

Welcome to the third edition of the *keynotes* email *update*. The *update* is designed to bring you news of consultation documents, conferences, publications, and other developments that we think readers need to know about halfway between the full editions of *keynotes*, which appear every four months.

In this issue:

- News

- Featured Article:
Children & Young Persons Bill

- Upcoming Events

- Recent Publications

News

- **Comprehensive Spending Review 2007**

At the beginning of October, the Government unveiled its spending plans and priorities for the next three years (2008/09 to 2010/11). As part of the Comprehensive Spending Review (CSR), it announced a renewed performance-management framework for the next ten years. Thirty new Public Service Agreements (PSAs) contain the key priority outcomes for the 2008-11 spending period. PSAs set out the specific improvements that the Government wants to achieve and how improvements will be delivered. The performance of both central and local government, including local delivery partners, will be evaluated on the contribution they make.

Each PSA is underpinned by a single Delivery Agreement shared across all contributing departments, which is developed in consultation with delivery partners and frontline workers. A number of national outcome-focussed performance indicators will be used to measure progress towards each PSA.



PSAs of particular relevance include:

PSA 11: Narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers.

Indicators include:

- Proportion of children in care achieving five A*-C GCSEs or equivalent.

PSA 14: Increase the number of children and young people on the path to success.

The Government recognises that young people who experience one poor outcome typically experience several. To ensure all young people can make a successful transition to adulthood, this PSA highlights the need for greater alignment and integration of public services and programmes for young people.

Indicators include:

- 16- and 17-year-olds not in education, employment or training
- young people participating in positive activities
- young people frequently using drugs, alcohol or volatile substances
- under-18 conception rate
- first-time entrants to the criminal-justice system.

PSA 16: Increase the proportion of socially excluded adults in settled accommodation or employment, education or training.

This PSA recognises that whilst a settled home life and work are often the essential foundations of everyday life, they are often out of reach for the most socially excluded adults. The PSA focuses specifically on those with chaotic lives, who may fall between services. The PSA will encourage prevention and early intervention, promote joint working, focus resources on this group, and offer a clearer performance-management framework for tackling social exclusion among adults. The primary focus is on: care leavers, offenders under supervision, adults with secondary mental-health problems, and adults with moderate to severe learning difficulties.

Indicators include:

- care leavers at 19 in suitable accommodation
- care leavers at 19 in education, training and employment.

NLCAS would like to the age to be raised to 21.

More information on the 30 PSAs is available at:

www.hm-treasury.gov.uk/pbr_csr/psa/pbr_csr07_psaindex.cfm

In partnership with the Department for Work and Pensions and the nine English Regional Offices, the Social Exclusion Task Force are organising a series of events on two of the PSAs that aim to improve the lives of vulnerable adults in our society:

- The Independence and Well-Being in Later Life PSA [morning session]
- The Socially Excluded Adults PSA [afternoon session].

For further information, see:

www.cabinetoffice.gov.uk/social_exclusion_task_force/psa/workshops.aspx



- **Queen's Speech**

Among the 29 bills and draft bills announced in the Queen's Speech to Parliament on 6th November, the following were of particular interest to people in the children's social care field:

Children and Young Persons Bill

Gives councils powers to organise children's care in different ways and ensure children do not move schools in Years 10 and 11, except in exceptional circumstances. Says young people should not be "forced out of care before they are ready" and calls for higher standards for those children placed in care. Applies to England and Wales.

Apprenticeships (draft) Bill

Applying in England, this bill is likely to give 16- to 18-year-olds an entitlement to an apprenticeship, in an effort to reduce the number of young people not in education, training or employment.

Dormant Bank and Building Society Accounts Bill

Allows the Government to use money held in bank and building-society accounts that have not been used for 15 years to provide more youth facilities. Applies to the whole UK.

Dormant Bank and Building Society Accounts

Enables the transfer of unclaimed assets to be reinvested in society, e.g., youth facilities.

