

REPORT TO: CHILDREN AND FAMILIES SERVICES COMMITTEE – 23 MAY 2016

REPORT ON: CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

REPORT BY: EXECUTIVE DIRECTOR OF CHILDREN AND FAMILIES SERVICE

REPORT NO: 182-2016

1.0 PURPOSE OF REPORT

1.1 This report summarises the provisions contained within the Children and Young People (Scotland) Act 2014 and provides updated information in relation to implementation.

2.0 RECOMMENDATIONS:

Committee members are asked to:

- i. note the contents of the report; and
- ii. instruct the Executive Director of Children and Families to bring back the single Children's Services Plan and an update in relation to Implementation of the Act in March 2017.

3.0 FINANCIAL IMPLICATIONS

3.1 Dundee City Council has included £5.6m Scottish Government funding in its revenue budget to support the implementation of the Act. There is likely to be resource and financial implications specifically in relation to Parts 10 and 11 (After Care and Continuing Care).

4.0 MAIN TEXT

4.1 The Children and Young People (Scotland) Act 2014 received Royal Assent in March 2014. The main proposals contained within the Act were outlined within a report presented to the Policy and Resources Committee on 21 April 2014, (Article (XI) of the Minute of Meeting of the Policy and Resources Committee of 21 April 2016, Report No 39-2014 refers).

4.2 Part 1 – Rights of Children

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). This emphasises that the best interests of the child must always be the primary consideration and that children's views must be sought and taken into account. The Council needs to be aware of this new duty and cooperate with it if required.

4.3 Part 2 – Commissioner for Children & Young People in Scotland

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 as required.

4.4 Part 3 – Children's Services Planning

Local authorities already have an obligation to produce Children's Service Plans however there is now a new duty that requires public services for each Local Authority and Health Board area to work together to design, plan and deliver services for children and families. The first single Children's Services Plan is due in April 2017. This plan will also include information regarding corporate parenting and our responsibilities under the United Nations Convention on the Rights of the Child.

Preparation of the single Children's Services Plan will be led by the Strategy and Performance Team of the Children and Families Service under the auspices of the Executive Director.

4.5 Part 4 - Provision of Named Persons:

- 4.5.1 The Act gives all children and young people from birth to 18 years or beyond if still in school access to the services of a Named Person to help support their wellbeing. The Named Person is a single point of contact for children, young people and families, to provide advice, information and support and to help address any wellbeing concerns. Arrangements for Named Persons have to be in place by 1 September 2016. Statutory guidance is currently being developed by the Scottish Government and local guidance in Dundee will reflect this. The role of the Named Person has been evolving in Dundee since 2013.

Tayside Health Board is currently recruiting and training additional Health Visitors to provide the Named Person Service for pre school children which will enhance the capacity of Tayside Health Board as a Named Person Service Provider. To date 772 practitioners and managers from all agencies who provide services to children, young people and families have received multi agency training for the roles of Named Person and Lead Professional as required by the Act. This training included the functions that Named Persons and Lead Professionals will be expected to fulfil, assessment and preparation of a single Child's Plan and the single planning process in Dundee which supports the Child's Plan (Team Around The Child).

Funding from the Scottish Government to help prepare for the implementation of the GIRFEC elements of the Act will be used to provide additional specialist training and staff development for those staff who have Named Person and Lead Professional functions as part of their role.

- 4.5.2 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 that promotes, supports or safeguards the wellbeing of a child or young person. There is also provision for the Named Person Service to make requests for assistance to service providers and relevant authorities (including Health Boards and Local Authorities). This power will enable the Named Person Service Provider to enter into collaborative discussion with Relevant Authorities and Service Providers to address wellbeing needs. Detailed information leaflets on the Named Person Service are available nationally and these will be distributed in Dundee prior to August 31st 2016. This information will also be available online. The leaflet is included as Appendix 1.

