

Children and Young Persons Bill: Overview

“Care Matters is an aspiration to do better by this group of children.”
Association of School and College Leaders

Children in care¹ are one of the most vulnerable groups in society. At any one time, around 60,000 children are in care in England, although some 85,000 have experience of the care system in any year. The majority of children who remain in care are there because they have suffered abuse or neglect. 42 per cent of children in care return home within six months: our care system aims to support rehabilitation back into families where that is possible.

Outcomes for children in care are slowly improving, but there is still an unacceptable gap between their outcomes and those of their peers. For example, children in care are five times less likely to achieve five good GCSEs, nine times more likely to be excluded from school, and six times less likely to enter higher education, than their peers. Care leavers are over represented in some of the most vulnerable adult groups including young parents, prisoners, and the homeless. One quarter of people in prison today have spent some time in our care system.

Care Matters

The Children and Young Persons Bill will play a critical role in the Government's desire to protect the most vulnerable and ensuring children in care have the same opportunities as other young people. The Bill will strengthen the legislative framework underpinning the care system - ensuring the right framework is in place to enable children and young people receive high quality care and support and helping to ensure that those who enter the care system are able to achieve the same aspirations we have for our own children.

The Bill follows the Government's White Paper *Care Matters: Time for Change* (published in June 2007) which set out an ambitious strategy for transforming the life chances of children and young people in care. The *Care Matters* White Paper built on responses to the extensive consultation on the Green Paper *Care Matters: Transforming the Lives of Children and Young People in Care*, and the conclusions of four independent working groups established to investigate best practice in supporting those in care.

The *Care Matters* strategy is built on four central principles:

- a. uncompromisingly high ambitions for children in care;
- b. good parenting from everyone in the system;
- c. stability in every aspect of the child's experience;
- d. centrality of the voice of the child.

¹ The expression 'children in care' when used in this document refers both to children who are the subject of care orders or interim care orders and to children provided with accommodation by a local authority for more than 24 hours either under section 20 or section 21 of the Children Act 1989 or who have been placed or authorised to be placed with prospective adopters by a local authority (but not a registered adoption society).

The Bill is therefore just one part of the Government's broader package of system reform, and fulfils the White Paper commitment to seek the earliest opportunity to amend the current legislative framework around looked after children. It is complemented by the work nationally and locally to deliver *Care Matters* more broadly which is being led by a partnership-based approach across the statutory and voluntary sectors (see below: "Implementation of *Care Matters*").

Content of the Bill

The Children and Young Persons Bill focuses almost entirely on this vulnerable group of children, giving them the attention they deserve. The Bill is principally designed to reform and strengthen the statutory framework around the care system. It contains a range of provisions which together will enable children and young people to experience high quality care and support, and to drive improvements in the delivery of services. Key elements of the Bill include:

- enabling local authorities to test a different model of organising social care by delegating social work functions to 'social work practices' (providers of social work services) and (following piloting) enabling regulation of social work practices if pilots demonstrate success in improving outcomes;
- increase the focus on the transparency and quality of care planning and ensuring that the child's voice is heard when important decisions that affect their future are taken, in particular by strengthening the role of the Independent Reviewing Officer (IRO);
- improve the experience children in care have at school and increasing their educational attainment including by placing the role of the designated teacher on a statutory footing and ensuring that children in care do not move schools, unless 'reasonably practicable and consistent with their welfare', or during GCSE years, in 'exceptional circumstances';
- ensure that looked after children (up to 18) are not moved out of an existing placement before they are ready by giving them a greater say over moves to independent living and ensuring they retain support and guidance as long as they need it;
- improve the stability of placements for children in care, limiting "out of authority" placements, securing higher placement standards and ensuring children in care in custody are visited regularly; and
- improve the support for family and friend carers including allowing local authorities to make longer term financial payments to family carers in circumstances where otherwise the child would be accommodated by the local authority, where this would be appropriate

The Bill also contains additional measures to support vulnerable children including provisions in relation to private fostering, child death notification to Local Safeguarding Children Boards, emergency protection orders and the powers of the Secretary of State to conduct research.

Implementation of *Care Matters*

There has been significant progress since the White Paper was launched. Alongside preparing the Bill, Government has already begun to test a range of new ideas for improving support for children in care including launching the Virtual Headteacher, Right to be Cared For, and Multi Systemic Therapy Pilots.

The Government will follow up the White Paper with an implementation plan that will set out the role and tasks for central government, national partners and local agencies in delivering improved outcomes for children in care in the context of the *Care Matters* White Paper. And we are providing around £300m over the next 4 years to ensure children in care get the better start in life we are seeking. This is on top of significant increases in funding for children's services more generally.

In order to support the reforms being implemented through the Bill and other aspects of the implementation plan, the Government will also revise the accompanying regulatory framework. The Bill amends significantly the arrangements for care planning and review, emphasising the importance of effective care planning and decision making based on the interests and needs of the child. In order to reflect the new requirements and to give more clarity to practitioners we intend to issue a consolidated set of care planning regulations. In addition, the review of the National Minimum Standards and underpinning regulations for children's social services is already underway. Revised NMS reflecting the vision in the *Care Matters* White Paper will be issued in 2009.

The Government will also issue statutory guidance, including a revised version of the existing Children Act 1989 guidance, taking account of the legislative changes in the Bill and setting out the policy and practice requirements for local authorities to deliver their statutory responsibilities for children in care.

Of course, a high quality, well-trained and effectively supported workforce is crucial to ensuring the *Care Matters* reforms take full effect. Social workers and social care workers will play a central role in improving outcomes for those in care. In the White Paper the Government set out its ambitions to strengthen the children's social care workforce by improving recruitment and retention, introducing changes to social worker training and improving ways of working in line with the cultural and structural changes in the Every Child Matters programme. The intention is to create a more responsive and empowered workforce that put the needs and wishes and voice of the child at the centre of everything it does. The Children's Workforce Action Plan is due to be published in the New Year.

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