

Implementation of the Children and Young People (Scotland) Act 2014

Report by Mary Smith, Director, Education, Communities and Economy

1 Purpose of Report

To provide Council with an update on the implementation of the Children and Young People (Scotland) Act 2014.

2 Background

The Act has wide-ranging effects on services for children and young people in Midlothian. Many of the provisions have already come into force, with others coming into force in the next few months and from April 2017. Further information on the Act is available on the Scottish Government website:

<http://www.gov.scot/Topics/People/Young-People/legislation>

- 2.1 Previous papers have been submitted to Council noting the Act and advising on progress implementing its key provisions; this report provides a further update.

3 Report Implications

- 3.1 **600 hours early learning and childcare for 3 and 4 year olds and entitled 2 year olds.**

Coming into force date: August 2014 and August 2015.

As previously advised, the increase in hours for 3 and 4 year olds and new entitlement for 2 year olds in August 2014, and the expansion of the entitlement criteria for 2 year olds from August 2015, were put in place on time and within budget. Delivery for vulnerable 2 year olds has been rebranded as 'A Good Time To Be 2' with a targeted social marketing campaign. As a result the number of 2 year olds taking up places has been increasing, allowing for the dip in numbers when children move on to 3 year old provision.

All three and four year old children have access to 600 hours of early learning and childcare (ELC). We have taken a flexible approach to implementing this, in response to local need. An enhanced staffing structure is now in place to support the implementation in local authority nurseries.

Additional core staff were allocated to our settings, we established a peripatetic team of Senior and Childcare Development Workers with additional staffing in our settings in the 3 key Community Planning Partnership priority areas. The Pre-5 Additional Support Needs specialist teaching team was enhanced with the provision of 3 Senior Childcare Development Workers. Our partnership settings currently offer parents and carers flexibility of access to 600 hours ELC for their children.

The current model for the provision of 600 hours ELC for 3 and 4 year olds is based on a minimum ratio of 1 adult to 10 children, which is a legislative requirement, and a ratio of 1 teacher to a maximum of 3 Childcare Development Workers. Each local authority ELC setting includes teachers, senior childcare development workers and childcare development workers. There is a small peripatetic team who provide teacher input for 3 and 4 year olds who attend partnership centres.

A Business Transformation Project to review the ELC workforce is nearing completion. The aim is to create greater flexibility of provision at less cost per place and will ensure we target resources on areas of greatest need to ensure the best outcomes. This will also ensure clear roles and responsibilities for teachers, Senior Childcare Development Workers (SCDWs) and Childcare Development Workers (CDWs), give a coherent and responsive approach to teacher access across all our settings and allow us to review the qualifications and career pathways of our ELC workforce.

Our ambition is to create an effective team who are immersed in early year's theory and best practice. They will work across 4 Learning Communities which will include local authority and partner providers. The team will respond to identified local needs. Head Teachers and Managers will continue to manage their own provisions and will work closely with the Learning Community teams. The Learning Community teams will be managed centrally.

The proposed model maintains the ratio of 1 adult to 10 children and replaces the "in ratio" teachers with additional childcare development workers and allocates responsibility for operational management to the role of the Senior Childcare Development Worker.

The proposed model expands the ELC peripatetic teaching team to provide teacher input on a more equitable basis to all pupils attending early learning and childcare provision in Midlothian.

With the proposed model each nursery will be staffed to meet capacity ensuring continuity for children and consistency and permanency of staffing for each session. Core staffing will consist of SCDWs and CDWs. It is anticipated that there will be a better retention of existing staff, increased motivation and improved job satisfaction with clarity of roles and a clearly defined progression pathway. It will also ensure Midlothian is an attractive option for skilled and passionate staff to work in. This model offers increased opportunities for career development and enhancement for the majority of ELCC staff for the first time.

The Scottish Government has reiterated its commitment to raising entitlement to free early learning and childcare further to 30 hours per week (1,140 per year) by 2021, almost doubling the current hours and affecting around 2,500 children in Midlothian. This commitment is underlined in the First Minister Nicola Sturgeon's speech to the Scottish Parliament on the 25th of May 2016:

"There is no doubt whatsoever that the expansion of childcare will be our most important infrastructure project of this parliament - it will help parents, particularly mothers, into work and it will be a transformational investment in the life chances of our children."¹

If implemented, there will be a significant impact on the Council and childcare providers across Midlothian as, depending on the model of delivery put in place, it could require a near doubling of workforce and building capacity. Large scale recruitment and training of staff (both by the Council and other childcare providers) along with extending or building new nurseries across Midlothian will need to take place, over and above that necessary to meet the increase in demand due to Shawfair and other house building programmes.

