

CELCIS response to the Scottish Government's consultation on 'Assessment of Wellbeing (GIRFEC)'

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CELCIS is Scotland's Centre for Excellence for Children's Care and Protection, based at the University of Strathclyde. CELCIS is a leading improvement and innovation centre which aims to narrow the implementation gap between legislative, policy and practice aspirations and the experiences and outcomes of children, young people, and their families.

Introduction

We welcome the opportunity to respond to the Scottish Government's consultation on statutory guidance on Assessment of Wellbeing, issued under Section 96(3) of the Children and Young People (Scotland) Act 2014 (the 2014 Act). Part 18 of the 2014 Act, covering general provisions, includes Section 96 which sets out the required approach to assess a child's wellbeing. This provides an important legislative underpinning to assessment under the Scottish Government's Getting It Right for Every Child (GIRFEC) policy framework.

As Scotland's national approach to improving outcomes and supporting the wellbeing all children and young people, GIRFEC is rights-based and child-focused, supporting children and their families to access the right support for them, and aims to enhance children's wellbeing at an early stage and avoid the escalation of difficulties. The approach requires joined up working and co-ordination from the services whose work supports children and families, all the while ensuring the child and their family are at the centre of decision-making.

Statutory guidance and practice guidance

Draft statutory guidance on Part 18 (Section 96) of the 2014 Act was issued in December 2015, together with draft statutory guidance on Parts 4 and 5 (Provision of Named Persons and Child's Plan) of the 2014 Act. We welcome the re-development of statutory guidance to reflect the current legislative landscape.

With elements of the GIRFEC approach (e.g., Provision of Named Person and Child's Plan) now being implemented as non-statutory policy, the need for clear, unambiguous practice guidance to underpin the policy is critical. As such, we recently provided a detailed [response](#) to the Scottish Government's stakeholder consultation on 'Getting it right for every child (GIRFEC) Refresh - Practice Guidance,' outlining our feedback and suggestions for improvement on guidance materials about the Named Person, Lead Professional, using the National Practice Model, and Information Sharing. That response should be read in

conjunction with this response, which offers feedback on the draft statutory guidance alone.

The statutory guidance offers a strategic and high-level overview of the requirements of assessment of wellbeing under a GIRFEC approach, however, as statutory guidance, it is inevitably limited in establishing the expectations of practice in detail. It is unfortunate that parties not privy to the recent stakeholder consultation mentioned are unable to access the draft practice guidance material, as this is where key details lie. The two go together and the practice guidance is signposted within the draft statutory guidance. Despite this, at this crucial development stage, the practice guidance is not available for consideration in the same way as the statutory guidance is. This may have implications for the scope and value of the feedback other consultees are able to offer in their response to this consultation.

Implementation

Guidance (both practice and statutory) is necessary in providing clarity to practitioners and managers about their responsibilities, and the processes they should follow. However, evidence suggests that guidance alone is insufficient to achieve practice change. In addition to the dissemination of guidance documents, further supports are required to ensure the effective implementation of the GIRFEC approach, to embed GIRFEC practice within the working cultures of the many organisations and practitioners who work with families to ensure children receive supportive and helpful responses to their wellbeing needs at an early stage. Furthermore, full, and effective implementation of the GIRFEC approach relies on concerted efforts to plan, commission and resource the right community-based and relationship-based services to meet families' needs.

Guidance can only be impactful if implemented, and we welcome the Scottish Government's commitment both to the development of this guidance, but also to its implementation. CELCIS has considerable experience in supporting the implementation of guidance, and we welcome any opportunity to share our learning to support the implementation of a GIRFEC approach across Scotland.

Consultation questions

Select from: 'Completely', 'Mostly', 'Somewhat', 'A little', 'Not at all'

1. How clear and easy is the guidance to understand?

Mostly

2. With regard to the assessment of wellbeing, within the overall GIRFEC approach, does the guidance make practitioners' roles and responsibilities clear?

A little

3. Are the definitions provided for the wellbeing indicators (section 6.1) clear and easy to understand?

Somewhat

4. To what extent do you think that the guidance will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights within the assessment of wellbeing?