4.6 Part 5 – The Child's Plan:

- 4.6.1 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 the identified wellbeing needs. The Child's Plan will be coordinated by a Lead Professional. Plans must be kept under review to ensure that wellbeing needs are being met.
- 4.6.2 Under the auspices of the Tayside GIRFEC Group Dundee City Council has contributed to the development of a Child's Plan that will be used by the 3 Local Authorities within Tayside, Tayside Health Board and all independent schools within the area. This will ensure the seamless transfer of information between Local Authorities, Tayside Health Board and independent schools at important transition points in a child or young person's life.
- 4.6.3 Locally the remit and role of the Lead Professional has been agreed. The relevant Social Worker will be the Lead Professional for any child or young person who is Looked After, subject to emergency measures of protection involving the Children's Hearing and/or the Courts or whose name is on the Child Protection Register. Where support is being provided on a multi agency level that does not involve any of the above the Lead Professional will be chosen in accordance with the needs of the child or young person and which professional is best placed to provide this. The additional specialist training and staff development referred to in section 4.5.1 will also support training in relation to Child's Plans.

4.7 **Part 6 – Early Learning and Childcare:**

4.7.1 This Part of the Act focuses on increasing the number of hours of early learning and childcare that eligible 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 eligible three and four year olds (previously entitled to 475 hours);
- Looked After (currently or previously) two year old children or those subject to kinship care orders;
- Two year old children from low income families (from 2015).

4.7.2 As of April 2015, 85% of eligible two year olds took up their free early learning and childcare place in one of the 13 Local Authority nurseries. All eligible 3 and 4 year olds who wished to take up their free Early Learning and Childcare place in either a Local Authority setting or Partner Provider were able to do so. Flexible models currently offered include part time, term time morning or afternoon places, compressed hours during term time and paid for extended hours before and after the daily core hours during term time. Holiday provision is also provided in 6 Early Years Centres.

4.8 **Part 7 Duty to consult and plan in relation to power to provide school education for pre-school children**

4.8.1 Local authorities have a duty to consult with local people every two years about how they should make early learning and childcare available and publish plans on how it intends to make early learning and childcare available. The second parental survey regarding early learning and childcare closed on 26 April 2016, the results of which will help to inform future options.

4.9 **Part 8 – Duty to consult and plan in relation to mandatory and discretionary day care and out of school care:**

4.9.1 This part of the Act requires that local authorities must, at least once every two years, consult as to how they should provide appropriate care and prepare and publish their plans for how they intend to provide day care and out of school care. Consultation regarding mandatory and discretionary day care has been included in the recent early learning and childcare parental survey. Consultation regarding Out of School Care will take place within academic year 2015/16.

4.10 **Part 9 – Corporate Parenting:**

4.10.1 The Act clarifies and extends the duties on corporate parents, provides for a clear definition of Corporate Parenting and expands the number of agencies to which the duties apply.

4.10.2 The Act introduces a duty on all the bodies defined as corporate parents to consult, prepare, publish and keep under review a plan of how they intend to exercise their corporate parenting responsibilities, and then to report on how this has been achieved. Dundee City Council and their partner organisations are currently preparing a Corporate Parenting Plan and this will be included in the single Children's Services Plan referred to in section 4.4 of this report.

4.10.3 The Champions Board and Young People's Participation Group is a sector leading example of responding to our corporate parenting responsibilities.

4.11 **Part 10 – Aftercare:**

4.11.1 Part 10 extends the duty on local authorities to provide advice, guidance and assistance to care experienced young people from the current upper age limit of 21 until their 26th birthday. This is a positive development and will ensure young people have access to appropriate supports. This has the potential to significantly increase the number of care experienced young people approaching the Council for advice, guidance and assistance and will particularly impact on through and after care services. Scottish Government funding to support implementation of Part 10 which will be used to enhance the capacity of the Through Care and Aftercare Team and to develop increased in house resources.

4.12 **Part 11 – Continuing Care:**

- 4.12.1 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 1 April 2015 – the impact of the new duty will therefore emerge incrementally. The provision of Continuing Care is a very positive development for Looked After young people. It will enable them to continue staying at their current residence (or an equivalent) until they are 21. This will ensure that young people are supported by corporate parents for a longer period of time and are better prepared for living independently.
- 4.12.2 The provisions will require us to significantly increase the capacity of our fostering service and explore options to extend our own provisions through, for example, the provision of satellite supported accommodation.

As of March 31st 2016 Dundee had 39 young people who are entitled to request Continuing Care. These young people are currently accommodated in the following placement types: Foster Care (15) Kinship Care (11) and Residential Settings (13). At present 8 young people currently accommodated in our Residential Houses are over the age of 16. Preparation is currently underway to ensure that Plans for all these young people reflect their right to request Continuing Care. The current level of Scottish Government funding will be used to purchase additional foster care and residential care for young people and increase the number of Review Officers.

