

DUNDEE CITY COUNCIL

REPORT TO: Social Work Committee - 19 September 2005

REPORT ON: Getting it Right for Every Child

REPORT BY: Director of Social Work

REPORT NO: 568 - 2005

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to provide information on the draft response to the Scottish Executive on the publication of 'Getting it Right for Every Child' (Scottish Executive, 2005).

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee:

2.1 note and approve the contents of the report and attached draft response

2.2 authorise the Director of Social Work to forward a final response to the Scottish Executive by the due date of 30th September, 2005.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 The proposals in 'Getting it Right for Every Child' address the need to continue to improve the quality of life for children and young people who are in need.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 The contents of the Scottish Executive's document, 'Getting it Right For Every Child', encompass the rights of children and young people to be provided with equitable services. This draws on a multi agency approach to ensure that all children and young people receive services that address their individual needs.

'Getting it Right for Every Child' adheres to the United Nation Convention on the Rights of the Child and the European Convention on Human Rights.

6.0 BACKGROUND/MAIN TEXT

- 6.1 'Getting it Right for Every Child', the consultation document, provides local authorities, and other agencies, with the opportunity to inform and influence the future of services for children, young people and their families. The Scottish Executive are seeking views on 'how to improve these services and on their proposals for action to achieve the desired change' (Ministerial Foreword). The services involved include all agencies that may come into contact with a child or young person and his/her family.

The proposals in this document ensure that the child is at the heart of children's services. They also reinforce the need to ensure that all agencies identify the needs of children and young people so that the right service is provided. The proposals emphasise the importance of the need for agencies to work in a unified way and to tackle difficulties for children and young people as early as possible. Local authorities and other agencies are reminded of the need to focus on achieving better outcomes for children, young people and their families. Some of these proposals are to be reflected in changes to legislation that will place new statutory duties on agencies.

The proposals will have implications for the way services are structured, planned and delivered. They will assist the Council and its planning partners to create locally based integrated assessments with shared responsibilities and accountability. This will be reflected in Dundee City Council's Integrated Children's Services Plan, to be reviewed annually.

The consultation document is made up of four parts:

- **Improving Children's Services**, the context in which these proposals are made and an outline of a unified approach to children's services;
- **Proposals for Action**, proposals to improve children's services and the Children's Hearing System;
- **The Integrated Assessment Framework, Records and Plans (IAF)** proposals for an integrated assessment, planning and recording framework; and
- **Your response**, where views are invited both on the specific proposals and on the unified approach as a means to improve outcomes for children.

A draft response is attached addressing these four areas. Further consultation is planned with representatives from NHS Tayside and Tayside Police. Any comments they provide will be incorporated in the final response to be forwarded to the Scottish Executive.

6.0 CONSULTATION

The Chief Executive, Depute Chief Executive (Finance) and Depute Chief Executive (Support Services) have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

None.

Alan G Baird
Director of Social Work

Date: 9 September 2005

DUNDEE CITY COUNCIL

GETTING IT RIGHT FOR EVERY CHILD

Draft response

Improving Children's Services

- 1 We propose that agencies should publish information for children and families about the services and support available and how it can be accessed

The publication of such material is imperative to ensure children and families are aware of services, for whom such services are available and how these services can be accessed. This would provide for a shared understanding, among agencies, of the services each provides. Potentially the publication of such material also provides children and families with the information necessary to make an informed choice about the service they may wish to access. It will also be important to ensure any publications can be accessed to reflect all diversities, such as language or disability.

It should be noted that ensuring publications are kept up to date can be labour intensive and not without cost.

Many agencies provide such information already. In Dundee, the Council and its planning partners publish a Directory of Children's Services. Information is also disseminated through the Early Years Partnership and its Child Care database.