A little

5. Can you outline anything specific that would be helpful to add to this guidance to assist the assessment of wellbeing?

Strengthening rights-based underpinnings

Within the 'context' section, we welcome the additional detail from previous (2015) iterations of this draft guidance regarding GIRFEC's underpinnings in, and Scotland's commitment to, the United Nations Convention on the Rights of the Child (UNCRC).

As discussed in our feedback on the draft practice guidance materials, there is an opportunity to further explain how rights under the UNCRC are interrelated and indivisible, and how a GIRFEC approach can support the range of children's rights, including a right to private family life; for a child to express their views in matters that affect them; and for their best interests to be the primary consideration in all matters.

We have raised concerns about the limited clarity within the practice guidance materials about information sharing. When practitioners' assessment is that there are wellbeing concerns about a child, practitioners require clarity about how and when to share information with others and need to work together with children and families to support and enhance wellbeing under a preventative and rights-respecting approach. The statutory guidance does not offer any additional clarity on information sharing, which is especially important given the range of multi-agency partners from different disciplines who need a shared understanding of what is required.

Language and terminology

There are occasions where the language used in the guidance is disempowering, and the position of the views and voice of children and families is not strong enough. For example, Section 5 of the guidance details the SHANARRI indicators, noting that 'Respected' is about being "given a voice". Children and families already have a voice and views, and do not need to be given this by professionals. It is the responsibility of professionals to do more to listen and understand the voice and experiences of children and families, ensure there are platforms and opportunities for views and experiences to be shared, take these

into account, and ensure that any participation is meaningful for them and on their terms. The Scottish Government's National Guidance for Child Protection in Scotland 2021 sets out in its introduction a charter for both children, and for parents and carers, to make clear what they can expect from professionals, in terms of being listened to, having access to reliable support, being respected, and being well informed and part of plans and decisions. Similar charters which empower children and families would be positive additions to the refreshed GIRFEC guidance materials.

The final sentence in Section 6.4, "communication or learning impairment should not be seen as a barrier to seeking views" appears deficit-based, and could be more positively phrased, for example, "all children have views, and support must be in place to ensure these can be elicited and shared in whatever way works best for the child and their family, with particular focus on removing barriers to communication."

Clarity about undertaking a wellbeing assessment

Section 6.2 of the guidance explains that wellbeing assessments may be required in relation to various Parts of the 2014 Act, such as Part 9 (Corporate Parenting) and 11 (Continuing Care). Whilst this is accurate, it is important to emphasise that the GIRFEC approach is universal, and practitioners should be alert to noticing and assessing the wellbeing of all children, always. Wellbeing assessments are not only necessary for children subject to formal care and protection proceedings, and the guidance should emphasise this more clearly. This is imperative to an effective preventative approach where early concerns are noticed, identified, and children and families supported to prevent problems from escalating.

Section 7 of the guidance relates to the practitioners and individuals who should contribute to an assessment of a child's wellbeing. This section reads as though a wellbeing assessment is undertaken by a single person and would benefit from further development to clarify the multi-agency approach to assessment under a GIRFEC approach, with the child and family at the centre of this. In Section 7.5, the responsibilities of 'specialist' services in contributing to wellbeing assessments appear vague, and the guidance does not clarify the role of such services as an active part of the Team Around the Child. This section would benefit from information about the Child's Plan, which should be the result of any assessment of wellbeing which identifies concerns to be addressed.

Section 7.3 also notes that corporate parents in schedule 4 of the 2014 Act must have local training, policies, and procedures in place to ensure employees can contribute to wellbeing assessments using the National Practice Model. Whilst this is true for many corporate parents, who rightfully have an active role in the multi-agency Team Around the Child, some corporate parents do not have any direct contact with children. Although all corporate parents should have a full understanding of the concept of wellbeing, it is considered a disproportionate

and inappropriate expectation for employees of organisations who do not have contact with children to be required to be skilled in assessing the wellbeing of individual children.

