

Report of: Neighbourhood Renewal Business Manager

Title: The Children's Act 2004 and the Oxfordshire Children and Young People's Plan and Change for Children programme

Ward: All

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Key Decision: No

Lead Member: Cllr Dan Paskins

Scrutiny responsibility: Community

RECOMMENDATIONS

The Board is recommended to:

1. comment upon the draft proposals set out in the Oxfordshire Children and Young People's Plan;
2. comment on the draft proposals for establishing a Commissioning Body for Children's Services and the proposed arrangements for delivering children's services in Oxfordshire;
3. comment upon the draft proposals to establish Children's Centres in the City;
4. comment upon the draft proposals for establishing an Oxfordshire Children's Safeguarding Board;
5. note and support the requirement for a Port Folio Member representative on the Oxfordshire Children's and Young People's Board and the Oxfordshire Safeguarding Children's Board;
6. note that the Children and Young People's Plan will return to the Executive Board for final endorsement in February 2006.

Background

1. There are a number of changes proposed in the national agenda for children's services and young people. These are reflected in the Green Papers 'Every Child Matters' and 'Youth Matters', the Children Act 2004 and the Government's Change for Children's Programme.

2. As a consequence of these proposed changes there has been a considerable amount of multi-agency work, led by Oxfordshire County Council as the nominated Children's Services Authority, to meet the new requirements in Oxfordshire.
3. The new requirements include the need to produce a Children and Young People's Plan for Oxfordshire, to establish a Commissioning Services Body and new ways of delivering children's services, the development of Children's Centres and the establishment of a Children's Safeguarding Board.
4. The Draft Oxfordshire Children and Young People's Plan sets out what children and young people's services are available, how they are currently provided and funded and priorities for developing services in the future. This report aims to engage the Executive Board in the consultation process on the draft Plan. The Community Scrutiny Committee considered the report and draft Plan on 6 December 2005 and although no recommendations were made to the Executive Board the relevant minute is attached for information at Annex 4
5. The Oxfordshire Children and Young People's Plan is an overarching document which pulls together a number of more detailed plans, including those in relation to the Children's Services Commissioning Body, Children's Centres and Safeguarding Children Board. If members would like copies of the more detailed strategies or plans mentioned in the report they should contact the Business Manager for Neighbourhood Renewal.

The Oxfordshire Children and Young People's Plan

6. Community Scrutiny Committee considered a previous report, 'The Children and Young People's Plan' in August 2005. Since this time there has been considerable amount of work put into the development of the Plan.
7. The Plan needs to be finalised by April 2006. It is intended to integrate all aspects of work for children and young people provided by different agencies. It will replace the current requirement to produce 7 statutory and 10 non - statutory plans that are largely County Council plans but there will be a number of additional Plans that underpin it. For example those plans already mentioned above and others, for example the District Councils Leisure Strategies and the Early Years Development Plan.
8. For District Councils there will be a new statutory duty to cooperate with arrangements made by the relevant Children's Service Authority, in our case Oxfordshire County Council. The Plan has the following key strategic themes:

- Being healthy
 - Staying safe
 - Enjoying and achieving
 - Making a positive contribution
 - Achieving economic wellbeing
9. These strategic themes will form the framework for new Joint Area Reviews to commence in 2006 and which will inform the County Council Corporate Performance Assessments, although not the District Councils Corporate Performance Assessment at this stage.
10. The consultative draft of the Children and Young People's Plan is set out in Annex 1. It has been developed using workshops based on the strategic themes. In addition there is a County Council core group and a larger multi-agency group that have had input into the Plan. City Council representatives are on the lead multi-agency group and have attended the workshops. This has enabled effective engagement and input.
11. The cross cutting nature of the Plan has embraced a range of services provided by District Councils, including sports, leisure and play, community safety, health, housing, social inclusion and anti-poverty. It has linked the many networks and structures of organisations providing services for children and young people across the County.

Children and Young People Joint Commissioning Body

12. The new duties placed on all local authorities require Children's Trust arrangements to be in place by April 2006. The Trusts have been established to provide more integrated services and where appropriate joint commissioning of services. The intention is therefore to establish an Oxfordshire Children and Young People's Joint Commissioning Board.
13. The Board will comprise of senior representation of the County Council, District Councils and Primary Care Trusts, together with input from children, families and the voluntary sector. The Board will report to Cabinets of the County and District Councils, Primary Care Trusts and the Public Services Board.
14. The Board will make jointly owned decisions. It is anticipated that this approach will create a more collaborative approach to children's services without a fundamental change in the statutory decision making process. It should be stressed that the Board will make recommendations but decisions will rest with the existing statutory agencies.
15. The role of the Board will be to:
- Develop and understand needs.

