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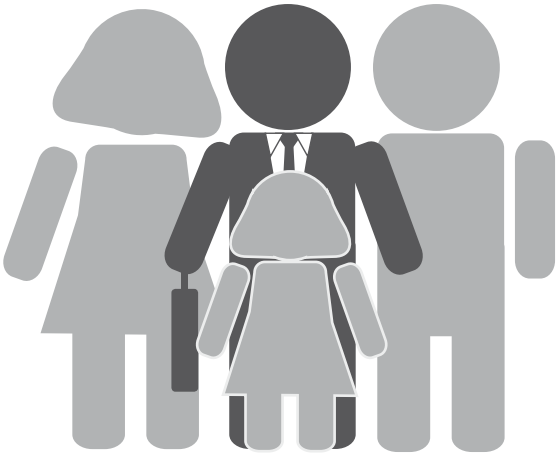
11 REASONS TO SAY NO TO THE NAMED PERSON SCHEME



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1 YOUR CHILD GETS A NAMED PERSON WHETHER YOU WANT ONE OR NOT

The Children and Young People (Scotland) Act was passed by Holyrood in early 2014. Part 4 of the Act allocates each child in Scotland a Named Person – a state official tasked with looking after their 'wellbeing'.

The legislation, due to come into effect in August 2016, covers every child from 0 to 18. Guidance even suggests that the Named Person would become involved before the child's birth.[1] It will be implemented regardless of whether or not there is any need for state intervention, showing it is **not aimed at protecting vulnerable children.**

Depending on the age of the child, a health visitor or senior teacher is expected to take the role of Named Person.

The Named Person's functions include "advising, informing or supporting" children or young people and "discussing" matters about them with a third party service provider. These functions can be performed when the Named Person considers them necessary to promote wellbeing, whether parents consent or not.

2 THE NAMED PERSON WILL POLICE YOUR CHILD'S 'WELLBEING'...

The guidance on implementing the Named Person scheme is littered with strange graphics to help teachers and health visitors carry out their duties. A so-called 'National Practice Model' has been drawn up using a series of diagrams called the 'Wellbeing Wheel', the 'My World Triangle' and the 'Resilience Matrix'.

The 'Wellbeing Wheel' is to be used to examine eight key aspects of every child's life known as the 'SHANARRI' indicators – Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included. It exists to help the Named Person (not parents) make decisions based on what needs to change to "promote, support and safeguard" the child or young person's wellbeing.

3 ...AND 'WELLBEING' MEANS HAPPINESS

There are acute differences of opinion over what enhances the wellbeing of a child. Under the Named Person approach, the broad list of potential indicators is so vague that most ordinary parents could find themselves under investigation.

Bob Fraser, an adviser in the Scottish Government's Better Life Chances unit, suggests parents could be reported to state officials if judged to be showing their child inadequate levels of "love, hope and spirituality".[2]

An 'Easy to Read Guide' to the plans even describes wellbeing as "another word for how happy you are".[3] The same guide says a Named Person will check that a child is respected, which includes being given a say in what they watch on TV and how their room is decorated.

4 THE NAMED PERSON WILL BE A CO-PARENT CHECKING YOUR PERFORMANCE

This open-ended definition of 'wellbeing' is a significant shift in how the state relates to children. Aidan O'Neill QC said the scheme "appears to be predicated on the idea that the proper primary relationship that children will have for their wellbeing and development, nurturing and education is with the State rather than within their families and with their parents".[4]

Named Persons will be able to advise and talk to children, including about very personal issues, without their parents' knowledge or consent.

Aidan O'Neill warned that the plans amounted to "unjustified interference" and may fail to protect people from "arbitrary and oppressive" governmental powers.[5] The Schoolhouse Home Education Association refer to the measures as a "gross intrusion into family life",[6] while the Faculty of Advocates described the proposals as a plan which "dilutes the legal role of parents".[7]

One mother from the Borders was told that, if the Named Person laws had been in force, she would have been referred for investigation after giving her toddler a small amount of adult cough medicine, even though this was "well within limit".[8]

5 THE NAMED PERSON WILL BE TOLD, AND CAN SHARE, PRIVATE INFORMATION

Currently information can be shared without a child's consent if there is a 'risk of significant harm' to a child. But under the Named Person scheme information can be shared if there is simply concern for a child's 'wellbeing'. Community Law Advice Network (Clan Childlaw) warns that this could result in children having no expectation of privacy, and could lead to them shunning helplines and advisory services.[9]

Concerns have also been raised about personal data being shared without parents' knowledge. For example, James and Rhianwen McIntosh were told by their local NHS that all their children's confidential medical reports will be sent to the Named Person, and that if they miss a medical appointment the Named Person will be notified. Many parents throughout Scotland are finding that their children have been assigned Named Persons even though the statutory scheme is not yet in force.

