

Every Child Matters/Children Act 2004 implementation

In November 2004, the Children Bill became law. The government has been issuing several different pieces of draft guidance and regulations to take forward implementation of the Act and the Every Child Matters change for children programme. What follows is a brief round-up of the main sections in the Children Act 2004, or non-statutory Every Child Matters developments for which the government has issued guidance.

The reconfiguration of children's services at local level:

Children's Trusts – duty to cooperate

Section 10 of the Children Act 2004 Introduces a reciprocal duty to *promote cooperation* to improve the well-being of children in relation to the five **outcomes for children and young people** (physical and mental health of children; protection of children from harm and neglect; education, training and recreation; contribution made by children to society; and social and economic well-being of children).

A children's services authority comprises local authority education and children's social services, as well as local government services that have an impact on children, like housing or play and recreation. The relevant partners to the children's services authority are: police, the probation board, the youth offending team, Strategic Health Authority (SHA) and Primary Care Trust (PCT), Connexions staff, and the Learning and Skills Council for England. Other partners may include the voluntary and community sector, or schools and GPs. Partners and the children's services authority may establish and maintain a pooled fund and/or pooled resources (defined as staff, goods, services, accommodation or other resources).

The government is beginning to refer to the 'duty to cooperate' as a 'children's trust approach' to working in an integrated way at local level. The children's services authority and its partners should work to develop strategic level commissioning and planning of children's services across the board. Recent draft guidance on the duty to cooperate makes clear the government's intention that, in time, this strategic partnership should lead to integrated service provision on the ground. Each local authority should have children's trust arrangements in place by 2006 – though the absolute deadline is 2008.

The draft guidance on *Interagency co-operation to improve the well-being of children: children's trusts* ran from 22 December 2004 to 16 March 2005, and can be found at

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1283>

The final version of the guidance is due to be published in May 2005.

Children and young people's plan

Children's services authorities must prepare and publish an overarching children and young people's plan to cover all local children's services. Among others, the Children and Young People's plan (CYPP) will replace the Behaviour Support Plan, Children's Services Plan, Early Years Development and Childcare Plan, Education Development Plan, Area Child Protection Committee Business Plan, Teenage Pregnancy Strategy, and Youth Service Plan. Children and young people must be consulted during the preparation of the plan, as must school organisation committees, the voluntary and community sector, the Local Safeguarding Children Board, and the children's services authority partners. The first CYPP must be in place for 1 April 2006.

Draft Regulations and Guidance on the Children and Young People's Plan were published on 14 March 2005, with responses due by 6 June 2005, and can be found at <http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1294>
The final regulations and guidance are due to be published in the summer.

Safeguarding children

Section 11 of the Children Act 2004 introduces a general duty to safeguard and promote the welfare of children on the children's services authority, a district council, SHA, PCT, NHS trust or foundation trust, police, probation board, youth offending team, prison governor, or Connexions worker. The existing duty on schools and FE colleges is reconfirmed – section 175 of the Education Act 2002 already places a duty on LEAs, and the governing bodies of schools and FE institutions to safeguard and promote the welfare of children.

Each children's services authority must establish a Local Safeguarding Children Board (LSCB), with the same agency partners, as well as representation from CAF/CASS, and any other relevant local bodies (which could include the voluntary and community sector). The LSCB replaces the current non-statutory Area Child Protection Committees (ACPCs).

Each Board partner has a duty to cooperate with the other partners. Local Safeguarding Children Boards can be combined to cover more than one children's services authority area. The objective of the Boards is to coordinate what each member does to safeguard and promote the welfare of children, and to ensure the effectiveness of what is done by each. Each partner may contribute funds to the running of the LSCB, but is not required to do so.

Both the *Working Together to Safeguard Children* (1999) guidance, and the *Safeguarding Children in Education* (2004) guidance will be updated to reflect the new Children Act 2004 duty, and ensure consistency with the new LSCB guidance. Separate LSCB guidance will replace Chapter 4 (on Area Child Protection Committees) in *Working Together to Safeguard Children*.

