

**Borders NHS Board**



## **A SUMMARY OF THE CHILDREN AND YOUNG PEOPLE ACT (SCOTLAND) 2014**

### **Aim**

This report provides an overview of the Children and Young People Act (Scotland) 2014 which aims to strengthen children's rights and expand the services that support children and families, including looked after children. Information is included in the report on those parts of the Act which are relevant for local implementation and of direct interest to the NHS. The Appendix gives information on other parts of the Act, which pertain mainly to local authority responsibilities.

### **Background**

The Act is wide ranging covering Early Learning & Childcare, children's rights, Corporate Parenting, Children's Services Planning, free school meals and the introduction of the Named Person Service. Implementation of the various parts of the legislation has been phased from 2014 and significant parts of the legislation are still to be enacted.

In Scottish Borders, the Children & Young People's Leadership Group (CYPLG) maintains an overview of the implementation of the various elements of the Act with a multi agency approach and receives regular updates on progress.

### **Summary**

Below is a descriptor of each part of the Act along with a summary of progress with local implementation to provide assurance on those aspects relevant to the NHS.

**Parts 1 – 2: Rights of the child** – public authorities, including all health boards and local authorities must publish every 3 years, a report on how the authority better secures and further effects within its areas of responsibility the United Nations Convention on the Rights of the Child. This was enacted in April 2017 with the first reporting period being 2017 – 2020.

Part 2 also includes obligations for Scottish Ministers to promote and further effect children's rights and extends the powers of the Children's Commissioner.

### **Local progress**

The CYPLG has agreed that partners will report jointly on children's rights. NHS Borders will be expected to report specifically on rights in relation to the health and welfare of all children and to show consideration of disabled children's rights.

A Child Rights and Engagement Strategy, led by SBC, is in development which will be approved by the CYPLG by March 2018. This will further embed the UNCRC across services and reporting will be co-ordinated through the Group. Within NHS Borders, child

health services are developing an action plan that will align with this Rights and Engagement Strategy.

**Part 3 - Children's Services Planning** – Building on existing statutory requirements, extensive provisions now regulate Children's Services Planning. Enforced in April 2017, part 3 requires Local Authorities and Health Boards to collaborate with a wide range of partners to develop and implement a Children's Services plan and there must be reference to 'related services' which impact on the wellbeing of children. These 'related services' could be provided by Police, Fire & Rescue, Children's Reporter, Children's Hearings Scotland and the Scottish Court Service. This includes services which are capable of having a significant impact on the wellbeing of children and young people.

Children's plans are expected to reflect national priorities including the commitment to reducing child poverty and associated targets. Plans should also be designed to facilitate support for children at the earliest possible time to prevent needs arising and promote primary prevention. Local partners retain flexibility to identify local objectives and outcomes to ensure these can be linked into the local Community Plan, Health and Social Care Strategic Plan and others as relevant.

#### Local progress

There has been an integrated plan in place for a number of years in Scottish Borders. This has been refreshed by the CYPLG to meet the statutory guidance in the Scottish Borders Integrated Children & Young People's Plan 2017-2020. Authorities will also now have a requirement to report on an annual basis on the progress of implementing the plan which will be co-ordinated through the CYPLG and updates will be provided to the Community Planning Partnership. This report will also cover the reporting requirements on children's rights. The plan was endorsed by the NHS Board and the CPP Board earlier in 2017.

**Part 4 – Introduction of Named Person Service** – This was due to be implemented in 2016 but was delayed following the Supreme Court ruling in 2016. Since then there has been a review of the specifics of the legislation relating to information sharing and revised legislation is currently progressing through Parliament to ensure that new provisions are compatible with other law.

#### Local progress

GIRFEC Leads in Education, Social work, Health and the Third Sector continue to progress the local implementation plan and have completed the development of the Child's Planning Manual with regular reports to the CYPLG. The CYPLG will determine the timescale for implementation of the Named Person service or equivalent when the legislative process has been completed. Early indications are that implementation of the Named Person will not be required until late 2018. A robust communication plan will be developed to inform stakeholders including children, young people and families once there is a clearer indication of timescales.

**Part 5 - Child's Plan** – A child's plan is to be developed for a child identified as having a wellbeing need which requires a targeted intervention. A child's plan is to be outcome focused, and must identify who is going to provide the intervention to meet the child's wellbeing need/s. It outlines who is responsible for creating the Plan depending on the child's age and circumstances.

Local progress

In Scottish Borders, multi-agency GIRFEC paperwork has been developed and is in use. The GIRFEC Leads are developing the child's plan and implementation of this part of the Act will be aligned with part 4. Planning paperwork which is included within the Child's Planning Manual will need to be reviewed to ensure compliance with statutory guidance when this is available. A review of the overall planning process has been undertaken by the GIRFEC Leads Group in response to the findings of the Joint Inspection of Children & Young People's Services in 2016 with improvements to ensure that planning delivers improved outcomes.

**Part 9 - Corporate Parenting** – Local authorities have always had a duty to safeguard and promote the welfare of looked after children. This part of the act introduces the concept of Corporate Parenting to legislation and extends this to a number of public bodies including health boards, SCRA, Children's Hearings and Police Scotland and was enacted in 2015.

Duties include assessing the needs and promoting the interests of looked after children and young people, providing opportunities and assistance to access opportunities and make use of services provided by corporate parents.

The Act extends duties for looked after young people to age 26, requires Corporate Parents to set out a plan and report on exercising Corporate Parenting responsibilities every 3 years.

