

LGA On-the-day briefing

Queen's Speech

9 May 2012



Introduction

After a busy two-year first session for the coalition Government, this year's Queen's Speech is thinner than usual, containing significantly fewer bills than the 23 announced in the 2010 Queen's Speech. The legislation included in today's programme is detailed below, but we expect this year-long session will be dominated by the House of Lords Reform Bill, with the Queen stating that her Government would be focusing on "economic growth, justice and constitutional reform".

LGA key messages

- The LGA will continue its parliamentary lobbying work to ensure the best outcome for our member councils.
- Councils have already shown remarkable resilience in coping with the spending cuts and local government is already the most efficient, transparent and trusted part of the public sector.
- Within our legislative lobbying work we will be campaigning to ensure there is sustainable funding for local government going forward.

The legislative agenda

In addition to those listed below, this parliamentary session will also see the return of the **Local Government Finance Bill**, which will carry over with Lords consideration of the bill being taken after the Queen's Speech. The LGA has been lobbying MPs as the bill has been passing through the House of Commons, full briefings outlining our key messages are available on our [website](#).

We are disappointed that the Government has chosen not to include specific legislation within the Queen's Speech to address the issue of **metal theft**. While we expect a private member's bill on the issue, we feel this is a missed opportunity to tackle an issue which has cross-party agreement, with the private member's bill process often being more protracted. The LGA will continue its lobbying work in this area, pressing the Government to introduce a new regime for the licensing of scrap metal dealers, alongside other measures to tackle metal theft. Previous LGA briefings are available on our [website](#).

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Briefing

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Draft bills announced

Adult Social Care

The draft bill will set out what support people could expect from Government and what action the Government would take to help them to plan, prepare and make informed choices about their care, and provide greater clarity and equity of access to care and support.

Key issues for the LGA will be:

- The Government has previously committed “to establish a sustainable legal and financial framework for adult social care” in this forthcoming session of this Parliament. This draft bill falls short of that and the LGA will continue working to ensure this becomes a reality.
- Reform of adult social care is one of the biggest challenges this country is facing – none of us can go on ducking the issue any longer. The current system is not fit for purpose and needs urgent reform.
- While we believe the draft bill could be a positive step towards addressing the very real crisis we are facing in providing care to our rapidly aging population, it is imperative that legislation is introduced within the timescales which the Government committed to and that this is not kicked into the long grass.
- The Government must address three key areas: radical reform, by adopting proposals which enable people to plan for the costs of retirement, of which Dilnot is the only current proposal; a system that is simpler and ensures a better quality of care through integrated health and social care commissioning with a single commissioner; the shortfall in funding.
- Along with our partners, we will shortly be setting out the local government offer to central government on how councils can play their part and make Dilnot’s proposals manageable.
- Reforming adult social care is the number one priority for many councils and the LGA will continue to work on behalf of our members and press for real, practical change.
- It’s now time for all parts of government to come together to ensure reform, with appropriate funding and quality, is done right.

Water

There will also be a draft Water Bill which will look to implement the proposals within Defra’s [Water White Paper](#), published in December 2011.

Key issues for the LGA will be:

- Infrastructure: We will be seeking to ensure that any solution for the source and mechanism of long-term funding for the maintenance of sustainable urban drainage systems (SuDS) works for local authorities, and does not impose additional burdens.
- Energy and climate change: The LGA has highlighted that the Water Bill could provide a legislative vehicle for (a) a similar mechanism to the Green Deal to help pay for installing measures which protect

housing in flood risk areas; and (b) include more reference to rainwater and grey water re-use systems including the opportunities of incorporating these systems into new developments.

- **Affordability:** It will be important for local government to ensure that keeping water bills affordable and minimising increases is not at the expense of adequate investment.

Audit of local public bodies

A draft bill will be published setting out measures to close the Audit Commission and establish new arrangements for the audit of local public bodies.

Key issues for the LGA will be:

- Councils found the previous centralised audit process run by the Audit Commission burdensome and expensive.
 - The financial auditing of councils can be done by fully licensed audit companies, rather than a centralised quango.
 - In respect to maintaining standards and sharing best practice, many town halls are already working on 'peer review' programmes along with assistance from the LGA. These can help ensure that the high-quality services which residents expect can be monitored effectively by those on the ground level.
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Bills announced

Children and Families Bill

The Government has said that it will introduce measures to improve provision for disabled children and children with special educational needs (SEN). It will also introduce new arrangements to support children in family law cases, reform court processes for children in care and strengthen the role of the children's commissioner. It will also give parents access to flexible parental leave; so that where they want to, mothers and fathers can share caring responsibilities in a way which best fits their needs.

On **SEN**, the bill is intended to:

- replace SEN Statements and Learning Difficulty Assessments (for 16 to 25-year-olds) with a single, simpler 0-25 assessment process and Education, Health and Care Plan from 2014
- provide statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education – instead of being cut off at 16
- require that local authorities and health services jointly plan and commission the services that children, young people and families need. Giving parents or young people the right to a personal budget for their support.

The Government has said that it will reform court processes for **children in care**. It will introduce a six-month time limit and, wherever possible, it will expect cases to be completed more quickly. It will also clarify recognition of the role of both parents by the courts with a legislative statement and will simplify the family justice system to help separating couples reach lasting agreement speedily.

The bill is also intended to enact those parts of the **Adoption Action Plan** which require legislation. The Adoption Action Plan seeks to improve and speed up the adoption system, and the Government has stated that this bill will look to reduce the number of adoptions delayed in order to achieve a perfect or near ethnic match between adoptive parents and the adoptive child.

The law currently states that due consideration should be given to a child's cultural and ethnic background, but also that the impact of delay on a child should also be taken into account. Changes to guidance have been made in previous years to emphasise that avoiding delay, not ethnicity, should be the key consideration when matching children and families. However, the Government considers that changes to legislation are necessary to make this clearer.