- 2 **We propose that agencies be under duties and responsibilities to be alert to the needs of children, to listen to them and record children's views, to identify children in need and to act to improve a child's situation.**

It is suggested that the wording 'under duties and responsibilities' is changed to reflect that different agencies have differing responsibilities in respect of legislation. All agencies do however have a duty of care. The need for all agencies having contact with a child, young person and his/her family to listen to them and record their views is crucial and should already be enshrined in the principles of the Children (Scotland) Act 1995. There will also be the need to ensure that workers are provided with appropriate training so that they can identify the needs of children and be able to communicate effectively with children, young people and his/her family. For disabled children or children from minority ethnic communities this may mean the need to engage specialist resources to enable effective communication.

It is suggested that when text is written on the 'duties and responsibilities' this should also contain reference to the principles underpinning the Children (Scotland) Act 1995 – that the child is paramount, that the child's views should be taken into account in decisions which affect him or her etc.

3 We propose a new duty on agencies to co-operate with each other in meeting the needs of children and to establish local co-ordination and monitoring.

It is agreed that agencies should co-operate more effectively. It is unfortunate that legislation should be needed to underpin this rather than agencies working together because they recognise that this achieves better outcomes for children and their families. However if, implementing a new duty will ensure that agencies fulfil this obligation, then it is welcomed. Local co-ordination and monitoring systems will be necessary to facilitate this and protocols should be established among agencies.

It should be recognised that there are already some good examples of effective integrated working. In Dundee we have a pilot initiative "ASPIRe" (A Shared Planning and Information Record) which has resulted in an integrated information gathering, assessment and planning process for disabled children and their families.

4 We propose to develop, with agencies, a single integrated assessment, planning and recording tool for use within a framework of co-ordinated meetings, reviews and planning. These arrangements will in time replace meetings about child protection looked after children, joint assessment, youth offending and other inter agency arrangements.

It is not clear what is meant by this. Whatever replaces this range of meetings, there must be clear mechanisms to ensure opportunities exist to share information. This is necessary to minimise the risk to children and young people and to ensure the right services are in place to improve their safety and assist them to reach their potential. It is acknowledged that children, young people and their families can suffer from 'meeting overload'. However different meetings have different functions. A single shared assessment does not automatically provide the need for fewer meetings. Although consideration may well need to be given to minimising the kinds and numbers of meetings, this must not be at the expense of ensuring that all the functions, duties and responsibilities continue to be addressed and implemented.

Emphasis should also be placed on the need for integrated plans and robust reviewing systems. At present in Dundee we have robust care planning and reviewing systems for children and young people who are on the child protection register and for those who are looked after and accommodated. Where professionals and agencies are discussing the same child(ren) then these meeting are combined. It is this rationalisation which should be the aim.

Consideration also requires to be given to links between IEPs (Individual Education Programmes) and Co-ordinated Support Plans which will come

about as a result of the Education Additional Support for Learning (Scotland) Act 2004.

- 5 We propose that where a child's needs are complex, serious and require multi-agency input or are likely to require compulsory measures, an action plan must be agreed by all agencies involved and kept under review. The action plan will be the principal source of information for the Reporter if the child is subsequently referred.**

It is suggested that this happens at the present time in Dundee in respect of all children on the CP register or who are looked after and accommodated or subject to throughcare and aftercare planning. It is not clear if this action plan is to replace a care and protection plan. Plans should be in place for every child and should not only be when children and young people are accommodated. It is not clear if it is suggested that action plans replace care plans or that action plans would be in addition to care plans. Care plans should incorporate the responsibilities of all agencies involved. It is, therefore, unclear what it is envisaged that the difference would be between care plans and action plans.

It is suggested that an action plan is unlikely to fulfil the requirements as a principle source of information to the Reporter if a child is subsequently referred. In many cases, especially those on care and welfare grounds, the Reporter will continue to require an integrated & comprehensive assessment with recommendations for action. The proposal is likely to be that agencies will come together to produce an action plan of their co-ordinated planned intervention. However it is suggested that a comprehensive assessment would still be necessary to assist the Reporter and/or Hearing members to make a decision as to whether or not the proposed action plan meets the assessed need.

