

ABERDEEN CITY COUNCIL

COMMITTEE	Education & Children's Services
DATE	September 2016
DIRECTOR	Gayle Gorman
TITLE OF REPORT	Children & Young People (Scotland) Act 2014
REPORT NUMBER	ECS/16/037
CHECKLIST COMPLETED	YES

1. PURPOSE OF REPORT

This report seeks to advise Committee of the new legislative requirements placed on Children's Social Work as a result of the Children & Young People (Scotland) Act 2014.

2. RECOMMENDATION(S)

Committee is asked to:

- i. Note the new statutory duties that apply to Children's Social Work as a result of the Children & Young People (Scotland) Act 2014 and the associated service and financial implications.
- ii. Request a report in November 2016 which will set out how the Residential Children's Homes will deliver on Continuing Care.
- iii. Request a report in early 2017 which detail the allowances paid to remunerate foster and kinship carers who care for young people in a Continuing Care placement.
- iv. Request a report in 2017 which will outline the projected financial implications of delivering on the new statutory duties of the Act.

3. FINANCIAL IMPLICATIONS

The Scottish Government identified new monies to support the implementation of the Children & Young People (Scotland) Act 2014 (see 5.3.15). The financial implications of delivering on our new legislative duties are detailed within the report. While the provision of new funding by the Scottish Government is welcomed initial calculations demonstrate this will be insufficient to cover the full costs associated with delivering on our legislative duties.

4. OTHER IMPLICATIONS

The Children & Young People (Scotland) Act 2014 reaffirms that Children's Social Work is a targeted service for children and families who need the skills and expertise of a social worker. It will therefore be necessary to update the eligibility criteria to reflect the new duties that this Act imposes.

There are likely to be capacity implications for some parts of the service. The full extent of these will only become clearer as the legislation is fully implemented.

5. BACKGROUND/MAIN ISSUES

5.1.1 The Children & Young People Act 2014 was given Royal Assent on 27 March 2014. It is a large piece of legislation containing 18 parts. Implementation has been staggered with some parts already in force and others due to come into force later this year. Guidance is still awaited for various parts of the Act, which will provide further clarity on the implications, both in terms of our duties and financially, for Children's Social Work.

5.1.2 Implementation of the of the Named Person (Part 4) and the Child's Plan (Part 5) have implications for Children's Social Work as well as the universal services of health and education. However many of the other parts of the Act have a direct bearing on the duties of Children's Social Work. It will be important that the eligibility criteria for Children's Social Work reflects these statutory changes and clearly sets out that we will work in partnership with other agencies to deliver effective services to all children who meet the eligibility criteria.

5.1.3 The Act also has significant implications for many other parts of the Council including Adult Services and Housing Services.

5.2 Aftercare (Part 10)

5.2.1 Aftercare is the term used to describe the support provided to young people who were previously looked after by the local authority. At present the Local Authority has had a duty to provide Aftercare (advice, guidance and assistance) to young people, up to the age of 21, who were accommodated on their official school leaving date. The Children & Young People (Scotland) Act 2014 has extended this duty.

- The point at which a young person qualifies for Aftercare support is now when a young person turns 16 as opposed to their school leaving date. (The young person has to be in local authority care on their 16th birthday.)
- To extend the upper age of when young people, who were accommodated by the local authority on their 16th birthday, can access Aftercare support from 21 to the young person's 26th birthday.

5.2.2 The catalyst for these legislative changes was an acknowledgement that the longer term outcomes for care experienced young people are among the poorest in society. They are more likely to:

- be unemployed
- experience homelessness
- be incarcerated
- experience mental health and addiction challenges
- die prematurely

5.2.3 The aim of these new duties is to improve outcomes, ensuring support remains available to care leavers up to the age of 26.

5.2.4 Service & Financial implications

The Service as part of Reclaiming Social Work has established a Youth Team. The remit of the Youth team has at its core responsibility to provide Aftercare support for care leavers. While providing a direct service to young people the Youth Team will also forge positive links with other services both within the Council and externally.

5.2.5 The extent to which care leavers aged 21-26 will access the Youth Team is currently unknown. At present a number care leavers have continued to access informal support from the service beyond the age of 21. The change in statutory responsibilities will place added demands on the Youth Team, and there are anticipated to be capacity issues over the coming years.

