

**Report on the implications for the Council of the Children and Young People's
(Scotland) Act 2014**

1.0 SUMMARY

The Children and Young People (Scotland) Act 2014, which was passed by the Scottish Parliament on 19th February 2014 and received Royal Assent on 27 March 2014, places children and young people at the heart of services and aims to ensure that their rights are respected across the public sector.

The Act addresses the following areas:

- 1.1 Rights of children and young people. To ensure that children's rights properly influence the design and delivery of policies and services.
- 1.2 Wellbeing and Getting it right for every child (GIRFEC). To improve the way services work to support children, young people and families through legalisation and clear guidance.
- 1.3 Early Learning & Childcare. To improve the way services work to support children, young people and families through increased provision of free early learning and childcare from 475 hours a year to a minimum of 600 hours for 3 and 4 year olds, and vulnerable 2 year olds.
- 1.4 Getting it right for looked after children by ensuring better permanence planning for looked after children including providing a care plan option for looked after children up to age 21.
- 1.5 Corporate Parenting responsibilities to age 25.
- 1.6 The provision of free school meals for Primary 1 to 3.

Establishing the additional services to meet the requirements of this Act will have cost and policy implications for the Council. This paper outlines initial scope for issues and recommends how the Council should progress.

2. RECOMMENDATIONS

It is recommended that the Community Services Committee agree to:

- 2.1 The development of a programme of staff training on GIRFEC, Corporate

Parenting, Kinship and Children Rights across the Community Planning Partnership.

- 2.2 Explore the impact of the Children's Commissioner's duty to investigate complaints including Social Work, Education and Corporate Complaints procedures.
- 2.3 Review the options for meeting the duties in respect of Throughcare & Aftercare Services including the requirement for increased residential and foster care provision.
- 2.4 Note the implementation arrangements for the introduction of 600hours of early learning and childcare agreed by the Council in March 2014.
- 2.5 Review Kinship Care to ensure carers and children are offered a good experience. This will include: exploring our approach; support arrangements and allowances in line with the Act.
- 2.6 Note the current potential rise in case management numbers and implications for the Social Work Team's workloads to ensure increased support to ex care leavers and kinship carers. Future reports will be reviewed and presented to Community Services Directorate.
- 2.7 Note the requirement to provide free school meals for Primary 1 – 3 from January 2015. A cross service working group has been set up to consider the implications of providing this service and a report will be prepared for Council in June.
- 2.8 Note that CoSLA continue to negotiate for the full funding of all financial consequences arising from the Act.
- 2.9 Refer consideration of the financial consequences to the Policy and Resources Committee

3. DETAIL

- 3.1 The children's rights element of the Act will:
 - 3.1.1 Place a duty on the Scottish Ministers to keep under consideration and take steps to further the rights of children and young people, to promote and raise awareness and understanding of the United Nations Convention on the Rights of the Child (UNCRC), and to prepare reports describing this activity;
 - 3.1.2 Place a duty on the wider public sector to report on what they are doing to take forward realisation of the rights set out in the UNCRC; and

3.1.3 Extend the powers of Scotland's Commissioner for Children and Young People, so that this office will be able to undertake investigations in relation to individual children and young people.

3.2 Wellbeing and Getting it right for every child (GIRFEC) this element will improve the way services work to support children, young people and families, the Act will:

3.2.1 Ensure that all children and young people from birth to 18 years old have access to a Named Person; – usually their health visitor or head/senior teacher – available as a single point of contact

3.2.2 Put in place a single planning process to support those children who require it;

3.2.3 Place a definition of wellbeing in legislation; and

3.2.4 Place 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.

3.3 To improve the way services work to support children, young people and families. To strengthen the role of early years support in children's and families' lives, the Act will:

3.3.1 Increase the amount and flexibility of free early learning and childcare from 475 hours a year to a minimum of 600 hours for 3 and 4 year olds, and 2 year olds who are, or have been at any time since turning 2, looked after or subject to a kinship care order or are living in a workless household. These arrangements were agreed in full by the Council on 20th March 2014.

3.4 Getting it right for looked after children by ensuring better permanence planning for looked after children. The Act will:

3.4.1 Provide for a clear definition of corporate parenting, and define the bodies to which it will apply;

3.4.2 Place a duty on local authorities to assess a care leaver's request for assistance up to and including the age of 25;

Provide a legal duty to provide foster, residential or supported housing for looked after and accommodated young people up to the age of 21.

