THE CHRISTIAN INSTITUTE SCOTLAND
CHRISTIAN INFLUENCE IN A SECULAR WORLD

'Named person' scheme

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Trampling on parents' rights

On 19 February, the Scottish Parliament decided that every child in Scotland should have a 'named person' – a state official tasked with looking after their "wellbeing".

This state guardian will be put in place regardless of whether or not children or parents wish to have one and regardless of whether there is any need for state intervention.

A named person will have the power to speak to a child, including about very personal issues, and provide information or advice – all potentially without parental consent.

The policy, despite its good intentions to protect children, is simply ill-thought through. It will undoubtedly undermine the unique roles of parents and the consequences will be far-reaching, eroding the right to family life and privacy.

As such, The Christian Institute believes it has no alternative but to stand against this move.

This short briefing sets out our serious concerns about the potential impact of the named person proposals.

State guardian for every child

The most disturbing thing about the named person scheme is the enormous scope for unnecessary and unwanted interference in the lives of ordinary families.

Advocates of the legislation claim that the new scheme is little different to what already happens anyway – which begs the question: why the need to legislate?

In reality, for the majority of families the named person will never be called upon but the change in the law creates potential for abuse.

As with the infamous Orkney scandal of the 1990s – when nine children were wrongly removed from their families – the authorities can get it wrong, with devastating results for everyone concerned (see more inside).

At the very least, this new law will create a climate of fear. Families with nothing to hide will worry that they may be dragged into the child welfare system.

It may therefore actually discourage some families from seeking help when they need it, which would be wholly counter-productive.

There is also a fear that families who have strong religious views or those who homeschool, will find themselves especially vulnerable to prying authorities keen to take advantage of their new powers.

The unnecessary interference of named persons could create a climate of fear for ordinary families.

Nationalising parenthood: dangerous and unworkable

There are many reasons why the named person scheme is deeply flawed. Most obviously, the notion of a state-allocated named person is wrong in principle because it serves to undermine the role of parents. At a time when pressure on families is so great, anything which diminishes the role of parents can only be counter-productive.

Even worse, a blanket policy stretches resources and so will actually increase the risk that genuinely vulnerable children will be missed.

The policy could draw essential resources away from genuinely vulnerable children who need them most.

The authorities already possess all the powers they require to deal with cases of genuine neglect or abuse. A named person for every child, when the vast majority will never require one, is not the answer to helping these young people.

Any family that does need state help already has free access to many professional services.

There is also the deeply worrying prospect of personal information, such as political or religious views of family members, being shared by or with named persons. Wellbeing surveys are already being rolled out across the country, and families will be rightly worried about the intimate details of their lives being scrutinised by officials.

Tried and failed: lessons from the Isle of Man

A similar scheme started on the Isle of Man in 2010. Public authorities have been encouraged to report even the slightest concern to children's social care. In the first year under this policy, referrals to children's social care increased by 500 per cent. The volume of work due to over-referral caused a huge problem with the employment and retention of social workers.

A Select Committee of the Manx Parliament has said that over-referral threatens the protection of children at significant risk of harm because of the difficulty of finding a needle in such a large haystack. The Committee also heard evidence of problems caused in families by needless intervention.

A breach of human rights

Legal advice received by The Christian Institute strongly argues that the named person provision may breach the right to private and family life under Article 8 of the European Convention on Human Rights.

In his advice, top human rights QC Aidan O'Neill states that, "the blanket nature of this provision constitutes a disproportionate and unjustified interference with the right to respect for individual families' private and family life and home". He points out that the named person proposal is "predicated on the idea that the proper primary relationship that children will have for their well-being and development, nurturing and education is with the State rather than within their families and with their parents". He also notes that the Bill contains no "proper protection against the possible arbitrary and oppressive use of the powers" and that the named person applies "without any provision for consent of either the child or its parents".

Aidan O'Neill QC says the plan is unjustified interference.

Nonsense arguments for a state monitoring system

✗ *"Opposing the named person plan shows you don't care about child protection"*

✓ There is no firm evidence that insisting on a named person for every child in Scotland, regardless of need, will prevent a single case of abuse. On the contrary, it may well lead to resources being over-stretched and genuine cases of neglect being missed. Time after time the tragic cases happen where a family is already known to social services or the police.

