and education practitioners will routinely gather some of the information across the sides of the My World Triangle as part of their everyday work with children and families.' However, we have serious concerns regarding the potential additional workload involved in following some of the advice and would highlight the need for appropriate training for staff on the impact of Adverse Childhood Experiences and the sections on 'How I Grow and Develop', 'What I need from the People who Look After Me' and 'My Wider World'.

16. One specific concern about bureaucracy lies with the suggestion that: 'Those wishing to raise a concern about the child's wellbeing needs should detail their observations with reference to the eight Wellbeing Indicators, and outline the basis for these.' Bearing in mind the inevitable increase in wellbeing concerns as a result of the COVID-19 pandemic, having to reference and explain each of these and cross-reference them to eight Wellbeing Indicators seems excessive and workload-intensive.
17. A further worry in terms of workload is the suggestion that: 'It is also important that the concerns are discussed with the child and their family.' Teachers (including guidance/pastoral staff) certainly do not have the time to do this each and every time a concern about wellbeing is raised for an increasing number of pupils. Also, the question does need to be raised about exactly when and how such discussions would take place and who would organise them. While not wishing to undermine the importance of such discussions, which could clearly be helpful, the NASUWT has serious doubts about the capacity to meet this commitment.
18. More bureaucracy is evident in the following: 'The recording of wellbeing information should be done in communication with the child and family, allowing for clarity and understanding of what is being recorded and why. Practitioners can do this in an open and transparent way by showing and chatting through the Information Sharing Charter (*please see 10 Practice Guidance 4*), and they should refer to the Information Sharing Guidance (*please see Practice Guidance 4*) in considering whether and how they should share information... It is important that children and their families know what information relating to them is being recorded and that they understand what will happen to that information.' As well as having concerns about information sharing (outlined in the next section), the NASUWT has worries about the administrative burden inherent in these activities and, again, questions who would actually be undertaking this work.
19. And finally on this topic, while understanding the potential of the Resilience and Vulnerability Matrix, the NASUWT is concerned that this adds another

layer of bureaucracy, and the Union is particularly alarmed that this is directed at 'the practitioner' who should: 'take the strengths and pressures identified from gathering information using the My World Triangle, along with any specialist assessments, and group that information within the four headings of resilience, vulnerability, adversity and the protective environment. In beginning to use the Resilience and Vulnerability Matrix, practitioners will understand that any assessment is likely to require information from several sources and a lot of information may be gathered for this purpose. Making sense of that information is a crucial next step before making a plan for action.' Quite frankly, this seems like almost a full-time job in itself. The training needed and the commitment of time from staff to make this work effectively would be phenomenal and seems impossible in current circumstances.

Information Sharing

20. In December 2016, the NASUWT met with Scottish Government ministers, to discuss the Supreme Court's decision in the case of *The Christian Institute and others v Lord Advocate*. At this meeting, the Union suggested that in the absence of any clear proposals from the Scottish Government as to how it would address the concerns of the Supreme Court, proposals around information sharing breached the right to privacy and a family life under the European Convention on Human Rights. It was time to reconsider this policy and look at developing an alternative approach.

21. In 2017, the Scottish Government suggested that 'changes to information-sharing provisions in the Children and Young People (Scotland) Act 2014 will bring consistency, clarity and coherence to the practice of sharing information about the wellbeing of children and young people across Scotland', and that it remained 'fully committed to the GIRFEC approach and will work with partners to strengthen the approach and build public confidence as we move forward with the legislative process.'

22. The draft Policy Statement, issued as part of this Consultation process, suggests there has been: 'some uncertainty following the Supreme Court ruling that meant Parts 4 and 5 of the Children and Young People (Scotland) Act 2014 were not commenced', and 'As announced by the Deputy First Minister in September 2019, we will repeal Parts 4 and 5 of the Children and Young People (Scotland) Act 2014.'

23. The NASUWT has to be clear that the Scottish Government seems to be attempting to move forward this matter without legislative support and by shifting the burden for making difficult judgements about information sharing onto schools, teachers and others who work with children and young people: this is wholly unacceptable. As well as the unseemly passing of the buck, this would place another intolerable workload burden on staff in schools.

24. Furthermore, if a so-called Expert Panel, commissioned by the Deputy First Minister to write a workable code of practice on this, failed in this task because the complexity would have made it difficult to understand or apply in practice, then it seems unfair, unjust and unworkable to ask schools, teachers and others who work with children and young people to foist the task on them.

The NASUWT would be delighted to meet with the Scottish Government to discuss the GIRFEC Refresh further.

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