Education and Skills Bill

Gives the power to England and Wales for all 16- to 18-year-olds to be required to stay in some form of education or training by 2015. Also places a duty on employers to release young people for the equivalent of one day's training a week, while parents and local authorities have a duty to make sure young people participate.

Housing and Regeneration Bill

This merges the Housing Corporation, which distributes funds to housing associations to build new social housing, and English Partnerships, which plans housing projects in new growth areas.

- **Youth Taskforce established**

A Youth Taskforce has been established at the Department for Children, Schools and Families (DCSF) to focus on delivering positive activities for young people to improve outcomes and prevent them from getting into trouble. The Taskforce has been created from the Respect Taskforce, which moved from the Home Office to DCSF when Gordon Brown restructured the Government in June this year. The new Taskforce will be led by Anne Weinstock.

See: www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2007_0178



- **Right2B Cared4 pilots**

The Government has pledged to stamp out the poor practice of moving young people out of care at the age of 16, before they are ready to live independently. It has set up 11 pilot projects, backed with £6 million over three years, to explore how best to plan care around the needs of young people and give them a greater say over whether they stay in care. The local authorities taking part in the pilots, which officially began in October, are: Bournemouth, Barnet, Cheshire, Derbyshire, Merton, North Tyneside, Oxfordshire, South Gloucestershire, Plymouth, Tower Hamlets and Warwickshire.

For the DCSF press release, see:

www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2007_0176

- **Negotiating new LAAs**

Communities and Local Government have published the first part of two-stage guidance on the process for negotiating a new Local Area Agreement (LAA). The document contains information on each level of government and incorporates lessons learnt from feasibility testing, which was based on a dry run of new LAAs in 17 areas.

Go to: www.communities.gov.uk/publications/localgovernment/negotiatingnewlaas

- **Education support for asylum seekers in Scotland**

Students from asylum-seeking families and unaccompanied young people are to be given improved access to education as a result of recent regulations made by the Scottish Government. The Education (Graduate Endowment, Student Fees and Support) (Scotland) Amendment Regulations 2007 were laid in Parliament on 8 November 2007. They come into effect on 1st December 2007, applying to all courses starting from January 1, 2008. Students must meet specified criteria to receive support.

Education secretary Fiona Hyslop said:

"I have made it clear that, wherever children come from and why, any child living in Scotland should receive care, protection and education. This is our responsibility under the UN Convention on the Rights of the Child".

See: www.oqps.gov.uk/legislation/ssi/ssi2007/pdf/ssi_20070148_en.pdf



Featured Article:

Children & Young Persons Bill

Introduction

The Bill had its first reading in the House of Lords on 14th November 2007. Explanatory Notes, published at the same time as the Bill (15th November), were prepared by the DCSF "to assist the reader in understanding the Bill and to inform debate." While the Notes are not part of the Bill, they are written in vocabulary that is familiar to the social-care world and as such are a helpful guide through the legal language.

The next step in the progress of the Bill is its second reading in the Lords on 26th November.

The Bill and the Explanatory Notes are available at:

<http://services.parliament.uk/bills/2007-08/childrenandyoungpersonshl.html>

For the purposes of this keynotes update, NLCAS has prepared a summary of the provisions most relevant to older young people in and from care.

In general, we welcome the Bill, which includes most of what we had been led to expect. However, we are concerned at what is not in the Bill and what is left to regulations that 'may' be made. A surprising example of this concerns the failure to say explicitly in the Bill that the duty to visit children is extended to include those in youth custody, despite what the Explanatory Notes say. Rather, it has been left to the Secretary of State, or in the case of Wales, the Welsh Ministers, to say (or not say) in regulations who, in addition to looked-after children, the local authority must visit.

We are also puzzled and disappointed at the failure to keep the Care Matters: Time for Change commitment to put a duty on the local authority to secure sufficient and diverse provision of quality placements within the local area. In particular, we had hoped that this could include supported and other accommodation for care leavers.

We would also like to have seen added to the functions of the IRO monitoring the case of young people from care whenever they have a pathway plan.

