

**NORTH YORKSHIRE COUNTY COUNCIL
YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

10 September 2010

**LEGISLATIVE CHANGES AND EMERGENT POLICIES:
HEADLINE BRIEFINGS**

Covering Report

1. Purpose of Report

The purpose of this report is to brief Members of the Young People Overview and Scrutiny Committee on a number of emergent issues affecting services for children and young people

2. Introduction

2.1 Following the formation of the Coalition Government in May 2010, a series of legislative changes and policy developments have emerged that affect services for children and young people. The Young People Overview and Scrutiny Committee has requested briefings on a number of these as follows:

1. Decommissioning of ContactPoint
2. Reform of Children's Trust
3. Changes to 16-19 Funding Arrangements
4. Academies and Free Schools
5. Review of Child Protection

2.2 The following pages contain briefing notes on each of these topics.

3. Recommendations

The Young People Overview and Scrutiny Committee are requested to note the briefing information in this report and are invited to identify any areas for further explanation or exploration.

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Date: 31st August 2010

Background Documents: none

BRIEFING 1: DECOMMISSIONING OF CONTACTPOINT

BACKGROUND

Section 12 of the Children Act 2004 provided a legal basis for establishing a national directory of children and young people, this as part of the integrated working and information sharing aspects of the Every Child Matters framework.

The purpose of this directory, subsequently named ContactPoint, was to enable practitioners who work with children and young people to identify whether other professionals are working with the same child. It was believed that this would facilitate improved information sharing between practitioners and lead to more coordinated support between agencies. It was expected that professionals and practitioners throughout England would use ContactPoint to assist them in the delivery of their services to children, young people and their families.

The project to implement ContactPoint was controlled by central government through a network of regional and local structures. In North Yorkshire the project was led by the Integrated Processes Team located in CYPS Performance and Outcomes.

Throughout the project the North Yorkshire team met all milestones and received a 'green' implementation status for every monthly progress report submitted to government. By April 2010 the system was in place, successful pilots had been completed, and some practitioners had been trained and were beginning to use the system.

CHANGE IN GOVERNMENT POLICY

In their respective general election manifestos both the Conservative Party and the Liberal Democrat Party pledged to discontinue ContactPoint. The Coalition Agreement published in May 2010 included the commitment to decommission ContactPoint. On 22 July 2010 the government confirmed its intention to 'switch off' the ContactPoint system and permanently decommission the database.

DECOMMISSIONING

ContactPoint was shut down at noon on 6 August 2010. From this point onwards the system was no longer accessible to any users. The permanent deletion of data held in ContactPoint is being carried out by the Department of Education. This process started within 24 hours of system closure and will be completed within eight weeks of commencement.

Other decommissioning tasks are the responsibility of local authority ContactPoint Management Teams. These tasks include stopping local data feeds into ContactPoint, collecting the electronic tokens used by users to access the system, and managing the closure of any relevant contracts with suppliers. The North Yorkshire team have completed these tasks.

LEARNING AND BENEFITS

Many policies and processes implemented for the purposes of ContactPoint have had broader benefits. These include improvements in data quality and refinements to internal processes and procedures covering, for instance, data security and information sharing. Locally, a 'lessons learned' report has been produced as a means of capturing good practice, highlighting key achievements, and identifying barriers and challenges relevant to the ContactPoint project. This information will be fed into the regional group in order to produce a Yorkshire and Humber ContactPoint lessons learned report.

Additionally, the County Council's Internal Audit team carried out a review of the ContactPoint project between April and June 2010. The audit included reviews of policy and practice covering areas including IT system security and access provision, the vetting and training of users, and data quality. The audit found that arrangements for managing risk were very good and an effective control environment was in operation. The overall audit opinion was that the controls within the system provided 'high assurance' – the highest category of assurance.

FUNDING AND RESOURCES

The ContactPoint project was funded by a dedicated grant paid to upper-tier local authorities. The grant was intended to cover IT hardware and software costs, training, administration and other costs associated with developing and maintaining the system.

