
Meeting	Safeguarding Overview and Scrutiny Committee
Date	10 April 2014
Subject	Report on the Children and Families Act
Report of	Cabinet Member for Education, Children and Families
Summary of Report	This report sets out the main requirements of the Children and Families Act that will impact on services in Barnet and describes the action being taken to meet the requirements of this new legislation.

Officer Contributors	Jo Pymont, Interim Assistant Director Social Care Ian Harrison, Director for Education and Skills
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Safeguarding Overview and Scrutiny Committee
Enclosures	None
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1. RECOMMENDATION

- 1.1 **That the Committee note the report and make comments and/or recommendations to the Cabinet Member for Education, Children and Families where appropriate.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The Education Overview and Scrutiny Committee on 23 January 2014 received a report Children and Families Bill and Future Provision of Special Educational Needs in Barnet.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The council's Corporate Plan 2013-2016 contains a corporate priority to 'support families and individuals that need it, promoting independence, learning and well-being'
- 3.2. Outcomes in the Corporate Plan 2013–16 include the promotion of family and community well-being, encouraging engaged, cohesive and safe communities and to create better life chances for children and young people across the borough.
- 3.3. The Corporate Plan outlines the council's commitment to ensuring that children who enter the care system are given a good start in life, with a stable home and access to education and other support. It includes the commitment to speed up the adoption process and ensure that adopted children have a stable, loving home as early as possible– increasing the proportion that are adopted or placed permanently through another route.
- 3.2. Barnet's Children and Young People plan sets out a range of priorities to improve outcomes for children and young people in Barnet and is supported by Barnet's Education Strategy 2013/14-2015/16.

4. RISK MANAGEMENT ISSUES

- 4.1 There are risks associated with implementing the reforms from the Children and Families Act. There is a risk that the Council will fail to achieve adoption targets and exceed the time limit of 26 weeks when courts are considering whether a child should be taken into care.
- 4.2 Paragraphs 10.2 to 10.10, 11.2 to 11.4 and 12, outline the mitigating actions that are being implemented in relation to these risks.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has a general duty to give due regard to specific issues in relations to equalities as set out in Section 149 of the Equality Act 2010 and these duties should inform all decision making by the Council.

These issues are to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

- 5.2 The Children and Families Act includes provisions that are intended to improve services and support for children and young people who are adopted or fostered; those that are looked after by the local authority, and those with special educational needs including children and young people with learning difficulties or disabilities. The Council's response to implementing the requirements of the legislation seeks to address the equalities issues raised in this legislation by:

- improving the 'local offer' of services and support for SEN children and young people.
- ensuring that when children are placed for adoption, ethnicity is recognised as a significant consideration (including cultural and religious factors), but it is not the primary consideration for placing children, and we do not allow this to inhibit our search for adopters. Our over-riding priority is to find adopters who can meet the primary needs of our children.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Financial provision to meet the costs of implementing the new legislation can be found from existing budgets.

7. LEGAL ISSUES

- 7.1 The Children and Families Bill received Royal Assent and became an Act on 13 March 2014. Three sections will come into force on 22 April 2014 but no

date has yet been appointed for the remainder of the Act to come into force. Once the it does come into force it will amend or repeal other legislation particularly much of the current SEN legislation mainly contained within the Education Act 1996 as amended, and parts of the Children Act 1989.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 The scope of the Overview and Scrutiny Committees is contained within Part 2, Article 6 of the Council's Constitution.

8.2 The role of the Safeguarding Overview and Scrutiny Committee is to scrutinise and monitor the Executive and Officers in the delivery of their statutory responsibilities in relation to safeguarding and corporate parenting. Safeguarding involves protecting the welfare of vulnerable adults and children.

9. BACKGROUND INFORMATION

9.1 In February 2013, the government published a Children and Families Bill which takes forward the Government's commitments to improve services for vulnerable children and to support families. It underpins wider reforms to ensure that all children and young people can succeed, no matter what their background. The Act will reform the systems for adoption, looked after children, family justice and special educational needs. It will encourage growth in the childcare sector, introduce a new system of shared parental leave and ensure children in England have a strong advocate for their rights.

9.5 This report provides an overview of the sections of the Act relevant to the work of the Children's Services with a commentary on actions being taken within the Council to meet the requirements of this new legislation.

9.6 The provisions covered by the Act¹ which are relevant to the work of the Children's Service are, in summary:

- **Adoption**– the Act supports the reforms set out in '[An action plan for adoption: tackling delay](#)'² including by promoting fostering for adoption and improving support for adoptive families.
- **Virtual School Head** - In addition, the Act requires every local authority to have a virtual school headteacher to champion the education of children in the authority's care.
- **Family justice system** - the Act has introduced a time limit of 26 weeks in the courts for the completion of care proceedings.
- **Special educational needs (SEN)** - the Act has introduced a system for children and young people with special educational needs (SEN), including those who are disabled, so that services consistently support the best outcomes for them. It will extend the SEN system from birth to 25, giving

¹ Refer to the DfE web-site at for more detail <http://www.education.gov.uk/a00221161/>.

