

PERTH AND KINROSS COUNCIL

Lifelong Learning Committee – 29 May 2013

CHILDREN AND YOUNG PEOPLE (SCOTLAND) BILL

Report by Executive Director (Education & Children's Services)

PURPOSE OF REPORT

This report brings to Committee the main proposals contained within the Children and Young People (Scotland) Bill, which was presented to the Scottish Parliament on 17 April 2013. The paper notes that the delivery of services in Perth and Kinross, with partner agencies, is in line with the aspirations of the Bill, particularly the focus on wellbeing and early intervention. It is also noted that there is a level of uncertainty with regard to the financial implications at this stage.

1. BACKGROUND / MAIN ISSUES

- 1.1 The [Children and Young People \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 17 April 2013, and is anticipated to be implemented from Autumn 2013. A copy of the Bill is also available in the Member's Lounge.
- 1.2 The Bill has been subject to a year of extensive consultation, in response to which, a submission was made by the Perth and Kinross Child Protection Committee on behalf of the Council and Partner agencies.
- 1.3 Nationally, the responses to consultation were broadly supportive to the underpinning aims of the Bill, a commitment toward Prevention and Early Intervention, and to the measures contained within it. However, there were concerns raised over whether the anticipated funding requirements would be adequately addressed in the [Explanatory Notes](#), Financial Memorandum (page 36) of the document.
- 1.4 There are a total of 13 parts to the Bill, with the main elements as follows:
 - Part 1 aims to strengthen the rights of children and young people through placing specific duties on Ministers in relation to implementing the United Nations Convention on the Rights of the Child (UNCRC); and placing similar duties on public authorities;
 - Part 2 strengthens the role of the Commissioner for Children and Young People in Scotland in undertaking investigations into the upholding of rights of children and young people, both as groups and individuals;
 - Part 3 places on statute the requirement of Local Authorities and relevant Health Boards to jointly prepare and publish a Children's Services Plan, based on wide consultation, for each local authority area for a 3 year period; and
 - Parts 4/5 seek to enshrine in statute the ambition of the Scottish Government initiative - Getting it Right for Every Child (GIRFEC). This includes the role of a 'Named Person' for all children in Scotland; the creation of a Child's Plan and an Assessment of Wellbeing based around

nationally agreed outcomes. (The National Practice Model). It focuses particularly on strengthening support to children and young people through the universal services, in a whole population approach.

- 1.5 Other provisions which extend support to children, young people and their carers include:
- Extension of Early Learning and Childcare (including additional support for Looked after 2 year olds) from 475 hours to 600 hours for all pre school nursery children on an increasingly flexible basis, commencing August 2014;
 - Strengthening the Corporate Parenting role across key agencies with a responsibility to support the wellbeing of children and young people who are 'Looked After';
 - Extending Aftercare advice and guidance provision for formerly Looked After young people up to the age of 26; and
 - Support to families, and in particular, Kinship Carers through strengthening current legislation and offering legal advice.
- 1.6 There are some procedural reforms in respect of Children's Hearing arrangements and Secure Care appeals.
- 1.7 Perth and Kinross Council services and partners are well placed to respond to the requirements of the Bill, in that it builds on existing good practice and history of strong partnership working. There are many initiatives currently being progressed in Perth and Kinross including engagement in the national Early Years Collaborative, and Evidence 2 Success project and Multi Agency Screening Group.
- 1.8 An interagency GIRFEC Strategic Group will co-ordinate the development of an Integrated Children's Services Plan; support the further embedding of the role in universal services of 'Named Person'; and continue to promote the National Practice Model of Assessment, including a widespread focus on the Wellbeing indicators. A further paper will be brought to Committee in August 2013 with a more detailed update on this work.
- 1.9 There are financial implications. ([See Explanatory Notes page 36](#)) associated with the implementation of this Bill and discussion is on going between COSLA and the Government in respect of the accompanying Financial Memorandum estimates of requirements for Government funding. At this stage there is still also some lack of certainty over how significant the 'take up' will be of the additional Kinship measures which are proposed to deliver future avoided costs, as they may not for this reason be an attractive option for carers, and of extended Aftercare support.

2. PROPOSALS

It is proposed that agencies and services continue to work in partnership to ensure that duties placed on public services are widely disseminated and actions undertaken to ensure readiness for implementation of the Bill.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Children and Young People's (Scotland) Bill has been anticipated for some time. The proposals contained within it will underpin the aims and ambitions of Getting it Right for Every Child, by strengthening children's rights and supporting families through both universal and targeted services. This report highlights in more detail key areas.
- 3.2 It is recommended that the Committee:
- (i) Notes the ambition and key measures contained within the Children and Young People's (Scotland) Bill, and that actions already in place, in Perth and Kinross, will support its implementation;
 - (ii) Requests a further report in respect of progress being made towards the wider requirements of 'Getting it Right for every Child; and
 - (iii) Notes the potential financial implications at this stage, and that work is currently on going between COSLA and the Scottish Government to accurately quantify this. (Annex Section 2).

Author(s)

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Approved

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|------------------|--------------------|------------|
| John Fyffe | Executive Director | John Fyffe |
| Date 09 May 2013 | | |

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed

| Strategic Implications | Yes / None |
|---|-------------------|
| Community Plan / Single Outcome Agreement | None |
| Corporate Plan | Yes |
| Resource Implications | None |
| Financial | Yes |
| Workforce | None |
| Asset Management (land, property, IST) | None |
| Assessments | None |
| Equality Impact Assessment | None |
| Strategic Environmental Assessment | None |
| Sustainability (community, economic, environmental) | None |
| Legal and Governance | Yes |
| Risk | None |
| Consultation | None |
| Internal | None |
| External | None |
| Communication | None |
| Communications Plan | None |

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 None

Corporate Plan

1.2 The Perth and Kinross Community Plan 2013-2023 and Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to objective nos (i), (iv) and (v).

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Communication and Consultation

2. Resource Implications

Financial

- 2.1 As part of the 2013/14 and 2014/15 Revenue Budget the Council approved on 14 February 2013 (Report No. 13/53 refers) a budget pressure of £2,277,000 (2014/15) for implementation of the Children and Young People (Scotland) Bill and corresponding saving through Scottish Government funding. As previously stated in this report discussions are on-going between COSLA and the Scottish Government regarding the detailed financial implications of the Bill.

3. Assessments

3.1 Equality Impact Assessment

- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

Sustainability

- 3.3 None

Legal and Governance

- 3.4 Head of Legal Services has been consulted.

Risk

None

4. Consultation

Head of Service Children and Families' Management Team; Education and Children's Services Management Team; Child Protection Committee; GIRFEC Strategic Group and Children and Young People's Strategic Partnership have been consulted in the preparation of this report.

6. BACKGROUND PAPERS

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

- (i) Children and Young People (Scotland) Bill; and
- (ii) Explanatory Notes.