

# Report



meeting	SOCIAL SERVICES STANDING SELECT COMMITTEE	
date	8 <sup>th</sup> June 2004	agenda item number

## REPORT OF THE DIRECTOR OF SOCIAL SERVICES

### THE CHILDREN BILL 2004

#### **1. Purpose of the Report**

- 1.1 This report summarises the government agenda for children's services following the publication of the Children Bill 2004, and the action taken to date to develop services in line with this agenda within the County Council and across partner agencies.

#### **2. Information and Advice**

- 2.1 The Children Bill is only a Bill at this stage and may be amended during the parliamentary process. Royal assent is expected by November 2004. A lot of detail will follow in statutory guidance.

#### **2.2 Vision**

- 2.2.1 The government is committed to ensuring that every child has the opportunity to fulfil their potential, and no child slips through the net. Government wants all children and young people aged 0 to 19 to:

- **be healthy:** enjoying good physical and mental health and living a healthy lifestyle
- **stay safe:** being protected from harm and neglect, and growing up able to look after themselves - services to safeguard children are seen as part of a continuum of services to help and support children
- **enjoy and achieve:** getting the most out of life and developing broad skills for adulthood
- **make a positive contribution:** to the community and society and not engaging in anti-social or offending behaviour
- **achieve economic well-being:** overcoming socio-economic disadvantage to achieve their full potential in life.

2.2.2 Government wants services to maximise opportunities for children and young people, whilst minimising risks. Children and young people should get effective help as soon as they need it in a more coherent way.

2.2.3 The Bill is seen by government as a one element of a profound 'whole systems change' to children's services to change the culture and practices of working with children through:

- sharper accountability for outcomes
- more robust partnerships
- simpler and more flexible management of resources
- investment in the skills and motivation of the children's workforce
- support for improvement and cultural change.

## 2.3 Children's Commissioner

2.3.1 The Children Bill 2004 envisages the establishment of a Children's Commissioner 'a powerful champion for children', who will:

- draw on children's views and make sure they are fed into policy making and service delivery, both locally and nationally
- make sure that children and young people are involved in the work of the Commissioner – with a particular emphasis on excluded and disadvantaged children
- report to government on any issue of concern on services provided by the public sector, the media and business
- work with relevant ombudsmen and statutory bodies to ensure complaints systems are in place and are effective and child friendly, although the Children's Commissioner will not deal with individual complaints
- investigate individual cases that have wider relevance for children at the direction of the Secretary of State.

## 2.4 Improving Well-being of Children and Young People

2.4.1 The County Council – a 'children's services authority' under the Children Bill 2004, will be required to make arrangements to improve the co-operation to improve the well-being of children and young people 0 to 19 years in Nottinghamshire in relation to:

- physical and mental health
- protection from harm and neglect
- education and training
- contribution made to society
- social and economic well-being.

2.4.2 The County Council will be required to promote co-operation with district councils, the police authority, probation, Strategic Health Authority (SHA) and Primary Care Trusts (PCTs) and the Learning and Skills Council (LSC) to improve children's well-being. In turn each of these partners will have a statutory duty to co-operate with the County Council to improve children's well being.

2.4.3 These partnerships will be regulated by guidance. They should build on Local Children's Strategic Partnerships and could incorporate the local Early Years Development and Child Care Partnership. Children, young people, families, schools and communities are expected to have a strong voice. Statutory guidance will set out that the partnership arrangements should:

- identify the needs, circumstances and aspirations of children and young people
- agree goals and local priorities
- agree each agencies contribution to meeting the goals
- oversee arrangements for commissioning and integration of service delivery.

## 2.5 Safeguarding and promoting welfare

2.5.1 Children's service authorities (i.e. the County Council), District Councils, SHAs, PCTs, NHS trusts, police authorities, probation, youth offending teams, prison governors and LSC members will all have new duties to ensure that all services (whether directly provided, or commissioned) take account of the need to 'safeguard and promote the welfare of children'. Further guidance will be issued by the Secretary of State.

2.5.2 The Children Bill will require the establishment of a statutory Local Safeguarding Children's Board (LSCB) by 2006 in Nottinghamshire. The board must include representatives of:

- the County Council
- District Councils
- Police
- Probation
- Trent Strategic Health Authority, Primary Care, NHS and NHS Foundation Trusts
- the LSC
- Children and Family Court Advisory and Support Services (CAFCASS)
- Any prison in the area which ordinarily detains children

- Anyone else the board considers relevant, or is required by subsequent regulation, including representatives of the voluntary and community sectors.

