

This document relates to the Children and Young People (Information Sharing) (Scotland) Bill (SP Bill 17) as introduced in the Scottish Parliament on 19 June 2017

# Children and Young People (Information Sharing) (Scotland) Bill

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## Financial Memorandum

### Introduction

1. As required under Rule 9.3.2 of the Parliament's Standing Orders, this Financial Memorandum is published to accompany the Children and Young People (Information Sharing) (Scotland) Bill, introduced in the Scottish Parliament on 19 June 2017.
2. The following other accompanying documents are published separately:
  - Explanatory Notes (SP Bill 17-EN);
  - a Policy Memorandum (SP Bill 17-PM);
  - statements on legislative competence by the Presiding Officer and the Scottish Government (SP Bill 17-LC).
3. This Financial Memorandum has been prepared by the Scottish Government to set out the costs associated with the measures introduced by the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

### Background

4. The Children and Young People (Scotland) Act 2014 ("the 2014 Act") placed two aspects of the Scottish Government's Getting it Right for Every Child ("GIRFEC") approach on a statutory footing: the provision of named persons (Part 4 of the 2014 Act) and child's plans (Part 5 of that Act). The Financial Memorandum that accompanied the Bill for the 2014 Act on its introduction to the Parliament set out the costs associated with the

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implementation of Parts 4 and 5<sup>1 2</sup>. Implementation of Parts 4 and 5 of the 2014 was planned for August 2016.

5. In July 2016, the Supreme Court found, in the case of *The Christian Institute and others (Appellants) v The Lord Advocate (Respondent) (Scotland) [2016] UKSC 51*, that the information sharing provisions of Part 4 of the 2014 Act were not “in accordance with the law”. The planned implementation of Parts 4 and 5 was postponed in order to enable this finding to be addressed. This Bill does this by making changes to the information sharing provisions in Part 4 of the 2014 Act. The Bill also makes changes to Part 5 of the 2014 Act in order to keep the information sharing provisions of Parts 4 and 5 in alignment. Further detail on the changes made by the Bill and on the policy objectives expected to be achieved can be found in, respectively, the Explanatory Notes and the Policy Memorandum referred to in paragraph 2 above.

6. The Scottish Government and COSLA are committed to the GIRFEC approach and for several years have been promoting the development and subsequent implementation of GIRFEC by community planning partnerships (CPPs) across Scotland. Further, the Scottish Government supported local implementation of GIRFEC by providing local authorities with £10.2m to prepare for the commencement of Parts 4 and 5 of the 2014 Act.

7. Prior to the postponement of the planned August 2016 implementation, local authorities, health boards, Police Scotland and other organisations had confirmed that they were prepared to be compliant with these parts of the 2014 Act on commencement. Hence, consequential costs from this Bill only relate to the effect of the Bill in amending provisions and inserting new provisions in Part 4 and Part 5 of the 2014 Act. These new and amended provisions change how service providers and relevant authorities, such as local authorities, health boards, Police Scotland, must give consideration to information sharing. The specific impact is:

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<sup>1</sup> [Children and Young People Bill Financial Memorandum](#) (as introduced), see Pages 36 - 80

<sup>2</sup> [Children and Young People Bill Supplementary Financial Memorandum \(as amended at Stage 2\)](#)

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- a requirement to develop training and learning materials to support national consistency; and
- replacement of staff undergoing training on how the new duties will be delivered in practice.

## Costs on the Scottish administration

8. Under Part 4 of the 2014 Act, the Scottish Ministers will be responsible for making arrangements for the provision of a named person service in relation to children held in legal custody or subject to temporary release from custody. In practice, this will be achieved via the Scottish Prison Service. In addition, the Scottish Ministers are a “listed authority” for the purposes of Part 5 of the 2014 Act. The cost of the Scottish Ministers exercising the functions conferred on them by Parts 4 and 5 of the 2014 Act was originally anticipated to be minimal. The changes made to Parts 4 and 5 of the 2014 Act by the Bill are not expected to change this position.

9. Guidance and training materials will be prepared to support bodies in implementing the provisions of the 2014 Act that are amended by the Bill. The cost of production will either be provided through funding to NHS Education for Scotland or will be absorbed as part of the on-going policy development activities of the GIRFEC team in the Scottish Government.

## Costs on local authorities

10. Local authorities will generally be responsible for the duties associated with the named person service and child’s plan for those children and young people who are educated within state schools from age of school entry until they leave school or who are school leavers. They will also be responsible for sharing and receiving relevant and proportionate information with and by other service providers and relevant authorities in relation to children and young people to whom Parts 4 and 5 of the Act apply. Local authorities were provided with £400k in 2015/16 and £9.8m in 2016/17 to support preparation for the commencement of the services covered in Parts 4 and 5 of the 2014 Act. Local authorities had confirmed that they were prepared to be compliant with these parts of the 2014 Act on planned commencement in August 2016. Therefore the costs associated with this Bill only relate to one aspect of practice; the effect of the amended provisions and new provisions on how information sharing should be carried out under Parts 4 and 5 of the 2014 Act.

