

DUNDEE CITY COUNCIL

REPORT TO: POLICY AND RESOURCES COMMITTEE – 21 APRIL 2014

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

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 39-2014

1.0 PURPOSE OF REPORT

- 1.1 This report outlines the likely impact of the proposals contained in the Children and Young People (Scotland) Act which was introduced to Parliament on 17 April 2013. The Act was passed by Parliament on 19 February 2014 and gained Royal Assent on 27 March 2014.
- 1.2 The Act makes a number of proposals that will have a significant impact on how Dundee City Council resources, delivers and reports on outcomes of the services it plans and provides for children, young people and their families in the city.
- 1.3 This report also advises the Committee of the preparations being undertaken in Dundee for the implementation of the provisions contained within the Act.

2.0 RECOMMENDATIONS

- 2.1 The committee are asked to:-
- note the content of the report;
 - note the establishment of the Integrated Children's Services management structure which includes Dundee City Council services, Health Board services and our partners in the Third Sector. It is recommended that this is the mechanism to prepare and report on the single Children's Service Plan (paras 4.4.1, 4.4.2, 4.4.4, 4.4.5, 4.4.6 and 4.4.7) and
 - note that further reports will be presented to the appropriate committee once the requirements of the legislation are known.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no anticipated financial implications at this point in time.

4.0 MAIN TEXT

- 4.1 The Scottish Government has been clear in stating an aim that it wishes "Scotland to be the best place to grow up in by putting children and young people at the heart of planning and services and ensuring their rights are respected across the public sector".
- 4.2 The Act makes it clear how this is to be achieved in the following areas:-
- Rights of children and young people;
 - Children's Services Planning;
 - Wellbeing and GIRFEC;
 - Early Learning and Childcare;
 - Getting it Right for Looked After Children (Corporate Parenting);
 - Support for Kinship Care; and
 - Scotland's Adoption Register.

4.2.1 There are also several other proposals in the Act that relate to Secure Accommodation, Children's Hearings support arrangements and school closures.

4.3 **Rights of Children and Young People**

4.3.1 The Scottish Government wish to "ensure that children's rights properly influence the design and delivery of policies and services."

4.3.2 The provisions proposed in this section of the Act as they relate to Dundee City Council are that a duty is placed upon the council and its partners to report on the actions they are taking to ensure that the rights of children and young people have been taken into account in policy development and practice delivery.

4.3.3 In addition 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. This potentially has implications if any investigation were to be related to a Dundee child or young person.

4.3.4 Dundee City Council places significant importance on the rights of children and young people. The council has provided a Children's Rights Officer (CRO) service since December 1989 (the first Local Authority in Scotland to do so). The work of the Children's Rights Officer is complimented by a young persons' worker employed by Who Cares and the Care and Protection Officer who is employed by Children 1st. An annual report is provided to the Social Work and Health Committee on the work of the CRO.

4.4 **Children's Services Planning and Reporting**

4.4.1 Contained within the Act are responsibilities for Local Authorities and Health Boards, in respect of each 3 year period, to prepare a single Children's Services Plan for the area of the authority. The aim of that plan is to ensure that children's services in Dundee are provided in a way which:

- Best safeguards, supports and promotes the wellbeing of children.
- Ensures that any action to meet needs is taken at the earliest appropriate time and that where appropriate action is taken to prevent needs arising.
- Is most integrated from the point of view of recipients.
- Constitutes the best use of available resources.

4.4.2 In relation to reporting the Act states that as soon as practicable after the end of each one year period, a local authority and each relevant health board must publish (in such a manner as they consider appropriate) a report on the extent to which :-

- a) Children's Services and related services have in that period been provided in the area of the local authority in accordance with the Children's Services Plan.
- b) That provision has achieved:
 - (i) the aims listed in section 9(2); and
 - (ii) such outcomes in relation to the wellbeing of children in the area as the Scottish Ministers may by order prescribe.

In Dundee it is envisaged that this update will take the form of an annual report on the 3 year plan.

4.4.3 The Government intend the Children's Services Plan to put in place an overarching framework and a mechanism for the strategic coordination of all key services affecting the wellbeing of children and young people. Dundee's Integrated Children's Services structure seeks to put that framework and mechanism in place.

4.4.4 Within Dundee, the new Integrated Children's Services Management structure is governed by a Theme Group (currently chaired by the Director of Social Work) which is responsible for the current Integrated Children's Services Plan and will be tasked with producing the single Children's Services Plan, and annual updates, outlined above. The Theme Group will revise its membership in 2014 to reflect the expectations of the Act. It is proposed that the Theme Group will add representatives from Police Scotland and the Fire and Rescue Service. It is further proposed that the Theme Group will prepare, revise and report on the single Children's Services Plan under the auspices of Dundee Community Planning Partnership.