Local progress

The CYP Leadership is reviewing the strategic approach to Corporate Parenting to identify the best way to support collaboration among those organisations designated as Corporate Parents locally and to assure appropriate governance of any agreed actions. The NHS Board had a nominated Non-Executive Director member on the previous Strategic Corporate Parenting Group. For a variety of reasons the governance and functioning of this Group was not entirely effective. It continues to be important to facilitate collaboration among partners at strategic level. It is also valuable to have identified leads within the NHS for Corporate Parenting in view of the responsibilities and reporting requirements involved under the 2014 legislation. The Board may wish to consider identifying a Non Executive champion to provide leadership across the organisation, in conjunction with the Director of Nursing and the Child Health Commissioner and with the Nurse Consultant who is operational lead. An option under consideration is for NHS Borders and SBC to lead an annual development session for Corporate Parenting partners in Scottish Borders. The first is provisionally envisaged for March 2018.

The membership of the Corporate Parenting Operational Group has recently been reviewed to reflect the agencies now defined as Corporate Parents and the group has a work plan to guide its activities. NHS Borders is an active member of this group. An annual report on Corporate Parenting Activity was produced for 2016 and has been presented to the CYPLG.

Governance and reporting will be agreed through the CYP Leadership Group to ensure appropriate links both to the Leadership Group and to Community Planning.

**Part 10 Aftercare Care** This extends the duty to provide aftercare for Looked After Young People (who request this) increasing the age from 21 to 26 and gives clarity on providing advice, guidance and assistance.

### Local Progress

The Through Care Team now provides aftercare for young people up to the age of 26. NHS Borders LAC health service provides a health needs assessment for those up to the age of 18 if already in the service and works with the through care and after care service to ensure as far as possible that young people are registered with a GP and dentist.

**Part 11 Continuing Care** Local authorities are given a new duty to provide continuing care to formerly looked after children in certain circumstances. This duty will apply to those aged 16 – 21 when they cease to be looked after.

**Part 18 – Wellbeing** – Wellbeing is defined in the Act using the wellbeing indicators and there is an obligation to take account of these indicators when assessing whether the wellbeing of a child would be safeguarded, promoted, supported or affected. This links to part 5 with an expectation that when a child's plan is required that an assessment would be made across the wellbeing indicators.

### **Recommendation**

The Board is asked to **note** the requirements of the various parts of the Children & Young People (Scotland) Act 2014 and progress made with implementation.

The Board is asked to **approve** the proposed approach that Children's Rights reporting should be undertaken in partnership and through the reporting mechanism for the Children and Young People's Plan.

The Board is asked to **consider** identifying a Non-executive lead for Corporate Parenting.

<b>Policy/Strategy Implications</b>	Planning and delivery of services that affect the wellbeing of children and young people are covered by this Act.  The NHS acquires new duties and responsibilities under the Act as a Corporate Parent.
<b>Consultation</b>	Not applicable
<b>Consultation with Professional Committees</b>	n/a
<b>Risk Assessment</b>	The CYP Leadership Group oversees the implementation of the CYP Plan and receives regular updates on progress to ensure compliance with the legislation.
<b>Compliance with Board Policy requirements on Equality and Diversity</b>	The legislation is underpinned by the GIRFEC approach and the UNCRC. Inclusion and improved outcomes for children and young people will be delivered through the implementation of the

	legislation.
<b>Resource/Staffing Implications</b>	The Act will be implemented in the NHS within existing resources.

**Approved by**

<b>Name</b>	<b>Designation</b>	<b>Name</b>	<b>Designation</b>
Tim Patterson	Joint Director of Public Health	Claire Pearce	Director of Nursing, Midwifery & Acute Services

**Author(s)**

<b>Name</b>	<b>Designation</b>	<b>Name</b>	<b>Designation</b>
Allyson McCollam	Child Health Commissioner Associate Director of Public Health &	Susan Yates	Business Services Manager Policy, Planning & Performance, SBC

## Appendix

**Part 6 - Early Learning and Childcare** – This extended the provision of free pre-school education for vulnerable 2 year olds and 3-5 year olds from 475 hours to 600 hours per annum and this was implemented locally in August 2014.

**Part 7 & 8 - Power to provide early school education for pre-school children and day care and out of school care** – A duty was introduced that Education Authorities should consult at least every 2 years on the provision of pre-school education, day care and out of school care.

**Part 12 - Services in relation to children at risk of becoming looked after** - A new duty on local authorities to make “relevant services” available in cases where children are at risk of becoming looked after, which became law in 2015.

**Part 13 - Support for kinship care** - The Act introduces a duty on local authorities to provide “kinship care assistance” and in some cases where a child is not looked after but is a risk of becoming looked after.

**Part 14 - Adoption Register** - The Act introduces a new national Adoption Register which Local authorities will be obliged to use for the purposes of facilitating adoption of children where that has been identified as the permanence route for a child. The Register was already being used within SBC.

**Part 15 - School Closure Proposals** – This introduces changes to the statutory consultation process in relation to closure of schools, enabling Scottish Ministers to call in decisions.

**Part 16 - Children’s Hearings** – This covers changes to the Children’s Hearings (Scotland) Act 2011 which in the main tidy up issues identified following implementation of that Act in June 2013 and no action is required locally.

**Part 17 – Other Reforms** – This covers a range of other reforms, most of which require no further action locally.