

Report To: Health & Social Care Committee **Date:** 25th February 2016

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Care Partnership (HSCP) **Report No:** SW/16/2016/SMcA

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Subject: CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Health and Social Care Committee of the duties and responsibilities outlined within the Children and Young People (Scotland) Act 2014 and the progress of implementation in respect of Parts 3, 4, 5, 9, 10, 11, 13 and 14 of the Act.

2.0 SUMMARY

- 2.1 The Children and Young People (Scotland) Act 2014 is the most significant legislation in respect of children since the Children (Scotland) Act 1995 and it sets out the legislative basis for ensuring that Scotland becomes the best place in the world for children to grow up.
- 2.2 Part 3 of the Act extends the statutory duty on Local Authorities and Health Board to produce a three yearly Children's Service Plan.
- 2.3 Parts 4 and 5 of the Act seek to embed the elements of Getting it Right For Every Child (GIRFEC) by ensuring there is a single point of contact for every child through the introduction of the Named Person, that there is a single planning processes for children who require additional support and that there is a holistic understanding of wellbeing.
- 2.4 Part 9 of the Act sets out a clear definition of Corporate Parenting specifying which agencies are corporate parents and the requirement to implement a Corporate Parenting Plan
- 2.5 Parts 10 and 11 set out the extension of the continuity of care and support to looked after and accommodated young people and care leavers. Young people born after 1st April 1999 who have left care will be entitled to After Care until their 26th birthday and those looked after in foster, residential or kinship care will be entitled to a continuing care placement until their 21st birthday.
- 2.6 Part 13 of the Act seeks to increase and extend eligibility to kinship allowances for certain categories of kinship carers in conjunction with parity of allowance with foster carers.
- 2.7 Part 14 of the Act brings the Scottish Adoption Register within a legislative framework along with the requirement of local authorities to register children requiring adoptive placements.

3.0 RECOMMENDATIONS

- 3.1 That the Committee note the scale and significance of the duties and responsibilities outlined within the Children and Young People (Scotland) Act in terms of the delivery, the development and implementation of processes and systems that facilitate compliance with the legislation.
- 3.2 That an annual report be submitted to the Committee.

4.0 BACKGROUND

4.1 Part 3 (Children's Service Planning)

There is a statutory duty on the local authority in consultation with the Health Board and other agencies to produce a three yearly Children's Service Plan. The Act extends the duties in relation to Children's Service Planning with extensive provision which regulates the aims, process of development, implementation and review. The plan must cover all children's services and what is referred to as related services. These services are not strictly children's services however they are capable of having a significant impact on the safety and wellbeing of children; this would include Police, Fire and Court Services.

4.2 Children's Service Plans must be developed with the aim of ensuring children's services are delivered in a way that safeguards and promotes wellbeing. This includes ensuring appropriate, proportionate and preventative integrated responses which make best use of resources.

4.3 Part 4 (Named Person)

The Act is rooted in the GIRFEC approach, and puts a number of key elements into statute, including the Named Person and the Child's Plan. The Act sets out the duty to make the Named Person service available.

4.4 The Act sets out the responsibilities of health boards to make the Named Person service available to children in their area from birth until school age, or school entry, and across Inverclyde the health visitor will carry out the functions of the named person. The local authority will be the responsible authority in the majority of cases for children from age five, or school entry, until their 18th birthday and states how the Named Person service should continue to be available for young people who remain on a school roll beyond their 18th birthday.

4.5 The Named Person service must be available as an entitlement and currently there are various work streams across Inverclyde children's service working to support the integration of named person functions into established services for children, young people and families (for example, health visiting services, pupil support or pastoral care in primary and secondary schools).

4.6 Part 5 (Child's Plan)

The aim of Part 5 of the Act is to improve outcomes in relation to children's wellbeing by ensuring that a statutory plan –called the Child's Plan –is prepared for every child who needs one. The Child's Plan will form the basis of a single planning framework which will be able to incorporate elements of the plans that are required under other legislation. This includes Looked After Children (LAC) plans and pathway plans under the 1995 Act, and coordinated support plans (CSP) under the 2004 Act, and also the non-statutory child protection plan that is described in the National Guidance for Child Protection in Scotland (2014). The statutory and non-statutory requirements to consider, prepare, deliver and manage these existing plans remain in place but should be incorporated into the Child's Plan framework.

4.7 The GIRFEC implementation group have developed an Inverclyde service delivery model to support the streamlining of all planning process. The service delivery model will ensure that a single planning framework operates across children's services in Inverclyde to make good use of resources and avoids unnecessary duplication for the child, their parents, and practitioners.