¹ <http://news.scotland.gov.uk/Speeches-Briefings/Priorities-speech-Taking-Scotland-Forward-24f8.aspx>

The Scottish Futures Trust is working with local authorities on behalf of the Scottish Government to understand the potential impact on early years' estates and working groups are evaluating the workforce requirements. No details of the cost of the commitment and the associated funding implications or the legislative timetable have been published at this stage.

Midlothian has been at the forefront of adopting flexible and innovative ways to deliver early learning and childcare, with the Woodburn Family Learning Centre opened by the Children and Young People's Minister Aileen Campbell in March 2016. The family learning centre has an integrated, early intervention approach to engage parents in their children's learning and to support parents' own adult learning opportunities.

The Scottish Government will be running six trials of early learning and childcare delivery models in preparation for the increase in provision. The trials will consider how to increase flexibility, better meet the needs of parents and children and meet local requirements. Midlothian has submitted a proposal to be one of the sites and is waiting to hear the outcome.

3.3 Named Person Legislation

Coming into force date: 31st August 2016

To improve the way services work to support children, young people and families, the Act:

- ensures that all children and young people from birth to 18 years old have access to a Named Person;
- puts in place a single planning process to support those children who require it through the Child's Plan;
- places a definition of wellbeing in legislation; and
- places duties on public bodies to coordinate the planning, design and delivery of services for children and young people with a focus on improving wellbeing outcomes, and report collectively on how they are improving those outcomes.

Wellbeing

Wellbeing training for all staff in schools, nurseries, specialist settings and partners is now in place. The interactive training sessions have challenged staff to evaluate their own practice around the values and principles of Getting it Right for Every Child (GIRFEC) and start to forward plan using the eight wellbeing indicators. The development of the e-Training module will allow staff across the council as well as third sector partners to access an appropriate level of training to meet the requirements of the legislation.

Named Person

Training has been delivered to all staff who will have Named Person responsibilities with clear guidance available, in line with national advice, as to who will fulfil the role for Midlothian children:

0-starting school	Health Visitors
Primary	Primary HTs/DHTs/PTs
Secondary	Guidance PTs
16-18 leavers	Life Long Learning and Employability
Gypsy Travellers	If children attend school, Named Person within school
If not attending school	PT EAL & Gypsy Travellers
Home Schooled	Education Team

During school holidays the Named Person Service will be delivered Children's Services.

Until the Children's Services review is concluded, Midlothian's current staged support system for assessment and planning will deliver the support required to get it right for our children.

Pilot projects to consider robust information sharing systems with partner agencies and early intervention 'Wellbeing Meetings' have been evaluated and used to inform implementation.

A single Named Person Service email address has been created, and tested successfully, to facilitate secure information sharing with NHS Lothian and Police Scotland.

SEEMiS Wellbeing Application Module

SEEMiS have delivered an operational version of the Wellbeing Module that will support the Named Person Service for Midlothian children from 31 August 2016. Training for all staff involved in delivering the Service is in place throughout June 2016, with catch up sessions planned for August.

Communication

The Scottish Government has implemented a national communication campaign to promote the Named Person Service. This national guidance is available via the Midlothian website which will also host the updated localised GIRFEC guidance.

Funding

The authority has received £170,000 for session 2016-17 to support the implementation of Named Person. It is anticipated that some of this funding will be used to provide administrative support for delivering the Service in schools.

Legal Challenge

A UK Supreme Court ruling is expected in the near future on the challenge to Named person aspect of the legislation.

3.4 Children's Rights and Children's Services Planning

Expected coming into force date: 1st April 2017

The Act introduces new duties on a range of public bodies, including local authorities, on planning and reporting. Specifically it:

- puts in place new arrangements for children's services plans that best safeguards, supports and promotes the wellbeing of children and young people in a particular area; and
- places the overarching responsibility for the development of plans for services that safeguard, support and promote the wellbeing of children and young people with local authorities and health boards.

In addition, a range of public bodies (again including local authorities) will be required to report, on a three yearly basis, on actions being taken to give better or further effect to the UN Convention of the Rights of the Child.