4.13 **Part 12 – Services in Relation to Children at Risk of Becoming Looked After:**

- 4.13.1 Part 12 requires local authorities to provide a range of services to children (and their families) at risk of becoming looked after. It is understood that most of the duties enshrined in this part of the act will be met by our current services to 'children in need' which if required will be coordinated in the form of a Child's Plan through the Team Around The Child process.

4.14 **Part 13 – Support for Kinship Care:**

- 4.14.1 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 (Scotland) Act 1995) so it is not anticipated that there will be a large number of additional orders granted. Members will be aware (Report no. 427-2015), Article III of the Minute of Meeting of the Social Work and Health Committee of 23 November, 2015, Report No 427-2015 refers), that payments to kinship carers have recently been brought in to line with those made to foster carers.
- 4.14.2 There are currently 313 kinship carers in Dundee providing placements for 406 children and young people and there are now 2 workers who have a specific role to provide support to kinship carers.

4.15 **Part 14 – Adoption Register:**

- 4.15.1 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. Dundee City Council already participates in the register on a voluntary basis.

4.16 **Part 15 – School Closure Proposals:**

- 4.16.1 This part of the Act seeks to clarify criteria for school closures consultation requirements and school closure review panels. The criteria have been used during recent consultation activities in the city.

4.17 **Part 16 – Children's Hearings:**

- 4.17.1 This part of the Act seeks to provide clarity on technical aspects of the Children's Hearings System and establish area support teams, including any local authority administration and support required by these area support teams.

4.18 Part 17 – Other Reforms:

4.18.1 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 measures to modify circumstances in which children’s legal aid is made available.

4.18.2 A significant element of this part of the Act is the provision of free schools meals for Primary 1 to 3 children. The uptake of free school meals up to 1st February 2016 was 71% of eligible children. Scottish Government funding for 2016/17 includes £1.3 million for meals and £1 million for capital expenditure. Capital funding of £1 million has also been used to purchase additional equipment and update facilities across the school estate to enable this duty to be successfully implemented.

4.19 Part 18 – Wellbeing

4.19.1 Section 96 of the Act introduces a definition of wellbeing. National guidance is awaited however the definition of wellbeing draws on the 8 SHANARRI indicators that are currently being used in Dundee: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any implications in respect of sustainability, strategic environment assessment, anti-poverty, equality impact assessment and risk management.

5.2 There are no major issues.

6.0 CONSULTATIONS

6.1 The Chief Executive, Executive Director of Corporate Services, Head of Human Resources and Business Support, and the Head of Democratic and Legal Services have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

7.1 None.

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DATE: May 2016

Getting It Right For Every Child

Named Person

Supporting children, young people and parents

The Children and Young People (Scotland) Act 2014 is about improving the wellbeing of children and young people in Scotland. The Act is wide ranging and includes key parts of the *Getting it right for every child* approach, commonly known as GIRFEC.

Most children and young people get all the help and support they need from their parent(s), wider family and community, but sometimes they may need a bit of extra support. The Act gives all children and young people from birth to 18, or beyond if still in school, access to a Named Person to help support their wellbeing.

A Named Person will be a central point of contact if a child, young person or their parent(s) want information or advice, or if they want to talk about any worries and seek support. They can also, when appropriate, reach out to different services who can help.

Access to a Named Person is part of the *Getting it right for every child* (GIRFEC) approach to promote, support and safeguard the wellbeing of children and young people.

Public services in many areas of Scotland already offer this service, which is planned to be available nationally from 31 August 2016.

Who will be a Named Person?

A Named Person will normally be the health visitor for a pre-school child and a promoted teacher - such as a head teacher, or guidance teacher or other promoted member of staff - for a school age child.

The Named Person duties are integrated into their current role and strengthen the support they currently provide, formalising their role as a central contact for children, parents and other people working with them.

What will a Named Person do?

A Named Person will be available to listen, advise and help a child or young person and their parent(s), provide direct support or help them access other services. For example, a health visitor might ask for help from a speech and language therapist, or a guidance teacher may put parents in touch with a local bereavement counselling service.

They will also be a point of contact for other services if they have any concerns about a child's or young person's wellbeing.

What happens when a concern is raised?