² For more information please refer to the government publications web-site at: <https://www.gov.uk/government/publications/an-action-plan-for-adoption-tackling-delay>

children, young people and their parents greater control and choice. It takes forward the reform programme set out in 'Support and aspiration: a new approach to special education needs and disability - progress and next steps' including by:

- replacing old statements with a new birth- to-25 education, health and care plan
- offering families personal budgets
- improving cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together.

10 Adoption

The legislative provisions on adoption are summarised as below:

10.1 The Government wants **more children adopted with less delay**. Children wait an average of almost two years between entering care and moving in with an adoptive family. The Bill supports the reforms set out in *An Action Plan for Adoption: Tackling Delay* by:

- creating a new power for Ministers to drive an increase in adopter recruitment by requiring outsourcing if necessary.
- promoting 'fostering for adoption' so that children are placed sooner with the families that are likely to adopt them;
- ensuring that search for a perfect or partial ethnic match does not become a barrier to finding a child a parent;
- improving support for adoptive families;

10.2 In order to respond to concerns about delays in adoption Barnet has been developing a new, regional approach to recruitment, and has begun to use 'fostering for adoption' as a way of speeding up and improving the adoption journey. We have also been expanding the support we offer for adoptive families with services commissioned through the new North London Adoption Consortium.

10.3 Improving Adopter Recruitment

- Working with six other boroughs we have formed a consortium to provide a regional adoption recruitment service; 'North London Adoption Consortium'. The recruitment team boroughs are Camden, Islington, Haringey, and Enfield and most recently Hackney.
- The consortium recruitment team is a one-year pilot which began in November 2013 and promotes its work as 'Adoption North London'.
- It provides a regional partnership approach to recruitment of adoptive parents, ensuring that we use resources efficiently and significantly increase the reach of our search for prospective adopters. A centralised recruitment team has been established with all boroughs contributing a team member.
- Adoption North London is a specialist adoption recruitment service, working together to find adopters for children who need new families and offering the

best possible support and preparation to our adopters. The aim is to ensure that children waiting for new families from within the six boroughs are linked and matched with the families who can best meet their needs.

- Adoption North London also support and encourage all parents to register on the national First4Adoption web-site.
- The pilot has used part of the ring-fenced element of the Adoption Reform grant, distributed to all boroughs. Further grant funding will be available in 2014/15

10.4 Promoting 'Fostering for Adoption'

10.5 Barnet has just started to make its first 'fostering for adoption' placements which enable us to place a child with approved adopters who are also temporarily approved as foster carers. This is an extremely beneficial development in terms of improving the attachment experience for adopted children.

10.6 Improving support for adoptive families

10.7 Barnet's Adoption Support team provide an increasing range of support for adoptive families including support for adoptive parents, adopted children, and adopted adults. Services are provided both in-house and through Adoption Plus and the Post Adoption Centre, commissioned jointly through the North London Adoption Consortium.

10.8 The consortium provides fortnightly information sessions on adoption for prospective adopters, as well as on-going training for adopters.

10.9 The consortium provides support groups for parents and therapeutic support for adoptive children; both younger children and teenagers with an intensive therapeutic support service for some adoptive families.

10.10 The consortium also ensures that adopted adults are supported with birth record counselling and a tracing and re-unification service. There is also support for children's contact with birth families through Letter-box support and direct contacts.

11 Looked After Children

The draft legislative provisions on looked after children which impact on the local authority concern the implementation of a Virtual School Head, ensuring that the view of young people in care are listened to, and improving the stability and quality of long-term foster placements.

11.1 Virtual School Head

The educational attainment of looked after children is not catching up with other pupils fast enough and it is known that a 'virtual school head' (VSH) can have a positive impact on the educational progress of looked after children and so the Act will require every local authority to have a 'virtual school head' to champion the education of children in the authority's care, as if they all attended the same school.

11.2 Barnet already has a Virtual School Head, a post which has been in place for over six years with the role of championing the education of children in our care. The current head is appointed for two days per week with a Virtual School team including a senior Educational Welfare Officer, an Advisory Teacher and an educational psychologist. The post is overseen by the Corporate Parenting Team which has responsibility for the education of looked after children including participation, as well as their health.

11.3 We monitor the progress of our looked after children with reports on attainment. The functions, progress and impact of the work of the Virtual School is overseen by a multi-agency panel including lead officers and Head Teachers (Raising Educational Achievement) on a termly basis. The Virtual School also reports to the Corporate Parenting Advisory Panel.

