

**CHILDREN AND LEARNING COMMITTEE – 12 APRIL 2016**

**CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014  
IMPLEMENTATION PROGRESS UPDATE**

**1. BACKGROUND**

1.1 The Children and Young People (Scotland) Act 2014 was introduced to the Scottish Parliament on 18 April 2013. The main proposals contained within the Act were outlined within a report presented to Social Work and Health Committee on 8 August 2013 and Education Committee on 22 August 2013 (Report No 413/13). Further specific details on the implementation of the 600 hours and free school meals initiatives were presented to the Children and Learning Committee on 3 April 2014 (Report No 151/14) and 20 May 2014 (Report No. 234/14). A further progress report was provided to Committee on 13<sup>th</sup> January 2015 (Report no. 5/15 Schedule 4).

**PART 1 RIGHTS OF CHILDREN – IMPLEMENTATION DATE APRIL 2015**

This part of the Act places a duty on the Scottish Ministers to further the rights of children and young people, to promote and raise awareness and understanding of the United Nations Convention on the Rights of the Child (UNCRC). The Council needs to be aware of this new duty and cooperate with it if required. Further guidance is awaited from the Scottish Government regarding this part of the Act.

**PART 2 COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE IN SCOTLAND - IMPLEMENTATION DATE APRIL 2016**

Part 2 of the Act extends the powers of Scotland's Commissioner for Children and Young People, so that this office will be able to undertake investigations in relation to individual children and young people. The Council and its Community Planning Partners need to be aware of this new duty and cooperate with it if required.

**PART 3 CHILDREN'S SERVICES PLANNING - IMPLEMENTATION DATE APRIL 2017**

Local authorities already have an obligation under The Children (Scotland) Act 1995, to produce Children's Service Plans. The provisions in Part 3 of the new Act replace the provisions in the 1995 Act. There is now a new duty that requires public services to work together to design, plan and deliver services for children and families. National Guidance is still awaited regarding this part of the Act. The Scottish Government has indicated that a new Children's Plan will be required in April 2017. The current Angus Integrated Children's Plan 2013 – 2016 was published in December 2013. A Children's Services Plan Steering Group is currently producing an interim plan that will be followed by a full plan in April 17.

**GETTING IT RIGHT FOR EVERY CHILD**

This section of the Act aims to improve the way services work to support children, young people and families. The Act ensures that all children and young people from birth to 18 years have access to a named person (usually a health visitor or head/senior teacher) available as a single point of contact.

National Guidance in respect of parts 4,5 and 18 of the Act has just been released. The Angus GIRFEC Monitoring and Evaluation Group have completed self-evaluation touch points identifying actions still required before implementation of these parts of the Act in August 2016.

Although the processes in Angus are broadly in line with the national guidance they are being reviewed and updated. The Angus GIRFEC process can be found at the following web link:

<https://archive.angus.gov.uk/girfec/Getting%20it%20Right%20in%20Angus%20190911%20-%20QA%20section%20removed%20for%20web%20-%202022.12.11.pdf>

**PART 4 PROVISION OF NAMED PERSONS – IMPLEMENTATION DATE AUGUST 2017**

The purpose of the named person is to act as a single point of contact for children, young people and families to provide advice, information and support and to help deal with child protection concerns more

effectively by having a duty to share information “likely to be relevant”. The named person will change as a child gets older. Under the Act, legal responsibility does not lie with the individual named person, but with the service provider e.g. the local authority or NHS Board.

Arrangements for named Persons have to be in place by August 2016. The role of the named person has been in place in Angus since 2011. This role is fulfilled by the following:

<b>Age of child or young person</b>	<b>Named Person</b>
0- Primary School	Health Visitor
Primary School	Head Teacher
Secondary School	Pupil Care and Support

Work is ongoing to ensure that all staff across Angus who undertake this role are fully prepared for its implementation.

### **PART 5 CHILD’S PLAN - IMPLEMENTATION DATE AUGUST 2016**

The Act puts into law the requirement to have in place a single plan for children with specific assessed needs. If a child has enhanced levels of need a multi-agency child’s plan will be prepared to meet whatever needs have been identified. The plan will be coordinated by a lead professional, usually, but not always a social worker.

