

The Young ME Sufferers Trust

Why We Oppose The Named Person Legislation

Speech given at the Scottish Liberty Forum event

‘Named Person and the Death of the Family’



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Tymes Trust is the longest established national UK service for children and young people with the neurological disease Myalgic Encephalomyelitis (ME) and their families. To give some context to our opposition to the Named Person legislation, our executive Director Jane Colby wrote in her paper “False Allegations of Child Abuse in Cases of

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childhood Myalgic Encephalomyelitis (ME)” that “There is no cure for ME. In its absence, management regimes are prescribed, typically based on cognitive behaviour therapy (CBT) and graded exercise therapy (GET). In the case of children this may involve the application of Child Protection powers to enforce treatment [...] Parents who decline or withdraw children from management regimes, which may have worsened their illness, can find themselves facing investigation for child abuse or neglect.” Calls to Tymes Trust Advice Line from Scottish families facing such investigation now have GIRFEC and the Named Person at the heart of them.

Recently on a Radio Scotland phone-in a presenter stated that “In place in Scotland at the moment we have the very successful GIRFEC system, *Getting It Right For Every Child*, which is about nurturing and protecting children ...” [Louise White, Radio Scotland 28th Dec 2015 <http://www.bbc.co.uk/programmes/b06sp5vd>] I found this a somewhat surprising statement and wondered on what evidence this resounding endorsement was based, given that it was due to a *failure* to embed GIRFEC throughout the 32 Scottish local authorities that had led a frustrated government to legislate it into statute.

GIRFEC as an approach has been around for some time, but understanding of its process was divergent amongst practitioners and implementation irregular across services. Only through the use of statutory powers making GIRFEC a legal duty could, it would seem, government realise its vision of the universal embedding of GIRFEC across the country. Which raises the question that if it is such a wonderful scheme why does it require the strong arm of statutory legislation in order for the workforce to employ it? And yet GIRFEC, as the Scottish Government documents tell us, already “threads through all existing policy, practice, strategy and legislation affecting children, young people and families.” [A *Guide to Getting it right for every child* <http://www.gov.scot/resource/doc/1141/0065063.pdf>]

GIRFEC pervades all aspects of the state’s interaction with parents and children. The Named Person or state guardian scheme is, in the government’s own words a “key element of the GIRFEC approach” and the powers that have been given to these state functionaries through the *Children and Young People (Scotland) Act* reflect the comprehensive reach and implication of GIRFEC requiring as they do the legally enforceable cooperation of all sectors, agencies and organisations who are involved with children, young people and families, even adult services where the adult is also a parent.

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However there appears to be a concerning lack of awareness amongst the general public of the absolute

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impact of GIRFEC and the Named Person scheme which hides its illiberal and authoritarian intent behind the banal aim of “Making Scotland the best place to grow up.”

An industry has grown up around children and their parents that promotes this shift in authority and responsibility away from parents towards the state. It encourages parents to think themselves inadequate to the task and undermines their confidence in how they parent their own children.

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There are ever increasing numbers of parenting programmes such as *CANparent*, *Mellow Parenting* and *Parentskool* (spelt s-k-o-o-l) with mission statements about every parent achieving their best through the involvement of ‘professional’ parenting practitioners; then there are organisations like the Social Research Unit Dartington, and the Early Intervention Foundation which gather and assess data on children and families to inform both local and central government on the implementation of early intervention initiatives and promote investment in effective early intervention to local and national policy makers.

As part of this industry in Scotland the Early Years Collaborative is a Scottish Government initiative billed as “the World’s first multi-agency, bottom up **quality improvement programme** to support the transformation of early years.” [<http://www.gov.scot/Topics/People/Young-People/early-years/early-years-collaborative>]. It is concerned with putting in place practical actions that will accelerate the conversion of processes and culture within public services to reflect the GIRFEC ideology of early intervention and prevention. To assist in this endeavour all 32 local authorities utilise Community Planning Partnerships which comprise all relevant public, private, voluntary and community bodies in its area to set out a joint vision with agreed objectives in the form of a Community Plan.

The Early Years Collaborative has, through so-called Learning Sessions, educated these Community Planning Partnerships on how to achieve their objectives through something called small tests of change or Plan-Do-Study-Act cycles which actually replicate a process that was developed in the 1950s by William Deming the American statistician, educator and consultant. Deming pioneered his Plan-Do-Study-Act cycles within the **manufacturing industry** to **improve quality control** based on a systematic tallying of **product defects** that

includes the identification and analysis of their cause. Once the **causes** of defects are corrected, **the outcomes** are tracked to measure the effects of those corrections on subsequent product quality helping management continually gain more and better knowledge particularly about its processes and products.

The Scottish Government has engaged an American company, the Institute of Healthcare Improvement (or IHI) to educate practitioners throughout all relevant public, private, voluntary and community bodies on this model for improvement.

