Introduction

1. We welcome the opportunity to submit written evidence on the Bill and would wish to state our support for the objectives and principles of the Bill. We will draw attention to a number of concerns regarding some of the potential implications of its implementation.

2. Given the current levels of deprivation as evidenced by NLC’s position in the Scottish Index of Multiple Deprivation, significant investment will continue to be required to counter the impact of the prevailing economic downturn, including the implications of Welfare Reform. The needs of communities are growing and significant investment in this priority area would potentially improve long term employability and community regeneration across our most vulnerable communities.

3. Our response is informed by our experience of implementing GIRFEC in the Lanarkshire area. Following the Highland Pathfinder Project, Lanarkshire became the first ‘Getting It Right for Every Child’ (GIRFEC) learning partners in June 2008.

4. The two Councils, along with partner agencies have fully embedded GIRFEC into our culture, processes and practice. We will refer to our learning at various points in our submission.

Rights of Children

5. As a Council, we are already taking positive steps to embed the rights of children and young people in line with UNCRC, and the development and launch in October 2012 of our Getting it Right for Every Child practice guidance supports the cultural and system change required to implement practice change.

Children’s Services Planning

6. We are concerned about the proposed powers in the Bill, particularly around Section 17, which would allow Scottish Ministers to direct Local Authorities where they may be dissatisfied with the joint planning arrangements between a Local Authority and the NHS.

7. This proposal raises concerns regarding a potential shift from local to central government, governance and accountability. We believe that this would be a threat to our vision of being proactive and responsive to resolving local needs and issues for our children and families through our local multi agency partnerships.

8. We have a long established multi agency planning structure for children’s services. Our GIRFEC arrangements have allowed more defined common pathways and local decision making structures which allow children to get help when they need it. This is evidenced in our past external inspections of children’s services in North Lanarkshire.

9. We would welcome further discussion on this aspect of the Bill.
10. We anticipate that further guidance on the role and function of the named person will be provided. Early indications are that the NHS will take responsibility for all pre-school children with Education holding lead responsibility for all children of school age. This is currently the case within North Lanarkshire and as previously outlined, as one of four learning partners we have developed and launched our GIRFEC practice guidance for the implementation of the named person’s role within Health and Education. This role has been fully embraced by all practitioners and managers alike. Within the independent review it was highlighted that cultural change has made the most significant difference to the implementation of the principles. The GIRFEC practice model and core components improved understanding, co-operation and joint working across professional boundaries.

11. To summarise it has been the hearts and minds of the professionals involved within children services in Lanarkshire that has made the difference to implementing the principles of GIRFEC and the well being indicators. It is difficult to see what added value legislation will bring to the changes that have been already been made within North Lanarkshire.

12. The Children (Scotland) Act 1995 outlines the responsibilities of parents and carers and the rights that come from this undertaking, in particular, the responsibility as a parent to look after their child’s health, development and welfare. The United Nations Convention on the Rights of the Child (UNCRC) which influences the principles of the Bill are specific under Article 5 that Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. To strengthen this principle Article 5 encourages parents to deal with rights issues "in a manner consistent with the evolving capacities of the child". The Convention does not take responsibility for children away from their parents and give more authority to Governments. Adopting a universal approach for every child within Scotland to have a named person should be carefully considered and requires to recognise Article 5. Within North Lanarkshire, when implementing the named person, consideration of this matter has been taken and the focus continues to be on encouraging and supporting all parents to deal with aspects of their child’s well-being.

13. In respect of Section 37 regarding the child's plan and the plan management, we hold the view that secondary legislation needs to be introduced to ensure that there is harmony between planning in respect of the Child’s Plan and planning requirements for children and young people with additional support needs as required by the Additional Support for Learning legislation. Clarity in this area would be welcomed. Subsection 5 of the Bill makes provision to allow Scottish Ministers to make further orders regarding the management of the plan. It would be helpful to have further provisions in relation to, for instance, the transfer of the plan between authorities.
Early Learning and Child Care

14. North Lanarkshire Council's aspiration is to deliver the highest quality services to our preschool children and their families. In the context of the Early Years Collaborative, we will be required to take a holistic approach to the delivery of services.

15. The Council has estimated that to deliver the 600 hours and the required level of flexibility could potentially cost up to £4.7 million. Whilst the Scottish Government has provided Scotland-wide indicative funding, clarification is required on individual authority allocations. There is a sense of urgency in relation to this, to allow planning and implementation for the commencement of enhanced services by August 2014.

16. There continue to be challenges that will impact on staffing, accommodation and partnership contracts to enable 600 hours to be delivered including:

- Staffing - additional recruitment and training to maintain and improve standards
- Accommodation - in light of the ongoing work on the Early Years collaborative, the Council will be required to invest further in providing facilities and accommodation that will meet the needs of 21st century early learning and childcare. Clarity is required in relation to the availability of capital resources
- Partnerships - the nature of delivery of early years services in this authority is characterised by multiagency working. The continued success of this approach will depend upon clarity of resources, including funding, that will be available to the partnership.

17. The proposal within the Bill, to provide early years placement for all looked after two year olds (including those in kinship care arrangements) will inevitably impact on places required and available. This in turn will impact on availability of provision for other vulnerable groups.

