

Briefing for Children & Young People's PDS September 2018

Children and Social Work Act 2017

The Children and Social Work Act was passed by the Government in 2017.

This briefing updates the panel on the relevant provisions of the Act and actions that have been taken or are being taken locally as a result.

The main purpose of the legislation is to:

- Improve decision making and support for looked after and previously looked after children in England and Wales.
 - Improve joint work at the local level to safeguard children and enable better learning at the local and national levels to improve practice in child protection.
 - Promote the safeguarding of children by providing for relationships and sex education in schools.
 - Enable the establishment of a new regulatory regime specifically for the social work profession in England.
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A) Children in care and care leavers

Corporate Parenting Principles

The Act introduces Corporate Parenting Principles which are intended to change local authority culture so that all staff and departments consider the impact of their work on children and young people for whom the local authority is the corporate parent, as well as on those under 25 who were previously in the care of a local authority.

The Corporate Parenting Principles state that local authorities must 'have regard to the need' to take certain actions in their work for children in care and care leavers. These are:

(a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;

(b) to encourage those children and young people to express their views, wishes and feelings;

(c) to take into account the views, wishes and feelings of those children and young people;

(d) to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;

(e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;

(f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;

(g) to prepare those children and young people for adulthood and independent living.

Local Actions

These principles will need to guide the strategic direction and work plan of the services provided to children in care and care leavers by Bath & North East Somerset Council and its partners, and that of the B&NES Corporate Parenting Panel.

All children in care and care leavers have an allocated social worker (CiC) or Personal Assistant (CL). Regular visits are undertaken and a Care Plan or Pathway Plan is in place which outlines the needs of the child/young person, as well as the steps taken by professionals and family to meet those needs. The child's voice is central to our work and aids in these plans, i.e. placement, interests, family and culture. Social work is underpinned by helping the child/young person achieve their best potential.

Further work is being taken via the Improvement Plan to develop and improve the overall quality of assessments and planning for young people, build on the examples of good practice which are already evident within practice, and improve the consistency of planning across the department.

Work is also being undertaken to strengthen the voice of the child within the Care Plan. A working group is in place, alongside the In Care Council, exploring a 'plan to a page', which will be child friendly and meaningful to young people.

The Local Offer for care leavers

English local authorities must publish a 'Local Offer' for care leavers, informing care leavers about services they provide under the Children Act 1989, plus anything else they or others offer that 'may assist care leavers in, or in preparing for, adulthood and independent living' including services related to:

- health and well-being
- relationships
- education and training
- employment
- accommodation
- participation in society

Local Actions

As from 1st April 2018 B&NES provides support to young people up to the age of 25. We are in the process of publishing our Local Offer and have written to relevant young people notifying them of our duties. We have a dedicated Personal Assistant that is managing any request or support and works closely with our partner agencies to meet these needs, i.e. housing, education, DWP.

Further work is being undertaken to strengthen the support from our partner agencies and workshops/information sessions have been held. A website is in development which will provide young people with alternative means to contact the Local Authority and explore options of support from our partner agencies. We have an arranged 2 day visit from the DfE in October/November to provide feedback on the progress of our work.

Personal Advisor up to the age of 25

This adds a new provision to the Children Act 1989, extending the entitlement to a Personal Advisor (PA) beyond the age of 21 to all care leavers up to 25 years old, whether or not they are in education or training. Local authorities now have a responsibility to make the offer of a PA at least once a year to care leavers, and for them to carry out a needs assessment and to prepare a pathway plan for the care leaver.

Local Actions

All care Leavers are allocated a Personal Advisor and we make regular contact with young people. From 15 years and 9 months, young people will have a 'Pathway Plan', supported by a needs assessment, which outlines the support and desired outcome for that young person into adulthood. This assessment and Plan is completed in partnership with the young person.

Work is being undertaken to strengthen the needs assessment and Pathway Plans. It is important that assessments provide a clear plan, based on analysis of historical experiences and future needs. We are also working towards Pathway Plans being relevant to young people and reflecting their wishes and feelings.

As discussed above, support and guidance is provided to young people up to the age of 25 years, under the extended duties for Care Leavers. For those young people over 18 years, contact is made at a minimum of yearly, notifying them of these rights, as well as the range of support that is available.