4.4.5 Within the local Integrated Children's Services structure a Joint Management Group, led by Health, Education and Social Work senior managers (currently chaired by the Director of Education) has been established. The Integrated Children's Services management structure provides a vehicle within the city where all relevant Local Authority services, Health Board services and those services provided by the voluntary sector can be jointly planned, resourced, commissioned and governed. This structure reports directly to the ICS Theme Group and the Dundee Partnership and is ideally placed to develop, maintain and report progress on the single Children's Services Plan.

The ICS structure also includes 7 Strategic Planning Groups (SPGs) which cover all aspects of children's services in the city. These SPGs include members from across the Integrated Children's Services partnership and report directly to the Joint Management Group. The SPGs cover:-

- Pre birth and Early Years;
- Primary Years;
- Secondary Years;
- Post School;
- Children and Young People at risk including substance misuse (Child Care and Protection Committee);
- Looked After Children; and
- Children with disabilities and additional and complex support needs.

4.4.6 This structure is a new way of working in Dundee where genuine co-production with communities will be possible in planning, reporting on and most importantly delivering services to children and young people in Dundee. Those involved in ICS strategic planning will work to ensure that there are clear distinctions between the different planning processes and that any overlaps are clearly referenced and addressed.

4.4.7 The new Integrated Children's Services structure, as outlined above, provides the mechanism for the integration of the planning and delivery of services to children, young people and their families in Dundee. It will also meet the Scottish Government's stated intention to take forward the principles of the Christie Commission, ensuring that there is more effective, more joined up planning between bodies at local level. As it develops and becomes embedded it is planned this structure will have oversight and governance of integration in Dundee and report on how it is improving outcomes for children and young people.

4.5 **Wellbeing and GIRFEC**

4.5.1 To improve the way services work to support children, young people and families the Act makes provision to:-

- ensure that all children and young people from birth to 18 years will have access to a Named Person, when a wellbeing concern indicates that this is necessary;
- put in place a single planning process to support those children who require it;
- place duties on public bodies to coordinate the planning, design and delivery of services for children and young people with a focus on improving wellbeing outcomes, and report collectively on how they are improving those outcomes.

4.6 **Named Person**

- 4.6.1 The Act makes provision for the identification of a Named Person for all children and young people up to the age of 18 (or until they leave school which ever is later). Most children and young people get all the help and support they need from their families, from early year's practitioners and teachers, from health practitioners and from their wider communities.
- 4.6.2 Some children and young people will need extra help, however, and this is the role of the Named Person.
- 4.6.3 The identification of a Named Person will mean that the child, young person or their family will have a point of contact who can work with them to plan any further help, advice or support should they need it.
- 4.6.4 GIRFEC guidance makes provision for a Lead Professional should more than one agency be involved in providing support to a child and family. The Lead Professional will be responsible for the coordination of the single Child's Plan which will emerge.
- 4.6.5 The Named Person is a positive addition to the Integrated Children's Services landscape in Dundee and the Integrated Children's Services Joint Management Group are, as part of the GIRFEC implementation process, engaged in the delivery of Learning and Workforce development activities relating to the role of Named Person and Lead Professional.
- 4.6.6 This will have implications for staff time and cover will be required for those professionals undertaking this learning. A series of Learning Events took place between January and March 2014 covering the 8 electoral wards in the city. These events involved staff from from Education, Social Work, Housing, Police Scotland, Health and the Voluntary Sector. Training will be an on-going responsibility due to staff turnover each year and the need to raise awareness of the statutory responsibilities of the Named Person. At present some agencies e.g. private schools and nurseries are not included in the Learning Events. ICS will provide advice and guidance to these agencies as required re the roles of Names Person/Lead Professional and GIRFEC.

4.7 **The Child's Plan**

- 4.7.1 The Act makes provision for a single planning process supporting a single Child's Plan. This is another welcome development for the delivery of the best possible services to children, young people and their families. It will end the process of numerous plans from various agencies for the same child and stop families having to "tell my story over and over again". Through the auspices of the GIRFEC Implementation Plan Dundee is currently developing its single planning process (the Team Around the Child) and it is envisaged that the Team Around the Child will play a major role in the design, review and implementation of the single Child's Plan.

