Children and Young People (Scotland) Act 2014 - Update for NPPC, April 2014

1. Background

- The Children and Young People (Scotland) Bill was introduced to Parliament in April 2013 and was granted Royal Assent in April 20141.
- The Act is wide-ranging. During the development of the Bill, RCN Scotland focused our policy and campaigning work on the part of the Bill that put the principles of Getting It Right For Every Child2 (GIRFEC) into legislation. In particular we have focused on the **Named Person provision** for pre-school children.
- GIRFEC sets out 10 core components, along with the values and principles that are to be applied in any setting and circumstance where people are working with children and young people. A Named Person for every child from birth until the age of 18 is one core component, to be the point of contact for the child and their family for advice and support. We have campaigned for health visitors to be the Named Person for pre-school children.
- Our proposed areas of influence were discussed with NPPC at the December 2012 meeting.

2. RCN Scotland activity

- In June 2013, RCN Scotland launched a campaign *Health Visitors for Scotland*, with support from a range of organisations including Scotland’s Commissioner for Children and Young People, Children in Scotland and the Community Practitioners and Health Visitors Association.
- Health visitors are a particularly overstretched part of the nursing workforce. It is also not currently known how many health visitors there are in Scotland due to problems with the data collected from Health Boards. The RCN is involved in a Scottish Government group to improve this data.
- Our campaign focused on gaining public support for health visitors and called on the Scottish Government to:
  - ensure that the Named Person for the 0 – 5 age group is the health visitor (following discharge from midwifery)
  - put adequate resources in place to support this, and for health visiting more generally
- RCN Scotland handed over a petition to the Scottish Government’s Minister for Children and Young People, Aileen Campbell in November 2013.
- In addition to the campaign, we extensively lobbied MSPs, had meetings with lead Scottish Government officials to highlight our concerns, submitted written evidence on the Bill and gave oral evidence to both the Parliament’s Education and Finance Committee.

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1 [http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62233.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62233.aspx)
2 [http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright](http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright)
3. Results

- The Stage 1 report of the CYP Bill quoted the RCN extensively and we were also mentioned several times in the Stage 1 debate with the whole Parliament. This reflected our position, making our support for the Named Person being a health visitor clear and that resources and funding would be needed to implement this. There was also extensive media coverage that accurately reflected our position.
- The Bill was passed in February 2014. While the Act itself does not specify that the Named Person will be a health visitor, the Scottish Government committed in Parliament to making it explicit that health visitors would be the Named Person for pre-school children, apart from in specific circumstances (likely to be when a Family Nurse Partnership nurse is involved).
- There has been opposition to the Named Person from some MSPs and parts of Scottish civic society, with accusations that the role is one of “state guardian”. Press reports suggest the Christian Institute intends to make a legal challenge on the grounds that the role breaches the European Convention on Human Rights. No formal challenge has yet been made.
- The Scottish Government published its intention this month of what will be in the CYP Act guidance. This states that the Named Person for pre-school children will usually be a health visitor. However currently the intention for the guidance around this is not as tight as we have been led to believe, allowing for exceptions to using a health visitor that could potentially undermine what we have been campaigning for.
- The Scottish Government has also indicated they are looking at training a number of health visitors.

4. Next steps

- We will continue to lobby and work with the Scottish Government as it develops secondary legislation and guidance to ensure that it makes clear that health visitors should be the Named Person. We have been invited, as a key stakeholder, to indicate which aspects of the guidance we are most interested in discussing before the Scottish Government develop the statutory guidance.
- We will continue to exploit opportunities to put pressure on the Scottish Government to put in place adequate resources for the health visiting workforce.
- Scottish Government’s timetable for guidance:
  - Next few months – developing statutory guidance
  - Autumn – period of informal consultation
  - Early 2015 – formal consultation on guidance
  - Spring/Summer 2015 – publication of final statutory guidance

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