5.3 Continuing care (Part 11)

5.3.1 In October 2013 the Scottish Government published the “**Staying Put Scotland**” guidance, which gave a clear message that young people should not be forced to leave local authority care before the age of 18. The guidance highlighted the positive impact maintaining relationships had for care leavers on improving their long term outcomes. It also drew upon practice experience that showed longer, carefully planned transitions at a point when the young person was ready, as opposed to a defined age, delivered improved outcomes.

5.3.2 The Children & Young People (Scotland) Act 2014 imposes a new duty on local authorities to provide “continuing care”. Young people who are 16 years of age and are accommodated by the local authority can now request to remain in their existing placement up to the age of 21. This will apply to children placed in kinship; foster and residential care placements (excluding young people placed in secure care).

5.3.3 There is a presumption that the local authority will provide continuing care unless to do so would not be in the child’s interests. Should the carer indicate that they are unable or unwilling to provide a continuing care placement then the duty will not apply. This would not remove the responsibility on the local authority to provide Aftercare support to the young person. This can include the provision of an alternative suitable placement but this would not be deemed a continuing care placement.

5.3.4 Although a young person in a continuing care placement would no longer be deemed to be a looked after child they would be entitled to the same support as if they were looked after.

5.3.5 Service & Financial implications

5.3.6 This part of the act came into effect on an incremental basis on 1 April 2015, applying to all children born after 1 April 1999.

5.3.7 Registration of Children's Homes – There are challenges having our residential care homes registered to care for both adults and children. There are also practical challenges to consider how we care for 12-13 year olds within the same setting as a 20-21 year old. A report is being presented to Education and Children's Services Committee in November 2016 on the Review of Residential Children Homes and this will provide fuller details on how the implications of how the Children & Young People (Scotland) Act 2014 is being taken forward.

5.3.8 Foster Care Recruitment - At present a healthy proportion of children in foster care remain in placement beyond the age of 16. In many instances the foster family continue to provide informal support to the young person well beyond their 18th birthday.

5.3.9 Foster carers come into fostering to care for children. Caring for a twelve year old is a very different proposition from supporting a young adult. As a result training and support will need to be provided to support carers consider and adapt to this change to ensure they are able to take on this different role.

5.3.10 It is likely that more children will remain in foster care settings for longer. Consequently there will be a reduction in the availability of placements for other children. Recruitment activities will need to ensure that we continue to make every effort to place children within their local communities.

5.3.11 The funding of continuing care placements is complex. Young adults may be in employment or have an entitlement to their own benefits. How these are taken into account when determining the allowance paid will need to be individualised within an agreed framework. Similarly consideration will need to be given to the level of remuneration paid to the carer for the support task they provide. Work is ongoing to develop this framework. To ensure a level of consistency staff are engaged with neighbouring authorities. As this will not have an impact until April 2017, a report detailing the financial arrangements for supporting continuing care placements will be brought to the Education & Children's Services committee prior to this.

5.3.12 The right to continuing care includes children and young people placed in out of authority placements (residential and foster care). If a young person placed in such a setting requests to remain, this should only be refused where the child's needs indicate such. These placements are

very expensive and continuing these beyond 16+ will have significant financial implications. It will be important that early planning takes place to ensure that planning for children takes account of their longer term needs and how we actively support them to return to their own communities.

5.3.13 The implications for continuing care are not exclusive to Children’s Social Work. Where the needs of the young person are such they will naturally transition across to an adult service provision. Cross service planning has commenced to ensure the needs of the adult/ young person remain central to planning processes.

5.3.14 The financial implications of this new duty are difficult to calculate. While we will actively support young people to remain in their care settings until they are ready to move on and if appropriate up to the age of 21, it is anticipated many young people will still opt to leave and return to the care of family members or seek a move to a more independent setting. It is also unclear how many foster carers will be willing to support young adults or how a variety of residential settings will manage this change.

