

ABERDEEN CITY COUNCIL

COMMITTEE	Education & Children's Services
DATE	16 November 2017
REPORT TITLE	Children & Young People (Scotland) Act 2014
REPORT NUMBER	ECS/17/058
DIRECTOR	Gayle Gorman
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1. **PURPOSE OF REPORT:-**

This report was requested by the Committee in September 2016 to provide an update on the anticipated financial and service implications update members on the implementation of the Children & Young People (Scotland) Act 2014 as it affects children's social work.

2. **RECOMMENDATION(S)**

It is recommended that the Committee –

- (a) note how children's social work have taken forward the implementation of the new duties contained within the Children and Young People (Scotland) Act 2014; and
- (b) note the request by the Education and Children's Services Committee in June 2017 to provide a report in March 2018 on the project costs of implementing Part 11 – Continuing Care.

3. **BACKGROUND**

3.1 The Children and Young People (Scotland) Act 2014 was given Royal Assent on 27 March 2014. Parts 10 – 14 are the aspects of the Act which have the greatest practice and financial impact for Children's Social Work. The report to Committee in September 2016 provided detail on Parts 10 – 14.

3.2 The report recognised that projecting what the financial implications of the Act was difficult given the evolving nature of some Parts of the Act which will not be fully appreciated until 2020.

3.3 **Aftercare (Part 10)**

3.3.1 Aftercare is the term used to describe the support provided to young people who were previously looked after by the local authority. The Children & Young People (Scotland) Act 2014 has extended this duty to include young people aged 16 – 26 (previously 21).

- 3.3.2 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
- 3.3.3 The aim of these new duties is to improve outcomes, ensuring support remains available to care leavers up to the age of 26.
- 3.3.4 The Youth Team has a core responsibility to provide Aftercare support for care leavers. While providing a direct service to young people the Youth Team also seeks to forge positive links with other services within the Council and externally. The broadening of those who qualify for Aftercare will place increased demands on the Youth Team. In recognition of this the Service has increased the capacity of the Team.
- 3.4 **Continuing care (Part 11)**
- 3.4.1 Young people accommodated by the local authority are eligible to request continuing care from the age of 16. This potentially entitles them to remain in the same placement up to the age of 21.
- 3.4.2 A report was presented to Committee in June 2017 which outlined the work and planning being progressed to support the implementation of Continuing Care. The Committee noted this and asked for a further report to be provided in March 2018 which would provide fuller detail as to the financial implications of delivering this new statutory duty.
- 3.5 **Services for children at risk of being looked after (Part 12)**
- 3.5.1 The Children & Young People (Scotland) Act 2014 imposes a duty on local authorities to provide relevant services to “eligible children or qualifying persons” where there is a risk of a child becoming looked after.
- 3.5.2 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. The Reclaiming Social Work model emphasises 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.
- 3.6 **Support for Kinship Care (Part 13)**
- 3.6.1 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 should be the first consideration when a child requires to be accommodated. The Children & Young People (Scotland) Act 2014 formalises aspects of the support local authorities provide to kinship carers including who is eligible for financial support and that such support should be provided at the earliest opportunity.

- 3.6.2 The Children & Young People (Scotland) Act 2014 also introduces the Kinship Care Order. The Act requires the local authority to give consideration to providing financial support to kinship carer's to obtain a Kinship Care Order where such costs are not covered by legal aid. An uncontested application can vary between £800/1200. A contested application can cost much more. There are clear benefits to children being legally secured out with 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. The service are exploring how best to manage these costs within a commissioned framework.
- 3.6.3 The increased expectations in relation to kinship carers have resource implications. In recognition of this the Service has increased the capacity and flexibility of services to respond to the needs of kinship carers.

3.7 Adoption Register (Part 14)

- 3.7.1 In 2011 the Scottish Government established a national Adoption Register. This mirrored practice in other parts of the United Kingdom. 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 decision to approve the child's adoption plan or the approval of the adopters with the aim of finding adoptive families for children as soon as possible.
- 3.7.2 Like all other 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 has resulted in prospective adopters approaching Aberdeen City to become adopters. The cost of purchasing an adoptive placement is nearly £30,000 per placement. As a consequence this duty is a new financial pressure for the local authority to manage.
- 3.7.3 Given this significant cost it is incumbent upon the local authority to ensure every effort is made to source a local placement within the three month timeframe. The Service has established a team whose focus is the recruitment and assessment of carers (adopters & foster carers) ensuring every effort is made to recruit carers locally for children who require adoption.