When the child or young person, their parent(s), or someone who works with them raises a concern, a Named Person will carefully consider the situation by asking five questions:

1. What is getting in the way of this child's or young person's wellbeing?
2. Do I have all the information I need to help this child or young person?
3. What can I do now to help this child or young person?
4. What can my agency do to help this child or young person?
5. What additional help, if any, may be needed from others?

Once they have considered the situation, a Named Person will discuss this with the child's parent(s) and other appropriate professionals if required, to assess what needs to be done to improve the child's wellbeing.

They will then plan what action(s) will be taken with the child or young person and their parent(s) and arrange appropriate review dates for the plan. Each situation and concern will be unique to the child or young person, and the way they are supported will be tailored to their individual needs.

A Named Person will only offer advice or support in response to a request from a child or parent, or when a wellbeing need is identified. They can help a child, young person or their parent(s) address their concerns early and in some cases avoid bigger concerns or problems developing.

There is no obligation to accept the offer of advice or support from a Named Person.

Who will provide and support Named Persons?

Local authorities and health boards are the main organisations that have a duty to make sure a Named Person is available to children and young people wherever they live or learn. They will make sure children, young people and parents know about their local Named Person service and what it means for them.

Other organisations, like independent or grant-aided schools, secure accommodation services and the Scottish Prison Service (for the small number of young people held in custody), have a duty to make sure a Named Person is available to the children and young people in their care.

Information about a child's needs, specific circumstances and the help they have already received may be shared with a Named Person and other services if asked to provide additional support.

In most circumstances, the child or young person and parent(s) will know what information is being shared, with whom and for what purpose, and their views will be taken into account. This may not happen in exceptional cases, such as where there is a concern for the safety of a child or someone else.

The Act and supporting guidance sets out a clear set of steps for practitioners to follow to make sure the right information is shared at the right time, so that the right help is offered to support the wellbeing of the child or young person.

Key facts about the Named Person role

- 1. A Named Person will be available to children and young people across Scotland from birth to age 18, or beyond if still in school.** This means a child, young person, parent, or someone who works with them, knows who they can approach for help or advice if they need it. A Named Person will normally be a health visitor for pre-school children and a head teacher, guidance teacher or other promoted member of staff for school aged children and young people.
- 2. The Named Person will work with children, young people and their parent(s) to get the help they need, when they need it.** A Named Person has a responsibility to respond to a concern about a child's or young person's wellbeing but there is no requirement to take up the offer of advice or support. A Named Person does not replace or change the role of a parent or carer. The rights and responsibilities of parents to raise their children and provide for their wellbeing needs stay the same.
- 3. The Named Person service will help families and the services that support them to work in partnership.** A Named Person will be a single point of contact available to parents, children and young people by law to make getting help and advice more straightforward and joined up. There is no obligation to take up the offer of advice or support. Named Persons have no new legal powers to compel parents, children or young people to accept advice, support or help.
- 4. Effective communication, including sharing relevant information where appropriate, is essential to ensure children, young people and families get the right help at the right time.** Every child's needs and circumstances are unique and a Named Person will work with a child or young person and their parent(s) to offer the right advice and support. Information about their needs and circumstances may be shared with a Named Person if it's relevant to understanding what help they may need and it supports their wellbeing, this will be done in discussion with the child and their parent(s), unless there is a child protection concern. They will not directly access personal information held by other services.
- 5. The new law makes good practice the national standard across Scotland to ensure that support is available to all if they need it.** The GIRFEC approach and the Named Person approach already operates in many parts of Scotland. The Named Person service builds on the supportive role teachers and health visitors have long offered to children and parents.

6. **The Named Person is mainly provided by health and education services.** A Named Person will support specialist services, such as social work and mental health services, as they continue to respond to the needs of vulnerable children and families. A Named Person does not remove the responsibilities of others working with children, young people and families or change current child protection procedures. The police and or social work will continue to be contacted immediately if a child is believed to be at risk of significant harm.

7. **The GIRFEC approach makes better use of available resources.** GIRFEC provides a common approach to thinking about wellbeing and co-ordinated planning. This helps to ensure that targeted support is provided where it's required to help a child or young person.

Further information

Other information leaflets in this series include *Getting it right for every child*, *Understanding Wellbeing* and *Child's Plan*.

For more information on *Getting It Right For Every Child* (GIRFEC) visit:
www.gov.scot/girfec