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## Training

11. For staff delivering the named person role, or who will have significant contact with the named person or who will be primarily involved with the child’s plan, it is expected that there will be a requirement for training in relation to the amended provisions associated with information sharing. The expectation is that training will be delivered in-house by the public body with materials developed by NHS Education for Scotland and the Scottish Government (in collaboration with stakeholders).

12. There will, however, be a cost associated with replacing staff for training days, where that is necessary, and this will vary depending on the level of teacher involved and their teaching commitment. Backfill for those teaching staff who require training has only been allowed for in relation to their teaching commitment. In relation to training on how the new and amended provisions should be applied in practice, it is estimated that 1 day (approximately 7 hours) of training and development will be required for those head teachers, deputy head teachers and principal teachers delivering the named person role. This training may be in a single episode of 1 day training or through a series of shorter learning and development opportunities.

13. The backfill assumptions to release staff for training are that used for the Financial Memorandum for the Children and Young People (Scotland) Bill (“CYP(S) Bill”); these are the level of likely teaching commitment for different staff (0% for head teachers, 10% for depute head teachers and 30% for principal teachers). These assumptions were derived from discussion with a sample of stakeholders. To simplify costs a common salary point was identified; that of Principal Teacher point 8 which is the same cost as that for Head Teacher and Deputy Head Teacher point 5, £50,319. Employer costs of 26% were applied to take account of employer national insurance and pension costs. This resulted in a cost of £244 for 1 day/7 hours training. Although there will be variation in senior staffing structures from school to school depending on pupil population, it is assumed that the estimates set out in Table 1 are sufficient to provide for national costings with local variation being addressed by local authorities.

Table 1: Backfilling for training of local authority staff cost in 2018/19

	<b>Estimat ed</b>	<b>Estimated % of time</b>	<b>Estimated number</b>	<b>Cost of 1</b>	<b>Total Cost for</b>
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	<b>Number s</b>	<b>spent teaching that requires backfill</b>	<b>of WTE necessita ting backfill</b>	<b>day trainin g £</b>	<b>staff requiring backfill £</b>
<b>Primary Schools</b>					
Head Teachers	2031	0%	0	244	0
Deputy Head Teachers	2031	10%	203.1	244	49,557
<b>Secondary Schools</b>					
Head Teachers	359	0%	0	244	0
Deputy Head Teachers	359	10%	35.9	244	8,760
Principal Teachers (Assumed to be 6 per school - 1 per stage)	2154	30%	646.2	244	157,673
<b>Special Schools</b>					
Head Teachers	141	0%	0	244	0
Deputy Head Teachers	141	10%	14.1	244	3,441
<b>TOTAL</b>					<b>219,431</b>

Notes:

1. Estimated numbers of staff are taken from school numbers published in Summary Statistics for Schools in Scotland, No: 7-2016, Scottish Government, December 2016

2. Salary costs are 2016/17 prices published in the Scottish Negotiating Committee for Teachers Handbook with a 26% uplift applied to account for employer costs related to national insurance and pension costs

14. It is expected that profession wide training will be a one-off process and subsequent competence development and training will then form part of standard Continued Professional Development, and be absorbed as part of the on-going training requirements on these organisations. Discussions with stakeholders suggest that training related to GIRFEC including named

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person service, child's plan and information sharing has been mainstreamed already in many parts of educational training.

15. Training and preparation costs may require some activity ahead of commencement, depending on the planning in each area, but for the purposes of these calculations, it is assumed that the cost is applied in 2018-2019.

## Staff costs

16. The Financial Memorandum for the CYP(S) Bill identified costs to local authorities to implement the duties associated with the named person and child's plan, (£9.8m). These costs principally relate to directly carrying out the named person role (and the duties relating to the child's plan) and the administrative support required. The funding to address these costs was allocated to local authorities in 2016/17.

17. The staff costs of this Bill only relate to training and development to support the requirements of the new provisions and the amended provisions in relation to information sharing in carrying out the named person role and the duties relating to the child's plan. It is not anticipated that this Bill will result in any additional staff costs for local authorities.

## Costs on other bodies, individuals and businesses

### Health boards

18. As with the costs for training in relation to new and amended provisions associated with information sharing for local authorities for children and young people from age of school entry to 18, similar costs will be incurred by health boards for children aged between 0 and age of school entry.

19. There are two related components to training costs that will be incurred by the NHS: production of learning and development materials and the application of these in training to develop competence to deliver the new duties. It is assumed that profession wide training will be a one-off process and subsequent competence development of new staff will be achieved through practitioner training in education programmes. The resource implications associated with training for new or returning experienced staff entering service and update training for the workforce will

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be subsumed within existing organisational training programmes after the first year of implementation.

20. The new and amended provisions in relation to information sharing, including a new code of practice that must be adhered to, necessitate the production of corresponding learning and development materials to support the promotion of staff competency and national consistency in the delivery of the provisions. NHS Education for Scotland have already produced a range of national materials to support the 2014 Act and are well placed to produce generic learning and development materials to address the needs of this Bill. Based on previous work carried out by NHS Education for Scotland to develop online modules and support materials in relation to the GIRFEC approach, the cost will be approximately £310,000 including costs to design, test, produce and promote new materials.

