



REPORT TO EXECUTIVE

PORTFOLIO AREA: HEALTH AND COMMUNITY ACTIVITIES

Date of Meeting: 21 NOVEMBER 2005

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

Title: IMPLICATIONS OF THE CHILDREN'S ACT 2004
Report of: HEAD OF LEGAL AND DEMOCRATIC SERVICES
Report reference: LDS.44/05

Summary:

The report sets out the implications for the Council and other authorities of the statutory obligations set out in the Children's Act 2004.

Recommendations:

It is recommended that the Executive :

1. Note the contents of this report and the new statutory responsibilities under the Act placed on the County Council and all the districts.
2. Note that the Head of Legal and Democratic Services has been nominated the Lead Officer for Children and Young People.
3. Nominate a lead Member for Children and Young People to ensure that the responsibilities are given appropriate recognition and profile.

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. Background Information and Options

- 1.1 The Children's Act 2004 was passed to address the recommendations arising from the report of Lord Laming following the inquiry into the tragic death of Victoria Climbié. At the heart of those recommendations was a recognition of the need for joined up service delivery and clear leadership and accountability across the whole spectrum of the Children's agenda. The Government, following the Inquiry, published a Green Paper entitled "Every Child Matters" and, after extensive consultation with all stakeholders in the child care field, the Children's Act 2004 subsequently came into being.
- 1.2 The key theme underpinning the relevant legislation is the creation of a statutory basis for partnership working involving all relevant partners, including the statutory, the voluntary and the community sector, to help improve services to children and families and to ensure proper protection and support for them. Whilst the principal legislative duties will fall on Children's Services Authorities which are county and single tier authorities, the Act also has implications for all District Councils which need to be addressed, either in respect of specific duties placed upon Districts or by way of partnership working with other players to ensure that services provided are consistent with the principles set out in the legislation.

2. Specific Legislative Duties

- 2.1 A number of specific legislative duties are placed on the County Council (as a Children's Services Authority) and the District Councils in Cumbria as set out below.
- 2.2 Section 10 places a duty on each Children's Services Authority to create robust partnership arrangements with a range of bodies (e.g. Districts, Police, local Probation Board, Youth Offending Teams, Health Authority, Learning and Skills Councils plus others) with a view to improving the wellbeing of children in the authority's area in respect of :
- Physical and mental health and emotional wellbeing.
 - Protection from harm and neglect.
 - Education, training and recreation.
 - The contribution made by them to society.
 - Social and economic wellbeing.

Section 10(5) places a reciprocal duty on the relevant partners (including Districts) to co-operate with the County in making such partnership arrangements work effectively. Section 10(6) also contains provision enabling partners to establish and maintain a pooled fund and share staff, services etc for the purposes of fulfilling the aims of the partnership.

- 2.3 Section 11 sets out a specific duty on a range of bodies, including District Councils, to make arrangements to ensure that they carry out their functions having regard to the need to safeguard and promote the welfare of children. This is an important obligation which the authority is obliged to address. It means that in every aspect of the Council's service planning and delivery it needs to be able to demonstrate that it has given due regard to matters relating to child welfare and tailored its service delivery mechanisms to meet this requirement. It is akin to responsibilities in other legislation to have regard, for example, to the need to eliminate racial discrimination and reduce crime and is intended to be an overarching consideration touching all aspects of the authority's service delivery.
- 2.4 Section 12 sets out an obligation on the respective partners to share information databases in connection with child welfare matters. Further regulations will be produced on the precise detail of this.
- 2.5 Section 13 provides a specific duty on the Children's Services Authority (ie the County) to establish a Local Safeguarding Children's Board. The Board will comprise of broad partner representation, including District Council representation. The objective of the Board is to co-ordinate the work of all the partners on the Board and to secure and monitor the effectiveness of the work being done by each contributing partner and so hold each contributor to account.
- 2.6 Section 17 sets out a duty on the Children's Services Authority to produce a Children and Young Persons plan and Sections 18 and 19 of the Act creates specific duties on the part of Children's Services Authorities to appoint both a Director of Children's Services and a lead Council Member for Children Services to ensure clear leadership and accountability in respect of compliance with the legislation, in line with the Laming recommendations.
- 2.7 The legislation will therefore impact on the City Council both directly (particularly in respect of its specific duty to have regard to the welfare of children under Section 11 in the planning and delivery of its own services) and also indirectly in respect of its broader duties to participate in the wider partnership arrangements envisaged by the legislation. Whilst the duty under Section 11 will cut across all the Council's service provision, the key aspects of