> *"The Named Person will seek the views of the child and, as appropriate, the parents, about what information should and should not be shared. Throughout this engagement the Named Person should make it clear that whilst the views of the child and parents are valued and must be taken into account, their* ***consent is not being sought****, and the Named Person may, where appropriate, share information without consent, when it is required to promote, support or safeguard a child's wellbeing."*[10] *[Emphasis added]*
>
> Draft Government guidance

6 THE NAMED PERSON WILL BE TOLD THINGS PARENTS AREN'T

During a judicial review hearing about the scheme, the Scottish Government's QC told the court that if a young girl was in hospital and discovered to be pregnant then the Named Person would definitely be contacted – but didn't seem to know whether the parents would be informed.

In a similar vein, guidance on relationships, sexual health and parenthood education published by the Government in December 2014 said that where a child is known to be sexually active and there is a risk to wellbeing, the Named Person should be told – but parents weren't mentioned.[11]

The assumption is clear – it's more important for the Named Person to know what's going on with children than their parents.

7 IF YOU DON'T 'ENGAGE' YOU'LL GET A BLACK MARK AGAINST YOU

The extent to which a Named Person may intervene is all the more alarming when considered alongside the compulsory nature of the law. Although Government ministers have repeatedly insisted that parents are under "no obligation" to engage,[12] children will be appointed a state guardian whether parents want one or not. There is no chance to opt out.

The Government QC acknowledged in the recent judicial review hearing that allowing parents to opt out would "defeat the purpose of the scheme" and that the scheme had to be universal because every child is "potentially vulnerable".

If parents refuse to engage with the scheme, they will inevitably find themselves under unjustified scrutiny. As Aidan O'Neill says: "Not only can you not opt out of the scheme you have to positively co-operate with the Named Person otherwise you could be characterised as 'hostile' or 'non-engaging' which leads to further state involvement."[13]

8 THOSE THAT REALLY NEED HELP WILL BE MISSED

First Minister Nicola Sturgeon claims the scheme is about protecting "the most vulnerable children in our society".[14]

However, widening the net to assess every child in Scotland, and every associated adult, will undoubtedly make "resources much scarcer".[15]

The Law Society of Scotland has expressed concerns that the scheme "runs the risk of diverting services away from where they are needed most".[16] Ultimately, as the British Association for Adoption and Fostering Scotland explain, the Named Person provision may "get in the way of ensuring that those who really need support actually receive it".[17]

Police Scotland has already highlighted evidence of wellbeing assessments causing "significant" time delay in children being removed from abusive situations.[18]

9 HEALTH VISITORS AND TEACHERS ARE ALREADY BUSY ENOUGH

Teachers and health visitors are going to be expected to carry out their Named Person role on top of their usual duties, with no extra pay. Head teachers could easily end up being the Named Person to several hundred pupils.

The Scottish Government doesn't think this will mean any extra work: "In most cases, the Named Person will not have to do anything more than they normally do in the course of their day-to-day work."[19]

This is just implausible, given the responsibilities that will rest with a Named Person.

The Educational Institute of Scotland (EIS), the country's largest teaching union, has expressed "serious concerns" about the potential workload on teachers, especially during holidays.[20]

The Scottish Parent Teacher Council said:

> *"The pressure on the capacity of the Named Person (eg a guidance teacher with a case load of circa 200 children) has the potential to lead to increased workload and the escalation of issues which may previously have been resolved having taken their natural course without intervention."*[21]

When a similar scheme was launched on the Isle of Man in 2010, public authorities were encouraged to report even the slightest of concerns to children's social care. The volume of work due to over-referral caused a huge problem with the employment and retention of social workers. The scheme was scrapped.[22]

10 PILOT SCHEMES HAVEN'T BEEN THE ROARING SUCCESS SUPPORTERS CLAIM

The Highland policy was the most high-profile front runner of the universal Named Person scheme. Supporters of the scheme claim that Highland's approach has been a great success, helping to protect children and causing no problems. But this doesn't fit with the experience of parents on the ground.