5.3.15 The Scottish Government agreed the undernoted funding to support implementation of the parts of the Children & Young People (Scotland) Act 2014 which relate to Looked After Children;

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Looked After Children	0	6,471,515	8,242,567	11,484,299	11,627,651	13,185,813
Aberdeen City Council’s share (3%)	0	194,145	247,277	344,528	348,829	395,574

5.3.16 As of 1 April 2015 when this Part of the Act came into effect there were 38 children aged 16-18 years old placed in a variety of care placements. The total annual cost of these placements amounted to £3.1 million. (The cost of an internal foster placement is approx. £28,000 and £55,000 for an external foster placement. The cost for an internal residential placement is approx. £151,000 and £190,000 for an external residential placement.)

5.3.17 On the same date there were 161 other children aged 11-15 years old placed in a range of care settings. If all these children, remained in their placement as of this date and requested continuing care up to the age of 21 then the potential cost to the local authority would greatly exceed the allocated monies.

5.4 Services for children at risk of being looked after (Part 12)

5.4.1 The Children & Young People (Scotland) Act 2014 imposes a duty on local authorities to provide relevant services to “eligible children or qualifying person” where there is a risk of a child becoming looked after.

5.4.2 This duty enshrines good social work practice and recognises the responsibility on local authorities to do all they can to support children to remain within their birth family where it is safe to do so. The act places a particular emphasis on pregnant women and their partners as well as children in informal kinship placements.

5.4.3 Service & Financial implications

5.4.4 There are no immediate implications from the implementation of this part of the 2014 Act; it reflects “good social work practice”. The implementation of Reclaiming Social Work further reinforces and promotes the duty placed on social work staff to consider the needs of the “whole family” not solely the needs of the child whose circumstances will continue to assume primary consideration.

5.5 Support for Kinship Care (Part 13)

5.5.1 Kinship care is when a child is looked after by their extended family or close friends, when they cannot remain with their birth parents. Kinship care includes;

- children who are placed in a formal kinship care arrangement by the local authority
- non-looked after children, who live in an informal kinship care arrangement.

These children may be subject to a Section 11 of the Children (Scotland) Act 1995 or living in a private arrangement with extended family, with no local authority involvement at all.

5.5.2 Kinship care should be the first consideration when a child requires to be accommodated. Research highlights that children placed in kinship placements generally have better outcomes than children placed in other care settings. However the research also highlights the practical and financial challenges experienced by kinship carers. The Children & Young People (Scotland) Act 2014 seeks to formalise aspects of the support provided to kinship carers.

5.5.3 The Children & Young People (Scotland) Act 2014 notes the duty of local authorities to provide advice, counselling, information and financial support to kinship carers and children living in a kinship arrangement. Information about their eligibility to financial support should be provided to kinship carers at the earliest opportunity.

5.5.4 The Act extends the scope of those children who qualify for kinship support. As well as looked after children specific reference is made to support being provided to children who are not looked but are subject to a Kinship order or children living in a kinship arrangement who are at risk of becoming looked after. In both instances the same levels of support should be provided as that detailed in 5.5.3.

5.5.5 In October 2015 the Scottish Government provided additional funding of £10.1 million for kinship allowances (A.C.C.'s full year proportion is £285,970). This was to ensure parity of allowance paid to kinship and foster carers: this announcement did not apply to all kinship carers. It applies to:

- all formal kinship carers where the child has a looked after status; and
- some informal kinship carers, where the child is subject to a section 11 Order (Kinship Care Order), and is or was previously looked after; or at risk of becoming looked after

5.5.6 The announcement acknowledged that child-related benefits paid to the kinship carer may be deducted from the allowance. The Citizens Advice Bureau Scotland (CAS) Kinship Care Service ensure kinship carers are in receipt of their full benefit entitlement.

5.5.7 The The Children & Young People (Scotland) Act 2014 introduces a new legal order called the Kinship Care Order. This allows kinship carers to secure children in their care out with the care system promoting a sense of normality for the child and enhancing the kinship carer's role in day to day decisions about the child without reference to the local authority.

5.5.8 The Act requires the local authority to give consideration to providing financial support to kinship carer's to obtain a Kinship Care Order. Kinship carers' must apply for legal aid but where they need to make a personal contribution the local authority needs to consider providing financial support to meet some or all of this cost.

