



BRIEFING PAPER

THE CHILDREN BILL: IMPLICATIONS FOR DISTRICT COUNCILS

The future lies with those managers who can demonstrate the capacity to work effectively across organisational boundaries. Such boundaries will always exist. Those able to operate flexibly need encouragement, in contrast to those who persist in working in isolation and making decisions alone.

Lord Laming, Report of the Victoria Climbié Inquiry

The government published the Green Paper, *Every Child Matters*, in September 2003 following the publication of the Laming Report the previous January. During consultation SOLACE worked in partnership with others in the Inter Agency Group (e.g. LGA, ADSS, Confed/ACEO, NHS Confed and the major children's voluntary organisations) and met regularly with Ministers and civil servants managing the Bill Team. In March 2004, the Children Bill was published alongside a *Every Child Matters: Next Steps*, which provides details of the consultation response and the wider, non-legislative, elements of change that are being taken forward to promote the well-being of all children.

Taken together the Bill and the Next Steps document paint a picture of better co-ordinated services to all children based around five key outcomes which children themselves have said they want.

The outcomes that children say they want are:

- **being healthy:** enjoying good physical and mental health and living a healthy lifestyle



- **staying safe:** being protected from harm and neglect and growing up able to look after themselves
- **enjoying and achieving:** getting the most out of life and developing broad skills for adulthood
- **making a positive contribution:** to the community and to society and not engaging in anti-social or offending behaviour
- **economic well-being:** overcoming socio-economic disadvantages to achieve their full potential in life

Achieving these outcomes will rely on overcoming several policy challenges at national and local level which form the main themes of this agenda:

- Better prevention
- A stronger focus on parenting and families
- Earlier intervention
- Improving accountability and integration
- Workforce reform

Key proposals

The Bill and the Next Steps document contain a number of key proposals for addressing these challenges.

- A children's director responsible for education and social services for children
- Bringing other children's services together in the longer term as children's trusts
- Local authorities required to work through local partnerships



- Integrated teams of professionals, based in and around schools and children's centres
- Sweeping away legal, technical and cultural barriers to information sharing
- New duties on police, health and others to safeguard children and require them to come together into Local Safeguarding Children Boards
- Integrated inspection framework overseen by Ofsted
- A workforce reform package to make working with children an attractive career, and improve the skills and effectiveness of the children's workforce
- An independent Children's Commissioner

Timescale

Current projections suggest that the Bill will become law in November 2004, with guidance in Spring 2005. The final framework for the joint inspection is due to be published in April 2005, though Ofsted have already published a discussion document on their proposals.

Children's Services: the contribution of District Councils

Before addressing the new duties and powers it is important to underline what district councils currently contribute to outcomes for children. While in no way exclusive, the following pick out some important reasons for districts to see themselves contributing to this agenda.

Housing



The quality of housing has a major impact on the health and future life chances of children. Getting this service right is an important upstream determinant of downstream health, well-being and inclusion issues. Many councils have a policy to minimise the use of inadequate accommodation for families (and reduce the number of B&Bs for families) by working with private landlords and owners for leasing back arrangements. Housing professionals are also key to the safeguarding agenda, often being the first to make contact with children who may be in need, as was the case with Victoria Climbié.

It will be essential therefore that housing departments are involved in developments regarding information sharing systems and clearly linked to the statutory Safeguarding Boards that will be established to replace Area Child Protection Committees.

Leisure

Providing decent leisure opportunities for children and young people touches on many key issues in this agenda. These include providing play, encouraging physical activity, supporting alternative approaches to learning and developing inclusive social networks.

Planning

Children have an interest in how their environment is built upon, developed and preserved and what facilities are provided to meet their needs as they grow up. Issues, therefore, of land use, regeneration, sustainability all have a child's perspective and all impact on their quality of life.



The Council as an employer

In many areas the local authority will be a large employer and in all likelihood a large employer of parents and of young people. The way in which the council acts as an employer is therefore a significant contributor to the lives of children and young people.

District Councils: New duties and powers

While most of the work done on the Children's Bill has focused on the implications for county and single tier authorities, the Bill has legislative as well as culture and practice implications for districts. In straightforward terms the following sections of the Children Bill apply to District Councils.

Section 6(4) – duty to cooperate with children's services authority to improve well-being.

It is presumed that for district councils, the county will be the Children's Services Authority (CSA) and will be charged with making arrangements "to promote co-operation" between the authority and its relevant partners which include district councils. This may mean establishing a children and young people's strategic partnership to involve key partners such as districts, health authorities, youth justice, the private sector etc. What involvement each district council will have however will be variable and will depend on local circumstances. In some areas it be seen as unwieldy to have representation from all these organisations at board level. Depending on the organisation of such a partnership locally, not all districts will necessarily sit on any



board in all areas. It may be that districts decide to work collaboratively alongside the county partnership, contributing with a single voice on strategic issues.

Section 6(5) - power to pool funds

This is an enabling power which allows the CSA and any of its partners, for the purposes of improving well-being, to establish and maintain a pooled fund.

Section 7(2) – duty to make arrangements to safeguard and promote welfare

Every district council will have this duty and districts have a large role to play here. The most obvious example is in housing. Evidence shows that in 40 Serious Case Reviews between 2000-2002 housing had “limited involvement” six times and “substantial involvement” six times in incidents which led to Serious Case Reviews. This compares to five and five for education professionals (from Table 13, *Learning from Past Experience: A Review of Serious Case Reviews*, Department of Health, June 2002). Districts also play a role in areas where children are not 'visible' service users e.g. road layouts, transport, access to bus stops and their location from a safety and vulnerability point of view.

Section 8 – possible duties on information sharing

Districts councils may be affected by this clause in two ways. Firstly where they hold information about children, for example, in relation to housing allocations. Secondly, in order to fulfil effectively other duties



in relation to safeguarding, districts will need appropriate access to data held by partners.

Section 9(3) – duty to work in partnership with local safeguarding children boards

In addition to the duty under Section 7, districts will be required to be represented on the new Local Safeguarding Children Boards which all CSAs must establish.

Section 15 - inspection of children's services and joint area reviews

The current proposals for inspection (which can be found at <http://www.ofsted.gov.uk/>) give no details as to what impact the new inspection regime will have on district councils. However, it may be assumed that there will be implications for the inspection of housing and leisure services. However, the Joint Area Reviews will also have implications for districts. In some areas the current LEA and Social Care inspections already involve districts and others to identify barriers, problems, strengths etc. It could be anticipated that in future as a key stakeholders, inspectors will be looking to districts to provide evidence of strategic planning and operational participation both within the organisation and as part of the wider partnership.

What can districts do?¹

- o A children's audit: what do we do, how well do we do it, what do we need to do next and how can we improve?

¹ Thanks to Barbara Newton, Suffolk CC, Concepta Palk, Ipswich BC and Judith Smith, Cardiff CC for their ideas.



- Ensure representation of districts on the county children's partnership and put in place systems for collaboration, communication and dissemination.
- Develop mechanisms for engaging, involving and consulting children and young people in partnership with other districts and county
- Consider the political and management arrangements. Do you want a lead councillor for children and young people? What about a lead chief officer?
- Make sure that districts are involved in SureStart and Children's Centres and making best of use opportunities they offer
- Ensure that strategic planning reflects the needs of the Children Bill/Next Steps
- Consider what impact the Children Bill will have on Crime and Disorder Reduction Partnerships

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