

## **Submission to the Education and Skills Committee on the Children and Young People (Information Sharing) (Scotland) Bill**

### **Introduction**

Colleges Scotland is the membership body for all Scotland's 26 colleges, sited in our local communities and providing education, skills and training in the right place at the right time to support the needs of individuals, their communities, and the labour market. Colleges Scotland is grateful to the committee for the opportunity to respond to this call for evidence. Colleges Scotland consulted with College Development Network's Guidance Network (*the network*) on Monday 21 August 2017 to gather perspectives for this submission.

### **Colleges Scotland position**

Colleges Scotland welcomed the Children and Young People (Scotland) Act 2014, and the provisions within it to enhance the service that Scotland's colleges provide to young learners, which include children and young people who study in college whilst in the senior phase of school. Data from the Scottish Funding Council's *Learning for All* report shows that in the post-compulsory education sector, colleges have a proportionally higher student population from SIMD10, SIMD20 and SIMD40 areas. Many of our students have additional support needs.

For all of our students, Scotland's colleges are committed to smooth, seamless transitions – both into college, and from college into work or further training or education – which ensure that our learners are empowered to progress their studies in a supportive and safe environment, mindful of their individual and collective needs. The success of young people's seamless transitions lie in knowing their needs, issues and concerns. This ambition can only be met by ensuring effective sharing of information between the college, the learner, their parent/guardian (where appropriate) and other organisations or agencies supporting the learner.

Support staff from colleges highlighted some reservations about the provisions in this Bill, and some areas of guidance or legislation which they felt sit in conflict, but asserted their position that safeguarding and supporting learners is critical to the core delivery by colleges. The network felt that the language in this bill as written does not provide direction which would enhance practice, and is unclear on how the named person or professional should decide to share information. The network meeting discussed at length the challenge when there is a delay in information sharing, and highlighted some situations where such delays have resulted in safeguarding and support concerns.

The network meeting discussed that the Bill refers to the Data Protection Act 1998, but that this will be superseded in May 2018 by the General Data Protection Regulation (GDPR). The network discussed information and data sharing in the current context, and highlighted that information sharing is becoming "foggy" due to anxiety in the sector about the penalties for non-compliance with the GDPR. The network felt that clear, unambiguous guidance on how to make robust information sharing decisions would be appropriate, and helpful. Should guidance be implemented, this legislation would be unlikely to enhance practice further.

Colleges Scotland  
Friday 25 August 2017