

Local Government Association (LGA)

Children and Social Work Bill

Second Reading, House of Lords

14 June 2016



Key messages

- **Clauses 1 to 7:** The LGA supports the Bill's strong focus on support for children in care, including provisions to clarify corporate parenting principles, create a clear local offer for care leavers and extend personal adviser support for all care leavers up until the age of 25. However, new burdens must be fully funded to ensure that resources are not diverted from other services for vulnerable children, which are already considerably over-stretched.
- **Clauses 8 and 9:** The provisions outlined in clause 8 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.
- **Clauses 11 to 14:** The recent Wood Review recommends that the current system of serious case reviews be replaced by a more flexible programme of local learning reviews supported by a national panel to consider more serious cases. The LGA supports this general approach, but we are concerned that the Panel outlined in the Bill is too closely controlled by the Secretary of State and risks politicising the serious case review process.
- **Clauses 15 to 19:** Freedom to innovate can be a powerful tool in improving outcomes for children and young people, particularly in a climate of rising demand and reduced resources. However, the range of legislation potentially exempted by the Bill is currently very broad, and we would encourage Peers to explore whether sufficient safeguards are in place to ensure decisions are always made in the best interests of children. We are particularly concerned that section 18 allows for the Secretary of State to relax duties on local authorities in intervention without any form of local democratic scrutiny.
- **Part 2:** Social work regulations will depend on the implementation. A balance needs to be found between sufficient regulation to provide public assurance and encouraging experienced social workers to remain or return to the profession. An overly-onerous system could deter good people and prove bureaucratic for employers. We are concerned that the system outlined in the Bill places regulation of the profession under direct government control, removing the independence necessary to win the trust of social workers and the public.

Background

Corporate parenting, care leavers and education attainment (clauses 1 to 7)

Clauses 1 to 3 consolidate and clarify existing corporate parenting principles, require 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.

Briefing

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Extending personal advisers for care leavers up to the age of 25 is a positive step. However, new burdens funding is needed to ensure that funding is not simply diverted from other children's services which are already over-stretched.

It is welcome that the duties relating to educational achievement (clauses 4 to 7) apply equally to maintained schools and academies. This will be particularly important if the Government continues in its aim of a fully academised system.

Care and adoption proceedings (clauses 8 to 9)

The focus on the long-term interests of the child is positive. It is especially welcome that the Bill includes not just adoption but other types of long-term placement. Adoption is not right for every child, and local and national government must continue to strive to improve the experience of all children in care, whether looked after by friends or family, in foster care, a special guardianship arrangement, or in residential care.

Child safeguarding (clauses 11 to 14)

The recent Wood Review of local safeguarding children boards (LSCBs) recommends that the current system of serious case reviews be replaced by a more flexible programme of local learning reviews supported by a national panel to consider more serious cases. The LGA welcomes this general approach, having long argued that the current system delivers poor outcomes in terms of learning for the considerable time and cost involved.

However, we are concerned that the panel outlined in the Bill is too closely controlled by the Secretary of State, which risks politicising the serious case review process. If reviews are to identify the root cause of safeguarding failings, they must be fully independent of government control to ensure they are able to consider whether changes are required at both national and local level without fear or favour.

The Government should also use this Bill to amend the current requirements around serious case reviews and LSCBs, allowing local authorities and their partners to develop a more flexible approach that fits local circumstances.

Different ways of working (clauses 15 to 19)

The LGA welcomes the intention to allow greater freedoms for local authorities to innovate. The children's social care landscape has changed significantly since the last major legislative reform brought about by the 2004 Children Act. Demand for child protection services has increased significantly, funding has fallen across the public sector, and a heightened understanding of threats such as child sexual exploitation, gang activity and radicalisation has necessitated new approaches to safeguarding outside of family settings. The structural landscape has also changed considerably and continues to do so, with greater devolution and combined authorities offering the potential for new delivery models that may not fit comfortably within the existing legislative framework.

However, the range of legislation covered by section 15 is extremely broad, and any decision to exempt an authority from social care legislation must be clearly shown to be in the best interests of local children and young people. We would encourage Peers to explore whether sufficient safeguards are in place to ensure this is the case.

We are particularly concerned that section 18 allows for the Secretary of State to remove regulations – potentially including significant duties in relation to the direct

care and support of children and young people – from local authorities in intervention without any form of local democratic scrutiny. Corporate parenting is one of local government's most significant responsibilities, as acknowledged in Clause 1 of this Bill, and it is important that these duties are not watered down or removed in a local authority area without the oversight of locally elected politicians.

Social worker regulations (Part 2)

Good social work can transform people's lives and protect them from harm. In order to achieve consistently high quality outcomes for children, young people and their carers, social workers must have and maintain the skills and knowledge to establish effective relationships with children, adults and families, professionals in a range of agencies and settings, and members of the public. The success of the provisions on social worker regulations will depend on the implementation. A balance needs to be found between greater regulation and encouraging experienced social workers to remain or return to the profession.

The LGA supported the Health and Care Professional Council (HCPC) as a one-stop shop independent regulator. Granting the Secretary of State powers to regulate social workers risks politicising the system and may have a detrimental impact on social workers and the children they support. Instead the new regulator must have guaranteed independence in order to balance the needs of the public; requirements set by Government; the interests of the profession; and the organisational requirements of employers who will have overall management responsibilities. The LGA, as employers, and ADCS and ADASS, as representative professional bodies for the senior members of the social work profession, should be involved in the design of a new regulator.