

**City of Edinburgh Council – Support to Children and Young People – Draft Response to Consultation on the Code of Practice on Information Sharing under Parts 4 and 5 of the Children and Young People (Scotland) Act 2014.**

1. Having a Code of Practice around information sharing and informed consent is helpful to agencies in the ongoing implementation of GIRFEC.
2. The draft Code asks professionals to consider the sensitivity of information they wish to share, the purpose achieved in sharing the information and whether this purpose could be achieved in some other way. The draft Code also highlights whether it is necessary to share the information and how this might interfere with private/family life. These are all good questions for professional practice. However, the Code does not go into detail on any of the above.
3. Given that the draft is still largely written from within a legal framework it would be helpful to produce a clear and concise practitioners' guide with a summary of what the legislation means for practice and some clarification (possibly including practice examples) of some of the following issues/questions.
4. The draft Code requires that consent for information sharing is sought from both child and parent, unless specific exceptions apply. Two points emerge 1. Capacity of the child to give consent (which is taken as a default for any child 12 or over). 2. Potential conflict if parent/carer gives consent but the child/young person does not, or vice versa. This potential conflict already exists in current legislation but has rarely been tested.
5. The Code raises the concept of people unreasonably withholding their consent but does not specify in what ways a refusal to give consent may be seen as unreasonable. Further practitioner guidance, including practice examples, would be helpful.
6. It is clear that consent should be sought from individuals prior to sharing information unless sharing without consent is required in order to protect the "vital interests". In Edinburgh, we have interpreted this to mean that information about a child cannot be shared without consent unless there are child protection concerns. In other words, the child may come to significant harm if we don't share the information. However, it would be helpful to have more elucidation on the Scottish Government's position on what is meant by "vital interests".
7. Agencies will require to have guidelines for their employees and to add awareness of this legislation /Code of Practice to existing HR requirements. Training is possibly going to be requested by staff, unions and professional bodies. Clearer practice guidance from government will assist in this process and will minimise the risk of inconsistencies arising in different parts of the country in relation to interpretation and/or practice.
8. In conclusion, the Code of Practice is welcomed but will need further clarification for day to day practice.

Andy Jeffries

Acting Head of Service

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