- Joint strategic planning through the Children and Young People's Plan.
 - Make recommendations to authorities about changes in services and resource allocation.
 - Monitor the impact of the Children and Young People's Plan.
16. The Board will agree a work programme to review particular service areas on a phased basis. In the longer term there may be recommendations about more radical changes in services to meet needs and this may include the potential for pooled budgets. Indeed the link in with the Local Area Agreement would indicate that pooled budgets in some areas would be likely within 3 years.
17. There will be a Children and Young People's Partnership with the involvement of different agencies working to deliver children and young people's services. The Partnership will be led by the Director for Children's Services and will be focussed upon the delivery of the Children and Young People's Plan.

The new arrangements for delivering services for children and young people

18. There will be a new Children's Services Authority providing county-wide, health, education and social services provision. Children's Directorate within the County Council. There will be 4 Departments within the Directorate:
- Early Years and Family Support
 - Children and Young People
 - Educational Effectiveness
 - Strategy, Commissioning and Performance
19. There will be 3 Children's 'Units' Across the County one each in the north, south and in the City. There will be 22 multidisciplinary locality teams of which 4 will be in the City. These arrangements will take place from September 2006.
20. Each locality team will:
- Appoint a local coordinator to oversee the work in each locality
 - Develop a local Children and Young People's Plan and local priorities
 - Establish a forum for children and young people and a forum for parents and carers
 - Establish a core group to oversee the work in the locality and evaluate progress.

21. It is anticipated that the locality teams will focus on vulnerable children but it is anticipated that there will be the coordination and joint planning of a full range of children's services, including play and youth provision.

Children's Centres

22. Children's Centres are a part of the Government's overall children and young people agenda. A Children's Centre is intended to provide a range of integrated services for children under 5 and their families. Services and resources will vary according to the needs in the area and will build on and improve existing provision, for example nurseries and family centres.

23. The key components of a Children Centre will include:

- Early years services in the 30% most disadvantaged areas this will include integrated childcare and early education
- Family support and outreach
- Child and family health services
- Links with Job centre Plus

24. In the first phase of development Oxfordshire was given funding to develop two centres in areas that ranked in the top 20% nationally in terms of disadvantage. These are the Leys Children Centre Project in Oxford and the Sunshine Centre in Ruscote, Banbury. The ACE Centre in Chipping Norton and Rose Hill Centre in Oxford were also designated as Children's Centres as they already provide the key components.

25. The second phase is to develop centres with priority given to areas in the top 30% of need. Areas not reached in the second phase will be incorporated into the third phase so that by 2010 all communities should have access to a Centre. Funding for the 3rd phase will not be announced until 2007. There are a total of 11 centres planned in Oxford City in addition the West of Oxford around the Botley Road will be included with Cumnor in the Vale. Details of centres to be provided in the City are provided in Annex 1.

The Children's Safeguarding Board

26. One of the requirements of the Children's Act 2004 is to replace the existing Area Child Protection Committees with Local Safeguarding Children Boards. Whilst the City Council is unlikely to play a lead role on this Board there will be a duty to participate at a senior member level and there are new duties in relation to protecting children from harm.

27. The role of the Children Safeguarding Board is principally to safeguard and promote the welfare of children. The core objectives are as follows:

- To coordinate what is done agencies involved on the Safeguarding Children Board.
- To ensure the effectiveness of what is done by each agency on the Board.

28. Safeguarding and promoting the welfare of children is defined as:

- Protecting children from mal treatment
- Preventing impairment of children's health and development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.
- To enable children to have optimum life chances and enter adulthood successfully.

29. There are 5 functions of the Board. These are:

- Developing policies and procedures.
- Communicating to professionals and the public and raising awareness of issues to do with the safeguarding of children.
- Monitor and evaluate the effectiveness of service delivery and providing advice.
- Participating in the planning and commissioning of Children's Services
- Undertake serious case reviews.

30. The City Council has a relatively new Protecting Children from Harm Policy but this will need to be revised in the light of the new proposals.

Joint Area Reviews

31. Joint Area Reviews are being introduced to see how well services improve the well being of children and young people in a local area. The outcomes of these reviews will feed into the County Council's Corporate Performance Assessment, although not the District Council's Corporate Performance Assessments at this stage, although pilot schemes are taking place. The reviews will also take into account the views of children, young people and parents and carers.

