

**London Borough of Brent  
Executive. – 26 APRIL 2004**

**Joint Report from the Director of Education, Arts and Libraries and  
Director of Social Services**

**For Action**

**Name of Wards Affected**

FP Ref: EAL-03/04-0031

**REPORT TITLE: The Children Bill (2004)**

**1.0 SUMMARY**

- 1.1 This report informs members of the publication of the Children Bill (2004) and asks for the agreement of the Executive to the action proposed within Brent to plan for the implementation of the new legislation. The term Children used within this report refers to children and young people aged 0 – 19. A summary of the proposals in the Children's Bill is annexed to this report.

**2.0 RECOMMENDATIONS**

The Executive is recommended to:-

- 2.1 Endorse the main proposals of the bill, namely;
- The five outcomes for children and young people
  - The duty of all partners to cooperate and make partnership arrangements
  - The vesting of the responsibility for the oversight and coordination of Children's Services in Brent with the Council as Local Authority
  - The creation of a shared information system
  - The integration of services for children across education, social care and health including joint-commissioning, pooled budgets, multi-agency training and multi-agency teams with designated key workers
  - The designation of a Lead Member for Children's Services
  - The designation of a Director for Children's Services.
- 2.2 Approve the principle of maximum operational integration and minimum organisational disruption in approaching the implementation of the Bill's proposals.
- 2.3 Endorse the establishment of a Member / Officer Steering Group, led by the Leader and Chief Executive, to oversee the implementation of the proposals and to ensure that all service areas of the Council are fully involved in the implementation / development of the proposals.

- 2.4 Approve the establishment of a Children's Services Partnership Board to be responsible for the integration of Children's Services to be co-chaired by the Director of EAL and Director of Social Services. The Board will invite formal representation at a senior level from the PCT, the two NHS Trusts and the Voluntary Sector. The Board will commission work for sub-groups such as the Children and Young People's Priority Action Group. It will liaise with the Local Strategic Partnerships.
- 2.5 Vest responsibility for the development of Children's Services with the Directors of EAL and Social Services as the core members of the Partnership Board with identified areas of responsibility under joint-working arrangements.
- 2.6 Approve the appointment of a Children's Service Project Manager to be responsible to the Board for the implementation of the Children's Bill proposals.
- 2.7 Plan to appoint a Director of Children's Services in the financial year 2006/7 subject to the enactment of related proposals in the Bill.
- 2.8 Note that a formal Brent Partnership Framework will be prepared for the main agencies responsible for Children's Services; it is proposed that this be established in the financial year 2006/7, drawing on experience of the Partnership Board, pilot Children's Trusts and integration models in other Local Authorities.
- 2.9 Consider appointing a Lead Member for Children's Services in the municipal year 2005/6.
- 2.10 Request the submission of a costed project plan for the implementation of the Children's Bill proposals in the financial years 2004/5 and 2005/6, to be submitted to the June Executive meeting.
- 2.11 Approve the development of the Area Child Protection Committee into a Local Safeguarding Board by April 2005 or earlier if possible; a further report will be submitted on this proposal.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 As stated in paragraph 6.4.4 a costed project plan is being developed for the next two years. Until that is completed full financial implications cannot be stated.
- 3.2 A sum of £100k has been earmarked in the 2004/2005 budget within Social Services for developments relating to the bill. A proportion of this will be utilised to fund the work of the project manager. The costed project plan for the June Executive meeting will further develop proposals.

## **4.0 STAFFING IMPLICATIONS**

- 4.1 Until we have completed the work on implementing any new arrangements required by the legislation, it is not possible to specify about potential impact on staff. These proposals do include the requirement for a project manager to be appointed.

## **5.0 LEGAL IMPLICATIONS**

- 5.1.1 Part 1 of the Bill provides for the establishment of a new Children's Commissioner to ensure a voice for children and young people at national level, as set out in the Green Paper. It includes his general functions, power to carry out inquiries and responsibilities in working with other UK Commissioners. The role will be to seek and represent the views of children and young people on how far the five outcomes they identified as important (being healthy, staying safe, enjoying and achieving, making a positive contribution and economic well-being) are being achieved.
- 5.1.2 Part 2 of the Bill gives effect to the principal legislative proposals contained in the Green Paper to support better integrated planning, commissioning, and delivery of children's services and provide for clear accountability.
- 5.1.2 In particular, the Bill places a duty on local authorities to make arrangements through which key agencies co-operate to improve the well-being of children and young people and widen services' powers to pool budgets in support of this. To ensure that, within this partnership working, safeguarding children continues to be given priority the Bill places a responsibility for key agencies to safeguard all children and promote their welfare. It also establishes statutory Local Safeguarding Children Boards to replace the existing non-statutory Area Child Protection Committees (clauses 6, 7, 9-12).
- 5.1.3 To support professionals in working together and sharing information to identify difficulties and provide appropriate support, this part of the Bill also allows for the creation of databases holding information on all children and young people (clause 8).
- 5.1.4 Part 2 includes measures to ensure clear accountability for children's services. The Bill will require local authorities in England to put in place a director of children's services to be accountable for, as a minimum, the local authority's education and social services functions in so far as they relate to children. It will also require the designation of an associated lead member for children's services (clauses 13 and 14).
- 5.1.5 To ensure a shared approach across inspections, clauses 15 to 19 allow for the creation of an integrated inspection framework and for inspectorates to carry out joint reviews of all children's services provided in an area. (In support of this integrated approach, clause 41 extends existing intervention powers in relation to education functions of local authorities to children's social services.)