The draft guidance on *Making arrangements under section 11 of the Children Act 2004* is for consultation until 24 June 2005, and can be found at

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1303>

The final guidance will be in place when section 11 comes into force from 1 Oct 2005. LSCBs must be in place in all local authority areas by 1 April 2006.

Lines of accountability for integrated children's services:

Director of children's services and lead member for children's services

Children's services authorities must appoint a Director of Children's Services (DCS) and designate a councillor to act as Lead Member with responsibility for children's services. The DCS and Lead Member will provide, respectively, a professional and political focus for children's services. The areas for which these posts will have responsibility are: education services, children's social services, health services exercised on behalf of a NHS body as they relate to children and young people, and inter-agency cooperation (the new duties under Section 10 of the Children Act 2004). Most local authorities should have appointed a DCS by 2006, and all by 2008.

The consultation on *Draft statutory guidance on the role and responsibilities of the Director of Children's Services and the Lead Member for Children's Services* ran from 26 November 2004 to 18 February 2005, and can be found at

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1276>

Joint inspection framework

The joint inspection framework has been issued by Ofsted with the involvement of each of the other relevant inspectorates (social care, health, prisons, police, courts, education, adult learning, money, probation, and the Crown Prosecution Service). In March 2005, during the Budget announcement, the

Chancellor mentioned that several of the inspectorates are due to merge in about three years' time, but the joint inspection system is due to begin almost immediately.

Every children's services authority will undergo an Annual Performance Assessment (APA), carried out by Ofsted and the Commission for Social Care Inspection (CSCI). That yearly event will analyse available evidence and help point the way towards priority areas to be scrutinised as part of the three-yearly Joint Area Review (JAR). JARs will be carried out in each children's services authority over a three-year period beginning Sept 2005. JARs will subsume or replace current inspections by Ofsted and CSCI of council education and children's social services, as well as inspections of Connexions, 14-19 training, and Children's Fund programmes. Timetables for APAs and JARs are available on the Ofsted website.

A Key Judgments document issued by Ofsted includes a lengthy table of evidence linked to each of the **five outcomes for children** – probably the most comprehensive list of measures that might be used to judge the impact of children's services provisions published to date. For instance, ways to measure 'Being Healthy' might include local figures on breast-feeding, how many children are taking illegal drugs, or the incidence of measles, and compare these to national rates. 'Making a Positive Contribution' has a section on encouraging children and young people to participate in decision-making – probably harder to measure, yet something that the local authority must address. The *Key judgements and evidence document* can be found at <http://www.ofsted.gov.uk/publications/index.cfm?fuseaction=pubs.summary&id=3769>

Ofsted is consulting on the *draft Children's Services Inspection Regulations*, which was published on 18 March 2005 with responses due by 13 June 2005. This can be found at <http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1293>

Children's Commissioner

The Commissioner's general function in law is "*promoting awareness of the views and interests of children in England*", in particular as they relate to the five outcomes for children (physical and mental health of children; protection of children from harm and neglect; education, training and recreation; contribution made by children to society; and social and economic well-being of children). The Commissioner must take reasonable steps to involve children in the discharge of his function, and when publishing reports ensure there is a child-friendly version available. He has a responsibility to ascertain the views of hard-to-reach groups of children [in the language of the Act "*who do not have adequate means by which they can make their views known*"].

This Children's Commissioner retains his function of promoting awareness of the views and interests of children in each of the jurisdictions in relation to reserved matters (ie, immigration in Wales, NI and Scotland; youth justice in Wales). Where matters relate to children in either of the other nations, the views and work of the relevant commissioner must be taken into account. Al Aynsley-Green has been appointed the first Children's Commissioner in England, and is due to take up his post from 1st July 2005.

