

CHILDREN AND LEARNING COMMITTEE – 13 JANUARY 2015

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).

2.1 PART 1 RIGHTS OF CHILDREN – IMPLEMENTATION DATE NOT YET SPECIFIED

2.1.1 This part of the Act places a duty on 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.

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

2.2.1 Part 2 of the Act extends the powers of Scotland's Commissioner for Children and Young People to undertake investigations in relation to individual children and young people. The Council needs to be aware of this new duty and cooperate with it if required.

2.3 PART 3 CHILDREN'S SERVICES PLANNING - IMPLEMENTATION DATE APRIL 2015

2.3.1 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. To date there is no indication when this part of the Act will be implemented or when a new Integrated Children's Services Plan will be required. The Angus Integrated Children's Plan 2013 – 2016 was published in December 2013. The aim is to update this plan in the spring of 2015 in light of the outcomes from the ongoing Wellbeing Research.

2.4 PART 4 PROVISION OF NAMED PERSONS – IMPLEMENTATION DATE APRIL 2016

2.4.1 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". Arrangements for named Persons have to be in place by 2016. Guidance is currently being developed by Scottish Government. The role of the named person has been in place in Angus since 2011. The Scottish government has made available an additional £9K in 15/16 to help prepare for the implementation of this part of the Act. This additional funding will be used to support additional training and staff development.

2.5 PART 5 CHILD'S PLAN - IMPLEMENTATION DATE APRIL 2016

2.5.1 The Act puts into law the established GIRFEC (Getting it Right for Every Child) processes. If a child has enhanced levels of need a multi-agency child's plan must be prepared to meet whatever needs have been identified. The plan would be coordinated by a lead professional, usually, but not always a social worker. Plans must be kept under review to ensure that needs are being met.

2.5.2 Within Angus we have already agreed the Child's Plan and integrated assessment. The social work record management system has been adapted to incorporate this. 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.

2.5.3 The role of the Lead Professional has also been agreed. The relevant social worker is the lead professionals for any child or young person who is subject to a Supervision Requirement, or for whom there is an active referral to the children's reporter or who is/are subject to emergency measures of protection involving the Children's Hearing and/or the Courts.

2.5.4 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 Named Person Service to make statutory requests for help to relevant authorities (incl. Boards and Local Authorities).

2.6 PART 6 EARLY LEARNING AND CHILDCARE - IMPLEMENTATION DATE AUGUST 2014

2.6.1 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 entitled to 600 hours of early learning and childcare:

- all three and four-year-olds (previously entitled to 475 hours);
- looked-after two-year-old children or those subject to kinship care orders;
- two-year-olds in families seeking work (from 2014);
- two-year-old children who are entitled to free school meals (from 2015).

2.6.2 The increase in hours from 475 of pre-school education 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 hours are being offered in a number of ways:

- 47 of the 48 LA settings are providing 5 sessions of 3 hours 10 minutes per week. Parents in Isla Primary School opted for longer sessions running over 3 days
- The majority of our partner playgroups are operating to the same model as LA provision. Several have included a lunch time session which parents pay for to provide additional hours of care for children
- Private settings offer a mixed model of provision ranging from 5 sessions of 3 hours 10 minutes to provision being offered over a three day period - giving parents choice and flexibility

2.6.3 Current uptake of Early Learning and Childcare for two year olds is 46%. Looked after two year olds are being offered places within mainstream provision the same as any other 2 year old and with Community Child Minders.

2.6.4 The Scottish Government has made available £1.112m in 14/15 and £1.683m in 15/16 to funding the increased provision for three and four olds in Angus. In addition £256K in 14/15 and £750K in 15/16 has been provided to fund the additional hours for targeted 2 year olds. This funding has been/will be used to extended Angus Council provision and purchase additional places from partner providers.

2.6.5 The Scottish Government has provided capital funding of £1.5M in 14/15 and £1.482m in 15/16. This funding is being used to progress a series of property adaptations across the school estates to upgrade current facilities to allow them to provide the additional places required to meet the new duties.

