

Local Government Association (LGA) Briefing

Children and Social Work Bill

Report Stage, House of Lords

8 November 2016



Key messages

- 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.
- Powers in clause 29 should only be used where this is clearly shown to be in best interests of children, and an expert panel with strong representation from the sector and other key stakeholders would ensure this. **In light of the additional safeguards introduced by the Government through amendment 61, we welcome the ability to test the new ways of working under clause 29.**
- **An expert panel must include strong representation from the children's social care sector, which could be achieved through the sector-led Children's Improvement Board. As such we also support and amendments 60, led by Lord Warner and Lord Watson of Invergowrie, and amendments 62, and 65 led by Lord Watson and Lord Hunt of Kings Heath.**
- We remain concerned that clause 32 gives the Secretary of State the power to remove legislative provisions from a local authority in intervention without any form of local democratic scrutiny or consultation with local partners. This runs counter to the Government's stated aim of using these innovation clauses to allow local practice leaders to design services around the needs of the children and young people that they know best. **Therefore we urge the Government to accept amendment 66 to remove clause 32 from the Bill, led by Lord Ramsbotham, Lord Watson, Lord Warner and Lord Low of Dalston.**
- We are supportive of the Government's announcement in response to amendment 70, led by Lord Dubs, the Lord Bishop of Durham, Baroness Sheehan, and Lord Watson, that they will publish a strategy for safeguarding unaccompanied refugee children by May 2017. Local authorities already support over 4,000 unaccompanied children in England and are working with the Government to put in place arrangements for further children arriving in the UK via the Dublin III regulations and the Dubs amendment to the Immigration Act 2016.
- 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.

Briefing

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Amendment statements

Different ways of working (Part 1, Chapter 2, clause 29)

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.

However, we strongly believe that 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 introduction of an expert panel alongside greater parliamentary scrutiny, the LGA is now satisfied that this process will be subject to sufficiently strong safeguards. It is essential that the panel has strong sector representation, whether through the Children's Improvement Board (CIB) as in amendment 62 and 65 or otherwise. Established in 2011, the CIB is a partnership between the LGA, the Association of Directors of Children's Services (ADCS), the Society of Local Authority Chief Executives (SOLACE) and the Association of Independent LSCB Chairs (AILC).

Local authorities in intervention (Part 1, Chapter 2, clause 32)

The LGA remains very concerned by clause 32, which would allow the Secretary of State to remove regulations and legislative safeguards from local authorities in intervention.

The inclusion of these provisions runs counter to the Government's stated intention to use these clauses to allow local practice leaders to design services around the needs of the children and young people that they know best. Instead suggesting an alternative ambition of allowing central government to fundamentally change local service provision for vulnerable children without any form of local democratic scrutiny or consultation with local partners. We do not think that this is the Government's intention, but 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 strong input from local safeguarding partners. The LGA strongly supports the removal of this clause from the Bill.

Strategy for safeguarding unaccompanied refugee children (new clause)

The LGA is supportive of the Government's recent announcement that they will publish a safeguarding strategy by May 2017. It is positive that this will outline their plan to recruit and train more foster carers to support the increasing number of UASCs.

Councils have an important role in supporting families, children and vulnerable adults who are seeking asylum. We already support more than 4,000 unaccompanied asylum seeking children in England and are also supporting the children and young people arriving from the Calais refugee camp, elsewhere in Europe, and areas around Syria. The LGA has supported the voluntary national transfer scheme to ensure unaccompanied children are placed more fairly across the country as a means to ensure that vulnerable children will have access to the services and support they need.

The challenges faced by councils in caring for unaccompanied children will also relate to the availability of foster placements, access to therapeutic support, legal advice, interpreters and school places. The Government has recognised that it is vital that the scheme is clearly linked to other existing programmes for supporting refugees and asylum seekers, alongside related issues such as trafficking, keeping children safe, and bringing communities together.

Social work 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. 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.

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 government amendments X, Y and Z.

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.