2.5.3 The Bill will require all partners to co-operate together and will allow two or more children's authorities to establish a joint Local Safeguarding Children's Board. LCSBs will be required to:

- co-ordinate the work of partners to promote the welfare of children in the areas and ensure they are safeguarded
- ensure the effectiveness of work undertaken to safeguard children by statutory and voluntary agencies, communities and community groups.

2.5.4 Further regulation will set out further details on:

- the functions of LCSBs, particularly to conduct reviews and investigations
- the procedures to be followed by LCSBs, to ensure Board partners represented in a manageable way, rather than all partners needing to attend all meetings.

2.5.5 Partners will be allowed (but not required!) to make payment towards the cost of running the LCSB.

## 2.6 Children's Trusts

2.6.1 The Children Bill makes no mention of Children's Trusts. Children's Trusts are now seen by government as primarily as a way of securing integrated commissioning of services, leading to more integrated service delivery, resulting in better outcomes for children. This could be achieved by using new powers in the Children's Bill to establish and maintain pooled budgets across the Local Education Authority (LEA), Children's Social Services, Connexions, Health and Youth Offending Services. These funds can be used for young people aged 18 and 19, as well as older young people who have left care, or who have a learning difficulty. These pooled funds will be subject to guidance from the Secretary of State to encourage and facilitate the development of Children's Trusts.

2.6.2 Children's Trusts will be based within local government, but will engage a wide range of partners to deliver a jointly agreed vision. Government will not require structural change or staff transfers. Government expects that budgets for Connexions should in time, be aligned with and pooled within Children's Trusts. Government is exploring devolving money to local authorities to commission services for young people from Connexions partnerships through the Children's Trust arrangements.

2.6.3 Government is recommending that most areas should have a Children's Trust in place by 2006, with other areas following by 2008.

## 2.7 Information Sharing

2.7.1 The Children Bill will give the Secretary of State to issue statutory regulations to require children's services authorities to develop and operate databases, or for them to be developed and operated by Government at a national or regional level. These databases will contain information on:

- services provided to children and families in Nottinghamshire
- information on any cause for concern on individual children or young people to help safeguard their welfare or promote their well-being.

2.7.2 The regulations will set out:

- what must be in the database
- requirements to disclose information to include in the database
- access arrangements to the databases
- technical specifications.

## 2.8 Directors of Children's Services

2.8.1 Children's Services Authorities must appoint a Director of Children's Services by 2008, with most areas having a Director by 2006. The Director of Children's Services will have responsibility to ensure clear accountability across the children's services functions of the local authority for:

- Education – the LEA role, but excluding functions relating to higher and further education and lifelong learning
- children's Social Services
- leaving and after care services
- the new Local Children Safeguarding Board
- any pooled budget arrangement, under Section 31 of the Health Act 1999 and the Children Bill
- any other function that may be prescribed by the Secretary of State through regulation.

2.8.2 The Children Bill allows wide flexibility in the way authorities construct the Director's role:

- **Functions:** the Bill specifies that the Director should cover as a minimum, the functions relating to children and young people that currently fall to Chief Education Officers and Directors of Social Services. Legislation will provide for adult social services to continue to be led by a Director. Statutory guidance will confirm that authorities will be free to decide whether to add adult education, adult social services, housing, leisure or

other services to the Director of Children's Services' brief. Two or more authorities could agree to appoint one Director of Children's services

- **Level:** the Director of Children's Services should be at Chief Officer or Deputy Chief Executive level. The legislation does not rule out the possibility of a Chief Executive discharging this role. The feasibility of this approach will depend on whether a Chief Executive is able to give a personal focus to children's services, and may, for example, be appropriate as a transitional arrangement. Integrated inspection will be the test of whether any such arrangements are securing the necessary outcomes for children
- **Flexibility over structures to support the Director:** authorities will be able to decide organisational structures and how delegation and line management responsibilities should operate in support of the Director. A Director at Chief Officer level could, for example, be supported by separate posts for school improvement and/or child safeguarding. The test will be whether outcomes for children improve, as monitored through the normal assessment arrangements and the new integrated inspections
- **Timescale:** the Bill will not set a deadline for appointments, but the expectation would be that most areas should have a Director of Children's Services by 2006, and all by 2008.

