

CABINET

17 October 2017

Title: Impact of the Children and Social Work Act 2017	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Information
Wards Affected: All	Key Decision: No
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Accountable Director: Chris Bush, Director of Commissioning, Children's Care and Support	
Accountable Strategic Director: Anne Bristow, Deputy Chief Executive and Strategic Director for Service Development and Integration	
Summary	
<p>The Children and Social Work Act 2017 received Royal Assent on 27 April 2017. The Act enshrines in law several significant changes which will have implications for all Local Authorities. This report describes the reforms introduced by the Act and the implications for the Council.</p>	
<p>The Act was given Royal Assent sooner than expected due to the dissolution of parliament, therefore there is a shortage of supporting information on the timescales for introduction of the different elements of the Act and as yet no supporting guidance that supports these changes. Never-the-less, it is incumbent on the Council to ensure that the new standards and legal requirements are being adhered to. Whilst the detail of the Act is not yet fully known, officers are developing plans that position the Council strongly in terms of known requirements such as a local offer for Care Leavers.</p>	
<p>The Act aims to:</p>	
<ul style="list-style-type: none">• Improve support for looked after children in England and Wales especially for those leaving care.• Enable better learning about effective approaches to child protection and care in England.• Establish a new regulatory regime for the social work profession in England.	
<p>The most controversial 'different ways of working' provisions were dropped by the government at the report stage but a number of provisions which seem somewhat illogical remain and it appears likely the requirements of the legislation will impact negatively on the budget.</p>	

<p>Recommendation(s)</p> <p>The Cabinet is recommended to</p> <p>(i) Note the report and the potential implications for the Council of the Children and Social Work Act 2017; and</p> <p>(ii) Request the Corporate Parenting Panel to consider the extended Corporate Parenting duty and develop proposals on how the Council should meet the new requirements.</p>
<p>Reason(s)</p> <p>Well run organisation: The Council must comply with recently agreed legislation in the Children and Social Work Act 2017. By briefing members and officers, a fuller understanding will be gained and further development work undertaken.</p>

1. Introduction and Background

1.1 This report sets out the details of the act in the key areas affecting the local authority and the children it helps care for. They broadly fall into seven key areas of work:

- Corporate parenting and looked after children
- Adoption
- Safeguarding Children
- Abolition of Local Safeguarding Children Boards
- Child Death Reviews
- New Regulatory Regime for the Social Work Profession
- Relationships, sex and PSHE Education

Corporate Parenting and Looked After Children

- 1.2 Local authorities in England must publish a “*Local Offer*” for care leavers, providing information about services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living. This includes services relating to health and well-being; relationships; education and training; employment; accommodation; participation in society.
- 1.3 Extension of local authority support to Care Leavers to age 25, including provision of Personal Advisers, assessment of the needs of former relevant children and preparation of a Pathway Plan.
- 1.4 Educational achievement of previously looked after children - local authorities in England must make advice and information available for the purpose of promoting the educational achievement of previously looked after children educated in their area, and must appoint at least one person for discharging that duty.
- 1.5 Schools must designate a member of the staff as having responsibility for promoting the educational achievement of previously looked after children who have left care

through adoption, Special Guardianship Order, or Child Arrangements Order. It places academy schools under similar statutory duties to maintained schools.

- 1.6 The Act outlines seven Corporate Parenting Principles that Local Authorities must have regard to in respect of Looked After Children and those leaving care to establish what it means for the authority to act as a good Corporate Parent.
- To act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people;
 - To encourage those children and young people to express their views, wishes and feelings;
 - To consider the views, wishes and feelings of those children and young people;
 - To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
 - To promote high aspirations, and seek to secure the best outcomes, for those children and young people;
 - For those children and young people to be safe, and for stability in their home lives, relationships and education or work;
 - To prepare those children and young people for adulthood and independent living.
- 1.7 The Council is ahead of these requirements in a number of ways, with the Street Purchasing Scheme expected to deliver more and improved accommodation to Care Leavers by the end of the calendar year. Cabinet also received a report in July explaining the work being undertaken to reduce the number of looked after children and care leavers who are Not in Education, Employment or Training (NEET) and the work underway is strengthening our support to these young people.
- 1.8 Whilst the financial implications are not yet fully known, it can be expected that the duty to support care leavers to the age of 25 will have a significant cost implication for the Local Authority.
- 1.9 It is recommended that Cabinet requests that the Corporate Parenting Panel to consider the implications of this Act and develop proposals on how the Council to meet the requirements and respond to the extended Corporate Parenting duty.

Adoption

- 1.10 Permanence provisions in respect of care and adoption proceedings in England and Wales are significantly affected by the Act; particularly in respect of adoption. The Local Authority will now have a duty to have regard to the ongoing relationship with adopters.
- 1.11 Additional considerations in relation to the permanence provisions which a court, when deciding whether to make a care order, is required to consider: the impact on the child concerned of any harm that he or she suffered or was likely to suffer; the current and future needs of the child (including needs arising out of that impact); the way in which the long-term plan for the upbringing of the child would meet those current and future needs

Secure Accommodation

- 1.12 Placing children in secure accommodation elsewhere in Great Britain - has come into force. This allows local authorities in England and Wales to place children in secure accommodation in Scotland under the Children Act 1989. This is helpful given there is often a real shortage of secure accommodation for children and young people and whilst it is not ideal to have to place a young person so far away it may be preferable to not being able to find a bed.

