

## ABERDEEN CITY COUNCIL

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| COMMITTEE           | <b>Education &amp; Children's Services</b>             |
| DATE                | <b>November 2016</b>                                   |
| DIRECTOR            | <b>Gayle Gorman</b>                                    |
| TITLE OF REPORT     | <b>Children &amp; Young People (Scotland) Act 2014</b> |
| REPORT NUMBER       | <b>ECS/16/066</b>                                      |
| CHECKLIST COMPLETED | <b>YES</b>   |

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### **1. PURPOSE OF REPORT**

This report was requested by Committee to provide further detail on the financial implications for implanting Children's Social Work of implementing the Children & Young People (Scotland) Act 2014.

### **2. RECOMMENDATION(S)**

Committee is asked to:

- i. Note the anticipated financial implications of implementing the Children & Young People (Scotland) Act 2014.
- ii. Request a report in autumn 2017 to provide an update on the anticipated financial implications.

### **3. FINANCIAL IMPLICATIONS**

The Scottish Government identified new monies to support the implementation of the Children & Young People (Scotland) Act 2014 (see Table 1). It is difficult to know with any certainty what the full cost of implementation will be due to:

- a) Some of the associated guidance is still awaited
- b) The extent to which care leavers will opt to access the new provisions is unclear.
- c) The full impact of implementing Reclaiming Social Work which will deliver some services differently is still not known.
- d) Transitional arrangements will be developed between Children's and Adult social care services to minimise the cost of this new legislation to both services

### **4. OTHER IMPLICATIONS**

None

## 5. BACKGROUND/MAIN ISSUES

5.1.1 The paper presented to Committee in September 2016 noted that the Scottish Government agreed funding (Table 1) to support the implementation of the parts of the Children & Young People (Scotland) Act 2014 which relate to Looked After Children;

**Table 1**

|                                    | 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    |

5.1.2 For Children's Social Work there are three areas where cost pressures exist when implementing the Act. These are (i) Aftercare (ii) Continuing Care and (iii) Kinship Care.

### 5.2 Aftercare

5.2.1 The Children & Young People (Scotland) Act 2014 has extended the duty to provide Aftercare support to care experienced young people by:

- The point at which a young person qualifies for Aftercare support is now when they turn 16 as opposed to their school leaving date.
- To extend the upper age of when young people, can access Aftercare support from 21 to the young person's 26<sup>th</sup> birthday.

5.2.2 At present the Youth Team, has a core responsibility to provide Aftercare support to care experienced young people. The team consists of 3.5 social work staff and 2 Family Resource Workers. At present the team supports 125 care experienced young people, 67 of whom are aged 18-21. (They also work with other young people aged 16+ who are open while a Court process is ongoing.) It is clear as the legislation is incrementally implemented they will be required to support a larger group of young people and the current staffing structure will need to increase to reflect this.

5.2.3 Many care experienced young people will choose to opt in and out of support from the Youth Team as they navigate their path towards independence. For a 21+ year old to do so having not been involved with the service for some time it may be that their needs would be better met by Adult Services as opposed to Children's Social Work. Discussions with Adult Service colleagues have been held to consider how best to respond to this new legislative duty.

Inevitably resources will need to be identified to support the broader range of care experienced young people who will need support to successful transition to independence.

### 5.3 Continuing care

5.3.1 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.

5.3.2 While there is a presumption that the local authority will provide continuing care there is also a duty to continue to support the young people prepare for independent living at a pace appropriate to their needs. For some this could mean they will remain in a continuing care placement up to their 21<sup>st</sup> birthday, many others will move on well before this. It is also anticipated many others will opt to return to family members or move to an independent setting post their 16<sup>th</sup> birthday.

5.3.3 As a consequence it is difficult to accurately predict how many young people will access continuing care. On 1 April 2013 there were 33, 14 year olds in local authority care. Table 2 notes that of these 33 young people 9 remained in our care on 1 April 2016 with an annual cost of £495,000.

**Table 2**

|  | No. in care on 1-4-16 | Cost per placement £,000 | Total £,000 |
|--|-----------------------|--------------------------|-------------|
| Kinship Care                               | 0                     | 13                       |             |
| Foster Care (In house)                     | 5                     | 28                       | 140         |
| Foster Care (Independent Fostering Agency) | 3                     | 55                       | 165         |
| Residential Care (In House)                | 0                     | 151                      |             |
| Residential Care (External)                | 1                     | 190                      | 190         |
| Total                                      | 9                     |                          | 495         |

The reason why it is difficult to accurately predict what the cost of implementing this will be include:

- 27% of the looked after children aged 14 years old on 1 April 2013 were still in the care of the local authority on 1 April 2016. The implementation of Continuing Care will promote more young people remaining in their care setting post their 16<sup>th</sup> birthday. Consequently it is anticipated that this figure will increase.
- The allowances paid in respect of continuing care placements are still to be finalised and will come to Committee in January

2017. These will need to take account of any personal income the young person receives.

- Children living in kinship placements historically ceased to be deemed looked after following the termination of their Supervision Order (often prior to their 16<sup>th</sup> birthday). The decision by the Scottish Government in October 2015 to extend the eligibility of kinship allowances along with implementation of Continuing Care is highly likely to see the numbers of looked after children aged 16+ who remain in their kinship placement grow in the coming years.
- The more young people aged 16 – 21 who remain in foster placements will restrict the availability of these placements for other young people. In order to ensure more children are not placed in Independent Foster Placements the Service will need to recruit significant numbers of new foster carers. The success of this is unknown.

## **5.4 Support for Kinship Care**

5.4.1 The Children & Young People (Scotland) Act 2014 extends the scope of those children who qualify for kinship support. In October 2015 the Scottish Government provided Aberdeen City Council with additional recurring funding of £285,970, ensuring parity of allowance paid to kinship and foster carers. The report to Finance and Resources Committee in December 2015 highlighted this amount was unlikely to cover the full costs of implementing this change.

5.4.2 The Children & Young People (Scotland) Act 2014 introduces a new legal order called a Kinship Care Order which allows kinship carers to secure children in their care out with the care system promoting a sense of normality. The Act requires the local authority to give consideration to providing financial support to kinship carers to obtain a Kinship Care Order. The cost of a kinship care order is dependent on individual circumstances but can start from approximately £900 to much more if it is a complex situation.

5.4.3 In 2015 nine kinship carers sought financial support to obtain a Section 11/Kinship Order for 12 children. The cost to the local authority of this amounted to £15,780. It is likely that the number of such applications will marginally grow year on year.

## **5 IMPACT**

5.1 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

5.2 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.

## **6 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**

December 2015 Finance & Resources Committee Report – **Kinship Allowances**

September 2016 Education and Children's Services Committee Report - **Children & Young People (Scotland) Act 2014**

## **9. REPORT AUTHOR DETAILS**

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