Aftercare

18. In principle, we agree with the requirements to support young care leavers up until the age of 25 but remain concerned about the funding for this. We recognise that the Scottish Government have estimated a national funding requirement of £3.87m in 2015/16, £4.03m in 2016/17, £4.03m in 2017/18 and £1.77m in both 2018/19 and 2019/20. If proposed changes to Section 29 of the Children (Scotland) Act 1995 extends the right for a young person to remain with a supported carer until the age of 25 this will incur an additional cost of £55,723 per placement. Some of these young people will be eligible for Section 29 payments if attending further/higher education courses prior to their 21st birthday.

Counselling Services

19. Part 9 of the Bill, makes provision for counselling services but there is no definition of 'eligible child'. This should be central to the obligation to provide services so the definition of this should not be left to secondary legislation. As outlined in the Bill, Local Authorities are to provide undefined counselling services to parents or those with parental rights and responsibilities of an undefined group of children. It is difficult to
comment on the potential impact of this on the Council. The Bill also makes reference to specific types of counselling support but this is not all encompassing considering the range of difficulties children and their parents encounter and some of the counselling that may be required are of a more specialist nature and are provided by Health. Given the undefined nature of this responsibility it is difficult to determine its potential impact.

Support for Kinship Care

20. With reference to kinship care, the Scottish Government estimates a cost of £2.6m across Scotland for implementation costs with no recurring costs. In considering the potential cost to North Lanarkshire we currently have 295 kinship carers who have been assessed, the majority of whom receive allowances. It is currently unknown how many informal kinship arrangements are in place within the area. It is therefore difficult to predict the additional demand that the proposed kinship order will create. Currently we pay 50% of the fostering rate to kinship carers, this is approved after an assessment is agreed by the Kinship Care Panel. Within North Lanarkshire it would be reasonable to predict a significant increase in the demand for payments considering that the balance of care for children being cared for by extended family members, many of whom will currently not be known to Social Work Services.

21. Section 65 outlines what a kinship care order is. This section deems that any residence order granted in favour of a qualifying person or any order under Section 11 (1) of the ‘95 Act giving the right to dictate residence to a qualifying person, is deemed to be a ‘kinship care order’. Qualifying person is defined in Section 65 (2) but further clarity is required on the definition of ‘related’. It is proposed that the interpretation is one similar to the definition of ‘relative’ in Section 119 of the 2007 act. There needs to be some requirement for assessment by the Local Authority and discretion on the Local Authority as who should be able to gain assistance from them. This is also being left to secondary legislation.

22. The Bill suggests that once carers have applied for the order and receive a start up grant then they would no longer be in receipt of payment from the Local Authority. To date this has not been our experience as through our Kinship Care Panel- a multi-agency decision making forum- consideration is given to a wide range of supports for kinship carers which include one off payments/start up costs. Many carers seek or go onto require regular payments from the Council. It is difficult to estimate or predict how many kinship carers would apply for the new order. Moreover, without a definition of support within the Bill the assumption being made is that this does not always have to include financial assistance which could be challenged by carers.

23. The cost of supporting carers to apply for the new order is unknown. Based on work that has already taken place within North Lanarkshire comparing this to costs to support Adoption orders, there would be a considerable cost for the Local Authority. On these costings, we have estimated that the cost of seven new orders per year to be approximately £28,000. Again this is a very conservative estimate and may not mirror the true demand that currently is being managed within children’s extended family networks by “informal” kinship carers.

24. Section 64 makes it an absolute obligation that kinship care assistance is made available by the Local Authority but again there is no definition of the term “kinship care assistance”. In the Adoption and Children (Scotland) Act 2007, there was some attempt
to define certain terms for instance ‘adoption support service’ and the same should reasonably apply here.

25. Section 66(3) and (4) allow Scottish Ministers to make further provision about a number of matters including how or when kinship care assistance is to be provided, when a child is eligible etc. It is arguable that these issues are too important to leave to secondary legislation but the financial memorandum suggests that there will be a qualifying test which will be linked to the current or projected risk that a child may need to become formally looked after. More guidance on this will be required. It may cause confusion or become a point of contention for kinship carers if this is determined by their capacity to manage any current or future risk for the child, as not every kinship carer applying for a Section 11 order will therefore be eligible for assistance.

26. We remain extremely concerned about the potential financial, staffing and other resource implications of this part of the Bill on the Authority.

Summary

27. We understand the vision of the Scottish Government to implement the objectives and principles of the new Bill consistently throughout Scotland. The Bill will assist in reinforcing the existing strong partnerships and joint planning arrangements through the children services structures that already exist in the North Lanarkshire area. These are key to the strategic and operational delivery arrangements to improve outcomes for children and families and as such much progress has been already been made in implementing the proposals contained within the Bill concerning the named person, kinship and corporate parenting. We remain concerned about a number of aspects of the Bill and in particular issues around governance, (in particular the stronger focus on centralisation as opposed to local delivery) our ability to meet funding requirements and that much of the detail is being left to secondary legislation.

28. We would welcome the opportunity to provide oral evidence to the Committee.

North Lanarkshire Council
12 August 2013