✗ *"The policy will provide a known point of contact for children and parents."*

✓ Families can already contact a health visitor, teacher, GP or any other professional if they have concerns. There is no justification for a designated named person for every child, who may in fact end up as the scapegoat if things go wrong.

✗ *"Nobody will be required to engage with the named person."*

✓ We do not believe this. There are bound to be consequences if a family refuses to cooperate with a named person. It is likely that such a refusal would just heighten suspicions and lead to increased intervention from other professionals.

✗ *"This is formalising what already happens. Nothing will really change."*

✓ If nothing will change, why the need for legislation? It may be that in most cases families will see little difference. But problems are sure to arise when a named person disagrees with a parent's viewpoint.

✗ *"The named person policy is deliberately misrepresented by opponents."*

✓ Nobody disputes that the policy is well-intentioned and may make little difference for the majority of families. The significant danger lies in the fact that the new law usurps parental authority and could lead to cases of unjustified interference in the private lives of innocent families.

Scottish Govt backs intrusive surveys

The Scottish Government says that a named person for every child is one of the core components of its Getting It Right For Every Child approach ("GIRFEC").

This national strategy was used last year by Perth and Kinross Council to justify intrusive surveys of children as young as nine.

Under the Evidence2Success scheme, school children were asked about their drinking habits, drug use, sexual experiences and even family finances. Children were also asked whether their TV privileges were taken away when they misbehaved and whether their family 'argue' or 'shout at each other'.

The surveys were completed confidentially, but pupils had to provide their date of birth and unique Scottish Candidate Number, meaning they could be identified by authorities. The controversial survey was defended by the Council and the Scottish Government. The Council said the survey would help to "significantly improve the health and wellbeing of children, young people and their families".

The Scottish Government called it "a good example of a local authority engaging with their communities" and has provided £90,000 funding for the surveys to be rolled out in other parts of the country.

The Orkney case: officials snatch children from innocent parents

In 1991, nine school-age children on the island of South Ronaldsay were forcibly removed from four families during dawn raids over false accusations they had been abused by their parents and a church minister.

Children as young as eight were denied any contact with their families for several weeks before the allegations were dismissed by a court.

Dreadful interview techniques were used to interrogate the children, which the Sheriff himself condemned. The children were later flown back to Orkney to be reunited with their families, but unimaginable suffering had already been caused. Both the police and social workers were criticised for their role in the tragic episode.

This infamous case serves as a salutary warning about what can happen when the authorities misuse their powers to intervene and act on flimsy evidence. Although it occurred without a named person existing, it serves to underline why granting the significant new powers central to the named person policy could be so dangerous.

Forceful interview techniques led to false allegations.

The state must tread very carefully when it comes to intervening in the home and must have firm grounds for doing so.

The blanket named person proposal will inevitably fail to provide the targeted intervention that is required.

Plan 'seeks to usurp the role of the parent' – opposition from respected organisations

> We believe the concept of a Named Person for every child is ill thought through and offers no benefit to the majority of children, whose 'named person' is already in place – their parent or carer… This proposal completely fails to recognise that significant relationship and effectively seeks to usurp the role of the parent.

Scottish Parent Teacher Council

> …a gross intrusion into family life and completely unwarranted on a universal basis.

Schoolhouse Home Education Association

> [We] very much disagree with the Bill's proposals for Named Persons for EVERY child in Scotland… We will not accept that a Named Person, chosen by the very local authorities that we are forced to battle with, should abrogate our role as parents.

Autism Rights

> It runs the risk of diverting services away from where they are needed most.

The Law Society of Scotland

> While the intentions of the Bill are clearly benign, it does have some potentially insidious aspects… By making indiscriminate provision for possible interference in the lives of all children, rather than providing for focused intervention when the need arises, the Bill risks enshrining a structure that has the potential to be used to undermine families.

Faculty of Advocates

When will state minders interfere in the home?