Within Angus we have already agreed the Child’s Plan and integrated assessment. Since September 2011 the Child’s Plan has been used across schools and services. SEEMIS has developed a Child’s Plan and work is ongoing looking at how this can be integrated into the Angus systems and processes. There has also been an agreement at the Tayside GIRFEC Group to adopt a single child’s plan across Tayside. This is largely similar to the Angus format and work is ongoing to integrate this into the processes in Angus.

**Information Sharing** - The Act also introduces a duty to share information with the Named Person Service and a duty on the Named Person Service to share information to promote, support or safeguard wellbeing of child or young person. There is also provision for the Named Person Service to make statutory requests for help to relevant authorities (incl. Boards and Local Authorities). There is a duty on Boards and Local Authorities to provide help unless specific conditions are met.

### **PART 6 EARLY LEARNING AND CHILDCARE - IMPLEMENTATION DATE AUGUST 2015**

Part 6 of the Act focuses on increasing the number of hours of early learning and childcare that three and four-year-olds, and some two-year-olds, are entitled to. The following groups are now entitled to 600 hours of early learning and childcare:

- all three and four-year-olds
- looked-after two-year-old children or those subject to kinship care orders;
- two-year-old children who are entitled to free school meals.

This part of the Act has been fully implemented in Angus.

### **PART 7 POWER TO PROVIDE SCHOOL EDUCATION FOR PRE-SCHOOL CHILDREN - IMPLEMENTATION DATE APRIL 2015 ONWARDS**

Local authorities also have a duty to consult with local people, and publish plans, about whether and if so how they should provide early learning and childcare and out-of-school care. It must be education and care of a kind that supports learning and development in a caring and nurturing setting.

The increase to 600 hours of early learning and childcares has been successfully implemented in 80 of our 82 early learning and childcare settings within Angus (2 playgroups are not operating 600 hours because parents did not want the additional provision). The majority of Council settings are providing 5 sessions of 3 hours 10 minutes per week. However, in line with government guidance we have established alternative models in the following schools:

- Strathmore Primary School offering 48 weeks of 2½ hour sessions in the afternoon nursery class
- Lochside Primary school offering parents the choice of 2 ½ days or the traditional models

- Isla Primary School opted for longer sessions running over 3 days with an additional charged session planned
- Tannadice to offer 3 additional charged session

#### **PART 8 DAY CARE AND OUT OF SCHOOL CARE - IMPLEMENTATION DATE APRIL 2015 ONWARDS**

This part of the Act amends Section 27 of the 1995 Act so that local authorities must, at least once every two years, consult and prepare and publish their plans for how they intend to provide day care and out of school care. National guidance from the Scottish Government is awaited regarding this part of the Act.

#### **PART 9 (SECTIONS 56-65) CORPORATE PARENTING – IMPLEMENTATION DATE APRIL 2015**

The Act clarifies and extends the duties on corporate parents, provides for a clear definition of Corporate Parenting and defines the (broader) range of agencies to which the duties apply. Corporate Parenting is defined as: *‘...the formal and local partnerships needed between all local authority department and services, and associated agencies, who are responsible for working together to meet the needs of Looked After children, young people and care leavers.’*

The Act introduces a duty on all the bodies defined as corporate parents to prepare, publish and keep under a review a plan of how they intend to exercise their corporate parenting responsibilities, and then to report on how this has been achieved.

The work undertaken recently in Angus under the auspices of the Community Planning Partnership provides a good basis for meeting the new responsibilities. This includes the development of a Corporate Parenting Pledge and the establishment of the Corporate Parenting Board and Children and Young Person’s Group. The Angus corporate parenting pledge offers a good framework for reporting on how we are meeting our corporate parenting duties.