Agreement has been made to exempt Care Leavers from Council Tax (when they live in BANES). We have a working party in place to develop our Care Leavers Council.

The education of previously looked after children

The Children and Social Work Act contains several provisions intended to support the educational achievement of previously looked after children. A 'previously looked after' child is a child who was in the care of the local authority but was then immediately adopted, became subject to a Child Arrangements Order or a Special Guardianship Order. The Act addresses disparities between the educational support offered to looked after children and previously looked after children, and between the duties of state-maintained schools and academies towards currently and previously looked after children.

It stipulates:

- State-maintained schools must now have a designated staff member responsible for promoting the educational achievement of previously looked after children as well as children currently in care
- Academies must designate a member of staff to promote the educational achievement of both children currently and previously in care
- A local authority must make available information and advice promoting the educational attainment of previously looked after children - to their school's 'designated member of staff' and people with parental responsibility.

Local Actions

The new duties are being undertaken by the Head of the Virtual School and new national guidance has been issued strengthening the requirements in respect of Looked After Children as well as previously Looked After Children and with additional emphasis on ensuring their mental health needs are met. The hours of the post-holder have been increased and she has given briefings to Headteachers and to the Corporate Parenting Group.

Care and adoption proceedings

This section of the Act extends the issues a court or adoption agency must consider when making decisions about the care or adoption of a child. It came into force on 31st October 2017.

It extends the definition of the 'permanence plan' that courts must consider when making a care or supervision order for a child. Part of a Section 31 plan, the permanence plan that informs placement decisions now incorporates both:

- The long-term plan for where the child will live (with parents, relatives or friends; with an adoptive family; in other long-term care)
- The impact on the child of any harm they have suffered or are likely to suffer, their corresponding needs and how the long-term plan will address those needs

When considering placing a child for adoption, courts and adoption agencies must now have regard to the child's relationship with *prospective adopters*, as well as relatives.

Local Actions

Guidance states that the permanence plan for a child is made no later than the 2nd CLA Review (within 4 months). The Independent Reviewing Officer (IRO) will quality assure this decision as part of the Review process. Prior to the 2nd Review, the social worker will attend the internal Permanence Panel, which is chaired by the Head of Service and assisted by the Children in Care Team Manager and Family Placement Team Manager. The permanence plan is scrutinised, with all available permanence options explored and clear timescales discussed.

Decisions regarding permanence are based on assessment, and in the case of adoption this will include a full parenting assessment, often alongside psychological and/or psychiatric assessments, attachment assessments, as well as sibling assessments. Once the decision is made that Adoption may be the preferred permanence for the child, a Child Permanence Report is undertaken, which provides information about the child and parents history, as well as their experiences of harm and ongoing needs in all areas of development.

The adoption process is carefully planned, including careful consideration of matching, information sharing and period of introductions. When the child moves to their adoptive placement, a part way review is held. Thereafter the child will be regularly visited by the social worker and Child Looked After Reviews held at a minimum of statutory timescales.

B) Safeguarding

The Children and Social Work Act makes several significant changes for safeguarding at both local and national levels, by amending the Children Act 2004.

Child Safeguarding Practice Review Panel

The Secretary of State will establish a new national Child Safeguarding Practice Review Panel, which will identify and review local safeguarding cases it judges to be complex or of national significance. The purpose of the review is "to identify any improvements that should be made by safeguarding partners or others to safeguard and promote the welfare of children".

A local authority must notify the panel of any instance where a child dies or is seriously harmed in their area, or where a child usually resident in their area dies or is seriously harmed outside of England. The panel has the power to request any information that will help it in its review.

Local safeguarding arrangements

The Act effectively abolishes Local Safeguarding Children Boards, removing the Children Act 2004 duties relating to them. In their place, it puts duties on three 'safeguarding partners' - the local authority, any Clinical Commissioning Groups operating in the area and the Chief Officer of Police - to make safeguarding arrangements that respond to the needs of children in their area. Two or more areas can also combine their safeguarding arrangements.