2.7 PART 7 POWER TO PROVIDE SCHOOL EDUCATION FOR PRE-SCHOOL CHILDREN - IMPLEMENTATION DATE APRIL 2015

2.7.1 Local authorities also have a duty to consult with local people, and publish plans, about whether and if so how they should provide school education for pre-school children (early learning and childcare) and day care and out-of-school care. In line with other local authorities Angus has implemented a model of 3 hours and 10 minute sessions delivered over 38 weeks from August 2014. The Act sets out an intention to deliver early learning and childcare in a variety of ways to meet the needs of carers taking account of patterns of employment.

2.7.2 Whilst Angus Council has in this first year adopted a model of 3hrs 10min, 5 sessions a week we are keen to explore new and different models of how flexibility and choice might be provided. We are about to consult with parents and Council staff on different models for future

provision. It is hoped that we will be able to offer more choice and options across a number of burghs from August 2015.

2.8 PART 8 DAY CARE AND OUT OF SCHOOL CARE - IMPLEMENTATION APRIL 2015

2.8.1 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.

2.9 PART 9 (SECTIONS 56-65) CORPORATE PARENTING – IMPLEMENTATION APRIL 2015

2.9.1 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.

2.9.2 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 range of agencies involved are required to consult / collaborate on the production of the plan and exercise of responsibilities. Details of how and when reports will be required by the minister will be included in the guidance/ regulations. Draft regulations are currently being consulted on with the aim of being finalised by prior to April 2015.

2.9.3 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.

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

2.10.1 Part 10 extends the duty on local authorities to provide advice, guidance and assistance to carer leavers from the current upper age limit of 21 to their 26th birthday. It is estimated that this will approximately double the number of young people receiving an aftercare service. The Aftercare Guidance is currently being consulted on with the aim of being finalised by April 2015. The new duties significantly extend the demand on the Throughcare & Aftercare team. The Scottish Government have made available an additional £64k to support implementation of which will be used to enhance the capacity of the Throughcare and Aftercare Team.

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

2.11.1 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 that date – the impact of the new duty will therefore emerge incrementally and only be fully felt after 4 years. The Continuing Care Guidance is in draft and will follow the same time frame as Part 10.

2.11.2 The financial implications of the continuing care provisions could 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.

2.11.3 The Scottish Government has made available an addition £97K for 2015/16 to facilitate implementation of this part of the Act. This funding will be used to purchase additional foster care and residential care for young people.

2.12 PART 12 (SECTIONS 68 – 70) SERVICES IN RELATION TO CHILDREN AT RISK OF BECOMING LOOKED AFTER, ETC.) IMPLEMENTATION DATE APRIL 2016

2.12.1 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 Support to Families Teams.

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

2.13.1 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 new Kinship Care Order is similar to the existing Residence Order (Section 11 Children (Sc) Act 1995) so it is not anticipated that there will be a large number of additional orders granted. Angus is one of a relatively small number of authorities that has a scheme for the payment of allowances to people with a residence order. Therefore, although the number of people entitled to financial support is likely to rise, the impact of the additional duty will be more limited in Angus than in many other Councils.

2.13.1 The Scottish Government has made available an addition £57K for 2015/16 to facilitate implementation of this part of the Act. This funding will be used to meet the additional demand for payments to kinship carers.

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

2.14.1 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. Angus Council already participates in the register on a voluntary basis.

2.15 PART 15 SCHOOL CLOSURE PROPOSALS, ETC. - IMPLEMENTATION APRIL 2014

2.15.1 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.

2.16 PART 16 CHILDREN'S HEARINGS - IMPLEMENTATION DATE APRIL 2014

2.16.1 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.

2.17 PART 17 OTHER REFORMS - IMPLEMENTATION DATE - JANUARY 2015

2.17.1 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 measure to modify circumstances in which children's legal aid to be made available. Other measures are also the extension of licensing of child performances to children under 14.

2.17.2 Of most significance in this part of the Act is the provision of school meals for primary 1 to 3. This came into effect in January. As at 21st January uptake in Angus was 73%. The Scottish Government has made available revenue funding of £387K in 14/15 and £1267K in 15/16 to fund this new provision. This has been/will be used to cover the cost of the additional meals and additional staff costs. In addition capital funding of £750K has also been provided. This has been used to purchase additional equipment and update facilities across the school estate.

2.18 PART 18 Wellbeing

2.18.1 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: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

Contact for further information:
Tim Armstrong, Head of Children and Young People Services
Email: PEOPLE@angus.gov.uk