Consequently the family sector is now being subjected to the same quality control methods used by the manufacturing sector, with government identifying what they consider to be defects and **enforcing** corrective measures with, if necessary, threats of compulsion through GIRFEC and the Named Person legislation in order to ensure children and families meet the state approved outcomes.

What if the aim of the practitioner is not the same as the aim of the child or the parents?

To give you an idea of what these Plan-Do-Study-Act cycles focus on, back in January 2014, at the Early Years Collaborative Learning Session 5 David Williams who is an improvement advisor for the IHI gave a seminar called ‘Measurement for Learning’. In this he gave the example of one group wanting to measure the number of shared smiles between a mother and her baby - this was with a view to improving mothers’ attachment and bonding with their babies, one of the key objectives of the Early Years Collaborative.

Ninon Lewis, also from the Institute for Healthcare Improvement spoke at Learning Session 6; she said “I love the quote, ‘A fool with a tool is still a fool’.” But bizarrely the meaning behind this saying has not been applied to GIRFEC and the Named Person scheme.

The IHI model for improvement is reliant on human beings carrying out assessments and making decisions based upon subjective judgements which ultimately can only ever be good as those who make them. Yet, the GIRFEC ‘toolkit’ of SHANARRI well-being wheel, My World Triangles & Resilience/Vulnerability Matrix fails to take account of human fallibility; it assumes that all practitioners, simply by utilising the ‘toolkit’ and following the prescribed method, with reference to the 7 pages of risk indicators and the 13 pages of wellbeing outcomes - that these state functionaries can consistently and flawlessly interpret the information collected; it

assumes that there are no fools in the system. It also ignores the myriad of nuances and subtleties that exist within a family which cannot be captured or explained through a tick-box checklist of risk indicators or an Ecomap of family relationships. And then there is a parent's right to raise their children according to their own principles and values. As one delegate pointed out at Learning session 6 of the Early Years Collaborative, what if the aim of the practitioner is not the same as the aim of the child or the parents?

GIRFEC is the virus contagion model of error - it is predicated on the sharing of information, not the checking of information; essentially if one practitioner makes a mistake in the assessment process, that error is replicated and shared throughout the system. With no requirement for parental or child consent - indeed

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statutory guidance which advocates against seeking it - practitioners' 'gut-feelings' have the potential to go unchecked and unchallenged, accepted as facts and compounded as they are shared amongst multi-agency practitioners.

Indeed Rhona Flin from the Industrial Psychology Research Centre University of Aberdeen explained to the delegates at Learning Session 6 what "non-technical skills" the workforce needed to accomplish the aims of the Early Years Collaborative; these included:

- 'Decision making' - sometimes quickly and ***without all the information***
- 'Situation awareness' - the ability to gather information, understand it and ***anticipate what might happen next***. She said "So this piece about gathering information, making sense of it and ***anticipating*** what might happen next in this family or with this child I think is going to be really key."

The goal or aim of GIRFEC is that all children become successful learners, confident individuals, effective contributors and responsible citizens, according to the state's definition of what these mean [<http://www.scotland.gov.uk/Resource/Doc/1141/0065063.pdf>]. All children must reach all 'developmental milestones' set by the state within prescribed timescales set by the state. Children therefore - if one applies the Deming management improvement method principles, as the Early Years Collaborative promote - are viewed in the role of 'product' and consequently the family and

state must be the 'system' working together on the production.

However, if the family AND the state are the system, why is only the state component involved in setting the aims within the Plan-Do-Study-Act Cycles; only the state component which carries out the assessment of the knowledge and data collected and only the state component which decides if any change was a success. Parents and families it would seem are in fact being viewed as the problems or barriers that are "built right in to the system." The GIRFEC list of risk indicators reflects such an argument giving as it does a checklist of defects, errors or mistakes that require rework by the state in order to improve product quality.

GIRFEC is focused on outcomes, it does not look to improve its own system which is assumed to be infallible. Instead it seeks to improve the quality of the customer, (the child and the family). GIRFEC and the Named Person scheme vigorously pursue this flawed quality improvement programme by virtue of the *Children and Young People (Scotland) Act* and associated statutory guidance. This focus, not on the failings of the service provided, but the perceived defects of the child and family, ignores the need for rigorous critical

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thinking and analysis, favouring instead anticipation and gut-feeling in order to promote and ingrain early intervention and prevention in to service provision throughout all sectors.

The First Minister's statement in the Scottish Parliament back in June last year, that "***The Named Person legislation is about making sure that we are doing everything in our power to protect vulnerable children***" only makes sense when you accept that ***every*** child is now viewed as potentially vulnerable, and consequently ***every*** parent is potentially neglectful or abusive thus the need for the named person legislation to be both universal in application and compulsory in practice. The Named Person scheme is not an entitlement as it is claimed - the Named Person employs a corruption of children's rights in a determined effort to undermine the family.

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