

THE EXECUTIVE

11 MAY 2004

JOINT REPORT OF THE DIRECTOR OF SOCIAL SERVICES AND THE DIRECTOR OF EDUCATION, ARTS AND LIBRARIES

THE CHILDREN BILL 2004		FOR DECISION
<p>This report is being submitted to the Executive as a result of the publication of the Children Bill 2004.</p> <p><u>Summary</u></p> <p>On March 3rd, 2004 the Government published the Children Bill 2004 which puts into effect the legislative changes required to implement the green paper <i>Every Child Matters</i>. The Children Bill was published jointly with an accompanying document titled <i>Every Child Matters: The Next Steps</i>. This report outlines the key proposals of the Bill and its accompanying document.</p> <p><u>Recommendation</u></p> <p>The Executive is recommended to agree to the implementation of the Children Bill 2004 as set out in this report.</p> <p><u>Reason</u></p> <p>The Executive is asked to support the recommendations set out in this report to ensure the Council makes a prompt start in the implementation of the Children Bill 2004.</p>		
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1. Background

- 1.1 The green paper *Every Child Matters* takes an ambitious whole systems approach to supporting children and young people. It creates an overall framework for children and families services which includes child protection.
- 1.2 As a response to the Laming recommendations it also seeks to safeguard children and young people by improving accountability and partnership working. Locally, the Barking and Dagenham ACPC has conducted a multi- agency review of services to

safeguard children and a set of action plans has been signed off by partner agencies to improve safeguarding arrangements in the borough.

- 1.3 The Council will make a well planned and timely response to the Children Bill. A minimum disruption to the services it provides is a key priority. We want to move at a fast, but reasonable, pace and ensure that the desired service outcomes are secured in advance of the necessary structural changes. Continuing to evidence sustained improvement in performance across Children's Services is a key priority for the Council.
- 1.4 Integrating services for children and young people with our partners is central to our work and we want to evidence that the foundations are in place for the Children's Services Inspection in 2005.

2. Every Child Matters: The Next Steps

- 2.1 This document is based on reaching the following outcomes for children and young people:
 - i. Being healthy
 - ii. Staying safe
 - iii. Enjoying and achieving
 - iv. Making a positive contribution
 - v. Economic well being
- 2.2 It covers family support, early intervention, a lead professional, and a common assessment framework to be produced by the Government by the end of 2004. It sets out expectations for key partners in children's services to work together in the delivery of services across organisational boundaries.
- 2.3 The Local Authority wants to continue to develop the integration of health and social care services to children and young people and is committed to greater engagement with the Health Authority.
- 2.4 *The Next Steps* document also deals with youth offending in terms of the links between sentencing and prevention and the Government's requirement that courts consider public protection, welfare, punishment and reparation, when deciding on sentences for young people who offend.
- 2.5 The document endorses the position set out in *Every Child Matters* for the need to develop a confident, competent and flexible children's workforce. The reforms will need to include all those who work with children and young people to set a common core of occupational standards.

3. Main Measures

- 3.1 ***Children's Commissioner: The Children's Commissioner for England will be responsible for promoting awareness of the views and interests of children and young people. The Commissioner will be in post by April 2005.***

Recommended Action: To note.

- 3.2 **Duty to cooperate and to make partnership arrangements:** *Children's services authorities are expected to promote cooperation within the authority and with partner agencies to improve the well being of children and young people. The Next Steps document states that this duty provides the framework for integrated planning and commissioning through local partnerships. The Bill does not specify a name or title for these arrangements. Children's Trusts are not expected to be statutory organisations, although there is a recommendation that most areas will have a Children's Trust by 2006 and all areas by 2008.*

Recommended Actions:

- i. to meet the duty to co-operate and make partnership arrangements and ensure outcomes for children and young people continue to improve,
- ii. to formalise the accountability of the Children's Services Strategy Group and clarify its governance arrangements,
- iii. to establish links with and learn from Children's Trusts pilots,
- iv. to continue to develop the existing partnership arrangements across Social Services, Health, Education and other key partners,
- v. to establish a Children's Trust in Barking and Dagenham between 2006 and 2008.