The Draft multi agency Children's services plan 2016-19 has been completed and is currently undergoing a stakeholder consultation before being finalised and approved through the Getting it Right for Every Midlothian Child (GIRFEMC) Board on 30 June. The Board is part of the community planning structure and includes all agencies engaged in delivering services to children and the cabinet member for Education.

The Scottish Government has issued draft guidance on these two provisions and a consultation runs until the 13th June 2016. At the time of writing a consultation response is being drawn up and work is ongoing preparing for the implementation of these provisions in the most effective manner, taking into account the requirements to publish plans and/or report upon UNCRC, Children's Services Planning, Corporate Parenting, Community Planning etc.

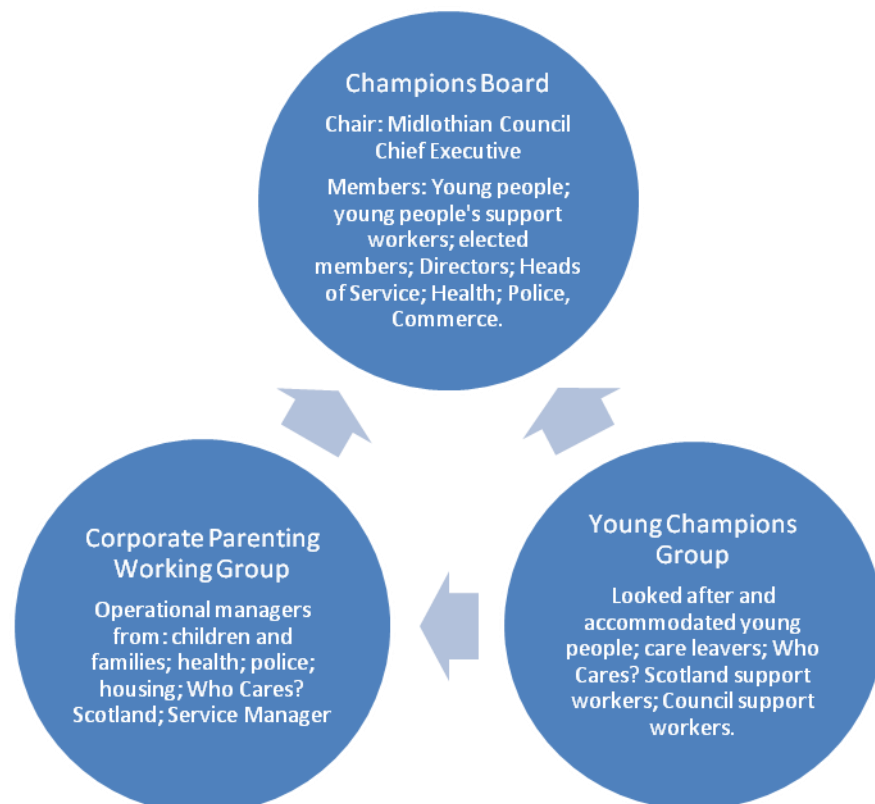
3.5 Provisions to Support Those in Care and Care-leavers

Coming into force date: 1st April 2015.

There were a number of significant changes made to the range of duties and powers that affect those in care and care-leavers. The Act:

- provides for a clear definition of Corporate Parenting, and defines the bodies to which it will apply;
- provides for additional support to be given to kinship carers in relation to their parenting role through the kinship care order and provide families in distress with access to appropriate family support;
- introduces continuing care - an entitlement to stay in a care placement up to age 21;
- extends entitlement to aftercare support from 21 to a young person's 26th birthday;
- sets the eligibility for continuing care and aftercare to 'being in care at age 16 or above'; and
- puts Scotland's Adoption Register on a statutory footing.

There has been a great deal of activity within the organisation in relation to establishing a Corporate Parent Strategy and Plan 2015-2018. We have an established Champions Board chaired by the Chief Executive which is governed by our Community Planning Partnership. The board meets quarterly and is made up of senior officers across the partnership including Health, Police Scotland and Local Commerce as well as representation from the Young Champions Group. In addition to the Young Champions Group which meets every fortnight there is the Corporate Parenting Working Group which meets 6 weekly and has an overview of the Corporate Parenting Strategy Action Plan. The organisational diagram below sets out the relationship between these groups.