Approximately half of children in care leave the care system before they are 18, and as a result of this Bill some young people will continue to receive support up to the age of 25 or older.



This is a missed opportunity to focus on transitional planning and support and to improve outcomes of young people from care.

An NLCAS policy briefing on the Bill will be available shortly on www.leavingcare.org

Summary of most relevant provisions

Purpose

To reform the statutory framework for the care system by implementing the proposals in the White Paper that require primary legislation. The key legislation to be amended is the Children Act 1989.

Territorial extent

England and Wales, except only England as to compliance notices for failing children's homes.

Overview

1. Enables local authorities (LAs) to delegate their functions in relation to looked-after children to providers of social-work services, and, after the piloting stage, to enable regulation of such providers and to require them to be registered under the Care Standards Act (refers to social-care practices as outlined in Care Matters)
2. Prevents LAs' placing looked-after children outside their local authority unless provision consistent with their welfare is unavailable within the area (Time for Change, Care placements)
3. Requires LAs to place children in accommodation that is near a school where they are registered (Time for Change, Delivering a first class education)
4. Prevents LAs moving a looked-after child from a LA foster placement or appropriate children's home unless they have decided to do so in consequence of a statutory review (Time for Change, Care placements)
5. Amends LA duties in relation to the appointment of Independent Reviewing Officers (IROs); adds to IRO functions; provides the Secretary of State with the power to establish a national IRO agency independent of the LAs (Time for Change, The role of the practitioner)
6. Makes explicit the LA's duty to visit all looked-after children and extends the duty to those in youth custody and in long-term residential placements (Time for Change, Care placements)



7. Extends the LA's duty to appoint an independent person to visit, befriend and advise looked-after children (Time for Change, The role of the practitioner)
8. Places a duty on governing bodies of maintained schools to appoint a staff person to be responsible for promoting the educational achievement of looked-after registered pupils (Time for Change, Delivering a first class education)
9. Extends the LA duty to appoint a personal adviser (PA) and keep under review the pathway plan (PP) of former relevant young people who start or resume education or training after 21 and before 25 years of age to continue past age of 25 if as set out in the PP (Time for Change, Delivering a first class education)
10. Requires LAs to pay a bursary to former relevant young people in higher education (HE) (Time for Change, Delivering a first class education)
11. Makes provision for registration authorities to issue compliance notices to failing children's-homes providers (Time for Change, Next steps).

Organisation

The Bill is organised into five parts, and Parts 1 and 2 are the most relevant to older young people in and from care. Part 1 deals with arrangements for the provision of social-work services; Part 2 principally amends Part 3 of the Children Act 1989, including LA duties in arranging accommodation for looked-after children; the IRO service; visiting; education and training; PAs; and enforcement of care standards. There is a Glossary of Terms in Annex A to the Explanatory Notes.

Content of relevant clauses

1. Clauses 1-6: **delivery of social-work services to children & young people**: includes services to care leavers; excludes services of IROs, who will help assure the quality of the provider's services; provider cannot be a local authority; functions of providers must be carried out by or under supervision of registered social workers; piloting for up to five years in a number of LAs, but only if pilots successful and the power extended to all LAs will providers be regulated under the Care Standards Act .

2. Clauses 7-28: **functions in relation to children & young people:**

Accommodation

- Clause 7. Duty to place children voluntarily accommodated with relatives, etc., as a general rule and a child so placed will remain looked after.
- Clause 8: Duty to place children in accommodation in their local authority area, unless inconsistent with their welfare; accommodation to be near their home; siblings to be placed together.



- Clause 9: Duty to place child near their school; circumstances must be exceptional to justify a care placement not near their school for children in Years 10 or 11.
- Clause 10: Review of cases: LA considering changing a child's accommodation from a LA foster home or children's home must have a statutory review before deciding.