5.1.6 Part 3 and Part 4 of the Bill relate to Wales.

5.1.7 Part 5 of the Bill makes a number of further provisions:

- to strengthen the existing notification arrangements for private fostering, with a reserve power to introduce a registration scheme should these not prove effective (clauses 36-39);
- to clarify and simplify the registration of child minders and providers of day care (clause 40);
- to provide for the extension of existing intervention powers as mentioned above (clause 41);
- to provide for an extension of inspection powers under section 38 of the Education Act 1997 (clause 42);
- to create a new duty for local authorities to promote the educational achievement of looked after children and an associated power to transmit data relating to individual children in monitoring this (clauses 43 and 44);
- to allow for the payment of fees to adoption review panel members (clause 46);
- to allow grants to be paid across the range of children, young people and families services (clause 47);
- to remove the power to make a care order at a lower threshold than would be usual under the Children Act as a sanction for not complying with a Child Safety Order (clause 48).

## **6.0 DETAIL**

6.1 The Green Paper “Every Child Matters” was published in September 2003 in response to the recommendations of the report of the Laming Enquiry. When the Green Paper was published it was made clear the parliamentary process would not include a White Paper but would proceed straight to a Bill. The Green Paper proposals did not reflect all of Lord Laming’s recommendations but its main themes were better local child protection arrangements, breaking down barriers between agencies, and identifying one person within the local authority who is clearly responsible for the safety of children.

6.2 There was extensive response to the proposals. The main objections were the lack of local flexibility in the proposals for organisational change and a concern that the proposed timescales were too tight. Brent Council made these points strongly in its response to the Green Paper and expressed the concern that children’s services would suffer if attention was concentrated on structural change and changes in senior personnel. The Bill has taken account of these concerns and local flexibility and more realistic timescales have been included. The Bill was introduced into the House of Lords on the 6<sup>th</sup> March and is expected to be enacted by the Autumn.

### 6.3 **Main Recommendations**

- Establishing a Children's Commissioner for England.
- A duty on the local authority to make arrangements to promote co-operation between partners to improve the well being of children.
- Establishing Local Safeguarding Children Boards to replace the Area Child Protection Committees.
- Appointing a Director of Children's Services by 2008 at the latest but the expectation is that this will happen by 2006. The legislation does not say how the Director's functions will be discharged nor does it specify structural change. However local authorities will be assessed in relation to improved outcomes for children and as such they will be asked to consider the best structures to deliver those improvements. This includes the integration of children's social services and education.
- Appointing a Lead Member for Children's Services.
- Children's Trusts – these are not created as statutory bodies by the Bill. However, statutory guidance will make its expectations clear in that there will be arrangements for joint commissioning and provision across a wide range of local organisations.

### 6.4 **Brent's Response and Planned Action**

- 6.4.1 Brent has adopted an overall approach to these proposals which is to minimise disruption through changes to organisational structures. Although the Bill is concerned with Children's Services delivered by Education and Social Services, the changes proposed in it could have significant implications for the rest of the Council. It is essential that these changes are accommodated without affecting the Council's overall capacity and performance. The action to prepare for the legislation can be divided into two areas, the first is to manage the impact of the organisational changes, i.e. the Director of Children's Services, Lead Member, and the second is to implement a programme of joint working arrangements at a service level.
- 6.4.2 To oversee this process a member / officer group has been established, led by the Leader and the Chief Executive.
- 6.4.3 It is proposed that a Children's Partnership Board be established to lead the changes. This group will consist of Chief Officers from the Council and partner organisations. Consideration is being given as to how to include representatives from the children's voluntary sector and children's and young people's groups on this partnership board.

6.4.4 A costed project plan is being developed for the next two years to cover service integration issues:

- Information sharing
- Pooled budgets
- Joint Commissioning
- Integrated services
- Multi-disciplinary working
- Extended Schools

A project manager will be appointed to support this programme.

6.4.6 It is proposed that the Area Child Protection Committee will be developed into a Local Safeguarding Board by April 2005 at the latest.

## **7.0 DIVERSITY IMPLICATIONS**

7.1 The Bill aims to increase opportunities for all children and strengthen participation for those who want it through the development of integrated services. As the Partnership Board develops the strategy for delivering the Bill's proposals, appropriate Impact Assessments will be carried out.

### **Background Papers**

- Brent's response to the Green Paper "Every Child Matters" – December 2003
- Keeping Children Safe : The Government's response to the Victoria Climbié Inquiry Report (Sept 2003)
- Joint Chief Inspectors' Report : Safeguarding Children
- Every Child Matters (September 2003)
- Every Child Matters – Next Steps (March 2004)
- Children Bill (March 2004)

**Jenny Goodall**  
**Director of Social Services**

**John Christie**  
**Director of Education, Arts and Libraries**