3.4.4 Provide 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 counselling; and

3.4.5 Put Scotland's Adoption Register on a statutory footing.

3.5 The Act will also:

- Strengthen existing legislation that affects children and young people by creating a new right to appeal a local authority decision to place a child in secure accommodation,
- Allow every Primary 1 to 3 child to have the option of a free school lunch from next January.
- Make procedural changes to children's hearings support arrangements
- Make procedural changes to school closure arrangements, improved transparency for closure proposals, particularly in rural communities

4. Implications

Cross Cutting Issues

- 4.1 The Act extends the powers of Scotland's Commissioner for Children and Young People, so that this office will be able to undertake investigations in relation to individual children and young people. The Commissioner's office undertaking investigations may have an impact on Social Work and Education's complaints procedure. There will need to be clear guidance as to when the Commissioner will become involved in the processes and how the Local Authority will respond to enquiries.
- 4.2 Wellbeing and Getting it Right for Every Child (GIRFEC) is well embedded in Argyll and Bute however there is now a statutory duty for services to work together to assess and plan. Ongoing training for Health, Education and Social Work staff is required to ensure Argyll and Bute continue on a journey of improvement. There is a cost attached to training of £21,000 with ongoing administrative support in schools estimated at £17,000 per year. The costs attached are detailed in Appendix 3.

Early Learning and Childcare

- 4.3 In August 2014 Argyll and Bute will increase early learning and childcare from 475 hours provision to 600 hours for all 3 year olds and vulnerable 2 year olds. There is work ongoing with CoSLA and ADES to look at how 2 year old from workless household will be identified. In addition Argyll and Bute continue to look at increased flexibility of service being offered to families. A paper was agreed at Council in March 2014 exploring the implications and implementation plan. The Scottish Government fully funded this element of the Act; however there are implications for Capital Budgets if vulnerable 2 year olds are included. A number of Pre 5 locations will need improved toilet

facilities and increased space to ensure that we are able to meet the requirements of under 2's and the requirements of the Care Inspectorate.

Permanence

4.4 Getting it Right for Looked After Children (GIRLAC) by ensuring better permanence planning for looked after children provides some significant challenge. It is estimated there will be a 40% increase in the number of ex care leavers entitled to support and care. Potentially there is an increase of 114. (See appendix 2)

The most significant challenges will be:

- The potentially significant rise in numbers of young people eligible for residential or community based support packages.
- The increase in Social Work cases across all localities.
- Our current range of residential and support resources will not meet the different needs of an older group.

4.5 By extending the legislative duty of the Council as the Corporate Parent for Looked After Children is extended from 18 to 21 years old, the Council will require to provide foster care, residential or support housing. Currently the Council has no provision for these needs and for Care Leavers the age is extended from 21 to 25. Therefore the Council will be required to provide an additional social work and financial support.

4.6 The cost implications of establishing services to meet the additional demand will depend on several factors, including:

- The capacity of the current resources.
- The capacity of the current case management teams.
- Available resources and services to meet different assessed needs – young adults; and
- The uptake of service by ex-care leavers.

4.7 It is very difficult to accurately predict the number of young people and the level of assessed need. However, currently the cost of placements and case management ranges from £13,614 in Kinship to £210,950 in external placements. (See appendix 1 Throughcare & Aftercare Services and Resources). The financial implication outlined in Appendix 3 is based on the full impact of services.

4.8 The Throughcare Service will experience a significant additional demand on services and resources due to the Children and Young People's (Scotland) Act. The new expectation will be placed on Children & Families from April 2015.

4.9 To prepare, the Throughcare & Aftercare team should undertake a root and branch review of the approach including; financial, practical support and care

packages; case management and practice; the range of residential resources to meet the diversity of need; and staff case load and capacity should be undertaken.

- 4.10 Our current provision cannot meet the demands of the projected service need and there will be a significant gap, the review will look at how this can be addressed

Fostering and Adoption

- 4.11 Kinship Care: The Children and Young People (Scotland) Act 2014 will introduce a required or a discretionary payment so that Kinship Carers are paid the same rates as Foster Carers. If this is a requirement then Local Authorities will have no choice. Compliance will have major financial implications, the current allowances and numbers are:

Current Allowance	Age Range	Amount per week
Kinship	0 – 4	£74.70
	5 – 10	£92.75
	11 – 15	£114.00
	16 plus	£149.49

Foster	0 – 10	£265.23
	11 – 18	£318.27

- 4.12 The current numbers are 54 young people with allowances ranging from £168.78 to £204.27 per week for each child/young person.
- 4.13 From April 2015 an increase of approximately £584,000 in the revenue budget would be needed to ensure Kinship Carers are paid at the same rate as Foster Carers and have access to the various elements of support surrounding the new Kinship Orders.
- 4.14 The Children & Families Service need to consider the implications of the Children and Young People (Scotland) Act 2014 in terms of the increase in workloads; the current capacity within the system, and the assessed additional need required

5. CONCLUSION

The Children and Young People (Scotland) Act 2014 will have implications and present significant challenges to our Children and Families Social Work and Education Services. The Services need to consider and plan for the act and report back to the Community Service Directorate with more detail in the future.