Safeguarding Children

- 1.13 Establishment of a Child Safeguarding Practice Review Panel to identify serious child safeguarding cases in England which raise issues that are complex or of national importance, and, where they consider it appropriate, to arrange for those cases to be reviewed under their supervision to identify any improvements that should be made by safeguarding partners or others to safeguard and promote the welfare of children.
It is unclear how this new body will improve practice or national co-ordination given there is already a requirement to provide such information to OFSTED.
- 1.14 Where a local authority in England knows or suspects that a child has been abused or neglected, the local authority must notify the Child Safeguarding Practice Review Panel if:
- The child dies or is seriously harmed in the local authority's area, or
 - While normally resident in the local authority's area, the child dies or is seriously harmed outside England.

Again, it is not clear whether this is replacing the duty to notify DfE and Ofsted or is introducing a further layer of oversight.

Abolition of Local Safeguarding Children Boards

- 1.15 These are to be replaced by the introduction of local arrangements for safeguarding and promoting the welfare of children.
- 1.16 The safeguarding partners for a local authority area in England are the local authority; a clinical commissioning group for an area, any part of which, falls within the local authority area; the chief officer of police for a police area any part of which falls within the local authority area.
- 1.17 Through the introduction of local child safeguarding practice reviews - the safeguarding partners for a local authority area in England must make arrangements:
- a) to identify serious child safeguarding cases which raise issues of importance in relation to the area, and
 - b) for those cases to be reviewed under the supervision of the safeguarding partners, where they consider it appropriate to identify any improvements that should be made by persons in the area to safeguard and promote the welfare of children;

- 1.18 Provision is made for combining safeguarding partner areas and delegating functions. However, it will not be requirement to do so and is unlikely to be of benefit in our borough.

Child Death Reviews

- 1.19 As now the child death review partners for a local authority area in England must make arrangements for the review of each death of a child normally resident in the area. Provisions are set out to allow for combining child death review partner areas and allocate the necessary funding to achieve this. It is considered we already have the ability to co-operate in this way and plans are well advanced for a joint panel across the BHR health and care economy. Since the numbers of child deaths in a single London Borough are low, working across a wider geographical area makes sense as the ability to identify trends is greatly increased.
- 1.20 New powers have also been introduced to assist in obtaining information from a person or body to provide information specified by a Child Death Reviewer.

New Regulatory Regime for the Social Work Profession in England

- 1.21 The Act enshrines in law a series of changes to the social work profession, including:
- The creation of a new organisation, Social Work England(SWE), to take over from the Health and Care Professions Council (HCPC) as the profession's regulator;
 - A requirement for the new regulator to obtain the Education Secretary's approval for professional standards;
 - New powers for the Education Secretary to set 'improvement standards' for social workers, and introduce assessments for practitioners.
- 1.22 The logic of forming an additional quango in a period of such significant austerity to replace the HCPC is unclear given the General Social Work Council which had this role was abolished in 2012 and its responsibilities merged into HCPC. However, the dropping of another earlier proposal to make SWE an executive arm of government, under direct control of the Secretary of State, is welcomed.
- 1.23 Under the revised terms in the statute, SWE will be a non-departmental public body, or quango, with the same status as social work regulators in the rest of the UK. Ministers will, however, still be able to set post-qualifying improvement standards for social workers. It is still unclear how all this intended to operate in respect of social workers who do not work with children and how their qualifications and professional membership will be affected.

Relationships, Sex and PSHE Education

- 1.25 The Act places relationships education on a compulsory statutory footing for all primary school pupils in England, as well as sex and relationships education for secondary school children. This is likely to be challenging for some of our faith groups including a number of Catholic schools in the borough.

2. Proposal and Issues

- 2.1 At the time of writing, no formal implementation guidance, timelines, or new-burden funding has been issued by central government. However, many of the implications of the Act are clear and work should begin in advance of any formal guidance to work towards implementation.

3. Financial Implications

Implications completed by: Daksha Chauhan, Group Accountant, Children's Finance

- 3.1 This report is informing Cabinet of the potential impact of Children and Social Work Act for the authority. Although there are no direct financial implications arising from this report, there are likely to be resourcing requirements dependent on the option selected for implementing requirements of the Act. Once the detailed proposals for implementation have been developed, these will need to be costed and funding sources identified.
- 3.2 In particular the extension of duties regarding Looked After and Previously Looked After Children is likely to increase costs for the authority. The Government should make additional monies available under the New Burdens doctrine; however whether this provides sufficient funding cannot yet be ascertained.

4. Legal Implications

Implications completed by: Lindsey Marks Principal Solicitor for Children's and Adults' Safeguarding.

- 4.1 The Children and Social Work Act 2017 sets out the corporate principles for the Local Authority as a whole to be the best parent it can be to the children in the Local Authority's care. These are largely a collation of existing duties that a Local Authority has towards its looked after children and those young people leaving care.
- 4.2 Local Authorities will be required to publish their support offer to those young people leaving care and to promote the educational and attainment of children who have been adopted or placed in other long-term arrangements.

5. Other Implications

- 5.1 It will be necessary to monitor the implementation timescales and emerging financial and staffing implications.

Public Background Papers Used in the Preparation of the Report:

- The Children and Social Work Act 2017 (<https://www.legislation.gov.uk/ukpga/2017/16/contents/enacted>)

List of appendices: None