Tools for practitioners working in the new world of children's services

Common Assessment Framework

The Common Assessment Framework (CAF) was first proposed in the Every Child Matters green paper to enhance work across and within agencies, and help professionals to develop a holistic understanding of a child's welfare and developmental needs. It is now tied into the Information Sharing Index (still in development) as a natural extension of any contact with a child in which the professional feels that there is some cause for concern. The intention is that use of a standardised CAF will support earlier intervention by providing a tool to enable practitioners in universal, as well as targeted or specialist services, to assess needs at an early stage. More ambitiously, the government aims to rationalise, over time, existing assessments by providing the main method whereby needs are assessed by agencies, eventually replacing all or part of many existing assessments. The CAF has been designed so that, with the appropriate training, practitioners of all professional backgrounds will

be able to complete it. It is being piloted from April 2005, with national implementation scheduled from April 2006.

Implementation guidance for Directors of Children's Services in local areas implementing during April 2005 to March 2006 [pilot areas] can be found at

<http://www.dfes.gov.uk/commoncore/docs/CAImplementationGuidance.doc>

Lead professional

The lead professional is intended to act as a trusted single point of contact who is there to support children and families, and help them navigate the system. S/he is that key worker who, having identified a number of issues affecting a child and/or family that need to be addressed but may require a range of responses, assesses the situation using the Common Assessment Framework. If a more specialist assessment and package of services are required, the practitioner who made the initial assessment calls together the professionals already working with the family (who should be listed as contacts on the Information Sharing index) to discuss the case and decide who should take on the lead professional role. The government intends to issue good practice guidance to outline the role as they see it.

Draft *Lead Professional good practice guidance* was published for consultation on 11 March 2005 with responses due by 4 April 2005, and can be found at

<http://www.dfes.gov.uk/best/leadprofessional/index.cfm>

Information Sharing Index

Section 12 of the Children Act 2004 introduces a new power to require children's services authorities and their partners to establish and operate databases to share information – potentially at local, regional and a national level. Section 12(11) confirms that regulations will override any rule of common law that currently prohibits or restricts the disclosure of information.

A record will be kept on every child in England Wales to include the following basic information: the child's name, address, gender and date of birth; a unique identifying number; name and contact details of any person with parental responsibility or day-to-day care; details of educational establishment (or early years provider if relevant); details of primary health provider (health visitor or GP); name and contact details of anyone providing services to the child; and information on any 'cause for concern' (the threshold of which is undefined). Records cannot include medical or personal records.

The government has been undertaking a feasibility study to precede implementation. The only consultation issued to date has focused on the 'cause for concern' and how to record sensitive services. Several issues remain outstanding, including what information may be kept and for how long; requirements/permissions for disclosure of information for inclusion on the database; requirements allowing disclosure of database information to others; who may access this information; database management and technical specifications; security issues; and the transfer of information from one database to another. Final guidance is due to be published in 2006/7.

The government has stated that they will announce the timetable for implementation of the indexes in autumn 2005 'subject to the approval of a business case and identification of the necessary resources'. Information sharing trailblazers are still continuing to test different systems; they will be further evaluated during 2005/6.

The consultation on *Information Sharing Databases in children's services: recording practitioner details for potentially sensitive services and recording concern about a child or young person* ran from 27 October 2004 to 19 January 2005, and can be found at

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1280>

Children's workforce changes

Children's workforce

Underpinning the success or otherwise of the whole Every Child Matters programme is the issue of the children's workforce – defined in a draft strategy as “the principal services used by children, young people and families are early years and childcare, play, health, schools and colleges, youth work, sport and leisure, family support and children's social care, as well as a range of specialist services.” Over 2.6 million people are employed in the children's workforce in England, with an estimated additional 1.5 million working in an unpaid or voluntary basis. An employer-led Children's Workforce Development Council has been established in England, and a Children's Workforce Network will bring together the various workforce bodies in the sector in order to ‘join up’ activities across the workforces in early years, schools, health settings, social care, youth justice and elsewhere.

