

**Report to Children, Young People  
and Family Support Scrutiny &  
Policy Development Committee  
28<sup>th</sup> September 2015**



**Report of:** Jayne Ludlam, Executive Director, Children, Young People & Families

**Subject:** Children & Families Act 2014

**Author of Report:** Dorne Collinson

**Summary:**

The Scrutiny Committee has requested this report in order to receive an update on progress in implementing the new requirements created under the Children & Families Act 2014 for Sheffield.

**Type of item:** The report author should tick the appropriate box

Reviewing of existing policy	
Informing the development of new policy	
Statutory consultation	
Performance / budget monitoring report	
Cabinet request for scrutiny	
Full Council request for scrutiny	
Community Assembly request for scrutiny	
Call-in of Cabinet decision	
Briefing paper for the Scrutiny Committee	<b>x</b>
Other	

**The Scrutiny Committee is being asked to:**

The Committee is asked to consider the progress made in implementing the new requirements created under the Children & Families Act and make recommendations for any changes to the continued implementation to comply with the legislation.

**Background Papers:**

Scrutiny report from January 2015 on Children & Families Act

**Category of Report:** OPEN

# **Report of the Executive Director, Children, Young People & Families**

## **Children & Families Act 2014**

### **1. Introduction/Context**

- 1.1 The Scrutiny Committee has requested this report in order to receive an update on progress in implementing the new requirements created under the Children & Families Act 2014 for Sheffield.
- 1.2 The new Children & Families Act received royal assent on 13th March 2014. It came into force in September 2014 (other timescales specified throughout the January report).
- 1.3 This report does not repeat the information from the previous report in January 2015 (which is included as a background paper). Rather, it provides an update on progress made since January and any secondary legislation that has been subsequently passed.

### **2. Children & Families Act 2014**

#### **2.1 Part 1: Adoption and Contact**

Part 1 of the Act contains provisions to give effect to proposals set out in 'An action plan for adoption: tackling delay' and 'Further action on adoption: finding more loving homes'.

New rules which came into force on 31st October 2014, broaden the range of support that family members can ask for to help facilitate contact. This now allows children and grandchildren including descendants, spouses or adoptive relatives to apply to an intermediary agency for help tracing relatives of the adopted person. Sheffield does not act as an intermediary but signpost to intermediary agencies, but we are permitted to recommend or favour agencies. The Act also extends the role of the intermediary service to provide counselling, support and advice.

#### *Update since January 2015*

In Sheffield relatives of adopted adults are sign posted to relevant Intermediary agencies. Birth background report and initial counselling are now offered for all adopted adults living in Sheffield and support other agencies who are undertaking similar work for those who are adopted and from Sheffield.

The Adoption Support Fund was rolled out nationwide from May 2015. Sheffield has made 16 applications to the Adoption Support Fund and been allocated £125,435 since it commenced.

Further support is being created through the South Yorkshire and Humber Adoption Consortium Regional Procurement Task Group. The consortium are creating a list of therapeutic providers to be offered across South Yorkshire.

The Sheffield City Council web site has been updated to inform the public of the range of post Adoption services and support available.

## 2.2 Part 2: Family Justice

Part 2 of the Act contains provisions relating to recommendations from the independent family justice review. The Act saw time limits introduced further on the length of care proceedings, reducing from 40 weeks to 26 weeks. In 2014 Sheffield was meeting the 40 week target with an average of 39 weeks.

### *Update since January 2015*

The average time for completion of care proceedings in Sheffield is 27.5 weeks. Further work is being completed to reduce this average timescale to be in line with statutory requirements.

The Act also introduced expectations that less reliance would be placed upon the use of expert witnesses in care proceedings. Sheffield only uses experts in exceptional circumstances which is assisting in the timescales for completion but also in managing the cost per proceeding. Social workers need the skills and confidence to fill the gap left by “expert witnesses” and in order to ensure any “skills gap” is met additional training has been developed in court skills.

Social Workers reports are required to be high quality and must contain analysis based on research and evidenced based practice. We have provided additional support, training and resources to social workers to ensure they keep up to date with research and practice. Recent court judgements such as Re BS means it is vital that social work reports are of the highest quality and that they have considered all options for care planning.

The restructure of Children's Social Care is positively impacting upon the reduction of drift and delay in care proceedings thus ensuring children's outcomes are achieved in a timely manner.