Their main responsibilities are:

- To involve 'relevant agencies' in their area
- To identify and supervise the review of serious safeguarding cases in their area
- To publish their local safeguarding arrangements
- To arrange for independent scrutiny of their local safeguarding arrangements
- To publish a report every 12 months on what they and the relevant agencies have done as a result of the local safeguarding arrangements and how effective the arrangements have been in practice

Local Actions

Working Together to Safeguard Children 2018 was published on the 29th June 2018; from this date the Council, Clinical Commissioning Group and Police have 12 months to decide what the new safeguarding arrangement will look like and a further three months to implement the new plan.

The Council, Clinical Commissioning Group and Police had already started working together before the 29th June in anticipation of the publication date to give as much time as possible to consider what the new arrangements might look like. In December 2018 the LSCB will discuss the possible options with a final proposal being signed off at the June 2019 meeting. The main aim will be to keep a local focus on improving outcomes for children but to try and gain some efficiencies where possible.

Child death reviews

This section of the Act provides for the functioning of child death review partners in a local authority area. Much of the detail on the constitution and proceedings of the review partners will be clarified in updated guidance. The child death review partners must arrange for the review of every death of a child usually resident in their area, and of children not usually resident in their area if they consider it appropriate.

The purpose of the review is:

- to identify any matters relating to the death or deaths that are relevant to the welfare of children in the area or to public health and safety

- to consider whether it would be appropriate for anyone to take action in relation to any matters identified.

As with the local safeguarding partners, two or more areas can combine their functions and partners can undertake work on behalf of other partners in the combined area.

Local Actions

Working Together to Safeguard Children 2018 sets out what the new arrangements should look like. The local arrangement in B&NES is already fit for purpose and in fact our local Child Death Overview Panel has been proposed as one of the models other areas could consider to take forward.

Protecting whistle-blowers

The Act extends the protection against employment discrimination for whistle-blowers in the NHS to whistle-blowers in children's social care roles. Regulations to prevent discrimination against people who have made protected disclosures, and compensate workers where it occurs, will be created that apply to both local authorities and other providers of statutory social care services. Discrimination is determined to be where an employer "refuses the applicant's application or in some other way treats the applicant less favourably than it treats or would treat other applicants for the same position."

Local Actions

The Council already has in place whistle-blowing policies to enable staff to whistle-blow in a confidential and protected manner.

C) The curriculum

Relationships and sex education in England schools

Chapter 4 of the Act puts a duty on all primary schools to provide relationships education and on all secondary schools to provide relationships and sex education. Previously, only state-maintained secondary schools had any obligation in this regard.

Relationships / relationships and sex education must be appropriate to pupils' age and religious background. Schools will be required to publish their policy on their relationships and sex education.

The content of both relationships education and sex and relationships education must include:

(i) safety in forming and maintaining relationships,

(ii) the characteristics of healthy relationships, and

(iii) how relationships may affect physical and mental health and well-being

This section also allows the Secretary of State to require (via regulations) that Personal, Social, Health and Economic education (PSHE) is provided in all primary and secondary schools in England. The detail of this education would be clarified by consultation and statutory guidance issued to schools, and the new regulations could amend previous education legislation.

Local Actions

The DfE is currently consulting on their new guidance for Relationships and Sex Education, which will be finalised and issued to schools in due course.

D) Part 2 of the Act: Social Workers in England

The Health and Care Professions Council (HCPC) is to be abolished and a new body called Social Work England will be established to:

- Protect, promote and maintain the health, safety and well-being of the public.
- Promote and maintain public confidence in social workers.
- Promote and maintain proper professional standards for social workers in England (this may include a process for assessment/accreditation of social workers meeting those standards).

Local Actions

In BANES we currently support our social work staff to renew their HCPC registrations. We provide a comprehensive training programme to ensure that they are able to complete all continuous professional development as required by their professional body. We will work alongside Social Work England to meet all requirements for staff with their registration and when details are finalised, we intend to disseminate information to qualified staff appropriately to ensure compliance with any new or transitioned requirements from the HCPC to Social Work England.

We have been in liaison with regional partners to ensure that we are complying with any planned introduction of assessment/accreditation for social workers, although pilots in other areas of the country are currently ongoing.