Independent Reviewing Officers

- Clause 11: For each looked-after child the LA must appoint a named IRO, to provide continuity in overview and to allow the IRO to develop a relationship with the child; prescribed description of IROs; added IRO functions, including monitoring the LA's performance of its functions in relation to the child's case, as opposed to the current monitoring just in respect of the review; new regulation- and guidance-making power re IROs; duty on LA to cooperate with the IRO and to enable IROs to perform their functions; power of IRO to refer case to CAFCASS if the IRO 'considers it appropriate to do so' (replaces 'breach of Human Rights Act' criterion).
- Clause 12: Provides the Secretary of State with the power to establish a national IRO service or transfer the IRO's functions to CAFCASS. The intention is for this to be done if the changes the present Bill makes to the statutory framework are not effective in making significant improvements to outcomes for looked-after children.
- Clause 13: Duty on LAs to ensure looked-after children are visited and appropriate advice, support and assistance provided, and by regulation this duty may be extended to other groups of children.

Visiting

- Clause 14: Duty on LA to appoint an Independent Visitor extended to include all looked-after children for whom the appointment would be in their interests.
- Clauses 15 & 16: Duty on the responsible authority to visit children placed for three or more months by a health body or a local education authority.



Education & Training

- Clause 17: Duty on governing body of 'maintained school' to designate a staff member to have responsibility for promoting the educational achievement of registered pupils who are looked-after children and also who are 'relevant' or 'former relevant' young people. Regulations may specify the qualifications and/or experience the person is required to have.
- Clause 18: Adds to LA duties to 'former relevant' young people a requirement to provide those of them who go on to HE with a fixed sum, the amount of which will be set in regulations. The fixed sum is in addition to assistance provided under sec. 23C(4) and is exempt from income tax.
- Clause 19: Extends duty of LA to provide a PA to include a former relevant young person who is pursuing or intending to pursue education or training and to whom the LA would not otherwise owe a duty because they are over 21 and have completed or abandoned the programme set out in their original PP. LA must also carry out an assessment, prepare a PP, and provide such assistance as required. The duty continues as long as the young person pursues the agreed programme, even if beyond their 25th birthday.
- Clause 20: With respect to qualifying young people, regulations that may be made to require LAs to provide PAs to young people up to the age of 24 may now be made in respect to young people up to the age of 25; and the LA power to give assistance to qualifying young people who were looked after by a local authority is extended to apply to young people under 25 (in connection with education and training).

Enforcement of care standards

- Clauses 22-25: amend the Care Standards Act 2000 to confer additional powers on the registration authority in relation to standards in children's social-care settings, including children's homes. The Chief Inspector/Welsh Ministers may serve a 'compliance notice' where the setting is not meeting required standards; may prevent new admissions; and must notify all LAs in England and Wales when certain enforcement action is taken.



Upcoming Events

- **APG meeting**

The next Associate Parliamentary Group (APG) for Looked After Children and Care Leavers meeting will be held on Wednesday, 21st November, at Boothroyd Room, Portcullis House, from 5-6 pm. The topic will be 'The Children and Young Person's Bill,' and speakers include Kevin Brennan, Parliamentary Under Secretary of State for Children, Young People and Families. There will also be a view from A National Voice; from Jim Bond, Chair of Fostering Network; and from a representative of The Young People's Project.

For further details and to be added to the mailing list, contact Tina Solliss, t: 020 7251 3117 or e: tina.solliss@thewhocarestrust.org.uk

- **Create to Educate – celebrating achievement through the arts**

Last chance to request a place at The Who Cares? Trust's free celebratory dissemination seminars, which are being held to highlight the excellent work taking place within local authority children's services around young people's participation in creative-arts activities.

The Create to Educate project dissemination seminars will take place as follows:

- 1) Friday, 30th November, 1-4 pm, London: BAFTA, Piccadilly
- 2) Tuesday, 4th December, 12-3 pm (followed by free access to the museum), Birmingham: Think Tank Museum, Central Birmingham
- 3) Thursday, 6th December, 12.30-3.30 pm, Harrogate: Sun Pavilion.