Whilst Children's Services remain under review we are beginning to reshape our after care service to meet the ongoing needs and demands. We have organised our residential houses so that Lady Brae in Gorebridge now offers support to those young people aged 16-18. This is a pilot scheme to test out what level of support these young people require in order that they become competent and confident in taking the next step towards independent living. We are also looking at alternative forms of care for our older young people who struggle in a residential setting but are not yet able to live totally independently.

Midlothian Council Children's Services have recently been notified that we have been successful in being granted £193,000 Life Changes Trust funding for Corporate Parenting work. This work will allow us to focus on supporting improvements in the lives of care experienced young people aged 14-26. This will include improving participation and involvement of young people and offering training and employment opportunities for 4 care experienced young people over the next three years, in addition to ensuring that young people inform future service design and delivery.

3.6 Resource

The Scottish Government has previously stated implementation of the Act by local authorities will be fully funded and negotiations with COSLA have taken place on a number of elements of the Act.

The authority has received £170,000 for session 2016-17 to support the implementation of Named Person. It is anticipated that some of this funding will be used to provide administrative support for delivering the Service in schools.

To deliver the commitments to early years, large scale rapid recruitment and training of staff (both by the Council and other childcare providers) along with extending or building new nurseries across Midlothian will need to take place, over and above that necessary to meet the increase in demand due to Shawfair and other house building programmes.

Planning for and monitoring of the service changes is continuing to ensure the most effective use of resources and that the future years' implications are fully assessed.

3.7 Risk

The Act applies legislative requirements to the Council and as such, should the Council not meet the requirements, it could be open to legal challenge and judicial review. Ultimately, the Act gives Scottish Ministers the power to transfer certain Council's assets and responsibilities to another body should it fail to implement the provisions. It is therefore imperative that resources are made available, as and when necessary, to implement the provisions of the Act.

3.8 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

3.9 Key Priorities within the Single Midlothian Plan

Implementing the Children and Young People Act is a legislative requirement of the Council and its partners and is reflected throughout the 2016/17 Single Midlothian Plan, such as the outcome “All Midlothian children and young people are being offered access to timely and appropriate support through the named person service”. The Act is underpinned by the Scottish Government’s priority for Early Years and the adoption of a preventative approach, both of which are echoed in the Single Midlothian plan.

3.10 Impact on Performance and Outcomes

The successful implementation of the Act should improve outcomes for children and young people across Midlothian, and particularly those who need additional support through the Named Person, who have a Child’s Plan or who are looked after.

3.11 Adopting a Preventative Approach

Many of the provision of the Act are preventative, such as early learning and childcare, and the named person service is intended to provide early support to families.

3.12 Involving Communities and Other Stakeholders

The Community Planning GIRFEMC Board is undertaking stakeholder consultation on the new Children’s Services plan, 2016/19 and the Act is central to the structure and content of this plan. More widely, the Council and partner organisations in Midlothian have been working together to implement the provisions of the Act. Implementing each provision involves different groups of stakeholders. As an example, parents and carers have been consulted on the implementation of the 600 hours of Early Learning and Childcare.

3.13 Ensuring Equalities

The Scottish Government undertook an EQIA process on the Act. The equality impact assessment is available here:

<http://www.scotland.gov.uk/Topics/People/Young-People/legislation/impact>

3.14 Supporting Sustainable Development

Scottish Government is committed to supporting the Act and has stated that the implementation by local authorities will be fully funded; however this will need to be closely monitored.

3.15 IT Issues

The Named Person provision will require a significant level of training to ensure all staff involved in delivering the Service are familiar with the new SEEMiS module.

In order to facilitate secure email communication all Named Persons will require corporate access and midlothian.gov.uk email accounts.

4 Summary

The Children and Young People (Scotland) Act 2014 is a significant Act that has a widespread effect on outcomes for children and young people in Midlothian, and changes the way that the Council and its partners work. To date, services have been put in place or amended in line with the requirements of the Act and work is continuing as the further provisions come into force.

5 Recommendations

Council is asked to:

- Note the Scottish Government's intention to increase the provision of free early learning and childcare to 1140 hours per year by 2021 and consider how this will be resourced;
- Note the continued work of the Council and its partners implementing and preparing for the implementation of the provisions of the Act;
- Note the named person aspect of legislation is still subject to legal proceedings;
- Note the new GIRFEMC Children's services plan will be approved at GIRFEMC board in June 2016.

3 June 2016

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