District Council work where it is likely to have the most impact will include housing, culture and leisure, crime reduction, the environment, planning and the Council in its capacity as an employer, all of which touch on the welfare of children in some way. By way of information, the attached Appendix sets out a summary of those areas involving children and young people in which the City Council has a specific involvement and where responsibility for them rests in the Council's Member and Officer structure.

3. Local Implementation – the Current Position

3.1 It will be for the County Council, as Children's Services Authority, to take the primary lead in respect of much of the legislation. The current position in Cumbria in terms of implementation is :-

- The County's initial focus has been to ensure that their own internal arrangements comply with the legislation. They have now appointed a Children's Services Director and both a Children's Champion and Adult Champion at Member level as required by the Act.
- There is already in place a Children and Young Persons Strategic Partnership (which is to be reconfigured) with all the districts represented on it and the Head of Legal and Democratic Services will be the City's officer representative on this body. There is also a "Change for Children" group led by Connexions and so the foundation for partnership working is in place.
- The County has established the statutory Local Safeguarding Children's Board from September 2005 and Carlisle's Town Clerk and Chief Executive will be the Districts' nomination to serve on this Board.
- The Chief Executives of Carlisle and Allerdale will represent the Districts on another group entitled the Children and Young People's Board.
- It is intended by the County that the statutory Children and Young Person's Plan will be in place by 1 April 2006.
- The County have undertaken to provide to the districts information on their timetable in respect of what they are doing to implement the legislation and how they see the contributions from the various partners operating. They have also requested that Districts, as far as they are able, get together to carry out relevant mapping exercises to set out what they are currently doing in respect of matters such as housing provision, licensing, planning and leisure. Some groups already exist on a countywide level e.g. the Licensing Group and the Cumbria Housing Group which could provide a basis for the mapping exercise. Cumbria see the key steps at this stage as being :

- The appointment of a Director of Children's Services and Children's Champion first, which they have now done.
- Agreeing a vision with all the partners as to what form the provision of Children's Services in the County will take and how each will contribute.
- Communicate to all parties precisely what is going on.
- Clarify the role of each of the Districts in respect of where matters rest in their various areas and agree what they can do to contribute, either collectively or individually, to the clarification process.

4. **What the City Council will be required to do**

- 4.1 The essence of the statutory duty is to work in collaborative partnership with the County Council and other partners and so the City will be required to participate and proactively contribute through the Children and Young Persons Strategic Partnership, the Protection Board and any other countywide mechanisms which are agreed. This has already commenced through representation at officer level on the various bodies mentioned above.
- 4.2 Whilst these may be matters which are best agreed on a countywide basis, the City will (like other districts) have to demonstrate that it has fulfilled its specific statutory duty to have regard to the welfare of children in all its own service areas. As with any other statutory duty, it is likely that certification of compliance with this will be picked up under the relevant inspection regimes. The Council should therefore consider :
- 4.2.1 Carrying out a children's audit in respect of its policies to examine what it currently does, how well it does it and how it can improve, to ensure that child welfare is at the heart of the authority's thinking. This is similar to the current review of the Council's policies to test them against the equalities agenda and examining the children's agenda policies might be usefully linked to this work
- 4.2.2 Ensuring effective and proactive representation on the various countywide partnerships mentioned above and putting in place systems for collaboration and communication with other relevant players. Work on this is already underway.
- 4.2.3 Looking at developing mechanisms for engaging and consulting children and young people (in partnership with other districts and the county where appropriate) in connection with the shaping and delivery of Council services.