4.8 **Duties to Help Named Person**

- 4.8.1 The Act places a duty whereby when a Named Person considers that another service provider or relevant authority could, by doing a certain thing, help in the exercise of any of the Named Person functions then they must comply with any such request unless it is incompatible with any duty incumbent upon them or would unduly prejudice the exercise of any of their functions.
- 4.8.2 This will have a potential impact on DCC employees if such a request comes from Named Persons who are not employed by DCC e.g. Health Visitors. The working together protocols proposed by ICS in the single planning process (Team Around The Child) will provide the mechanism for this information sharing. The Team Around The Child is a multi agency support mechanism for children, young people and their families which is responsible for designing, reviewing and implementing the single Child's Plan. The

interface between TATC and the Multi-Agency Screening Hub (MASH) is developing positively and will be continuously reviewed to ensure that the two processes complement each other. MASH will continue to provide advice, support and guidance for child protection concerns whilst the TATC implements longer term supports via the single Child's Plan.

4.9 Information Sharing Duties

4.9.1 The Act also places a duty on service providers to provide any information held to the Named Person, which the information holder considers might be relevant to the exercise of the Named Person's function. Further to this, however, the Act states that service providers must provide information which affects, or may affect, the wellbeing of the child or young person to the Named Person.

4.9.2 This will place an onus on employees and departments of DCC to provide information to a Named Person if that information is relevant to a child or young person's wellbeing. Dr Ken MacDonald, Assistant Commissioner from the Information Commissioner's Office, stated in a communication to the Scottish Government's GIRFEC Programme Board on 28 March 2013 "If there is any doubt about the wellbeing of the child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing". Dr MacDonald also stated that "It is vital that data controllers put appropriate and relevant protocols in place and that they are conveyed to practitioners to provide them with a support mechanism for the decision making process. It is also vital that a recording process is included in the protocol so that the decision – including the rationale behind making it – is formally recorded. Such protocols will assist in providing confidence to practitioners in the event the decision is challenged."

4.9.3 The onus will therefore be on the Council and its partners to put in place those protocols referred to so that practitioners confidently and appropriately share information relating to the wellbeing of a child or young person.

4.10 Getting it Right for Looked After Children (Corporate Parenting)

4.10.1 To ensure better permanence planning for Looked After Children the Act makes the following provisions:-

- provides for a clear definition of corporate parenting, and defines the bodies to which it will apply;
- places a duty on local authorities to assess a care leaver's request for assistance up to the age of 26;
- provides for additional support to be given to kinship carers in relation to their parenting role through the kinship care order and provides families in distress with access to appropriate family counselling; and
- puts Scotland's Adoption Register on a statutory footing.

4.10.2 Dundee City Council is well placed to deliver in respect of Corporate Parenting. The Council already has a Corporate Parenting Strategy (Being A Parent In Dundee), reference is made to Article VI of the minute of the meeting of Policy and Resources Committee held on 25 April 2011 wherein report 172-2011 was submitted in relation to Dundee Parenting Strategy (Being A Parent in Dundee). The Looked After Children Champions Board has also won national recognition through gaining a Silver COSLA Award.

4.11 Through Care and Aftercare

4.11.1 There is a provision in the Act for previously Looked After young people to request advice, guidance or assistance up to the age of 26. In effect this is about ensuring that young people are prepared to live independently and that the transition from care to independent living is fully supported according to the individual needs of each care leaver. This transition should also be at a pace that suits the individual needs of the young person.

4.11.2 The Social Work Department through its Throughcare and Aftercare Team currently provides support for care leavers. There may also be a significant increase in demand for services provided by this team depending on uptake.

4.11.3 Dundee has established Strategic Planning Groups for Looked After Children and Young People of post school age. These groups are in an ideal position to plan and resource services for LAC and post school young people including those who have been Looked After. There may be significant future financial outlay required from all council departments with whom care leavers come into contact with and may request support from. There may also be some restructuring of staffing/resources required to take into account the requirement for support up to the age of 26 depending on how many young people come forward to request assistance. The Act also makes provision for young people to stay in foster care until such age as may be specified. Dundee currently provides supported lodgings placements for 18-21 year olds and it is likely that demand for this resource will increase also. These provisions may have significant implications for staffing and resources if a high number of previously Looked After young people request assistance.

4.12 **Kinship Care Order**

4.12.1 As part of the Getting it Right for Looked After Children's section of the Act provision is made for enhanced support to kinship carers. At present Dundee makes weekly kinship care payments to kinship carers including to those who care for children subject to a residence order. This financial support would continue under the new arrangements but would have to increase if there were other kinship carers who applied for enhanced supports. Dundee has a Kinship Care strategy in place, reference is made to Article III of the minute of the meeting of Social Work and Health Committee held on 25 February 2013 wherein report 83-2013 was submitted in relation to Kinship Care Strategy 2013/2018.

