

Local Government Association (LGA)

Children and Social Work Bill

Remaining Stages, House of Commons

7 March 2017



Key messages

- We welcome the Bill's focus on support for children in care, including the provisions to clarify corporate parenting principles, create a clear local offer for care leavers and extend personal adviser support for all care leavers until the age of 25. However, any new burdens on local authorities must be fully funded with new money to ensure that resources are not diverted from other services for vulnerable children as these are already considerably over-stretched.
- The provisions outlined in clauses 8 and 9 reflect existing good practice, ensuring that courts and social workers focus on children's long-term interests when planning care. The broader emphasis on permanence is particularly welcome, allowing placement decisions to be firmly based on the needs of individual children and young people.
- We are pleased that the Government has listened to our call for sex and relationships education (SRE) to be made compulsory in all secondary schools. When designed and delivered effectively, evidence suggests that these lessons have a positive impact on pupil wellbeing and can be a valuable element of a robust local safeguarding strategy.

Amendment statements

New Clauses 15 and 16: Sex and relationships education

We support the principle of increased access to age-appropriate SRE for children. When designed and delivered effectively, evidence suggests that these lessons have a positive impact on pupil wellbeing and can be a valuable element of a robust local safeguarding strategy.

It is positive that SRE will be embedded in all school curriculums, rather than being dependent on school structure. Academies and free schools, which make up 18 per cent of primary and 65 per cent of secondary schools, fall outside of local authority influence.

We are conscious that some parents may wish to remove their children from some or all PSHE lessons for religious or personal reasons. The regulations should include provision for parents to opt their children out of lessons, if they consider this to be in the best interests of their child.

New Clause 3: Sibling contact

Maintaining relationships with wider family members must be considered in light of whether it is in the best interests of the child, in the same way that contact with birth parents is determined. In the case of siblings, it must be in the best interests of all the children involved. **We would want to see this safeguard added to New Clause 3 led by Emma Lewell-Buck MP, Helen Hayes MP, Mike Gapes MP, and Melanie Onn MP.**

Briefing

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New Clause 4: secure accommodation elsewhere in Great Britain

Secure children's homes perform a vital role in providing support and protection for some of our most vulnerable children and young people. But provision is currently limited, with just a handful of homes providing this valuable service in England, the majority run by individual local authorities which bear a significant financial and reputational risks to provide what is essentially a national service.

Demand for welfare beds within these homes has been increasing significantly in recent years, partly due to a growing need for a safe and secure environment to work with children at risk in particular circumstances, such as child sexual exploitation, and partly due to a lack of availability of other forms of specialist support for particularly high need children, such as child and adolescent mental health services (CAMHS). As demand increases, some extremely vulnerable children are experiencing greater delays in receiving the help they need.

We are clear that more work is needed to improve the level of provision available in England, but this will take time to develop. We recognise the problems caused by the gap in existing legislation recently identified by the High Court.¹ **Therefore we do not support New Clause 4 led by Emma Lewell-Buck MP, Ian Murray MP, and David Anderson MP, which limits provisions on placing children in secure accommodation elsewhere in Great Britain to just two years after the Act is passed.**

In the long-term, there must be a move towards more integrated commissioning of these placements alongside child and adolescent mental health services. Too many children are still unable to access dedicated mental health support when they need it, and it is vital that the system is joined up to make sure that any child experiencing mental health issues gets the most appropriate support as quickly as possible, to avoid problems escalating to this stage.

New Clause 7: Post-removal counselling and legal guardians who are themselves looked after children or care leavers

All new burdens on local authorities must be fully funded to ensure that resources are not diverted from other services for vulnerable children as these are already considerably over-stretched. **A specific requirement on local authorities to provide counselling services and specialist therapeutic support – as outlined in New Clause 7 led by David Burrowes MP, Maria Caulfield MP, Scott Mann MP, Lucy Allan MP, David Amess MP, and Helen Hayes MP – would need to be fully funded.**

New Clause 8: sufficient accommodation for care leavers

A 2010 judgement from the Court of Appeal clarified the duty on children's services, under the Children Act 1989, to provide accommodation for care leavers aged over 18 where that was necessary for the young person's welfare.² Additionally, the development of Pathway Plans with and for young people in care ensures that plans are made for suitable accommodation when they become care leavers. The existing legislation and guidance ensures sufficient and appropriate accommodation is provided for care leavers who require it. **Therefore, we do not**

¹ High Court judgement [2016] EWHC 2271 (Fam)
<http://www.bailii.org/ew/cases/EWHC/Fam/2016/2271.html>

² Court of Appeal judgement [2010] EWCA Civ 1101
<http://www.bailii.org/ew/cases/EWCA/Civ/2010/1101.html>

support a further statutory duty on local authorities as proposed by New Clause 8 led by Emma Lewell-Buck MP.

New Clause 11: national offer for care leavers

The Bill consolidates and clarifies existing corporate parenting principles, requires local authorities to publish information on their local offer for care leavers, and extend personal adviser support to care leavers up the age of 25. Corporate parenting is one of the most important roles a council has and it is right that looked-after children and care leavers know what support is available to them. We agree that this local commitment should be matched at national level, and **we supported the principle behind the creation of a national offer for care leavers, as outlined in new clause 11 led by Emma Lewell-Buck MP.** Central government should work with local government to design the funding distribution mechanism to ensure it is simple for both care leavers to access, and local authorities to administer.

New Clauses 12 and 14: local safeguarding and welfare capacity

Councils already have a Sufficiency Duty under the Children Act 1989, requiring them to ensure, so far as is reasonably practicable, that they have enough accommodation for all the children in their care, including unaccompanied refugee children and along with children on the edge of care, with plans to meet the Sufficiency Duty included in relevant commissioning strategies. We do not see how this additional duty would further improve outcomes for children.

Councils have a strong track record of supporting children travelling alone and should be commended for how they have responded to a doubling in the number of unaccompanied children between 2015 and 2016.³ Councils are stepping up to respond to the humanitarian crisis, with more than 130 local authorities providing care and support for over 4,000 unaccompanied refugee children in England.⁴ We have urged the Government to put in place long-term funding arrangements to ensure that the commitment to support those children starting a new life in the UK is properly funded. It is vital that schemes for unaccompanied children are fully aligned and funded alongside other existing programmes for resettling refugees, ensuring that councils are able to properly support these vulnerable children while continuing to provide vital services for their local community.

Therefore, we do not support New Clause 12 led by Angela Rayner MP and Emma Lewell-Buck MP and New Clause 14 led by Heidi Allen MP, David Burrowes MP, David Warburton MP, Will Quince MP, Alison McGovern MP, and Stella Creasy MP, outlining a duty to maintain and report a local safeguarding and welfare capacity register

³ Children looked after in England (including adoption) year ending 31 March 2016:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/556331/SFR41_2016_Text.pdf

⁴ DfE annual data