For 2010/11 the grant to North Yorkshire was originally scheduled to be £134,000. Local authorities were subsequently notified that only five months of grant would be payable for 2010/11, after which all ContactPoint grant funding would cease. In accordance with this notice, North Yorkshire will receive around £56,000 for 2010/11.

A training contract to train more than 3000 practitioners over a three-year period had been signed in early 2010. However, the terms of the contract ensured that payment was due on a 'per training session' basis only (£390 per session). Just three sessions took place before the decision was taken in March 2010 to suspend all further training until the future of ContactPoint was clarified post-election. By simply not running any further training sessions this contract will incur no further costs.

One Band 11 project officer post funded wholly by ContactPoint grant has been deleted. This post had been held vacant since March 2010 pending possible changes in government policy and any associated funding reductions, and so no redundancy costs were incurred.

NEXT STEPS

The government has assured local authorities that the investment made in ContactPoint, in terms of professional expertise and technical infrastructure, will not be wasted and will be used to support future measures.

Although the idea of a single national database of children is now redundant, the government has signalled its intention to develop alternatives to support key practitioners to help protect vulnerable children. One option being considered is a national 'signposting' system which would help a strictly limited group of practitioners to identify whether a colleague elsewhere is working with, or has previously worked with, the same vulnerable child. The government is assessing the feasibility and affordability of such an approach and will provide an update in the autumn.

Briefing prepared by:

Michael Lord, Integrated Processes Project Manager
David O'Brien, Performance and Outcomes Manager

BRIEFING 2: REFORM OF CHILDREN'S TRUSTS

BACKGROUND: CHILDREN'S TRUSTS

The North Yorkshire Children's Trust, formerly known as the Children and Young People Strategic Partnership, was established in 2006 under the partnership requirements of the Children's Act 2004. The Children's Trust represents the sum total of co-operation arrangements and partnerships amongst organisations which have a role in improving outcomes for children and young people.

The Children's Trust sits within the framework of the North Yorkshire Strategic Partnership (NYSP) and, within this structure, constitutes the Children and Young People thematic partnership. The Chair of the Children's Trust also sits on the NYSP Executive to ensure appropriate links between the two bodies.

The Children's Trust Board currently meets six times a year. Membership includes NYCC, NYYPCT, District Councils, Police, Probation, Jobcentre Plus, Schools, and Voluntary Sector and representatives of parents and young people. The Trust Board oversees the implementation of the multi-agency Children and Young People's Plan (CYPP) and sets future strategic priorities in accordance with local needs and national requirements.

The Children's Trust has a comprehensive set of governance arrangements. These have recently been updated and endorsed by all members of the Children's Trust Board. These are available to the public on the NYSP website, along with agendas, reports and other documents associated with the Trust Board. The Board has a number of sub-groups, which act on behalf of the Trust and perform routine management of specific areas of work. All sub groups have regard to the Children's Trust governance arrangements and use standardised administrative and reporting procedures.

RECENT LEGISLATION

(i) Children's Trusts

The Apprenticeships, Skills, Children and Learning Act (ASCL) 2009 introduced a statutory requirement for all local authority areas to establish a Children's Trust with a Board. This built upon the existing statutory duty on partners to co-operate to improve well-being for children and young people (Section 10, Children Act 2004). Prior to the ASCL Act there was an expectation that local authority areas would establish a Children's Trust and Board, but this was not a statutory requirement.

As previously mentioned, North Yorkshire has had a Children's Trust Board or equivalent since 2006. The 2009 Ofsted inspection of North Yorkshire children's services found that the Children's Trust 'provides clear, visible leadership' and 'has effectively produced a shared vision and agreed priorities for improvement.'

(ii) Children and Young People's Plan

The ASCL Act also requires the Children's Trust to produce a Children and Young People's Plan (CYPP) and to undertake specific performance management and reporting arrangements relating to the CYPP and Children's Trust Board. Again, prior to the ASCL Act there was an expectation that local authority areas have a CYPP, but this was not a statutory requirement.

North Yorkshire adopted its first CYPP in 2006. A subsequent CYPP was adopted for the period 2008-11. The 2009 Ofsted inspection of North Yorkshire children's services found that the CYPP 'shows that partners are working together to meet targets and develop new services to meet changing needs.'