4.2.4 The political management arrangements in respect of children may need strengthening. The Council needs to consider whether it would wish to nominate a specific Lead Councillor for Children and Young People to give the duty a specific profile. There is no statutory duty to do this but it would be a public declaration of the importance which the City is giving to the children's agenda and it is recommended in this report that a member champion is nominated.

1. CONSULTATION

2.1 Consultation to Date.

The new statutory duties have been reported to EMG and CMT and the partnership bodies referred to in the report are now beginning to operate.

2.2 Consultation proposed.

The various partners referred to in the body of the report will all collectively be involved in the emerging children's agenda.

2. RECOMMENDATIONS

It is recommended that the Executive :

1. Note the contents of this report and the new statutory responsibilities under the Act placed on the County Council and all the districts.
2. Note that the Head of Legal and Democratic Services has been nominated the Lead Officer for Children and Young People.
3. Nominate a lead Member for Children and Young People to ensure that the responsibilities are given appropriate recognition and profile.

3. REASONS FOR RECOMMENDATIONS

To ensure that the authority complies fully with its responsibilities under the Children's Act 2004.

4. IMPLICATIONS

- Staffing/Resources
There will be a requirement for an additional time input from officers in complying with the statutory duties and most likely from Members as well.
- Financial
None
- Legal
They are referred to in the body of the report.
- Corporate
The Council as a whole will be required to mainstream the duty to have regard to the need to safeguard the welfare of children in all of its policy planning and service delivery.
- Risk Management
There will be a requirement to monitor the Council's effectiveness in complying with the new responsibilities to ensure that it can demonstrate this under any relevant inspection regime.
- Equality Issues
Having regard to the welfare of children is part of the wider equalities agenda which the Council should comply with and be seen to embrace under its community leadership role.
- Environmental
None.
- Crime and Disorder
Regard to the welfare of children in the Council's activities in this area will need to be given appropriate focus.
- Impact on Customers
None.

**CHILDREN & YOUNG PEOPLE'S BOARD
CARLISLE CITY COUNCIL – POSITION STATEMENT
September 2005**

CONTEXT

The information given below is a summary taken from all the City Council's Services, when asked a series of questions relating to governance arrangements and levels of commitment.

This summary does not present a complete picture on behalf of the City Council, mainly because we have not yet gone through a process of identifying how our services have a direct impact on the lives of children and young people, the new licensing regulations, the role of our Welfare Advice Service and this requires awareness raising for our staff and Members which will be undertaken in the light of the Act. We mean by this that some of our officers may well have felt that this request for information was not relevant to their own service area.

The Council now has two Key Priorities – Cleaner, Greener & Safer and developing Carlisle as a Learning City. Both will have direct outcomes for children and young people. In addition 'Carlisle Renaissance' –a 10 year vision for Carlisle (following the aftermath of the January floods) will ensure that children and young peoples' needs will have priority.

WHAT LEVEL OF PRIORITY . . .

Carlisle City Council has, for a number of years, provided a high quality service for children and young people, and, given that it has no statutory duty to do so, its work has filled a significant gap in Youth Work Services across the District. The Children & Young People's Team works closely with Connexions is seen by this organisation as providing a much needed and valuable service.

**Children & Young People's Board
Request for Information from District Councils
Carlisle City Council – SUMMARY**

What level of priority is placed on Children & Young People within your organisation/area?

Responses Received:

Countryside services – a high level, a programme of events is organised. Schools Conservation groups, weekly conservation events relating to curricula.

Play Areas – high priority – play area service dedicated to children's recreation, safety etc

Sport and Recreation – high priority as a considerable amount of work is targeted at physical activity and sport

Community Support – children and young people are not identified as a specific priority group in the Council's Corporate Plan. However, despite having no statutory responsibility to provide services for children and young people, the Council does significantly engage with them, particularly through staff in the Children & Young People's Team. We have a children and young people action plan which sets out objectives and targets for providing opportunities and services for young people

Homeless Services – All 16 and 17 year olds who are 'looked after' and 18-20 year olds who are leaving care are automatically given priority to be re-housed. As are young people of any age group who are unable to live at home because it is unsafe to do so.

