

Local Government Association (LGA)

Children and Social Work Bill

Second Reading, House of Commons

Monday 5 December 2016



Key messages

- **Looked-after children (Part 1, Chapter 1):** 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.
- 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.
- **Child safeguarding (Part 1, Chapter 2):** 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 risks politicising the serious case review process.
- **Different ways of working:** Freedom to innovate can be a powerful tool in improving outcomes for children and young people, and we strongly support the principle of allowing councils to shape provision around the needs of children and young people rather than the constraints of inflexible legislation.
- The powers set out by the Government should only be used where this is clearly shown to be in best interests of children. In light of the additional safeguards introduced by the Government in earlier stages of the Bill, we welcome the ability for councils to test the new ways of working and do not agree with the removal of the provisions altogether. However, we are pleased that provisions have been removed that extended these freedoms to third parties where a council is in intervention.
- **Regulation of social workers (Part 2):** The LGA previously raised concerns that the new social work regulator would not have the guaranteed independence necessary 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. We are pleased the Government has addressed these concerns, but much will depend on how the regulator operates in practice.

Looked-after children (Part 1, Chapter 1)

These clauses 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

Briefing

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looked-after children and care leavers know what support is available to them.

Extending personal advisers for care leavers up to the age of 25 are 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.

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 (Part 1, Chapter 2)

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.

Different ways of working

The LGA welcomes 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 Children Act 2004. 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. It is important that local practice leaders are able to design services around the changing needs of local children and young people.

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. With the proposed introduction of an expert panel with strong sector representation, alongside greater parliamentary scrutiny, the LGA was satisfied that the process the Government had outlined would be subject to sufficiently strong safeguards.

We are delighted that the Government said it was willing to reconsider clauses concerning local authorities in intervention and that the clause was removed by the House of Lords. The LGA had raised concerned that the Secretary of State would have powers to remove legislative provisions from a local authority in intervention without any form of local democratic scrutiny or consultation with local partners.

Regulation of social workers (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. A balance needs to be found between greater regulation and encouraging experienced social workers to remain or return to the profession. The scope of the proposed agency in the draft regulations published is too wide and risks a conflict of priorities between a register and a professional standards body. There remains a compelling case for a separate professional standards body and a pressing need to focus on improvement in order to attract, retain, and develop the best people.

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. As such we welcome the Government's amendments.

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.