4. FINANCIAL IMPLICATIONS

- 4.1 The biggest cost pressure associated with the implementation of the above parts of the Act 2014 is in relation to Continuing Care. As noted, Committee have already requested that a further report be submitted in relation to this matter in early 2018.
- 4.2 The other cost pressure is in relation to the legal costs associated with supporting kinship carers obtain a kinship order. It is the intention of the service to explore commissioning options with procurement services to best manage the demand.

- 4.3 The other resource pressures in terms of staff have been managed from within existing resources.

5. **LEGAL IMPLICATIONS**

- 5.1 Delivering on the above new duties is a statutory requirement of the local authority.

6. **MANAGEMENT OF RISK**

- 6.1 Financial – the service is continuing to work up a better appreciation of the anticipated financial costs to the local authority. This will be dependent on a number of factors which include

- The number of young people choosing to request continuing care.
- The implications this has for reducing the availability of foster and residential placements.
- The services ability to recruit more foster cares to place children in local in-house placements.
- The services ability to recruit sufficient staff to fully resource our residential homes
- An acknowledgement that some young people will be able to find employment or access their own income via the benefits agency and the implications such has for the cost of continuing care placements.

Given that the full implications are not yet known there continues to be some Level of risk - medium.

- 6.2 Employee – Understanding and delivering on the new duties has required support and learning opportunities to be provided to staff to ensure they understand their new duties. These have been well received and will be supported/reinforced by the Learning & Development Team Leader. Level of risk low.

- 6.3 Customer / citizen – The aim of all the new duties is to improve the outcomes for children and young people who become looked after by the local authority. The planning for looked after children has a statutory framework. This should ensure that planning for individual children takes account of these new duties. The service has developed an outcome measurement framework to better evidence the outcomes for looked after children. Moving forward this data will further inform service and staff development.

Aligned to this the council has established a group of care experienced young people who are actively contributing to the development of services that support the delivery of a number of the new duties – Level of risk low.

- 6.4 Environmental – There are no environmental risks associated with this report.
- 6.5 Technological – The service is continuing to explore ways in which technology can assist in demonstrating the outcomes for children and young people. Level of risk low.

- 6.6 Legal – As noted above delivering on these new duties is a statutory responsibility of the Council – Level of risk low.
- 6.7 Reputational – Aberdeen City Council has links with other local authorities and national groups to share practice experience and learn from best practice. Delivering on these duties is likely to form a focus of future inspections by the Care Inspectorate. Successful delivery of these responsibilities will enhance the City's reputation but also contribute to improving the outcomes for children and young people. Level of risk low.

7. IMPACT SECTION

7.1 Economy

- 7.1.1 Effective management of the work across Children's Social Work is critical to ensuring that resources are being deployed to greatest effect. The successful implementation of the new duties is fully convergent with the Councils' Strategic Business Plan and will deliver a transformational change as to how Children's Social Work supports care experienced young people ensuring they are safe and responsible. This vision is fully consistent with "children are our future" priority of Local Authority Outcome Improvement Plan.

7.2 People

- 7.2.1 The Council's successful delivery of their new duties as set out in the Children & Young People (Scotland) Act 2014 will deliver improved outcomes for children and young people looked after by the local authority.
- 7.2.2 Evidence and direct feedback from children and young people would indicate that if they can be supported to move on at a time that is right for them then they are better placed to manage independence and hold down employment or training/learning opportunities. There will always be some young people who will want to return to the care of their birth family and our Aftercare duties will ensure that support remains available for them should they make this choice.
- 7.2.3 The EHRIA did not identify any additional risks

7.3 Place

- 7.3.1 The vast majority of social work services are delivered to families who are experiencing economic deprivation. Supporting young people to make a successful transition to independence, employment or training will enhance their own resilience and enable them to make a positive contribution to Aberdeen City.

7.4 Technology

- 7.4.1 A key driver for the delivery of social work services is to free social work staff up from unnecessary bureaucratic processes. Modern technology has a valuable contribution to play and while some significant progress has been made there is still more to be achieved. Working with colleagues in ICT we

are continuing to look at how professional social work time can be maximised to direct work with children, young people and their families.

8. **BACKGROUND PAPERS**

- Committee Report – Children’s & Young People (Scotland) Act 2014 – Sept 2014
- Committee Report – Continuing Care – June 2017

9. **APPENDICES (if applicable)**

None

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