Which Elected Members are responsible for matters concerning Children & Young People?

The City Council's Executive is being asked (at its meeting on 24th October) to identify a 'Member Champion' for Children & Young People. The Portfolio Holder for Health & Community Activity has responsibility for community involvement/supporting schools and the Portfolio Holder for Environment, Housing, Infrastructure and Transport has responsibility for Homeless Services.

Which Officers are responsible for matters concerning Children & Young People?

The Head of Legal & Democratic Services is the Council's Officer Champion for Children & Young People and is a member of the Cumbria Children & Young People's Partnership.

The Town Clerk & Chief Executive (TCCE) represents the District Councils (together with the Chief Executive of Allerdale District Council) on the Children & Young People's Board. The TCCE also represents the District Councils on the Cumbria Children's Safeguarding Board. In addition:

Countryside services – Countryside Officer & Assistant Countryside Officer

Play Areas – Senior Technical Assistant & Parks Assistant

Sport & Recreation – Sport & Recreation Manager; NACRO Development Officer; Community Sports Coach; Sports Development Officers; Football Athletics Development Officer;

Community Support – Community Support Manager; staff in the children and young people's team

Homeless Services – Youth Housing Officer

What are the reporting lines within your organisation for matters concerning Children & Young People?

Countryside Services – refer to Line Manager/Parks & Countryside Manager
Play Areas – refer to Line Manager
Sport & Recreation – through committee meetings using review of physical activity and sports strategy
Community Support – reports relating to children and young people would be reported either to the Council's Executive Committee or the relevant Overview & Scrutiny Committees. Issues would be reported to the Head of Service.
Homeless Services – we work within the guidelines set out by the Housing Act 1996 V11 (Part VII – Homelessness) amended by the Homelessness Act 2002
We have 33 working days to make a decision on each case. If the client is not satisfied with the decision, they can appeal. The Housing & Health Partnerships Manager deals with the appeal along with our legal department.
A 'child in need' referral can be made to Social Services where there is a risk for a young persons health and safety
Personnel & Individual Heads of Services – will address the criminal records checks requirements

Who are the people in your organisation that have the ability to make decisions regarding matters concerning Children & Young People?

Corporately – The Town Clerk & Chief Executive and the Head of Legal & Democratic Services. In addition:

Countryside Services – Head of Service, Community Development Manager and Parks & Countryside Manager

Sports & Recreation – Sports & Recreation Manager

Community Support – Community Support Manager; relevant elected Members

Homelessness Services – All homelessness officers

What resources do you currently/intend to direct towards activities relating to Children & Young People?

Learning & Access – Learning & Access Department, Tullie House and Guildhall Museum. Partnership funding from the North West Hub (Renaissance in the Regions) from Museums, Libraries and Archives. Tullie Time Travellers – supported by Friends of Tullie House

Countryside Services – Officer time, costs associated with activities. Involving children in bulb/tree planting and dialogue regarding future developments within the parks

Play Areas – Providing and maintaining approximately 70 play areas across the Carlisle District designed principally for use by under 8's. The play area budgets – approx £150,000 – 2005/06. Officer time 50% of Park's Assistant Job, 25% (approx) of Senior Technical Assistant's job

Culture Leisure & Sport – provision of coaching activities for a variety of sports both during school holidays and term time

Planning – Currently direct resources on request to assist in school projects/school work either by going into school to talk to children (always with teacher present) or group of children (occasionally one child) doing a project/coming to do research at the Civic Centre.

Any officer of the Local Plans & Conservation Team will assist.

Building Control inspect work carried out in schools

Planning Services provide weekly/two weekly work placement for students from local schools approximately 4 times a year

Local Plans & Conservation and Development Control provide two places for year out students from University – 6 months in each section

Certain Local Plan Policies and decisions on planning applications have regard to the need of children and young people, particularly with regard to play space and secure by design considerations.