32. A single report will be produced covering all agencies in the local area providing services for children and young people. The review will evaluate contributions made by services and agencies and the way that they work together. The participation of the City Council in implementing the Children and Young People's Plan and the Safeguarding Children Board will therefore be important for our future Corporate Performance Assessment.

Children and Young People Elected Member Champion

33. The new requirements require that District Councils have a Port Folio Holder with responsibility for Children and Young People and a representation on the Safeguarding Children Board. Councillor Dan Paskins is currently the nominated member with responsibility for Children and Young People.

Funding Implications

34. There is no additional funding to support these developments, with the exception of the Children Centre developments and this is limited. The Children and Young People's Plan contains details of funding sources which will be used to meet the Plan's desired outcomes and targets. This includes sources of funds from Oxford City Council budgets that are being aligned with other budgets. The Plan currently does not include any pooled budgets.
35. The Children and Young People's Plan will form a part of the Oxfordshire Local Area Agreement and as such does include a number of proposed stretch targets. Where there are stretched targets this means that some pump priming funding may be available and if targets are achieved there is an award fund. At this time there is no agreement on what the stretch targets will be.

Staffing implications

36. There are no staffing implications at this stage, although Neighbourhood Renewal has spent a considerable amount of time on helping to develop the draft proposals. There may be staffing implications in the future as joint planning and service delivery evolves.

Legal implications

37. The Legal Services Business Unit has reviewed the Children Act 2004 and a summary of their findings is attached in Annex 3. The key changes relate to a duty for District Councils to ensure that children are safeguarded from harm and to participate on the Safeguarding Children from Harm Board.

The way forward

38. The draft Consultation Papers attached have been agreed by the County Council Cabinet for consultation to District Council's and Public Health Trust and other statutory and voluntary agencies from 1st November to 1st December. A revised version will then be made available 1st February for approval of District Council and Public Health Boards in February and March for final approval by Oxfordshire County Council Cabinet by 1st April 2006.

THIS REPORT HAS BEEN SEEN AND APPROVED BY:
Councillor Dan Paskins, Portfolio Holder for Social Inclusion
Michael Lawrence, Strategic Director, Housing, Health and Community
Legal and Democratic Services: Jeremy Thomas
Financial Management: Mike Baish

Background Papers: Every Child Matters, Youth Matters.

Annex 1
Children and Young People's Plan

Annex 2

Children's centres –Proposals for Oxford City

Existing Centres

Total	Ward/SOAs	Key Service(s)	Catchment
1	Rose Hill & Iffley, Littlemore	Rose Hill-Littlemore Sure Start Children's Centre	682
2 -4	¹ Leys Children's Centre Project	Leys Children's Centre Project	983
		Total	1665
		Running total of reach by 2008	1665

2006-08 Development

Total	Ward/SOAs	Key Service(s)	Catchment
5	² Barton & Sandhills, Quarry & Risinghurst 72	Roundabout, Family Centre and Neighbourhood Nursery	505
6	Quarry & Risinghurst 74,73,71, Headington 35,36, Churchill, Lye Valley, 56,59	Slade Nursery School and Neighbourhood Nursery, Headington Nursery School	791
7	Cowley, Cowley Marsh, Lye Valley 57,58, Iffley Fields 46	Florence Park, Larkrise School	944
8	St Marys, St Clements, Iffley Fields 45, 47	Comper Foundation Stage School, East Oxford Primary School	823
9	Hinksey Park, Carfax, ,³Kennington and South Hinksey	Grandpont Nursery School	560
10	Wolvercote, Summertown, Jericho, North, St Margarets		1131
11	Marston, Headington Hill & Northway, Headington 34,37		614
		Total	5368
		Running total of reach by 2008	7033

¹ This is currently one centre but this is an area of high need and will be developed as 3 centres with one overall management structure

² This is a smaller than average area because the area is cut off by the ring road so does not link naturally with other areas. The needs of the area justify funding as a full Children's Centre

³ Kennington and South Hinksey are included in the City boundary although in the Vale because this community relates more to South Oxford than to areas in the Vale.

ANNEX 3 CHILDREN ACT 2004 REVIEW

The Act evolved from the Green Paper "Every Child Matters" which proposed changes in policy and legislation to maximise opportunities and minimise risks for all children and young people and focusing services more effectively around the needs of children, young people and families. The Government hopes that the legislation will create clear accountability for children's services, enabling better joint working and securing a better focus on safeguarding children.