ANTICIPATED CHANGES

The current legislation in the ASCL Act 2009 is expected to be repealed by the government during autumn 2010. It is anticipated that the government will remove the statutory requirement to have a Children's Trust, but that the duty on partner organisations to co-operate will be retained. However, it is expected that the range of agencies to which this requirement applies will be revised and that schools will be removed from this list. The statutory requirement to produce a CYPP is also likely to be repealed.

In the absence of statutory requirements, it is expected that local areas will be free to determine their own arrangements in respect of the Children's Trust and the CYPP.

NEXT STEPS: NORTH YORKSHIRE CHILDREN'S TRUST

Delivering Improvements across the range of outcomes for children, young people and their families will still require multi-agency working at strategic and operational levels and will still require a process for planning activity and monitoring its impact. It is likely, therefore, that North Yorkshire will retain some form of Children's Trust arrangement and some form of CYPP.

Given the anticipated legislative changes relating to Children's Trusts, a development day has been scheduled to discuss the future strategic direction of the North Yorkshire Children's Trust and its work. This takes place on Monday 20th September 2010.

Part of the day will concentrate on identifying future areas of priority work to be included in a new CYPP to be effective from April 2011. In addition, the Trust Board will review its existing arrangements for partnership activity and sub groups. This will involve looking at the future form of the Children's Trust, including the frequency of meetings required to perform its functions and the composition of sub groups required to manage this workload.

Briefing prepared by:

Dave Chapman, Performance and Review Officer
David O'Brien, Performance and Outcomes Manager

BRIEFING 3. CHANGES TO 16 TO 19 FUNDING ARRANGEMENTS

BACKGROUND

The Apprenticeships, Skills, Children and Learning Act 2009 (ASCL) included a number of measures concerning the provision of learning for 16 to 19 year olds. The legislation:

- dissolved the Learning and Skills Council with effect from 1st April 2010
- transferred to local authorities the responsibility for funding education and training for young people aged 16 to 19 and up to 25 with learning difficulties, and those young people in youth custody aged 10 to 18 years.
- created the Young People's Learning Agency (YPLA)
- provided a statutory framework for apprenticeships and creates a right to an apprenticeship for suitably qualified 16 to 18 year olds.

In transferring responsibility for commissioning of 16 to 19 provision to local authorities, the ASCL Act provided the necessary commissioning and funding powers to councils to deliver the new entitlements and raise the participation age (RPA) to 17 by 2013 and to 18 from 2015.

However, in July 2010 the Secretary of State for Education announced changes to the funding arrangements for the transfer of 16 to 19 provision. The main changes relate to the funding aspect of 16 to 19 education and training but not the Council's commissioning role.

DUTIES OF LOCAL AUTHORITIES

Local authorities will continue to have a statutory duty to ensure that enough suitable education and training is provided to meet the reasonable needs of:

- persons in their area who are over compulsory school age but under 19, and
- persons in their area who are aged 19 or over but under 25 and are subject to learning difficulty assessment.

In exercising this duty, local authorities need to take into account the quality, locations and timings of 16 to 19 education and training provision. Local authorities are also required to encourage diversity of provision and to increase the range of choices available to learners.

DUTIES OF THE YOUNG PEOPLE'S LEARNING AGENCY (YPLA)

The YPLA's functions principally relate to the funding of education and training provision for 16 to 19 year olds.

The YPLA also has a duty to issue guidance to local authorities on the performance of their statutory duties and has powers to intervene where local authorities are failing to perform their duties.

The YPLA is not a commissioning or planning body; the statutory duties for commissioning and planning rest with local authorities, and the changes announced in July do not affect that.

CHANGES WHICH AFFECT LOCAL AUTHORTIES

The changes to the 16 to 19 funding arrangements have implications for the ways in which local authorities carry out their commissioning role. The funding changes are:

- The YPLA will make payments directly to FE Colleges, Sixth Form Colleges, and other training providers, and will manage the contracts with them. School sixth forms will continue to be paid by councils.
- From 2011/12 funding will be based on 'lagged learner numbers' (as is the case with pre-16 education funding at present).