#### **PART 10 (SECTION 66) AFTERCARE - IMPLEMENTATION DATE APRIL 2015**

Part 10 extends the duty on local authorities to provide advice, guidance and assistance to care leavers from the current upper age limit of 21 to their 26<sup>th</sup> birthday. It is estimated that this will approximately double the number of young people receiving an aftercare service. Draft Aftercare Guidance has been issued by the Scottish Government for consultation. The new duties significantly extend the demand on the Throughcare & Aftercare team. The structure of the Team has been reviewed and new workers have been recruited to allow the team to meet the new demands.

#### **PART 11 (SECTION 67) CONTINUING CARE - IMPLEMENTATION DATE APRIL 2015**

Part 11 introduces a far reaching entitlement for care leavers to remain in their care setting (or an equivalent placement) up to the age of 21.

This duty is not retrospective i.e. it will only apply to young people who turn 16 after April 2015.

The financial implications of the continuing care provisions will present the Council with a major challenge – albeit that the full impact will not be felt for a number of years. Residential child care provision can cost in excess of £250,000 per annum per placement. Giving young people a right to remain in such provision for an additional 3 years potentially places large additional financial burden on the authority. The costs of continuing foster placements are lower, but also significant, and the provisions will require us to significantly increase the capacity of our fostering service. Systems are being developed to monitor the impact of this part of the Act.

#### **PART 12 (SECTIONS 68 – 70) SERVICES IN RELATION TO CHILDREN AT RISK OF BECOMING LOOKED AFTER, ETC.) IMPLEMENTATION DATE APRIL 2016 (previously referred to as ‘Counselling Services’)**

Part 12 requires local authorities to provide a range of services to children (and their families) at risk of becoming looked after. Details of the services to be provided and a detailed definition of who is eligible are still to be clarified. As it is currently understood, most of the duties enshrined in this part of the act will be met by our current services to ‘children in need’, particularly the work undertaken in the Family Support Teams. Further consideration to be given to implementation once the detailed provisions are set out in regulation and guidance.

## **PART 13 (SECTIONS 71-74) SUPPORT FOR KINSHIP CARE - IMPLEMENTATION DATE APRIL 2015**

Part 13 establishes a new Kinship Care Order and places duties on local authorities to provide additional assistance and support to children (and families) where an order is in place. The children subject to these orders will not be subject to the Children's Hearing system, so the supports are in addition to those provided to the existing group of kinship carers who care for looked after children. Guidance and regulations are still awaited from the Scottish Government regarding this part of the Act.

## **PART 14 (SECTION 75) ADOPTION REGISTER - IMPLEMENTATION DATE APRIL 2016**

Part 14 introduces a new mandatory requirement for local authorities to refer all children registered for adoption and all those approved as prospective adoptive parents, to the Scottish Adoption Register. Draft regulations and guidance are expected in the autumn. Angus Council already participates in the register. The adoption register is now managed by the St Andrews Adoption Society.

## **PART 15 SCHOOL CLOSURE PROPOSALS, ETC. - IMPLEMENTATION DATE APRIL 2014**

This part of the Act seeks to clarify criteria for school closures, including rural schools, consultation requirements and school closure review panels. There is a need to take cognisance of this if the Council were considering any School closures.

## **PART 16 CHILDREN'S HEARINGS - IMPLEMENTATION DATE APRIL 2014**

This part of the act seeks to provide clarity on technical aspects of the Children's Hearings System and establish area support teams, including local authority admin and support.

## **PART 17 OTHER REFORMS – INCLUDING THE PROVISION OF FREE SCHOOL MEALS – IMPLEMENTATION DATE - JANUARY 2015**

This part of the Act contains a number of different measures relating to the detention of children in secure care and the appeal of such detention. It also contains measures to modify circumstances in which children's legal aid will be made available. Other measures are also the extension of licensing of child performances to children under 14.

Of most significance in this part of the Act is the provision of free school meals for primary 1 to 3. This part of the Act has been fully implemented in Angus.

## **PART 18 Wellbeing**

Section 96 of the Act introduces a definition of wellbeing. National guidance is awaited regarding this part of the act, however the definition of wellbeing draws on the 8 SHANARRI indicators that are currently being used in Angus.

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