- 6 We propose that where there is a need for co-ordinated action, a lead professional from amongst the agencies must be appointed.**

The implication of this will mean that training and development issues will require to be addressed depending on what agency is taking on this role. Consideration will need to be given to resourcing this aspect of the co-ordinator role with those involved having a clear understanding of role and accountability

The Integrated Assessment, Records and Planning Framework – Specific Questions

Is there sufficient emphasis and guidance about the child's involvement and are there sections which need strengthening to make sure that the child or young person is at the heart of the process?

It is clear from the documentation that the child is at the centre of the process. It is however suggested that more needs to be included about parents and care givers and their crucial roles in a child's development. Assessment of parenting capacity and attachment, for example, may be crucial in complex cases where assessment is being made of whether a child can continue to be cared for by his or her birth family.

The framework does not appear to fully take account of the ages and stages of a child's development from infancy through middle childhood to adolescence.

It must be made clear that this is simply a framework, which highlights the areas which should be covered in a comprehensive and integrated assessment process. Reference should be made to literature and other resource material including assessment tools, which should be used to assist in such a process.

It is suggested that some further consideration is given to the individual undertaking the assessment, for example, different agencies would be involved in providing information, formulating action plans and making sense of the whole process. The individual responsible for pulling together the information also requires to undertake an analysis to determine or inform future planning. Will health visitors or teachers be expected to do this analysis and provide the report and action plan the Reporter or Children's Hearing? If so, then further consideration needs to be given to training, development and resource issues.

How well does it do so and are there any gaps?

As above. It is suggested that although the child should be at the centre, assessment should include parents and carers. Co-operation from parents is crucial to facilitate change, indeed in many cases of young children it is parental behaviour which has to change.

A further gap is the need for the parent and child to be involved in any action planning and to agree – preferably in writing – what they will do to achieve any change necessary. Wherever possible children, young people and their families should be partners in the assessment and action planning.

Making Children's Hearings Work.

7 We propose that a referral to the Children's Hearing System should meet two tests – significant needs and a need for compulsion.

This is welcomed in principle. However agencies would need to demonstrate clarity and consistency in their approaches to referral. This again raises the issue of multi-agency training and development to facilitate the development of a common understanding of threshold and risk.

8 We propose that the indicators of significant need will include a pattern of behaviour which gives rise to concern.

This is welcomed. However care must be taken to ensure that this does not become a 'checklist' which encourages a routine response – rather than the unique response which is needed in respect of every child.

9 We propose that all agencies involved in an action plan agreed at a Hearing are required to implement it. Any plan endorsed by a Hearing as a condition of supervision can only be amended by a Hearing (including the use of secure care).

The idea that all agencies named in a plan endorsed by a Hearing be required to implement it is commendable. However, the proposal goes on to state that only a Hearing can then amend such a plan.

One can understand why this is stated. However, unless a Review Hearing can be convened at short notice this proposal has the potential to stifle the change process. In many cases, where change is happening quickly, the need to amend a plan may be frequent. If the professionals involved with the child cannot change the plan, then their efforts will run into a barrier. This barrier will be the inability to change the plan to reflect changing needs and alternative action.

It is suggested that the Hearings be given the power to endorse a plan and to identify which elements, or components, of it may be changed by the core group of professionals meeting under the auspices of the lead professional. This should require the Hearing to state which elements, or component, of the plan may be changed with the agreement of all those named in the plan and which elements can only be changed by a Hearing. This should also require the lead professional to inform the Reporter of changes via the submission of the updated plan. The Reporter, upon considering the changes, may then convene a Review Hearing if he/she considers it necessary.

Caution is required regarding implementing a supervision requirement as all agencies may not be present at the Hearing and those present may not have influence on a particular service being delivered, for example an appointment with child and family psychiatry or the voluntary sector.

10 We propose that if the referral to the Reporter does not meet the test criteria, the Reporter will refer the case to agencies to act on

the Action Plan and will be empowered to seek reports on progress and reviews as necessary.