Changes to the payment arrangements have little impact on the local authority commissioning role. However, changes to the funding formula mean that neither local authorities nor the YPLA will be involved in detailed negotiations with schools and colleges over funding allocations – which will, for the most part, be based on learner numbers in the previous year.

The local authority's strategic commissioning and influencing role will be to maintain a "strategic overview of provision and needs in their area – identifying gaps, enabling new provision and developing the market." Local authorities will need to produce commissioning plans, in partnership with schools, colleges and other providers, and using existing partnerships (such as 14 to19 Partnerships) and new partnerships (such as Local Economic Partnerships).

The other change announced is the removal of the requirement on local authorities to come together in sub-regional and regional planning groups. Local authorities will be free to make local arrangements as they see fit. However, the statutory duty on local authorities to cooperate with each other in relation to 16 to 19 education and training remains in place. Where existing partnerships are working well (locally, sub-regionally or regionally), it is expected that these will continue, but it will be for local authorities and providers to determine which arrangements best suit the needs of their local area.

Briefing prepared by David O'Brien, Performance and Outcomes Manager

BRIEFING 4: ACADEMIES AND FREE SCHOOLS

ACADEMIES

Academies are publicly funded independent schools, free from local authority control. Specific freedoms include setting pay and conditions for staff, freedom from following the National Curriculum, and the ability to change the lengths of school terms and school days.

On 26 May, the Secretary of State for Education, Michael Gove, announced that legislation would be brought forward to allow him to approve schools to become academies through a “simplified streamlined process”. The proposed legislation was taken through Parliament before the summer recess and has now become the Academies Act. As a result, schools rated as outstanding by Ofsted are now able to open as Academies, with effect from September 1st 2010, subject to approval by the Secretary of State.

In addition, all schools can now apply to become academies and were encouraged to register their interest to become academies. Lists published by DfE on 15th July 2010 showed that nationally 1,567 schools had registered an interest (14 in North Yorkshire), although other schools will no doubt be adopting a “wait and see” approach. 183 schools have since applied to become academies (currently none of these are in North Yorkshire).

Figures published by the DfE on 01 September showed that at the start of the 2010-11 school year 32 schools had converted to academy status.

Academies are often described as state schools but outside local authority control. In terms of funding, the current system is a mixture of the replication of the LA’s funding formula for funds the school receives directly, plus amounts to provide services which are currently delivered by the LA. There are also elements where the LA continues to retain the money and the responsibility for certain services.

The principle of academies' funding is that academies should receive the same level of per-pupil funding as they would receive from the local authority as a maintained school. In addition, they receive top-up funding to meet additional responsibilities that are no longer automatically provided for them by the local authority.

The Government is clear that becoming an academy should not bring about a financial advantage or disadvantage to a school. However, academies have greater flexibility in how they use their funding. The funding consists of two main elements, as stated on the DfE website

- An amount equivalent to the school's current budget share: *By far the largest element is the school's core funding, known as its delegated budget share. This will be the same as the school's current budget share received from the local authority.*
- Local authority central spend equivalent grant (LACSEG): *This is the additional money to cover those central services that the local authority no longer provides. This is not a uniform figure across the country. It varies between local authorities and will reflect the amount the local authority already spends on central services. This element of grant is calculated by the Young People's Learning Agency (not the local authority), using a formula, based on an academy's pupil numbers and the amount that the relevant local authority spends on the services and costs. It is not based on the actual costs of the services supplied to the individual school.*

The relevant services and costs are shown in the table overleaf:

Schools Budget	Local Authority Budget
<ul style="list-style-type: none"> • <i>Special educational needs (SEN) support services</i> • <i>Behaviour support services</i> • <i>14-16 practical learning options</i> • <i>School meals and milk</i> • <i>Assessment of free school meals eligibility</i> • <i>Repair and maintenance of kitchens</i> • <i>Museum and library services</i> • <i>Licences and subscriptions</i> • <i>Central staff costs (maternity, long term sickness and trade union duties)</i> • <i>Costs of certain employment terminations.</i> 	<ul style="list-style-type: none"> • <i>Costs of a local authority's statutory/regulatory duties</i> • <i>Asset management costs</i> • <i>School improvement services</i> • <i>Monitoring national curriculum assessment</i> • <i>Education welfare service</i> • <i>Pupils support (e.g. clothing grants)</i> • <i>Music services</i> • <i>Visual and performing arts services</i> • <i>Outdoor education services</i> • <i>Certain redundancy and early retirement costs.</i>

The DfE states that: “Academies need to consider how they will obtain these services using the additional funding they receive. They are free to buy back the services from the local authority (where the LA is in a position to provide them) or find them elsewhere.”

Under current arrangements, the LA loses a proportionate amount of Dedicated Schools Grant funding to each academy for each of the services described above as “Schools Budget”. Funding is not reduced at LA level for those services coming under the “Local Authority Budget” heading. Resources for this latter category are provided by DfE.

However, this situation is not expected to continue after April 2011 (this has been signaled in the DfE School Funding Consultation), and not once the number of academies begins to increase. It is highly likely that LAs will lose funding for all of the items above in future.

This is a concern in that funding, as stated by DfE, is not based on the actual cost of services for each school. Instead it is allocated on a proportionate basis (usually simply pupil numbers) and therefore it could be the case that schools with a high call on such budgets as school improvement or education welfare will receive a lower amount through the Academy funding, than is currently spent on them.

Of course the reverse is also true, and this may have an impact on the funding available to schools who do not choose to become academies. The local authority also retains some funding for services that it has to continue to provide, and related costs. These are:

- Home to school transport (including SEN)
- Education psychology, SEN statementing and assessment
- Monitoring of SEN provision, parent partnerships, etc
- Prosecution of parents for non-attendance
- Individually assigned SEN resources for pupils with rare conditions needing expensive tailored provision (this is usually a top-up to formula funding)
- Provision of pupil referral units or education otherwise for a pupil who is no longer registered at an academy

FREE SCHOOLS

Free Schools are all-ability state-funded schools set up in response to parental demand. The proposals for free schools will enable charities, universities, businesses, educational groups, teachers and groups of parents to get involved and start new schools.

These new schools will have similar “freedoms” to academies, including setting their own pay and conditions for staff, freedom from following the National Curriculum and the ability to change the lengths of their terms and school days. Like other state schools, all Free Schools will be accountable for standards and performance via the regulatory framework of inspection and through testing and examinations.

IMPACT IN NORTH YORKSHIRE

No school in North Yorkshire has applied to become an academy.

Work is underway within the Council to look at the implications of schools becoming Academies. This has involved discussions with schools who are thinking about what it would mean to them – to ensure that they are aware of the full financial and legal implications, as well as internal work to assess changes to processes (such as insurance, pensions, etc) and potential buy back of services.

Work has also been carried out to look at the financial implications to the Council of loss of grant, although this cannot be clarified until the DfE announces its funding plans for 2011-12. However, discussions have already taken place with DfE to ensure that North Yorkshire is not financially disadvantaged by any funding deductions which may occur should any schools choose academy status before 1st April 2011. This work is ongoing.

Briefing prepared by:

Anton Hodge, Assistant Director: Finance and Management Support

BRIEFING 5: REVIEW OF CHILD PROTECTION

BACKGROUND

In June 2010 the government announced that Eileen Munro, Professor of Social Policy at the London School of Economics and Political Science, has been commissioned to lead a review of the child protection system. This review will build on the work of Lord Laming's Report on Child Protection in England (March 2009) and the recommendations of the Social Work Task Force (December 2009), drawing on the evidence submitted to these reviews and the extensive analyses undertaken. Professor Munro will also keep close links with the continuing work of the Social Work Reform Board.

By initiating this review, the government intends to reform frontline child protection practice, strengthening the profession so that social workers are:

- better placed to make sound judgements, based on first hand evidence, in the best interests of children, and free from unnecessary bureaucracy and regulation.
- clear about their responsibilities and are accountable in the way they protect children.
- are sufficiently confident to challenge parents when they have concerns about the circumstances in which children are growing up, and to know they will be supported by the system in doing so.