At a national level, Part I of the Children Act 2004 establishes the office of Children's Commissioner, to promote awareness of the views and interests of children, to advise the Secretary of State and to publish Annual Reports and reports on any matter considered or researched by the Commissioner.

The primary responsibilities under the Act remain those of the County Council as the responsible authority for children's services in the area. However, District Councils and other organisations will be partners for the purposes of making arrangements to improve the well being of children in the area and will provide a representative for the newly established Local Safeguarding Children Board. The new duties set out in the Children Act 2004 include co-operation with the County Council in making arrangements for the well being of children, in the establishment and operation of the Local Safeguarding Children Board. In addition, there is a new duty on the District Council in carrying out its functions as a District Council to have regard to the need to safeguard and promote the welfare of children in general. There is also a duty to have regard to Guidance issued by the Secretary of State on matters under the Children Act 2004. These duties are set out in more detail below:-

- **General duty in discharge of functions to have regard to the need to safeguard and promote the welfare of children**

By Section 11 of the Children Act 2004, the District Council is under a new general duty to make arrangements for ensuring that its functions (as a District Council) are discharged having regard to the need to safeguard and promote the welfare of children, whether it provides services itself or through another person.

- **Duty to have regard to Guidance issued by the Secretary of State**

In carrying out functions, the District Council is under a duty to have regard to Guidance issued by the Secretary of State. Draft Guidance has been issued and can be found on the website for the Department for Education and Skills. A consultation document was issued in July 2005 called "Working Together to Safeguard Children: a Guide to Interagency Working to Safeguard and Promote the Welfare of Children". The consultation comes to an end on the 28th October 2005 and the Department for Education and Skills will need any

responses by that date. There is a chapter in that draft Guidance on Local Safeguarding Children Boards.

- **Duty to co-operate with arrangements by the County Council for the well being of children in the area**

Under Section 10(5), the District Council is under a duty to co-operate with arrangements made by the County Council to improve the well being of children in the area. These arrangements will relate to physical and mental health, emotional well-being, protection from harm and neglect, education, training and recreation, social and economic well being and their contribution to society. For these purposes, arrangements may be made not only for children under the age of 18 but also for persons aged between 18 and 19, certain persons over the age of 19 who are receiving services under the Children Act 1989 and persons between the ages of 19 and 24 with learning disabilities who are receiving services under the Learning and Skills Act 2000. This is an aspect of the duty of the County Council to promote co-operation with its relevant partners including District Councils, the Local Probation Board, the Youth Offending Team, the Strategic Health Authority and Primary Care Trust for the area, persons providing services under Section 114 of the Learning and Skills Act 2000 and the Learning and Skills Council for England.

The key arrangements will be set out in Guidance, a draft of which is in "Statutory Guidance on making arrangements to safeguard and promote the welfare of children under Section 11 of the Children Act 2004" and the new arrangements by which agencies should work together to safeguard and promote child welfare are described in "Working Together to Safeguard Children: a guide to interagency working to safeguard and promote the welfare of children". All Guidance can be found on the website of the Department for Education and Skills and is in draft form. A consultation exercise is being carried out at the moment and the last date for consultation responses is the 28th October 2005.

Under Section 10(6), the District Council with the County Council and other partners is given a power to provide staff, goods, services, accommodation or other resources and to establish and maintain a pooled fund made up of contributions by the County Council and its partners for payments towards expenditure incurred in the discharge of functions under this Act.

- **Local Safeguarding Children Board**

The County Council must set up a Local Safeguarding Children Board which will be made up of representatives of the County Council, the District Councils and other partners but in addition the Children and Family Court Advisory and Support Service, the Governor of any secure training centre in the area and the Governor of any prison in the area which also detains children.

The objective of the Local Safeguarding Children Board is

- (a) to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board for the purpose of safeguarding and promoting the welfare of children in the area

- (b) any additional functions which might be set out in future Regulations. It is possible that these functions might include powers of review and investigation.

The District Council has a duty with the other partners to co-operate in the establishment and the operation of the Board.

The expenditure incurred by or for purposes connected with a Local Safeguarding Children Board can be covered either by direct payments made by the represented bodies on the Board or by contributions to a fund.

Draft Guidance has been given by the Secretary of State in "Working Together to Safeguard Children: a Guide to interagency working to safeguard and promote the welfare of children" which contains a chapter on Local Safeguarding Children Boards. This can be accessed on the Department for Education and Skills website and is subject to a consultation exercise which finishes on the 28th October 2005.