11.4 Listening to the views of young people in care

Barnet has a dedicated Participation Officer who also supports and works with the 'Role Model Army' Barnet's Children in Care Council. This work, which involves an annual event for young people in care, helps us to listen to the views of young people and to feed these views back into service development.

12 Improving support for foster carers

Barnet has a comprehensive training programme in place for foster carers. We have also implemented a successful peer-support project which is run by, and for foster carers.

13 Family Justice System

The Government is reforming the family justice system to help deliver better outcomes for children and families who go to court. The reform programme is tackling delays and ensuring that children's best interests are at the heart of decision making. The Act will implement commitments the Government made in response to the Family Justice Review by:

- introducing a time limit of 26 weeks when courts are considering whether a child should be taken into care ensuring that they focus on the essentials and don't get caught up in unnecessary evidence or bureaucratic delay.
- a revised Public Law Outline setting out a timetable and guidance, has been introduced as a pilot in all areas and will operate with the purpose of moving cases towards resolution within 26 weeks

13.1 Time limit of 26 weeks

In order to drive through the 26 week time limit for court proceedings Barnet is working with Haringey and Enfield, as we all share the same family court. Each borough has appointed a new and specific post of Principal Officer Court Proceedings to work with all parties involved to shorten the time for proceedings take to conclude and to drive up the quality of social work evidence.

14 Special education needs

14.1 The legislative provisions are summarised as follows:

a) Publishing a **Local Offer** of Provision in Barnet:

- parents and young people will have access to a single source of coherent and complete information to manage their choices with regard to services which support children and young people with

SEN and disabilities in Barnet. This single source will also include information about family support services and guidance on dispute resolution. It will be published as a web-based document but will also be available in other accessible formats.

- parents and young people are directly involved in the development and review of the local offer with the local authority and their feedback will be published.
 - the intention is that the local authority will be able to obtain a clear idea about gaps in provision following the local offer process, which will enable the authority, in collaboration with stakeholders, to review current provision and develop future provision to meet local needs.
- b) Developing a coordinated **0-25 assessment process and Education, Health and Care (EHC) Plans** (including a new duty for joint commissioning which will require local authorities and health bodies to take joint responsibility for providing services):
- the introduction of a co-ordinated assessment process across education, health and social care.
 - the replacement of the current system of statements and learning difficulty assessments, with a single 0-25 Education Health and Care Plan, which retains all the protections of statements, places parents and young people at the heart of decision-making and is clearly focused on both short and long term outcomes – including employment and independent living.
 - so those children and young people with an EHCP, parents and young people are able to express a preference for any State-funded school, college or training provider and some independent provision.
- c) Introduction of an option for a **Personal Budget** for parents of children and young people with an Education, Health and Care plan:
- parents and young people who have an EHCP will have the option to have a personal budget for some of the support they require. For a child or a young person with an EHCP, the Local Authority will identify an amount of money available to secure provision that is specified in the EHCP, with a view that the child's parents or the young person is involved in securing the provision. The personal budget will cover the individualised support activity as set out in an EHCP, but not the school or college / training provider place.

14.2 Transformation projects

14.3 In order to address the requirements of the Act and to ensure we develop appropriate plans to meet future needs, two 'transformation' projects have been established:

- The Children and Families Bill (now Act) project
- The Planning to meet Future Needs project

Both projects report into a Project Board chaired by the Education and Skills Director.

14.4 The Children and Families Bill (Act) project is well under-way and has established three work-streams, one for each of the areas described in 9.7 above:

- Local Offer
- Education, Health and Care Plans
- Personal Budgets.

Each work-stream has a lead officer and is supported by an officer team and a wider, stakeholder working group. The groups involve officers from Education and Skills, Family Services, Adult Services and the Health Service.

Stakeholder involvement includes voluntary groups, parent groups and consultation with individual stakeholders including parents and children and young people. The Project is designed to ensure that the key requirements of the legislation are met in line with the statutory timetable (with provisions coming into effect from September 2014).

14.5 The Planning to Meet Future Needs project is a longer-term project which has been established more recently. Drawing on the information provided as a result of consultation on the Local Offer, the project will involve:

- a comprehensive data mapping exercise identifying current and projected need for provision and support to meet the needs of children and young people with SEN/LDD (Learning Disabilities and Difficulties).
- a detailed review of current provision (in borough, out of borough maintained/ independent/non-maintained).
- forecasting of gaps in provision relating to data on current and future need.
- options appraisals:
 - first to identify gaps in provision that might be addressed in the short-term (in 2014/15 or 2015/16)
 - secondly to identify gaps that might be addressed in the longer term
- research into options to meet needs/address gaps
- development of Business Cases with recommendations for meeting future need.

15. LIST OF BACKGROUND PAPERS

15.1 None.

Cleared by Finance (Officer's initials)	A.D
Cleared by Legal (Officer's initials)	L.C