REMIT OF THE REVIEW

The government has asked Professor Munro to identify the obstacles preventing improvements and the steps required to bring about better social work practice. This includes considering how effectively social workers and professionals in other agencies work together. Three organising principles inform the review's key lines of enquiry: (i) early intervention; (ii) trusting professionals and removing bureaucracy, and (iii) greater transparency and accountability.

Early Intervention

- How can interaction between social work teams and universal services for children and families be improved?
- In particular, how can Sure Start children's centres and health visitors make sure that the families who need the specialist input of social workers are identified effectively?
- What are the barriers to consistent good social work practice? How can other agencies help social workers undertake more effective practice?

Trusting Professionals and Reducing Bureaucracy

- How could regulation be simplified and bureaucracy reduced so social workers can spend more time with vulnerable children and their families?
- How have targets got in the way of good practice? What are better ways of using data to improve social work practice?
- How can recording of cases contribute to supporting the work of professionals and improving the service experienced by children? How can ICT contribute to strengthening good practice?
- How could social workers be given greater professional freedom and how could support for social workers be improved? How can social workers be supported to have the confidence to challenge difficult families when that is what is needed to protect children? What role might social work practices, new models of social work delivery and volunteer social workers play? What can be learnt by what happens in other countries?

- How could poor performing areas come up to the standard of the best? How could councils most effectively share best practice with each other, including sharing information about how good outcomes can be achieved in a cost-effective way?

Transparency and Accountability

- How can greater transparency in the system be achieved in a way which commands public confidence and protects the privacy and welfare of vulnerable children and their families?
- It is the Government's intention to publish anonymised full serious case reviews. How could reviews be strengthened? Are there alternative ways of learning from experience that could be more effective? What might be learnt from other sectors?
- How can risk be managed so that agencies do not develop a blame culture and their focus remains on protecting children?
- What approaches to inspection would better capture the quality of frontline practice and lead to better services for children?
- How could the system champion the profession, raising its status? Is there a role for a chief social worker?

Professor Munro will produce three reports: an initial evidence report in September 2010, an interim report in January 2011, and a final report with recommendations in April 2011.

WHAT CAN WE EXPECT FROM THE REVIEW?

Prior to the 2010 general election the Conservative Party commissioned Professor Munro to develop its child protection policy. A policy document, 'Child Protection: Back to the Frontline' was published by the Party in February 2010. This document sets out ten broad proposals for reform of the child protection system. These are:

1. Reduce bureaucracy for frontline social workers
2. Help experienced practitioners stay at the frontline
3. Recruit top graduates and offer ongoing training at all levels
4. Allow social workers to run their own practices like GPs
5. Create a Chief Social Worker to give the profession a public face
6. Focus inspections on face-to-face frontline practice, not just data analysis
7. Publish Serious Case Reviews in full so that lessons can be learnt
8. Replace ContactPoint with a signposting system for genuinely vulnerable children
9. Instigate a universal Health Visitor scheme
10. Promote voluntary social worker schemes

The government has already implemented two of these proposals. From June 2010 all Serious Case Review overview reports will be published in full, albeit anonymised, unless the local Safeguarding Children Board considers that to do so would place children at risk. ContactPoint has been decommissioned, with the system being 'switched off' on 6 August 2010.

The Review of Child Protection explores many of the remaining proposals, and so we might expect Professor Munro to recommend the implementation of at least some of these in some form.

IMPACT IN NORTH YORKSHIRE

Child protection teams in North Yorkshire have experienced a protracted period of change. This has included the initial implementation and subsequent re-launch of the ICS system, the introduction of new business processes, and the publication of new practice guidance in March 2010 (the latest version of 'Working Together to Safeguard Children').

Against this background a further period of change might seem undesirable. However, if the Munro Review leads to less bureaucracy, more time for frontline work with children and families, and a stronger, more respected profession then many practitioners could welcome it.

Briefing prepared by:

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