21. The majority of the costs, estimated to be approximately £180,000, will be related to the establishment of a small project team of 4 people to engage in a programme to design and co-produce generic and topical resources for stakeholder groups, e.g. NHS, education, social work and police. The remainder will fund the actual production of the online resources. These new learning and development resources will give service providers and relevant authorities access to consistent tools to develop staff awareness, knowledge and understanding of the law, how it should operate and the effect of the law. For the purposes of calculation, it is assumed that this cost will be incurred in 2018-19.

22. Training will be required for staff delivering the named person role, or who will have significant contact with the named person or who will be primarily involved with the child's plan. The expectation is that training will be delivered in house by the NHS utilising the materials developed by NHS Education for Scotland and the Scottish Government (in collaboration with stakeholders).

23. There will be a cost associated with replacing staff for training days, where that is necessary. Estimates in relation to backfill requirements have been based on those identified in the Financial Memorandum for the CYP(S) Bill and are at a 60% staff replacement rate across all health visitors/ family nurses/ midwives/ public health nurses/ school nurses and other key staff. To simplify costs, a common salary point was identified; Agenda for Change (AFC) Salary Point 28. This salary point equates to an annual cost of £43,135 including costs to the NHS for national insurance

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and pension contributions. Although there will be a variation in salaries for individuals across and within these professional groups, it is assumed that the estimates set out in Table 2 are sufficient to provide for national costs. A salary cost of £43,135 results in a cost of £166 for 1 day/ 7.5 hours. Table 2 sets out the estimated costs for the NHS in relation staff backfill for training and Table 3 sets out the total estimated costs for the NHS.

Table 2: Summary of costs to the NHS Scotland (Territorial) Health Boards (£) 2018/19

	<b>Estimated Numbers (Headcount)</b>	<b>Estimated number of WTE necessitating backfill</b>	<b>Cost of 1 day training £</b>	<b>Total Cost for staff requiring backfill £</b>
Health Visitors (Headcount estimate 2018/19)	1900	60%	166	189,240
Family Nurses (Headcount estimate 2018/19)	178	60%	166	17,729
Health Visiting support staff	520	60%	166	51,792
Midwives	3590	60%	166	357,564
School Nurses	490	60%	166	48,804
Public Health Nurses	152	60%	166	15,140
<b>Total</b>				<b>680,269</b>

Notes:

1. Estimated numbers of staff are based on ISD workforce statistics as at 31 March 2017 (published June 2017) and health board workforce plans submitted to Scottish Government.
2. Salary costs are 2017/18 prices AFC point 28 published by Scottish Government on 23 March 2017, Pay and Conditions (PCS(AFC)2017/2), employer on costs to account for national insurance and pension contributions are based on a 26% uplift.

Table 3: Summary of costs to the NHS (£) 2018/19

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<b>Organisations</b>	<b>Activity</b>	<b>(£)</b>
NHS Education for Scotland	Design, testing, production and promotion of online training resources and supporting materials	310,000
NHS Territorial Boards	Training backfill for midwives/health visitors/public health/ family nurses and other key staff	680,269
<b>Total</b>		<b>990,269</b>

24. There are no additional staff costs anticipated or perceived changes in resource allocation for the NHS from this Bill over and above those detailed in Table 3. The costs in relation to additional recurrent activity for health care staff associated with delivering Parts 4 and 5 of the 2014 Act were addressed in the Financial Memorandum for the CYP(S) Bill.

### Other bodies, individuals and businesses

25. For those children and young people in independent or grant maintained schools between age of school entry and 18, the named person and child's plan duties fall on the relevant organisation. The approach to calculating the costs follows the same approach as for local authorities. For staff delivering the named person role or who have significant contact with the named person, and will need to have knowledge of a child's plan, there will be initial training required for 1 day. Training is currently provided by the Scottish Council of Independent Schools (SCIS), at a cost of £120 per person, per day. There are 97 registered independent schools in Scotland and 8 grant aided schools, 105 in total. Funding will be required for two members of staff to be trained per school to ensure that there is consistent knowledge and understanding of the information sharing provisions in Parts 4 and 5 of the 2014 Act within independent and grant aided schools. This will mitigate the risk of reliance on one individual where staff absence or turnover of staff may impact on delivery of the provisions.

Table 4: Estimated cost of training for independent schools

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<b>Type of School</b>	<b>Number of schools</b>	<b>Number of staff to be trained per school</b>	<b>Total number to be trained</b>	<b>Cost of 1 day training per individual (£)</b>	<b>Total Cost (£)</b>
Independent	97	2	194	120	23,280
Grant Aided	8	2	16	120	1,920
<b>Total</b>					<b>25,200</b>

26. The costs for bodies, individuals and business identified in relation to this Bill are associated with training and development of staff in independent and grant aided schools. This training is required to support the development of knowledge and understanding of the requirements of the new provisions and the amended provisions in relation to information sharing in carrying out the named person role and the duties relating to the child's plan. It is not anticipated that this Bill will result in any additional costs to other bodies, individuals or businesses beyond those identified in Table 4.

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## Financial Memorandum

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