Granting power to the Reporter to monitor the performance of agencies in a case that he/she has already decided does not merit the involvement of the Hearing System sets the Reporter up as a watchdog of professional services. Is this what is desired?

If compulsion has been deemed as unnecessary, what is the intended role of the Reporter upon receiving progress and/or review reports? Is he/she to be empowered to then convene a Hearing if he/she considers it necessary? What sanctions will the Reporter have should an agency be failing to provide a service or there is deemed to be insufficient progress?

One can understand the aim of this proposal. However, greater clarity is required regarding the interface between Reporter and agencies in their efforts together to provide the best outcomes for children.

11 Where actions are considered necessary in advance of a hearing reaching a final decision, we propose that a Hearing should make an interim supervision requirement.

There is no indication given of what legal power an interim supervision requirement is to have. Is it to confer all the powers of a full supervision requirement? Given that final decisions are often delayed pending the outcome of a Proof Hearing, is it the intention to grant power for an interim supervision requirement before it is determined whether the Grounds of Referral have been established? If this is the case, have the Human Rights implications been fully considered?

12 The frequency of Review Hearings can be determined according to the child's need and the 'persistence' of the child's behaviour or needs.

It is suggested earlier in this paper that consideration is to be given to ways to minimise the number of meetings held. Account must be taken of other meetings such as child protection case conferences and reviews of children and young people who are looked after and accommodated or is it suggested that review Hearings would take on these responsibilities?

Attention should be paid to the need to minimise frequency of meetings and limit the associated paperwork in line with some of the findings so far of the 21st Century review of social work.

13 Children whose behaviour or attendance at school is a cause for concern, should not be taken out of school to attend Children's

Hearings. There should be greater flexibility in the timing of reviews to meet the needs of children and families.

While it is recognised that this may be a worthwhile and laudable principle in respect of children and young people, its implementation may result in reduced representation from education departments. Working contracts would need to be addressed and arrangements put in place to ensure staff are able to attend out with school hours.

- 14 Where a Children's Hearing or other meeting is concerned that help and intervention is not leading to a positive change in a child's behaviour, a Hearing should be able to adapt its procedures as appropriate. In particular it should make sure that the child is fully aware of the concern of the Hearing and the potential consequences of further such behaviour. This might include formally requiring the young person to explain why help or intervention has not resulted in improvements. If appropriate, community representatives and victims might be invited to sit in on the Hearing to reinforce that the behaviour has an impact on others, and to understand better what efforts are being made to address the child's behaviour.**

One cannot avoid being concerned that the centrality of the needs of the child is being challenged by the proposal that members of the community and/or victims of the child's behaviour may be invited to attend Hearings. It is very clear that children must be brought face-to-face with the consequences of their actions. However, if we are to keep the child's needs at the centre of all our considerations, then perhaps we need to examine how the views of society, particularly those most directly offended against, can best be conveyed to the child. In Dundee this is currently addressed by a reparation scheme delivered in partnership with SACRO where young people are held to account for their actions and subsequent effect on others.

At a Children's Hearing, the subject of the Hearing is the only child present. Others present are all adults. This, in itself, is not conducive to gaining a child's full participation. The prospect of others, whom the child may not know, being given the opportunity to vent their views is unlikely to encourage greater participation by the child, or to enable him or her to have trust that the system is working for his or her benefit.

This proposal is obviously in connection with children or young people who are involved in difficulties arising from their behaviour. It must be remembered that the highest proportion of referrals to the Reporter are still on welfare grounds.

- 15 Children's Hearings must be satisfied that the action plans presented to them are realistic and likely to be effective and that**

all the available measures to control behaviour (for example) electronic monitoring, Parenting Orders and Anti-social behaviour Orders) have been considered where appropriate.