Donna Mackie's son has a serious medical condition that was frequently misdiagnosed by medics. Donna and her children were forced to leave the Highlands after the regime, which began there in 2006, led to professionals holding secret meetings behind her back to discuss her son's care.

The mother of a child with ME has also spoken out against the Highland pilot scheme stating that there was:

> *"A catalogue of continued failures by education to meet their legal responsibilities and an abysmal treatment of my son".*

She added,

> *"all attempts to complain and get justice were stone walled and the council's own complaints procedure ignored".*[23]

To hear more people expressing their concerns about the Named Person, visit:

NO2NP.ORG/STORIES

11 MANY OF THOSE WHO'LL BE OPERATING THE SCHEME STILL DON'T KNOW WHAT IT INVOLVES

Earlier this year the Scottish Government held a series of events for professionals involved in implementing the Named Person scheme. Over 500 health, education and social work professionals attended the events, held in Glasgow, Perth and Edinburgh.

At each event there was the opportunity for those present to submit their opinions on the Named Person scheme and its associated information sharing processes. In both Perth and Glasgow the majority of professionals believed that there was insufficient information in the statutory guidance for the scheme to be implemented effectively.[24]

Even more strikingly, nearly two-thirds of attendees at the events felt that the guidance on information sharing failed to provide professionals with the insight they needed to be able to manage this complicated process.[25]

It is obvious that the very professionals who are responsible for implementing this scheme feel ill-equipped to do so.

SOURCES

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3 See page 16: http://no2np.org/wp-content/uploads/GIRFECleaflet.pdf – produced by ENABLE Scotland on behalf of the Health and Social Care Alliance Scotland (the ALLIANCE)

4 See paragraph 3.5: http://no2np.org/wp-content/uploads/Aidan-ONeill-QC-Named-Person-legal-opinion.pdf

5 See paragraph 4.2: http://no2np.org/wp-content/uploads/Aidan-ONeill-QC-Named-Person-legal-opinion.pdf

6 See: http://change.org/p/members-of-the-scottish-parliament-reject-girfec-surveillance-and-named-person-for-every-child-in-scotland (accessed 3 August 2015)

7 See: http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Children%20and%20Young%20People%20(Scotland)%20Bill/FacultyofAdvocates.pdf (accessed 3 August 2015)

8 The Scotsman, 30 April 2015

9 Clan Childlaw Intervene in Judicial Review proceedings to redress the balance between the Sharing of Information and a Child's right to Privacy, by Alison Reid, Principal Solicitor, Clan Childlaw, 11 May 2015

10 Children and Young People (Scotland) Act 2014: Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96), Scottish Government, paragraph 10.2.14

11 Conduct of Relationships, Sexual Health and Parenthood Education in Schools, Scottish Government, December 2014, paragraph 18

12 See: http://news.stv.tv/politics/263865-aileen-campbell-defends-child-guardian-plans-from-critics/ (accessed 3 August 2015)

13 See: http://no2np.org/tag/lord-pentland/

14 See end of video: http://no2np.org/video-nicola-sturgeon-pressed-first-ministers-questions-u-turn-named-person/

15 See: http://no2np.org/story/lesley-scott/

16 See paragraph 13: http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Children%20and%20Young%20People%20(Scotland)%20Bill/LawSocietyofScotland.pdf (accessed 3 August 2015)

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18 See page 2: http://www.gov.scot/Resource/0047/00477802.pdf (accessed 3 August 2015)

19 See: http://www.gov.scot/Topics/People/Young-People/gettingitright/named-person (accessed 3 August 2015)

20 The Herald, 3 July 2015

21 See: http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Children%20and%20Young%20People%20(Scotland)%20Bill/ScottishParentTeacherCouncil.pdf (accessed 3 August 2015)

22 See: http://www.manx.net/isle-of-man-news/56818/campaigner-celebrates-after-controversial-policy-dropped (accessed 3 August 2015)

23 See: http://www.schoolhouse.org.uk/beware-of-named-puppets-bearing-girfec-gifts/ (accessed 3 August 2015)

24 See page 7: http://www.gov.scot/Resource/0048/00480550.pdf (accessed 3 August 2015)

25 See page 8: http://www.gov.scot/Resource/0048/00480550.pdf (accessed 3 August 2015)

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