The seminars will give delegates the opportunity to network, enjoy presentations and performances, view displays and receive a free copy of the project publication. For further details contact grainne.sinclair@thewhocarestrust.org.uk

- **Competition for young people - help design a website and get the chance to win a Nintendo Wii**

The Children's Workforce Development Council is looking for children and young people to help them design their new website by completing an online questionnaire. See www.cwdcyouth.org.uk Deadline is 10th December.



- **Social Pedagogy: integrating care and education for the children's workforce**

This event on 27th November in London is organised by the Thomas Coram Research Unit. The event presents key findings from research conducted on the work of social pedagogues in Belgium, Denmark, France, Germany, the Netherlands and Sweden, and the feasibility of its introduction in England. It will provide the opportunity for discussion with colleagues, and national and international experts, about practice issues, the integration of care and education in the children's workforce, and the relevance of social pedagogy to children's workforce development in England.

Information on the event can be found at: www.soc-for-ed-studies.org.uk/pdfs/Pedagogy_seminar_flyer.pdf

- **Aiming High for young people**

4Children and The National Youth Agency are holding a national conference on 5th December 2007 in London exploring the key issues and success factors involved in delivering quality services for young people. The Rt. Hon Beverley Hughes MP, Minister for Children, Young People and Families, will be speaking.

For further information go to: www.4children.org.uk/events to book, contact: events@4Children.org.uk



and



Recent Publications

- **Transition guide for disabled young people**

This new publication, *a transition guide for all services: key information for professionals about the transition process for disabled young people*, provides a comprehensive view of all the services that need to work together to ensure appropriate support for disabled children throughout each stage of their life.

Hard copies of the guide, written by the Council for Disabled Children and jointly published by the DCSF and the DH, can be requested from Prolog on 0845 60 222 60, quoting 00776-2007DOM-EN.

The guide, along with updates, further case studies and resources will be available on:

www.transitioninfonetwork.org.uk or
www.everychildmatters.gov.uk/socialcare/disabledchildren/transition/

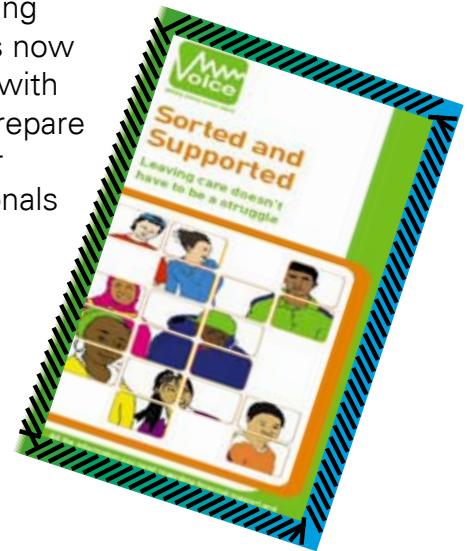


- **Sorted and Supported—welfare rights guide**

This guide, produced by Voice, looks at the welfare rights of young people leaving care. Designed and written for young people, it is now in its fifth edition, having been recently revised to be up-to-date with current legislation. The book is aimed at young people as they prepare to leave care (16 years upwards), but it is also recommended for social workers, personal advisors and other social-care professionals involved in the support of young people leaving care.

It includes an easy to understand flow chart and covers money for education and training, housing, housing expenses and benefits (including Income Support and Job Seekers Allowance).

The book costs £1.50, including postage and packing. For more information contact: e: info@voiceyp.org, website: www.voiceyp.org or t: 020 7833 5792



Office
The National Leaving Care Advisory
Service
Rainer, Hampton House, 20 Albert
Embankment
London, SE1 7TJ
Tel: **020 7840 5620** Fax: **020 7840 5621**
E: nlcas@nlcas.org W: www.nlcas.org

nlcas is supported by Rainer
Rainer, Rectory Lodge, High Street, Brasted
Westerham, Kent TN16 1JF
Registered charity number: 229132
The Royal Philanthropic Society incorporating the Rainer Foundation

Rainer
BELIEVING IN YOUNG PEOPLE