2.8.3 The Director of Children's Services will normally chair the Local Safeguarding Children Board. S/he will work closely with partners on the Local Safeguarding Children Board to ensure all members are delivering their statutory duties on safeguarding. Where the Director of Children's Services or another partner does not believe a partner is playing their part in delivering adequate safeguarding arrangements, disputes can be resolved by involving the performance management or scrutiny body of the relevant organisation.

## 2.9 Lead Member for Children's Services

2.9.1 We will be required to designate one member as the 'lead member for children's services' to which the Director of Children's services is accountable. They must be in place by 2008. Further regulation will follow.

## 2.10 Inspection of Children's services

2.10.1 The Bill gives the Secretary of State the power to request a review of all children's services in an area, to evaluate whether the services improve the well-being of children and young people. Ofsted is given the responsibility to devise a framework for this holistic review. All partners will be required to co-operate with and share information with the review team.

## 2.11 Private Fostering

2.11.1 Regulations will be published tightening up the existing private fostering arrangements:

- to ensure local authorities monitor private fostering
- setting out registration procedures, eligibility criteria and appeal processes, including the power to grant temporary registration
- processes for disqualifying a person from private fostering
- a requirement to inspect private foster carers annually, even if they are not privately fostering.

## 2.12 Miscellaneous provision

2.12.1 The Children Bill proposes to extend the existing government powers to intervene to secure the proper performance of a local education authority to all children's services within the local authority.

2.12.2 The Bill will amend the 1989 Children's Act to impose a specific duty on local authorities to promote the educational development of Children Looked After. Information on Children in Need and Children Looked After will be included in the national pupil database to allow more sophisticated analysis and monitoring of educational attainment.

2.12.3 The star rating system for Social Services will continue, but will be divided to give a separate rating for Children's Social Services and Adult Social Services.

## 2.13 The Next steps

2.13.1 As part of the change programme for children's services, government has announced:

- £20 million to support workforce changes
- the intention to rationalise targets and ensure services are judged in whether they meet common objectives
- £20 million for 2004/05 to support change management in localities, by appointing regional advisors, develop the Information Sharing and Assessment (ISA) agenda, support the development of Children's Trusts and developing leadership for the next generation of Directors
- government is committed to working with schools to support strengthening links between schools and other service providers, but no legislative change is envisaged
- development of the common assessment framework by the end of 2004, with a first draft available in May
- development of outcome indications, Public Service Agreement (PSA) targets and standards and funding for 2005/08 in the light of the next spending review. This will be incorporated into a Further Next Steps document to be published by autumn 2004
- the publication of the Public Health White Paper and the National Service Framework for children and young people by the end of 2004.

## 2.14 Developing the agenda in Nottinghamshire

2.14.1 Nottinghamshire Children's services are generally well regarded, as shown by recent inspections by the Social Services Inspectorate (SSI) and Ofsted. However, there is always room for improvement and potential to improve service delivery. The Children Bill gives us an opportunity to critically examine current services and integrate best practice developed locally and nationally across the whole of Nottinghamshire. A number of discussions and activities are taking place in response to the Children Bill.

## 2.15 Member working group

2.15.1 A member's working group has been established, chaired by the deputy leader Councillor David Kirkham. This cross party group has begun to look at the implications of the government agenda for the County Council.

## 2.16 Children's Strategic Partnership

2.16.1 A new high level strategic partnership has been formed to take the lead responsibility for the inter-agency planning of all services for children and young people. This group has taken over the role previously performed by ChildPlan in relation to children in need and vulnerable children. The group is chaired by the Chief Executive of the County Council and has a membership of chief officers and chief executives from partner agencies across the County Council, Health, District Councils, the voluntary sector and Connexions. The work of this group is supported by a project executive, which is also supporting the member working group. Current activity centres around an analysis of current needs and services, scoping the size of the problem and developing some initial options for change. A project manager has recently been appointed to help take forward this work.

## 2.17 Safeguarding Children

2.17.1 A Children's Safeguarding Board has recently been formed and is now meeting regularly. This cross party member group is chaired by the lead Elected Member for Social Services, Councillor Anthony. This group is looking at necessary action to further safeguard children. The current Area Child Protection Committee (ACPC) will need to re-form as a Safeguarding Children's Board. The ACPC has planned a day out in June to discuss the implications.

## 3. Recommendations

3.1 It is recommended that members note the report.

**STUART BROOK**  
**Director of Social Services**

(COMM/SELECT) CB2004