It is acknowledged that all aspect of intervention should be addressed in the assessment process. In Dundee a multi agency forum considers the cases of all children and young people whose criminal conduct or antisocial behaviour is thought to require further intervention beyond the interventions or services already tried. As well as local authority staff and staff from voluntary organisations, this group also includes the Reporter, legal services and Tayside Police. It is proposed that, to be most effective, this group should lead on the process of seeking, implementing and reviewing the use of antisocial behaviour orders and parenting orders for criminal conduct or antisocial behaviour grounds. It is suggested that this is an example of an effective integrated approach.

16 Children's Hearings should provide information to communities about the nature of decisions made and their outcomes.

Further information regarding the information to be provided to communities is needed before further comment is made. It is clear that children, young people and their families have a right to confidentiality.

17 Procedures are to be introduced to streamline the establishment of grounds for referral where the child is too young, not sufficiently mature or not able to understand the grounds but the parents accept them.

Much greater detail of what is to be proposed to streamline the establishment of grounds of referral in the cases mentioned is required. Again, one assumes that the Human Rights implications have been fully considered.

18 Greater continuity of Panel Members from one Children's Hearing to another is to be achieved.

This is welcomed as it will provide consistency.

19 We propose to place a new duty on SCRA to ensure that provisions of legal representation for children, where this is necessary under criteria to protect their rights.

This is an important area. In Dundee, some children and young people engage the support of a Children's Rights Officer or Who Cares (Scotland) Independent Advocate, but not all. The establishment for this provision will allow an equality of service. This will have cost implications.

20 We propose to legislate to enable Children's Hearings and Reporters to withhold information provided by the child where the release may place the child's welfare at risk.

This is welcomed. It is suggested that information should be provided to parents explaining why information may be withheld, so that someone other than the child or young person is making that decision.

We invite views on whether the role of the safeguarder should be maintained and /or available to any service which requires an independent assessment of the child's best interests.

The role of the safeguarder should be maintained. Further consideration of process would have to happen if any agency were to be able to refer. Reasons for doing so, as well as mechanisms to do so, and the cost implications would need to be considered.

- 21 **We propose amending the Children (Scotland) Act 1995 to remove the requirements that Children's Panels and Children's Panel Advisory Committees be linked to local authority boundaries.**

This may inhibit maintaining the same panel members for Hearings. It is also acknowledged that particular training issues would need to be addressed. For example, every local authority has different resources and financial constraints. It is suggested that there are some strengths in co-terminosity regarding procedures, service design and availability and familiarity with staff, which would be lost through this proposal. It is recognised that there would be an advantage of economy of scale in the proposal.

- 22 **We propose improvements in and modernisation of the arrangements for the recruitment, training, support and monitoring of panel members through establishment of either a single national body or a local authority regional structure. We invite views of whether a regional or national approach is preferable.**

While a national body would provide consistency throughout Scotland, which would be beneficial to families who move, it may be too remote to assist in the highlighting and addressing of more local issues.

Improving public confidence

- 23 **We propose agencies keep the public and communities informed about what is being done with their concerns and help them understand that the focus is on effective action and not processing children through Children's Hearings.**

It is agreed that local agencies have a responsibility to inform members of their community about what is being done with their concerns and in helping them understand that the focus is on effective action. However, it is suggested that there is a key role for national government in this as well. The public do not, generally, understand the Hearing system or how agencies

interface with it. Given that the issue is the same across the country it would seem appropriate for there to be a national campaign of awareness-raising to inform Scotland's population of what national government, national agencies and local agencies do together and how they do it, to help children and the communities in which they live. A statement to this effect could be included under the heading, 'What the Scottish Executive will do to help'.

Consideration should be given to using the now well-established local community planning process to assist in this area.

Additional Comments

It is suggested that there is a need for consistency in terminology. For example, is the term children to be used or children and young people or young people. At present these are interspersed throughout the document. The document refers mostly to children. A definition of what is meant should be given.

It is suggested that there should be a requirement to identify unmet need and gaps in resources within the processes outlined – especially in respect of assessment and action planning.

In general terms the documentation is welcomed. The principles behind it will help authorities to further develop integrated assessments and to enhance the sense of shared responsibility and accountability among agencies.