Wellbeing indicators

Some of the concepts underpinning the SHANARRI indicators are complex and could be elaborated further in the guidance to ensure practitioners have a consistent understanding of what is meant by each. For example, 'nurtured' is explained as having a 'nurturing' place to live. The meaning of this is open to interpretation, and further detail about what is meant by nurtured/nurturing (for example, loving, warm, caring) would be of benefit. Furthermore, the emphasis within the 'nurture' indicator is on the home environment; in line with the principles and intentions of GIRFEC it imperative that the importance of nurture in other settings such as school, community, clubs etc. is cited.

In other areas, the wellbeing indicators could go further in terms of their aspiration. For example, 'Included' refers to help to overcome inequalities and being accepted as part of the community. This could be developed by referring to being an equal partner within the community.

In general, more is required to support those who working with children and families under a GIRFEC approach to understand how to use the wellbeing indicators in practice, how these should be used to measure wellbeing, how these relate to other elements of the National Practice Model (for example, the 'My World Triangle'), and to the UNCRC. The Scottish Government's ongoing work on Core Wellbeing Indicators will be useful to consider in relation to this. These indicators are under development as part of work to establish a Children, Young People and Families Outcomes Framework, to provide an overall holistic picture and understanding of children and young people's wellbeing in Scotland. Under the Core Wellbeing Indicators, the SHANARRI domains are understood as outcomes, under which measurable indicators sit, enabling the development of Child's Plans to reach the SHANARRI outcomes.

Further on language and terminology, consideration should be given to strengthening the wellbeing indicator statements to reflect neurodiversity and disability perspectives. For example, in relation to 'Respected,' further detail should be given to emphasise the need to actively elicit views and enable communication for children who are pre or non-verbal, in ways that suit them and their families.

Using wellbeing information to plan services

Section 8 of the guidance outlines the use of wellbeing information to inform Children's Services Plans and Corporate Parenting Plans under Parts 3 and 9 of the 2014 Act, respectively. Wellbeing information is vital to inform planning, and whilst this is a priority in local areas, the Scottish Government's Core Wellbeing

Indicators work is well placed to enable a more consistent approach to this nationally.

Whilst we agree with the inclusion of detail about the use of wellbeing information to inform planning for “groups of children” (in terms of Children’s Services and Corporate Parenting planning), this detail contrasts with the absence of planning being mentioned for individual children using a Child’s Plan. We understand that practice guidance in relation to Child’s Plans is under development, however inclusion of the responsibilities and expectations in relation to child’s plans should be referred to in this statutory guidance as well.

Family environment

Paragraph 3.3 notes that “wellbeing will be relative and will be influenced by the child and young person’s individual circumstances...” Paragraph 6.6 states that “children can thrive in different environments,” and that therefore practitioners must be respectful to the range of different family situations. We fully agree that all children and families are all different, with differing definitions and permeations of family being a feature of our diverse society. We strongly agree that a holistic assessment of a child’s wellbeing must not be influenced by value judgements, but informed by a comprehensive and attuned understanding of an individual child and family’s views, needs and circumstances. In addition to what is already stated in the guidance, it is important to make clear that wellbeing concerns should neither be overly emphasised, nor inappropriately tolerated, because of factors such as low parental income or education levels. Whilst material and social capital may differ between families, the prerequisites for positive child development, such as love, nurture, and provision of safety, do not.

Wellbeing and welfare

Section 4.2 refers to a ‘new’ section (23A (2)) of the Children (Scotland) Act 1995 which says local authorities’ functions should be carried out in a manner that safeguards, supports, and promotes the wellbeing of children. The reference to this provision as ‘new’ should be removed as it is now over five years old and referring to it as new may cause confusion.

6. Are there areas where the further development of resources or guidance would be helpful in supporting the assessment of wellbeing?

Please also refer to our [detailed comments and suggestions](#) in relation to all parts of the practice guidance materials, most crucially regarding information sharing, and the roles and responsibilities of Named Persons and Lead Professionals.

In relation to this statutory guidance document, this could be further developed in the following ways:

- Clarity and/or signposting in relation to information sharing
- Further detail to highlight the multi-agency approach to assessment of wellbeing under a GIRFEC approach, with children and families at the centre
- Further development of more empowering language and terminology
- Further clarification over complex concepts and improving the language in the definitions of the SHANARRI indicators
- Inclusion of information relating to planning for individual children

Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail.

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