Key issues for the LGA will be:

SEN

- Vulnerable youngsters with complex needs need the support of a range of publicly-funded services and the coordination of these works best when focused on the child's needs at home.
- Services must be locally based in order to deliver support to parents and young people with special education needs and disabilities (SEN), and it is right that local authorities continue to take on the role of coordinating this support. Indeed, the vast majority of those who responded the Department for Education's SEN Green Paper consultation last year agreed with the proposal to put local authorities at the heart of the process.
- The assessment system needs to be far more transparent, with a strong role played by the voluntary sector and other agencies, including health and social care. Many local authorities have developed new and innovative ways of assessing a child's needs. Local authorities, including those 30 areas involved in the SEN Pathfinder projects, are already creating new ways of undertaking education, health and care assessments, involving parents and young people in the process of developing new systems.
- The Government needs to be open and transparent about how national funding is allocated to local authorities so that they can meet the needs of their most vulnerable young people.

Court processes

- The LGA supported the Family Justice Review and believes that children must not become the victims of the lengthy court process.
- Councils are dedicated to putting children first and those in care need to be saved from the years of uncertainty created by the current court system and we welcome Government measures to speed up the system.

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Adoption

- A recent report by Ofsted found that the most significant cause of delay for children is not councils slowing things down in relation to matching and ethnicity but the length of time it takes for cases to be completed in court. The average time taken to complete care proceedings is almost 14 months. The report stated: "Processes for matching children with adoptive placements were generally robust. There was little evidence of delay caused by an unrealistic search for a 'perfect' ethnic match."
- Councils take their responsibilities towards children in their care extremely seriously. Social workers must be able to make the best decision for the individual child and should not be deterred from considering all options, including special guardianship arrangements. They will consider a child's religious persuasion, racial origin and cultural backgrounds when trying to find their ideal home too. However, as Ofsted recently confirmed, these factors do not delay placing a child with a loving family if they are otherwise suitable.
- We acknowledge that there is a variation in performance across councils and recognise that at times the system has been risk averse, but we want to work with Government to change that and remove barriers that delay decisions, including tackling the significant delays in the family courts.
- Councils are committed to continually improving services for our most vulnerable children, and the LGA and its partners are developing an £8 million programme that will encourage children's services professionals to share information on what works. Helping councils to improve adoption processes will be a key part of this.

Public Service Pensions Bill

The bill would implement changes to public service pension provision, in line with the Final Proposed Agreements reached with trades unions for the three largest schemes in March. It would establish a common framework across public service pension schemes. The changes would also ensure provision is sustainable and that costs and benefits between employers, workers and other taxpayers are balanced more fairly.

Key issues for the LGA will be:

- This bill will enact those changes which are already being put into place.
- The LGA has ensured that this will be a local government pensions scheme led by local government and is now leading the discussion with the trade unions.

Electoral Registration and Administration Bill

The bill would reduce electoral fraud by speeding up the introduction of **individual electoral registration** and to modernise our electoral registration system, making it convenient for people to register to vote.

Key issues for the LGA will be:

- We will be looking for clarification from Government with regards to any cost implications of this new system.
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The following legislation was also announced, which is not expected to directly impact on local government:

- **Reform of House of Lords.** The bill would change the way that people become members of the House of Lords. Most are currently recommended by leaders of political parties. The bill would change this, so that most members of the House of Lords would be elected by the people.
- **Enterprise and Regulatory Reform Bill.** The bill would create the right conditions for economic recovery by strengthening the business environment, reducing regulatory burdens and improving business and consumer confidence.
- **Banking Reform Bill.** The bill would foster financial stability and a more resilient banking sector. The retail ring-fence would separate vital banking services on which households and SMEs depend from wholesale and investment banking activities. This would insulate these vital services from global financial shocks and make banks easier to resolve without taxpayer support.
- **Pensions Bill.** The bill would reform the state pensions system, creating a fair, simple and sustainable foundation for private saving.
- **Groceries Code Adjudicator Bill.** The bill would create a Groceries Code Adjudicator to uphold the Groceries Code and ensure suppliers are treated fairly and lawfully, supporting small businesses across the country.
- **Small Donations Bill.** The bill would help the charitable sector by boosting the income of charities, particularly small charities, and reducing their administrative burdens as they would not need to collect Gift Aid declarations on all their small donations.
- **Energy Bill.** The bill would reform the electricity market to enable large-scale investment in low-carbon generation capacity in the UK and deliver security of supply, in a cost-effective way.
- **Crime and Courts Bill.** The bill would protect the public by enhancing the national response to serious, organised and complex crime and strengthening border security. The bill will also help

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deliver a swifter, more open and effective court and tribunal system, while also reforming the judicial appointments process.

- **Defamation Bill.** The bill would reform the law of defamation to ensure that a fair balance is struck between the right to freedom of expression and the protection of reputation.
- **Justice and Security Bill.** The bill would respond to the challenge of using sensitive information in civil proceedings where the Government is party, without risking disclosure contrary to the public interest, and is also intended to enhance the current oversight regimes for the security and intelligence agencies (the Agencies).
- **European Union (Approval of Treaty Amendment Decision) Bill.** The bill would provide for parliamentary approval of the change of Article 136 of the Treaty on the Functioning of the European Union (TFEU), confirming that Euro area Member States may establish a permanent stability mechanism – the European Stability Mechanism (ESM).
- **Croatia Accession Bill.** The bill would provide for parliamentary approval of the Croatia Accession Treaty; Protocols to the Lisbon Treaty put forward by the Czech and Irish Governments; and the proposed decision to maintain the number of EU Commissioners to one per Member State.