5.5.9 The cost of a kinship care order is dependent on individual circumstances. An uncontested application can vary between £800/1200. A contested application can cost several thousand. There are clear benefits to children being legally secured outwith the care system. It provides them with security and predictable care, allowing them to emotionally and psychologically invest in the placement. Within such an environment children generally have improved outcomes.

5.5.10 Service & Financial implications

5.5.11 In response to the Scottish Governments announcement, Finance & Resources Committee in December 2015 approved changes to the allowance paid to kinship carers to ensure parity with foster carers. The report to committee highlighted that the additional funding would be unlikely cover full cost of implementing this change.

5.5.12 The increased expectations around assessing kinship carers and providing practical and financial supporting to them will have resource implications for the Alternative Family Care Service. While the rate of disruption for kinship placements is low, this should not underestimate the complexity of the care task that kinship carers provide. The 2014 Act reinforces the need for assessments to be progressed timeously and the provision of flexible and responsive support. Without such

there is a concern that more placements could disrupt and contribute to poorer outcomes for children.

5.5.13 As well as the provision of in house support to kinship carers the Service has established positive links to external organisations. The Scottish Government provide funding to Children 1st, Citizen Advice Bureau and Mentor UK to provide advice and support to kinship carers. Links with these organisations and local kinship support groups are important to be maintained.

5.6 Adoption Register (Part 14)

5.6.1 In 2011 the Scottish Government established a national Adoption Register. This mirrored the practice in other parts of the United Kingdom and reflected that nationally there was an unclear picture of the number of children requiring adoption. It also reflected that in some local authorities there was a miss-match between the number of available adopters and the number of children waiting to be placed.

5.6.2 The Children & Young People (Scotland) Act 2014 places a duty on adoption agencies to use the Register. The legislation requires that adoption agencies refer children and approved adopters to the Register within 3 months of the Agency Decision Maker's decision to approve either the child's adoption plan or the approval of the adopters with the aim to find adoptive families as soon as possible, for children.

5.6.3 Service & Financial implications

5.6.4 Like most urban authorities Aberdeen City Council has more children who require adoption than it has approved adopters. Positive relations exist with neighbouring authorities who are often in the opposite position. This allows for prospective adopters to be directed to Aberdeen City Council where we can assume responsibility for assessing their suitability.

5.6.5 The cost of purchasing an adoptive placement varies from £14,000 (from another Scottish local authority) to £28,000 (from an Independent Adoption Agency). There are often no or minimal ongoing costs associated with purchasing an adoptive placement and these placements generally offer the best long term outcomes for children who cannot be cared for by their family.

5.6.6 The costs are however significant and it will therefore be incumbent upon the local authority to ensure that every effort is made to source a local placement within the three month time frame. The Reclaiming Social Work redesign established a team whose focus is the recruitment and assessment of carers (adopters and foster carers). This will ensure every effort is made to recruit carers locally for children who require adoption.

5.6.8 The ability to attract sufficient numbers of adopters to meet the demand of children requiring an adoptive placement is challenging. The

economic downturn in the City has resulted in a drop in the number of enquiries from people interested in adoption. Unless sufficient adoptive resources can be secured then this could have a financial impact on the budget and potentially outcomes for children.

6. IMPACT

6.1 Children's Social Work services work with those families who are among the most vulnerable and disadvantaged in the city. The majority of these children and families are required to work with us on a compulsory basis. Relevant parts of the SOA that the Children & Young People (Scotland) Act 2014 impact on are:

- Reduced inequalities in healthy life expectancy and improved physical and mental health through increased physical activity
- Every child and young person in Aberdeen enjoys being young and at the same time feels safe, nurtured, healthy, active, included, respected and responsible
- People feel safe throughout Aberdeen's communities
- Effective lifelong learning through vocational and academic training from secondary school
- Priority families

6.2 Implementation of the Reclaiming Social Work model and fulfilling our new statutory duties will significantly contribute to the local authorities efforts to improve services delivered to and the outcomes for the most vulnerable children and young people in Aberdeen.

7. MANAGEMENT OF RISK

A risk register is maintained as part of the implementation of Reclaiming Social Work. This register takes account of our new statutory responsibilities and the financial pressures demands placed on the service. The register is presented to the Reclaiming Social Work Board, chaired by the Director of Education and Children's Services.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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