Child Arrangements Order replaced Residence and Contact Orders as a consequence of this legislation; this is working well but has created some difficulties for parents due to the removal of legal aid.

## 2.3 Part 3: Special Educational Needs (SEN)

Part 3 of the Act has a focus on improving outcomes for children and young people with special educational needs and/or disabilities. It extends the SEN system from birth to 25, giving children, young people

and their parents greater control and choice in decisions and ensuring needs are properly met. It takes forward the reform programme set out the green paper: 'Support and aspiration: a new approach to special educational needs and disability' published by the Department for Education on 18 March 2011 and the follow up 'Progress and next steps' published 15 May 2012.

*Update since January 2015*

Much has been achieved since the last report. Here are some highlights:

- Access and information for parents, carers, young people and others: 'Front door' and single assessment pathway are in development
- A joint Local Authority / Health data set has been produced
- New Ways of Working design - phase one completed
- Joint Arrangements for commissioning drafted – approval September 2015
- Personal budgets available for Education Health & Care
- 285 conversion from statements to EHC meetings held, 263 final plans delivered
- Local Offer consultation with Parents and Young People to inform next version – joint with adult services
- New school funding formula developed – approval September 2015
- Hub for non-school based provision - Kenwood
- Special School satellite hub developed - Bents Green / Westfield
- Post 16 partnership hub – Sheaf – opened September 2015
- Outreach from Integrated Resources into mainstream begun
- Co-production group, parents group up and running
- My plan ( pre EHC) prototype developed and being tested by Westfield Family of Schools
- Strong governance structures are in place and managing the programme of work

There is still much to do and the critical next steps are shown below:

<b>Milestone</b>	<b>Date</b>
Complete batch 1 of conversions	September 2015
Develop and approve interim Education Health & Care Plan and conversion process with Health	September 2015
Deliver interim improvements on database	September - December 2015
KPI Targets in place for conversions and Education Health & Care Plans	September 2015
New Education Health & Care Plan requests (estimated 30 per month)	September 2015 - March 2016
Meetings and issuing draft plans – batch 2 of conversions for the children and young people moving settings (380)	31 December 2015

Issue final conversion plans – batch 2	15 February 2016
Meetings and issue draft plans – batch 2a of conversions for Y9s (169)	January –February 2016
Issue final conversion plans – batch 2a	March 2016
SEND Ofsted inspection	From January 2016

## 2.4 Part 4: Childcare Reform

Part 4 of the Act contains various provisions relating to childcare, described in More Great Childcare which the Government published on 29 January 2013 and which includes the Government's response to Professor Cathy Nutbrown's report, Foundations for Quality (published June 2012). Section 3D of the report refers to the plans to introduce childminder agencies.

*Update since January 2015*

### **Childminder agencies**

New mechanisms for the registration of childminders via childminder agencies - the initial impact of this measure is expected to be low with no registration of interest at present in Sheffield from any potential agency providers. Nationally only five have registered with Ofsted. The Council may wish to consider how to engage with childminder agencies in the future.

### **Repealing the duty to provide a childcare sufficiency assessment**

A decision was taken to continue with this because the legislation still required local authorities to understand childcare sufficiency. The latest assessment for 2015 has been completed.

<https://www.sheffield.gov.uk/education/information-for-parentscarers/care-support/childcare/childcare-providers/childcare-sufficiency.html>

### **Removing the requirement for schools to consult on whether to offer additional services**

There was some concern that schools might make decisions without due consideration as our option to be consulted as a local authority was removed. However, to date schools looking to lower their age range have sought advice and guidance from the LA.

## 2.5 Part 5: Welfare of Children

Part 5 of the Act is largely comprised of amendments that were requested by the House of Lords, as such is it is perhaps more wide-ranging than other parts of the Act.

*Update since January 2015*

### **Tobacco, e-cigarettes and smoking elements**

The Act introduced primary legislation, subsequent regulations have been introduced or consulted on as follows:

The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 have been passed which prohibit sale of devices for inhalation of nicotine to under-18s or buying on behalf of under-18s.

Consultation has taken place regarding Tobacco packaging regulations and these are expected to come into force 20th May 2016. These require plain packaging to be used for tobacco products.

The Smoke-free vehicles: Smoke-free (Private Vehicles) Regulations have been made and come into force on 1st October 2015. These regulations prohibit smoking in a vehicle with a child in it, with the exception of caravans and similar vehicles which are being used as accommodation.