Tullie House – The Tullie House events programme has a strong emphasis on activities for children and young people, including practical art/craft/performance based workshops and small-scale theatre and puppetry performances. Our programme at Stanwix Arts Theatre also includes work for children and families, and Brampton Live also includes activities and main stage concerts aimed at children

Customer & Information Services – we respond positively to requests to groups who support activities for young people for redundant IT equipment

We provide work placements for students who request work experience in IT

Sport & Recreation – All full time officers listed and budgetary provisions (Sport & Recreation Manager; NACRO Development Officer; Community Sports Coach; Sports Development Officers; Football Athletics Development Officer;)

Community Support – There is a budget for children and young people services of £153,000 which resources a team of 5 f/t equivalent staff and also funds project and activity development. In addition, other officers in the Community Involvement Team are also involved in projects with young people and some of the Council's programme of special outdoor events are targeted at children and young people. The County Council also supports some of our work, this year to the tune of £25,000. Organising an annual Youth Exchange Programme with our Twin Cities of Slupsk and Flensburg

Organising and supporting a network of Activity Clubs and Holiday Play Schemes in urban and rural community venues

Organising training courses for volunteers involved in providing services for children and young people.

Providing advice and information on Health & Safety, Children Act, Child Protection Issues

Provide a rehearsal studio for young artists and musicians.

Homeless Services – Housing advice and referrals made to support agencies who cover education and training, health, drug & alcohol, benefits

Finance – offer work placements to students from schools

Commercial & Technical Services – offer work placements to all schools in all operational areas; offer extended work placements for students with practical skills rather than academic; offer apprenticeships in all operational areas; go into schools to discuss recycling, waste, litter and environmental issues; go into schools when undertaking work that will have an impact on the area they live in

What partnerships are you involved in which deal with matters connected to Children & Young People?

Learning & Access – Sure Start, CLEO, English Heritage, North West Museums Hub, Discovery Museum Newcastle, Hadrian's Wall Education Partnership, Oxford Archaeology North, Carlisle Schools, LEA, Museums Libraries and Archives (NW), Friends of Tullie House, Girl Guide Association

Countryside Services – YOT preparations. Schools Clubs/Activities with other organisations such as Eden Rivers Trust

Play Areas – Work with Carlisle Play for All (facilities for children and young people with disabilities)

Property – The Lanes – as the sub-region's major shopping centre, this attracts many families with children and unaccompanied older teenagers. Management has to be flexible to cater for the various demands through the private partnership arrangements

Tullie House – We fund and have a place on the Steering Group of the new Cumbria Youth Music Action Zone. Some of the organisations we support financially are involved in work with young people – eg Prism Arts (young people with learning disabilities) and Quondam Theatre Company, who deliver projects in Carlisle Secondary Schools using drama to explore citizenship issues.

Sport & Recreation – School sports co-ordinator programme; Carlisle Leisure Ltd; Cumbria Sport; NACRO; Carlisle & Eden Crime & Disorder Reduction Partnership; Various club and volunteer partnerships

Legal & Democratic Services – servicing the Carlisle Educational Charity which gives grants to young people to support them in various educational initiatives.

Support for the Youth exchange under the Town Twinning Programme

Community Support – Connexions; County Council; YWCA; Young Cumbria; Cumbria Youth Alliance; e2e Forum; Inter Agency Youth Panel; Carlisle United; Community Groups; Millennium volunteers; Sure Start local programmes; Floodart; Youth Music Zone

Homeless Services – we are working towards a joint protocol with Social Services. We work closely with Connexions & Community Projects. Community Projects is a charitable organisation offering free housing advice to 16-25 year olds and on occasions temporary accommodation for up to 3 days.

Commercial & Technical Services – New Deal; Oakleigh Trust on young person employment initiatives

Community Support – Face 2 Face; Floodart; Connexions; Carlisle Youth Panel