4.8 **Part 9 (Corporate Parenting)** came into effect on April 2015 and outlines a duty for corporate parents to collaborate with one another to safeguard or promote the wellbeing of a looked after child or care leaver. As evidenced by the wide array of different Corporate Parents included in schedule 4 of the Act, it is recognised that in

addition to local authorities, many organisations and agencies have important roles to play in securing the wellbeing of looked after children, young people and care leavers.

- 4.9 The inclusion in Part 9 of the duty to collaborate reflects the reality that safeguarding and promoting the wellbeing of looked after children and care leavers (or, in other words, improving their lives) cannot be done by working in isolation. If we want to improve outcomes for children and families we must join forces with other corporate parents, and pool resources, in co-ordinated and collective effort.
- 4.10 The HSCP has worked in partnership with CELCIS to develop our Corporate Parenting Plan. A consultation event took place in December 2015 with other Inverclyde corporate parents in conjunction with Inverclyde's commitment to the Scottish Care Leaver Covenant.
- 4.11 The continued implementation and fulfilment of corporate parenting duties will require a clear structure leadership and governance and as outlined in a previous report this can be achieved by the establishment of a Corporate Parenting Board who will have clear oversight of the plan and its delivery.
- 4.12 **Part 10 (Aftercare)** of the Act came into effect on April 2015 and increases the upper age from the 21st to the 26th birthday by which care leavers, born after 1st April 1999, can request and receive ongoing advice, guidance and assistance. In doing so the legislation acknowledges that for many care- experienced young people, ongoing positive support is vital and necessary to ensure they have the opportunities to make positive sustained transitions into adulthood. Part 10 of the Act includes a duty on local authorities to report the death of any young person in the receipt of Aftercare.
- 4.13 **Part 11 (Continuing Care)** came in to effect April 2015 and describes a new duty on local authorities to provide young people, born after 1st April 1999, whose final placement was 'away from home' with a continuation of the kinds of support they received prior to their ceasing to be looked after (including accommodation in a 'looked after' placement). The aim of this provision is to provide our looked after children with a more graduated transition out of care.
- 4.14 It has long been the practice In Inverclyde, particularly within residential units, to ensure a seamless transition from care and young people where need has been identified are supported to remain in placement. The challenge on a local level will be the availability of local placements. It was previously agreed that Inverclyde local residential provision would reduce to three purpose built units with capacity for six young people within each. Kylemore is complete and the replacement Neil St and Crosshill are scheduled for 2016 and 2017.
- 4.15 The legislation allows for certain exemptions for local authorities in providing continuing care. These include where the accommodation the young person ceased to be looked after in was secure care, the foster carer has indicated that they are unable to continue to provide the placement or where the local authority deems that providing the care would significantly affect the welfare of the young person.
- 4.16 **Part 13 (Kinship Care)** comes into effect March 2016 and will increase and extend eligibility to kinship allowances for certain categories of kinship carers including parity of allowance in line with fostering rates. The implications of this area of legislation were subject of a report to the Health & Social Care Committee in January 2016. As of 1st October 2015 all assessed and approved kinship carers are receiving the equivalent rate of fostering allowance minus any child benefit and tax credit payments.
- 4.17 **Part 14 (Adoption Register)** From March 2016 there will be a legal requirement for all children who require adoptive placements to have their details placed on the Scottish Adoption Register within 12 weeks of being formally registered for

permanency. Adopters who have been assessed and approved will also have their details placed on the Adoption Register within 12 weeks. Whilst the overall intention is to increase matching opportunities for children there are financial implications as some local authorities charge for adoptive placements £13,000 per child and independent and voluntary organisations charge up to £27,000 per placement. Inverclyde historically has not charged for providing adoptive placements and has worked in partnership with neighbouring authorities on a no fee basis. The social demographics of Inverclyde is likely to result in more children requiring placement than availability of approved Inverclyde adopters.

5.0 IMPLICATIONS

FINANCE

5.1 Financial Implications:

The funding received to date is £251,000 and this was specified for Parts 10,11 and 13 of the Children and Young People Act 2014.

However given the fluidity of looked after and accommodated young people the full implications for future years is still being assessed .

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
02564		2015/16	£103,000		Continuing Care
			£68,000		Aftercare
			£16,000		Change in Aftercare eligibility
			£58,000		Kinship
			£6,000		GIRFEC

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments

LEGAL

5.2 This report outlines the implications of the legislative requirements contained within the Children and Young People (Scotland) Act 2014

HUMAN RESOURCES

5.3 There are/are no human resources issues within this report.

EQUALITIES

5.4 There are/are no equality issues within this report.

Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
	NO – This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

REPOPULATION

5.5 There are/are no repopulation issues within this report.

6.0 CONSULTATION

6.1 This report has been prepared by the Chief Officer, Inverclyde Health and Social Care Partnership (HSCP) after due consultation.

7.1 BACKGROUND PAPERS

7.1 Children and Young People (Scotland) Act 2014.