

## **Children and Families Bill**

### **Purpose of report**

For Information.

### **Summary**

This report outlines the main provisions expected within the proposed Children and Families Bill that was announced during the Queen's Speech on 9 May 2012. It also includes the LGA's reaction, drawing on the on-the-day briefing on the Queen's Speech.

### **Recommendation**

Members are asked to note the report.

### **Action**

Officers to give members further information once it is available.

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## **Children and Families Bill**

### **Background**

1. The Queen's Speech on 9 May 2012 included a proposed Children and Families Bill that will include a number of provisions to deliver better support for families. The Bill is expected to be introduced in early 2013 and it will include measures to improve provision for children with special educational needs (SEN) and disabilities, to improve the family courts and adoption; and measures to strengthen the powers of the Children's Commissioner.
2. The LGA's on-the-day briefing on the Queen's Speech included a summary of the Bill's main provisions and the key issues for the LGA.

### **Special Education Needs**

3. The main measures are:
  - 3.1. replacing 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 201;
  - 3.2. providing statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education – instead of it being cut off at 16;
  - 3.3. requiring local authorities to publish a local offer showing the support available to disabled children and young people and those with SEN, and their families;
  - 3.4. giving parents or young people with Education, Health and Care Plans the right to a personal budget for their support; and
  - 3.5. introducing mediation for disputes and trialling giving children the right to appeal if they are unhappy with their support.

### *Key issues for the LGA*

4. 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 co-ordinating this support. Indeed the vast majority of those who responded the Department for

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Education's SEN Green Paper consultation last year agreed with the proposal to put local authorities at the heart of the process.

5. 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 the 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.
6. The Government needs to be open about how national funding will be allocated to local authorities so that they can meet their new responsibilities and the needs of their most vulnerable young people. The Government's funding proposals are currently out for consultation and an LGA response will be submitted by the 21 May 2012 deadline.
7. The Government plans to extend the right of parents and young people to challenge decisions made about special educational needs decisions for young people between 16-25, presumably by extending access to SEN Tribunals. We also expect proposals that people wishing to use the SEN Tribunal must use mediation before hand. Both of these changes are likely to increase the cost to local authorities.
8. Placing a duty on local authorities to publish a 'local offer' of SEN needs clarification. For example, if provision made by an academy is part of the local offer and a parent is unhappy about the provision or a decision made by the academy, will the academy be subject to the SEND tribunal?
9. Further detail is expected to be published shortly in the long awaited Next Steps document and the LGA will be providing further briefing to coincide with the publication.

**Family Courts**

10. The main measures are:
  - 10.1. creating a time limit of six months by which care cases must be completed;
  - 10.2. making it explicit that case management decisions should be made only after impacts on the child, their needs and timetable have been considered;

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- 10.3. focusing the court on those issues which are essential to deciding whether to make a care order and getting rid of unnecessary processes in family proceedings;
- 10.4. requiring courts to have regard to the impact of delay on the child when commissioning expert evidence; and
- 10.5. requiring parents in dispute to consider mediation as a means of settling that dispute rather than litigation and freeing up judicial time by allowing legal advisers to process uncontested divorce applications.

*Key issues for the LGA*

- 11. The LGA supported the Family Justice Review and believes that children must not become the victims of the lengthy court process.
- 12. 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.

**Adoption**

- 13. The main measures are:
  - 13.1. Enacting those parts of the Adoption Action Plan which require legislation. The 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.

*Key issues for the LGA*

- 14. 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 fourteen 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."
- 15. 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

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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.

16. 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.
17. Councils are committed to improving services continually 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.

**Financial Implications**

18. There are no financial implications for the LGA.