Conversion concerns

A Muslim girl has recently started attending her school's Christian Union. One of her teachers is concerned about what impact this might have on her family life and community but doesn't feel comfortable contacting her parents. Instead she asks the named person to have a word with the student.

Church vs football

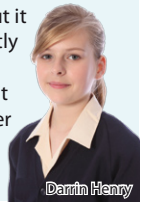
A talented ten-year-old boy plays football for his local school team but regularly misses weekend tournaments because his parents take him to church. His coach thinks it might be helpful to ask the named person to intervene to see if they could come to some kind of arrangement.

Assessing beliefs

Although all his classmates disagree, a boy expresses the view that marriage should only be between a man and a woman. His teacher believes his views might cause him problems later in life. Concerned for the boy's wellbeing, the teacher informs his named person.

Sex education

The parents of a thirteen-year-old girl withdraw her from sex education because of concerns about the materials being used. Her headteacher (the named person) hears about it and gives her exactly the same materials because he thinks it is necessary in order to safeguard her wellbeing.



Pilot schemes: real cases show named persons do cause problems for families

The Government claims that pilot named person schemes in the Highlands and other places have worked without problems. But these real cases highlight the dangers of the named person:

Highlands

An autistic girl had a difficult first term at secondary school, and was unable to face going back for the new term after Christmas. Her mother decided she was going to educate her at home. The girl's named person, the guidance officer at the school, insisted on a welfare meeting, but the girl refused to see her. The day after the refusal, two police officers arrived at the family home saying the child was 'missing from education', despite the school having been fully informed of the situation.

Perth and Kinross

A mum who told officials that she, like many people, sometimes suffers from depression and anxiety issues, was told she could only attend a maternity hospital with a mental health unit to give birth to her second child. After giving birth, she was then told she couldn't leave the hospital with her newborn son until she had a meeting with 'experts'. The mum subsequently learned that her health visitor, whom she had trusted, was the named person and had been secretly recording innocuous incidents as matters for concern.

Who'll be your child's guardian?

The named person role for pre-school children is likely to be allocated to health visitors, placing additional strain on this service.

The Royal College of Nursing have warned that an extra 450 health visitors will be needed to deliver the role, yet no such commitment has been given by the Government and no funding has been allocated.

Once children start school, it is expected that their headteacher or guidance teacher will become the named person. Teachers are already extremely busy, so does the Government seriously expect them to take on the additional responsibility of being the named persons for thousands of children? Does this mean teachers will be treated as scapegoats for any children who are 'failed' on their watch? And who covers the duty outside term time? It is not clear who will be the named person for homeschooled children.

Teachers are likely to be named persons for pupils.

There will of course be families with children at both primary and secondary schools, meaning multiple named persons for the same family – a recipe for chaos and confusion.

'An unprecedented intrusion into family life' – warnings from the national media

"Holyrood has perpetrated many injustices against family values…But the Children and Young People (Scotland) Bill is the most grotesque of these…This paves the way for an unprecedented intrusion into family life."
Graham Grant, Daily Mail (20 February 2014)

"In reality, any poor family that does indeed reject intervention of the state busybody will soon be receiving a visit from the plods and an army of social workers…innocent families will be pulled apart simply on the whim of a government that doesn't know when to stop and that warns us to sign up to its 'one-size-fits-all' model of family life."
Kevin McKenna, The Observer (23 February 2014)

"This will tip the balance of family responsibility away from parents towards the state."
Liz Smith MSP, The Daily Telegraph (20 February 2014)

"It will take little to trigger an investigation into a child, potentially creating a false picture. So-called 'guardians' won't be required to act only when confronted by a serious issue, but merely on their 'concerns' over a situation. Health and safety zealots could make good parents fair game over everything from what their children have in their lunchboxes to cycling to school without a helmet."
Dr Stuart Waiton, Abertay University, Daily Mail (24 February 2014)

"The state will be empowered to interfere in the way you bring up your child. They will be the family's official minder."
Kerry Gill, Daily Express (20 February 2014)

"Is there not a risk that mothers and fathers, for fear of having their parenting skills judged harshly by their children's named person, will actually retreat from contact with officialdom?"
Editorial, The Scotsman (20 February 2014)

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