The *Children's Workforce Strategy: a strategy to build a world-class workforce for children and young people* was published on 1 April 2005, with responses due 22 July 2005, and can be found at <http://www.dfes.gov.uk/consultations/downloadableDocs/5958-DfES-ECM.pdf>

Common core of skills and knowledge

Linked to workforce developments, the DfES has developed a common core curriculum for anyone who is going to work with children and young people. The prospectus lists six areas in which practitioners should begin to develop proficiency: effective communication and engagement; child and young person development; safeguarding and promoting the welfare of the child; supporting transitions; multi-agency working; and sharing information.

The *Common Core of Skills and Knowledge for the children's workforce* was published on 1 April 2005, and can be found at

http://www.dfes.gov.uk/commoncore/docs/5610_COMMON_CORE.pdf

NCB's response to the Every Child Matters/Children Act 2004 developments

NCB has welcomed and supported the Every Child Matters and Children Act 2004 developments, and has commented on a number of the above consultations. Detailed responses are available on NCB's website at <http://www.ncb.org.uk/issues/consultations.asp>

In general, we believe that the bulk of the draft guidance so far is written for a local authority audience – a reflection of the fact that the line of accountability for children's trust arrangements rests with the new Director of Children's Services. This slant is a significant drawback if the ‘joint’ guidance is intended for use by practitioners beyond local authority children's services.

For instance, the **Duty to Cooperate** guidance refers to a partnership arrangement for which the Director of Children's Services has figurehead authority, but it is unclear how s/he will have real authority to ensure that partner bodies from the health or youth justice sectors deliver. That uncertainty runs through the piece from strategic level planning and commissioning, down to front-line service delivery. The government does express its hope that what is essentially strategic guidance will be read and used by front-line workers, as well as agencies lying outside the statutory duty like schools and GPs; that seems to us to be an unrealistic expectation.

The wish to ensure that local flexibilities can remain in place may undermine the need for consistency in implementation across local authority boundaries. This is most noticeable in the practitioner's guide on the **Common Assessment Framework** and the draft good practice guidance on the role of the new **Lead Professional**. And each of these pieces of guidance introduces new tiers of bureaucracy: Common Assessment Framework assessors and coordinators, and local integrated services managers working to the children's trust. This makes us wonder if a number of ‘new professions’ are about to be created in order to take forward the Every Child Matters programme of change.

Several of the documents fail to provide sufficient scrutiny of what the **five outcomes for children and young people** will mean in practice. Even where enhanced information is given, the failure to

'translate' the Recreation outcome [from Education, Training and Recreation] into measurable targets is apparent; it disappears from view in comparison with indicators looking at educational achievement.

Most of the guidance refers to the importance of consulting with children and young people, but fails to ensure that the principle of **participation** is embedded within each document. This requirement is picked up in the **Children and Young People's Plan**, but only in a single paragraph that also admits how challenging this could prove to the children's services authority.

Tough issues like deciding when a child has the **capacity** to play an active part in their assessment and **consent** to the sharing of information, or how to deal with **confidential issues**, receive some mixed attention in discussions round the Information Sharing Index, and the Common Assessment Framework. But, where the CAF simply states in one sentence that gaining consent is good practice, the Information Sharing consultation explores the meaning of Gillick competency, and the fact that each child may develop at his/her own speed and therefore their capacity to make decisions on their own behalf may differ.

Our main concern is that the government allow sufficient time for the Every Child Matters/Children Act 2004 changes to take place. Like the National Service Framework for Children, Young People and Maternity Services, this is a long-term strategy, and needs long-term commitment and investment.

Lisa Payne, Principal Policy Officer
020 7843 6013
lpayne@ncb.org.uk

NCB promotes the voices, interests and well-being of all children and young people across every aspect of their lives.

Published by the National Children's Bureau. Registered Charity Number 258825.
8 Wakley Street, London EC1V 7QE. Tel: 020 7843 6000

© National Children's Bureau, April 2005