6. IMPLICATIONS

- 6.1 *Policy:* Guidance/Policy will need to be developed for complaints, adoption, kinship and throughcare. A training programme will also need to be put in place for all staff.
- 6.2 *Financial:* some aspects are difficult to accurately predict, however the financial implications could be significant. The financial memorandum for 600 hours has been agreed. The Council is awaiting confirmation of the finance attached to the other elements of the Act. (see appendix 3 for details)
- 6.3 *Legal:* the Children and Young People (Scotland) Act 2014 will impose additional/extended duties with financial implications for the Council.
- 6.4 *HR:* Subject to the outcome of the recommended reviews – possible additional staffing resource.
- 6.5 *Risk:* There is a risk to the standards and quality of our of our service delivery diminishing unless we review and act to prepare for the significant increase in service need and demand – the implications of the Children and Young People (Scotland) Act.
- 6.6 Customer Service: risk to customer service as above.

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Table A: the following is the average annual placement cost (including estimated case management costs) per young person

Type of Placement	Average Cost
Argyll – Children’s Care Home	98,840
External – Children’s Care Home	210,950
Foster Care Services	20,404
Kinship Care (LAAC)	13,614
Supported Carers	16,564
Supported Lodgings	14,726
Care Leavers – Community Support Package	16,518

Table B: The following is the total number of LAAC and Care Leavers, February 2014; and, applying an estimate of 40% an approximate increase in service demand:

Placement	Total: Feb. 2014	Approximate Increase in service demand
At Home with Parents (LAAC)*	69	27
Foster Care Services (LAAC)	61	24
Argyll – Children’s Care Home (LAAC)	14	6
External – Children’s Care Home (LAAC)	15	6 - will become increasingly lower.
Residential School (LAAC)	8	3 - will become increasingly lower
Kinship Care (LAAC)	54	22
Throughcare & Aftercare – Care Leavers	67	26
Grand Total	288	114

*This figure does not include those in Kinship care without a Supervision Order.

On an elementary statistical level applying an average increase of 40% rise in service demand – as shown in table B - will equate in this case to a rise of 114 additional young people eligible for a residential or community based case managed package of support in Argyll & Bute.

Importantly, the figure of 114 additional cases represents the maximum possible cases eligible for residential or community based support packages taking up this service for the maximum time, this is highly unlikely.

Potential Projected costs of Children and Young People Act

Section of Act	Estimated Start Date	2014/15		2015/16		2016/17	
		Revenue	Capital	Revenue	Capital	Revenue	Capital
Children's Rights	2015	0	0	93,334	0	93,334	0
Getting it Right for Every Child (GIRFEC)	2016	0	0	38,000	0	17,000	0
Early Learning and Childcare - increase 3 and 4 year-old provision to 600 hours	2014	815,000	503,000	1,200,000	tba	1,200,000	tba
Early Learning and Childcare - extension of provision to certain 2 year-olds ¹	2014	728,399	1,462,500	1,290,348	1,462,500	1,290,348	1,462,500
Throughcare and Aftercare Support ²	2015	0	0	3,268,187	0	3,268,187	0
Kinship Care Orders ³	2015	0	0	584,000	0	527,000	0
Free School Meals P1 – P3 ⁴	2015	150,000	550,000	600,000	0	600,000	0
Total estimated cost		1,713,399	2,515,500	7,073,869	1,462,500	6,995,869	1,462,500
Confirmed Funding from Scottish Government ⁵		842,000	503,000	tba	tba	tba	tba
Indicative Funding from Scottish Government ⁶ (Free school meals element)		260,000		840,000			

Assumptions

Due to the level of uncertainty surrounding the impact of the individual elements of the Act, the above figures are underpinned by a number of assumptions. Key assumptions are:

1. We have applied Scottish Government estimates, that is, provision would be required for 27% of 2 year olds at an 84% take-up rate.

2 year old provision would be split between local authority (50%)/partner providers (40%)/childminders (10%).

Rural provision would fall mainly to the local authority, with 75% of rural local authority units requiring to be extended/adapted. Outlining costs per adaptation provided by Design Team.

2. Increase in service demand has been estimated at 40%. This increase has been applied to the likely number of care leavers at February 2014.

Client base is mixed, low cost to high cost, depending on specific package requirements. Average cost per package x potential/eligible clients.

3. Client base moving to fostering rates and estimated additional support to carers.

4. The Council continues to scope the financial and practical impact that this policy decision will have on the Catering and Education Services.

At this stage, it is estimated that around £500k - £600k in additional revenue will be required to cover :

- additional staff hours
- food costs
- light equipment costs

In addition to this, it is estimated that around £550k will be required in capital investment to ensure that adequate storage and related facilities are provided to ensure that this policy can be implemented safely.

5. The remaining financial consequences of the Act are currently the subject of detailed negotiation between the Scottish Government and COSLA. Any aspect of the Act not fully funded on a recurring basis will present a cost or demand pressure to the Council. Free School meals figures are based on % share of national totals. Individual allocations have not be agreed /issued.

6. Free School Meals: In terms of funding, individual allocation have not yet been agreed. National totals have been given and we've taken our 2% share to show indicative values. Detailed work is taking place within Customer Services to firm up the estimates however this is an early stage.