4.12.2 The Scottish Government's response to the Education and Culture Committee's consideration of the Bill – Stage 1 Report outlines anticipated support to Kinship Carers to include :-

- a start up grant;
- transitional support for 3 years where a child moves from formal kinship care arrangements (or from being looked after) to informal kinship care, where a qualifying person has obtained a kinship care order; and

4.13 **Adoption Register**

4.13.1 The national adoption register is increasingly being used by Local Authorities in Scotland when trying to place vulnerable children with adoptive families. The Act seeks to put the adoption register on a statutory footing thereby having the possible implication of speeding up a matching process for a child with an adoptive family. This may be desirable in many cases but the matching of children with adoptive families demands great skill and flexibility. The current use of the national register enhances Dundee's well established practice of taking a proactive and creative approach to seeking adoptive families for children when unable to meet this need within our own resources. Dundee's practice in relation to adoption services is outlined in full in Dundee's Adoption Service Plan which was discussed at the Social Work and Health Committee on 25th February 2013.

4.14 **Children's Hearings Support**

4.14.1 Section 89 of the Act allows the National Convener of Children's Hearings Scotland to compel a local authority to deliver specific support services to area support teams. This could mean administrative support "staff, property or other services which the National Convener considers are required to facilitate the carrying out by an area team of its functions". This is an amendment to the Children's Hearings (Scotland) Act 2011.

- 4.14.2 It is not possible to quantify the potential impact to Dundee City Council of this proposal at present. However, there are potential resource implications for the Council should a request from the National Convener for support services, as outlined above, be made in the future.

5.0 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. No major concerns were found.
- 5.2 An Equality Impact Assessment is attached to this report.

6.0 CONSULTATIONS

- 6.1 The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services have been consulted in preparation of this report.

7.0 BACKGROUND PAPERS

- 7.1 The Children and Young People (Scotland) Act 2014.

JENNIFER G TOCHER
DIRECTOR OF SOCIAL WORK

DATE: 24 March 2014

EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is this a Full Equality Impact Assessment (EQIA)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Date of Assessment: 06.01.14	Committee Report Number: 39-2014	
Title of document being assessed: Impact of the Children and Young People (Scotland) Act 2014		
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input checked="" type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input type="checkbox"/>	
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.	The Scottish Government's stated aim is for "Scotland to be the best place to grow up in by putting children and young people at the heart of planning services and ensuring their rights are respected across the public sector".	
3. What is the intended outcome of this policy, procedure, strategy or practice?	For Dundee City Council to ensure that it has prepared staff and services in all departments for implementing the provisions contained within the Children and Young People (Scotland) Act 2014.	
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	The Children and Young People (Scotland) Act 2014.	
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	None	
6. Please give details of council officer involvement in this assessment. (e.g. names of officers consulted, dates of meetings etc)	Jenni Tocher, Director of Social Work Michael Wood, Director of Education Bert Sandeman, Integrated Children's Services Manager	
7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy? (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	Consultation will continue with key stakeholders as Dundee City Council and its partners put the provisions of the Act into operation.	

Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state) Children with complex needs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 3: Impacts/Monitoring


<p>1. Have any positive impacts been identified?</p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>That children and young people will get proportionate help when they need it to ensure they are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.</p>
<p>2. Have any negative impacts been identified?</p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>None</p>
<p>3. What action is proposed to overcome any negative impacts?</p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>There are no negative impacts for children and young people anticipated at this stage.</p>
<p>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>N/A</p>
<p>5. Has a 'Full' Equality Impact Assessment been recommended?</p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	<p>A full Equality Impact Assessment has not been recommended at this point in time.</p>
<p>6. How will the policy be monitored?</p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>Data relating to the implementation of the Bill particularly that relating to the Wellbeing and GIRFEC elements will be held centrally by ICS Administration. Governance of the implementation of the Bill when it is enacted will come from the ICS Theme Group which reports to the Dundee Partnership.</p>

Part 4: Contact Information

Name of Department or Partnership	Integrated Children's Services
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Type of Document	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Manager Responsible	Author Responsible
Name: Bert Sandeman	Name: Rod Finan
Designation: Integrated Children's Services Manager	Designation: Senior Officer GIRFEC Implementation
Base: Dundee House	Base: Dundee House
Telephone: 01382 434390	Telephone: 434316
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Signature of author of the policy:	R. Finan	Date: 24.03.14
Signature of Director/Head of Service:		Date: 24.03.14
Name of Director/Head of Service:	Jennifer G Tocher	
Date of Next Policy Review:	N/A	

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