

**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 (the Act).

**2 Background**

The Act has wide-ranging effects on services for children and young people in Midlothian. Some provisions have already come into force, with the remainder intended to come into force over the next few years. 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.

The early learning and childcare provisions for two, 3 and 4 year olds that came into force in August 2014 were put in place in time and within budget. Following this a consultation with parents and carers of 3 and 4 year olds was carried out and as a result arrangements will be amended so that children will be allocated all morning or all afternoon places at Council nurseries. To date just fewer than 100 two year olds have taken up places and work is continuing on raising awareness of entitlement amongst parents and carers of eligible children. From August 2015 the eligibility criteria for two year olds will be extended to include those from low income working households, increasing the number of those eligible in Midlothian by around 100 over the course of a year. Preparations for this are in hand, with revised publicity and increased places being arranged.

In a letter to Chief Executives on 26<sup>th</sup> June the Scottish Government reiterated its commitment to further increasing the number of hours of free early learning and childcare provided to all 3 and 4 year olds and eligible 2 year olds to 1,140 hours per year (from 600 hours) by 2020. Delivered over 38 weeks this equates to 30 hours per week: more hours than pupils currently attend school. If implemented, there will be a significant impact on the Council and childcare providers across Midlothian as it will effectively require a 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. The Scottish Government is currently running a consultation with parents online <http://www.gov.scot/Topics/People/Young-People/early-years/parenting-early-learning>. No details of the cost of the commitment and the associated funding implications or the legislative timetable have been published at this stage.

The July UK budget statement announced plans to introduce 30 hours per week free childcare for working families in England from 2017, up from 15 hours currently. If these plans are enacted Scottish Government would, under the current arrangements, receive the Barnett consequential.

### **3.2 Free School Meals for Primary 1 to 3 pupils.**

Coming into force date: January 2015.

Free School Meal provision for all Primary school pupils in Primary 1, 2 and 3 was put into place from January 2015 and expected takeup has been exceeded with 89% of pupils currently taking up their entitlement. Now that the service is in place a further review of staff distribution against demand is being undertaken.

### **3.3 Getting it Right for Every Child**

Coming into force date: 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.

We have engaged with the Scottish Government's consultation to develop the guidance supporting the duties relating to Getting it Right for Every Child, the Named Person service and the Child's Plan. Outline guidance, setting out proposals for what should be in the final guidance, is available here: <http://www.scotland.gov.uk/Publications/2014/04/5745>. The final guidance is expected to be published in late summer 2015.

Within the GIRFEMC community planning structure a subgroup has been set up and tasked with coordinating the implementation of these three provisions. This multi-agency group has a strategic overview of progress. The key challenges presenting at this point are the delivery of the SEEMiS Named Person module (as all local authorities in Scotland will use SEEMiS this is being carried out centrally), the transfer of information between NHS Lothian and the Council when the Named Person responsibility moves and the capacity of the Health Visitor service to deliver Named Person. Training on GIRFEC and the Named Person Service is already in the process of being

delivered. The Council has received £7k funding from the Scottish Government for 2015/16 for Named Person delivery.

### **3.4 Children's Rights and Children's Services Planning**

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 expected to provide reports on actions being taken to advance meeting of requirements under the UN Convention of the Rights of the Child. As a significant step towards advancing children's rights, all Midlothian schools will become Rights Respecting Schools over the next three years.

Midlothian's three-year Integrated Children's Services Plan will be rewritten with the new plan commencing in 2016/17. This allows it to align with the three-year cycle of the medium term outcomes in the Single Midlothian Plan, facilitating integration with the wider Community Planning agenda, maximising effectiveness in improving outcomes.

### **3.5 Provisions to Support Those in Care and Care-leavers**

Coming into force date: Earliest from April 2015.

There are a number of significant changes being 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.

The Council hosted a very well received Corporate Parenting Event run by Who Cares? Scotland in March, in preparation for the changes in legislation from April. The event was well attended with over 60 attendees from a range of organisations with a Corporate Parenting responsibility for children and young people in Midlothian and other organisations delivering services to this vulnerable group.

The Council has received £83k from the Scottish Government for the continuing care provision for 2015/16 and £65k for the extension to aftercare support. As the cost of implementing these provisions will increase with time as more young people become entitled to it, greater funding will be required in future years.

We are about to embark on a review of children's services commencing in October 2015, this will consider how we improve and shape the service for our young people going forward given the new legislation and the duty to provide care up until the age of 21. The costing based on the figures of how many young people were in care last year who would now be eligible to through care and aftercare support would be an increase of over £250,000 by the year 2021 on top of our current budget.

### **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 Council will continue to engage with COSLA in relation to future discussions.

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 and further papers will be presented to Council as and when necessary.

### **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 in the 2015/16 Single Midlothian Plan priority to "Improve the lives of children and young people by putting in place the changes being required by the Scottish Government..." 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.

In the longer term (and it will be some years before the effects of some of the provisions will be evident) it is intended to reduce the need for intervention by the Council and its partner agencies and particularly reduce the need for late, intensive and expensive intervention.

### **3.11 Adopting a Preventative Approach**

Many of the provision of the Act are preventative, such as early learning and childcare and free school meals for primary 1 to 3.

### **3.12 Involving Communities and Other Stakeholders**

The Scottish Government involved a wide range of stakeholders in its consultation on the Bill. In addition, they plan to hold a range of engagement events over the coming year on appropriate provisions such as issues of practice for GIRFEC as a whole.

The Council and partner organisations in Midlothian are now working together to implement the provisions of the Act. Implementing each provision involves different groups of stakeholders, who will be involved at the appropriate times. 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**

A partial equality impact assessment (EQIA) was included in the public consultation on the Bill carried out by the Scottish Government in summer 2012. The government's final EQIA built on and updated this document to reflect responses to the consultation and extensive discussion with stakeholders that was undertaken as part of the EQIA process. The EQIA considered impacts by looking at the Bill in relation to the protected characteristics: age, disability, race, religion or belief, sex, sexual orientation and gender reassignment.

The final 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 the Social Work Management Information System, Framework i, to be available in schools. A successful pilot of this functionality has taken place and the full roll out has now been scheduled.

## **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 successful implementation of Free School Meals for Primary 1, 2 and 3 pupils and the Early Learning and Childcare provisions
- Note the continued work of the Council and its partners to implement the remaining provisions of the Act
- Request a further report prior to the end of 2015/16 giving updates on implementation, in particular highlighting any resource issues or emerging risks.

**11<sup>th</sup> August 2015**

**Report Contact: Magnus Inglis**

Tel No: 0131 271 3669

[Magnus.Inglis@midlothian.gov.uk](mailto:Magnus.Inglis@midlothian.gov.uk)