### **Young Carers**

Young carers needs assessment regulations have been produced following consultation and came into force on 1st April this year. These regulations require local authorities to assess whether young carers in their area have needs for support and, if so, to assess what those needs are. These Regulations make further provision about how the local authority must carry out that duty including:

- Carrying out the assessment appropriately and proportionately
- Ensuring the person carrying out the assessment is appropriately trained and has sufficient knowledge and skill to carry out that assessment.
- A duty to consult others with expertise and knowledge in relation to the young carer, as they think appropriate, and having regard to any other assessment which may have been carried out in relation to the young carer or the person cared for and which the local authority consider to be relevant.
- Specific matters that the local authority must consider or determine when carrying out the assessment.

*Update since January 2015*

There is now an established Young Carers Board which ensures the duties of the Act are implemented. The group has full representation from both statutory and voluntary sector organisations and includes representative Young Carers. There are four sub Groups covering all aspects of the duties, the 'Whole Family Sub Group' has taken responsibility for the development of the assessment.

The Young Carers assessment has been implemented and is being used. The Board is developing a performance management framework for the assessment process to ensure that the needs of Young Carers in the city are captured. Local Authority staff in both MAST and Social Care have been trained to use the assessment and there will be an expanded rollout of this training over the next year which will include Adult Social Care.

To support the assessment process and develop a strong knowledge base there are now a number of Young Carer Champions in MAST, Social Care and Disabilities teams. The remit of the Champions is to support the identification and assessment of the Young Carers and to provide specialist knowledge to staff carrying out the assessments.

The voluntary sector is pivotal to the developments around the Young Carer agenda and has worked closely with the Local Authority and Young Carers themselves to ensure that all developments include the voice and influence of Young Carers. The Young Carers manifesto has been developed and will inform the direction for the review of the broader Carer and Young Carer Strategy.

An important part of the ongoing work is to raise awareness across both the public and universal services of the needs of Young Carers, ensuring that they have full access to all opportunities and reach their full potential. Update since January 2015

### **Staying Put**

Staying Put arrangements describe the circumstances in which CYPF will support a former fostering arrangement beyond a young person's 18th birthday. From the age of 18 young people are no longer legally looked after by the local authority and therefore fostering arrangements no longer apply.

*Update since January 2015*

Revised Staying Put Procedures have been developed. These focus upon:

- The financial payments that may be made to support the arrangement
- The Social Care requirements associated with extending former fostering arrangements
- The implications for a foster carer regarding, Income Tax, National Insurance and Welfare Benefits

We are currently supporting a number of young people in staying put placements.

## 2.6 Part 6: Children's Commissioner

Reinforces the role of the national Children's Commissioner, taking forward recommendations in John Dunford's 'Review of the Office of the Children's Commissioner (England)' including giving the commissioner a statutory remit to promote and protect children's rights.

*Update since January 2015*

There have been no further amendments to the legislation but a new Children's Commissioner (Anne Longfield) has been appointed to fulfil the new role which combines the previous roles of Children's Commissioner and Children's Rights Director.

## 2.7 Parts 7, 8 and 9: Statutory rights to leave and pay, time off work and right to request flexible working

Part 7 of the Act delivers the legislative commitments made in the government response to the modern workplaces consultation (November 2012), including a new employment right to shared parental leave and statutory shared parental pay for eligible working parents.

Part 8 creates a new right for employees and qualifying agency workers to take unpaid time off work to attend up to two ante-natal appointments with a pregnant woman.

Part 9 provides for the expansion of the right to request flexible working from employees who are parents or carers to all employees, and the removal of the statutory process that employers must currently follow when considering requests for flexible working. The government's policy reforms for the right to request flexible working are set out in its paper 'Modern workplaces - government response on flexible working' (published in November 2012).

*Update since January 2015*

The regulations on these parts of the Act had already come into force on the date of the last Scrutiny report in January so there is no further update.

## **3. What does this mean for the people of Sheffield?**

- 3.1 The Act is an important piece of legislation aimed at improving outcomes for children and families. There are many positive changes included within it.
- 3.2 Implementation will be expensive and this needs to be considered in the context of broader budget reductions and consequently the impact on other services.



#### **4. Recommendation**

- 4.1 The Committee is asked to consider the progress made in implementing the new requirements created under the Children & Families Act and make recommendations for any changes to the continued implementation to comply with the legislation.

This page is intentionally left blank