- 3.3 **Safeguarding arrangements:** *Partner agencies are required to discharge their functions to safeguard and promote the welfare of children. The Bill requires the establishment of a Local Safeguarding Children's Board to replace the current ACPC. It is expected that all Local Safeguarding Children's Boards are established by 2006. Unless a more independent chair is agreed locally it is expected that the Director of Children's Services chairs the Local Safeguarding Children's Board.*

Recommended Actions:

- i. to establish a Shadow Local Safeguarding Children's Board as soon as possible which will be chaired by the Director of Social Services,
- ii. to develop further the work of the Chief Officers' Group chaired by the Chief Executive of the Local Authority,
- iii. to agree financial contributions from key partner agencies,
- iv. to create a jointly funded development post to support the transition from the ACPC to the Local Safeguarding Children's Board,
- v. to have the full Board established by April 2005.

- 3.4 **Information databases:** *The Secretary of State will require local authorities to set up local databases of information about children and young people. The feedback from IRT pilots will be taken into account in the decision making process for information sharing. Authorities are advised not to rush into IT investment at this stage.*

Recommended Action: to learn from the IRT pilots nationally and formulate a clear strategy on the local implications.

- 3.5 **Director of Children's Services:** *Local Authorities with responsibility for children's services are expected to appoint a Director of Children's Services who will be accountable for local authority education and children's social services and any other services provided to children on behalf of the NHS under section 31 of the*

Health Act 1999. It is expected that most areas will have this post in place by 2006 and all by 2008.

Recommended Actions:

- i. that the Director of Social Services retains responsibility for personal social services to children and co-chairs the Children's Services Strategy Group with the Director of Education, Arts & Libraries,
- ii. that the Director of Education, Arts & Libraries retains responsibility for education services to children and co-chairs the Children's Services Strategy Group with the Director of Social Services,
- iii. that a Director of Children's Services is in post between 2006 and 2008.

3.6 ***Lead member for Children's Services:*** *It is expected that Children's Services in England designate a lead member by 2008 for the arrangements covered by the post of Director of Children's Services.*

Recommended Action: there is currently a designated member (Children's Champion) responsible for Children's Services across the Council. This portfolio will be re-viewed by the Leader of the Council.

3.7 ***Integration of Reviews and Inspection:*** *the Chief Inspector of Schools in consultation with the Commission for Social Care Inspection and the Commission Healthcare Audit and Inspection are expected to establish an integrated framework for the inspection of Children's Services in England.*

Recommended Actions:

- i. to make extended use of the Council's inspection team in support of children's social services in addition to its current responsibilities in relation to local education authority,
- ii. to note and contribute to the national consultation.

3.8 ***New powers of intervention in failing authorities:*** *Powers under the Education Act 1996 to secure good performance of LEAs will be extended to cover Children's Services. The Next Steps indicates that powers should be invoked 'only as absolutely necessary.'*

Recommended Action: to note.

3.9 ***The educational achievement of looked after children:*** *Section 22 of the Children Act 1989, which requires authorities to safeguard children, will be amended to include the educational achievement of looked after children. There has been some criticism that this should include a parallel duty placed on schools.*

Recommended Actions:

- i. to strengthen the work and accountability of the Looked After Children Health & Education Support Team with regular reports to the Children's Services Strategy Group,
- ii. to improve the educational achievement of looked after children in line with national and local targets.

- 3.10 **Private fostering:** *The Bill seeks to strengthen the Children Act 1989 private fostering notification scheme. Local authorities will be expected to raise awareness in their communities of the need to notify the local authority of private fostering arrangements and check these arrangements before the child is placed.*

Recommended Action: to strengthen the existing local authority arrangements and comply with the requirements of the Children Bill.

4. **Conclusion**

The Children Bill 2004 provides the opportunity to transform how services to children and young people are delivered. It challenges us to work out how we configure personal and universal services in ways that make sense to those who use them. It is also a chance to rise above agency interests and focus on the needs of children and young people.

Although there is some room for flexibility in the local expression of the Children Bill, the Government expects that these measures are introduced within the prescribed timescales. It is important that Barking and Dagenham makes a prompt start and implements the recommendations as set out in this report.

Background Papers

- The Children Bill 2004
- Every Child Matters: The Next Steps
- LGA Briefing