

**EXPLANATORY MEMORANDUM TO THE  
CHILDREN AND YOUNG PEOPLE'S PLAN (ENGLAND) REGULATIONS 2005**

**2005 No. 2149**

**1.** This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Regulations require each children's services authority to prepare and publish a Children and Young People's Plan (CYPP) that will set out the authority's strategy for discharging their functions in relation to children and young people. The Regulations also make requirements for the content of the plan, timing and manner of publication, consultation, review and exemption for certain authorities.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

2.1 Section 17 of the Children Act 2004 confers powers on the Secretary of State to make regulations to require a children's services authority in England to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and young people. These regulations are the first use of the power under section 17 of the Act.

2.2 Section 17 also provides that the plan may include arrangements made under section 10 of the Act (the duty to co-operate) and the strategy or proposals made with partners under these arrangements.

2.3 The introduction of the CYPP has been accompanied by the repeal of 7 statutory plans<sup>1</sup> and the discontinuation of 12 non-statutory plans<sup>2</sup>. The statutory plans were repealed by section 64 and Part 1 of Schedule 5 to the Act which came into force on 1 March 2005.

**5. Extent**

5.1 This instrument applies to England.

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<sup>1</sup> Statutory plans repealed: Behaviour Support Plan, Children's Services Plan, Class Sizes Plan, Early Years Development and Childcare Plan, Education Development Plan, Local Authority Adoption Services Plan and the School Organisation Plan.

<sup>2</sup> Discontinued non-statutory plans: Area Child Protection Committee Business Plan, Asset Management Plan, Behaviour Improvement Plan, Excellence Cluster Plan, Excellence in Cities Plan, ICT Development Plan, Primary Strategy Plan (formerly literacy and numeracy plans), Teenage Pregnancy Strategy (to be subsumed by the CYPP from April 2006), Underperforming Schools Plan, Youth Service Plan, Local Preventative Strategy, Children's Centre Implementation Plan

## **6. European Convention on Human Rights**

No statement is required.

## **7. Policy background**

7.1 A statutory requirement to produce a CYPP is being introduced in order to help English local authorities and their partners operate more effectively and with less bureaucracy in delivering the outcomes for children and young people as set out in section 10(2) of the Children Act 2004 and in the Green Paper 'Every Child Matters'<sup>3</sup>. The outcomes are that every child will be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

7.2 The CYPP will be a strategic overarching plan for all local services for children and young people. It will be the focus of joint planning for local authorities and their partners. It will act as the vehicle for them to work together to agree clear targets and priorities for all their services for children and young people, identify actions and activities needed to achieve them, and ensure delivery.

7.3 The DfES has undertaken a formal consultation on the CYPP as set out in regulations and the supporting non-statutory guidance. This showed strong support for the policy and agreement that the regulations and guidance would support the development of the CYPP as an effective tool to drive joint planning for services to children and young people. A formal report on the consultation and the archived consultation documents are available on the DfES consultations website<sup>4</sup>. Key results include:

- i) 83% of respondents agreeing that the overall framework for the plan (including content, timing, publication, consultation, review and exemption) is correct.
- ii) 75% of respondents stated that the areas to be covered in the plan, as set out in regulation 4 are correct. This includes improvements in relation to the outcomes and will include a local vision statement, a needs assessment, key actions, budget statement, relationship to performance management and arrangements to be made under section 10. It also allows scope for the plan to cover other matters that the authority and partners think appropriate.
- iii) 82% of respondents agreeing with the timing of the plan. Local authorities will be required to have a plan in place for 1 April 2006. They will be given flexibility over its duration to enable them to align with local planning cycles, but will be required to undertake an annual review. A number of respondents did express concern about the introduction date. We have addressed this, as suggested by the respondents, in the non-statutory guidance by recognising that the plan will evolve over time and first plans may identify areas for further development;
- iv) 65% of respondents agreeing with the consultation arrangements. These require the authority to consult with a number of named partners (outside those covered by the duty to co-operate) during the preparation of the plan.

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<sup>3</sup> Full document and summary version available at [www.everychildmatters.gov.uk/publications/](http://www.everychildmatters.gov.uk/publications/)

<sup>4</sup> [www.dfes.gov.uk/consultations/conArchive.cfm](http://www.dfes.gov.uk/consultations/conArchive.cfm)

Although there was clear support, a number of respondents wanted the responsibility for the preparation of the CYPP to be on all of the authority's relevant partners. However, section 17 provides that the regulation making power is to require a children's services authority to prepare a plan, not the partners.

Respondents also raised limited concern over potential burdens caused by publication requirements. These have been addressed in regulations and guidance. We have removed a proposed requirement to send a hard copy of the plan to every person, including children and young people, consulted with under regulation 7. This has been replaced with regulation 6(c) which requires the authority to make sufficient copies available, in public libraries and other appropriate places, to allow members of the public to take a copy. Changes to the guidance include emphasis on effective communication through the use of summary versions for children and young people and making the plan and the summary available in different community languages. The guidance has also been amended to highlight the potential of web based systems to support consultation, publication and communication of the plan.

Many respondents suggested that the guidance could be improved to address certain issues or audiences. Many of these suggestions have been included in the revised guidance.

A number of respondents disagreed with the exemption for local authorities categorised as 'Excellent' under Comprehensive Performance Assessment. The exemption adheres to the principle of freedoms and flexibilities attained by demonstrating excellence that was announced by the Office of the Deputy Prime Minister in November 2002<sup>5</sup>. We are confident that excellent authorities will build effective arrangements into their planning frameworks to ensure that they meet their duties under the Children Act 2004 in respect of their own services for children and young people, and their duty to make arrangements to secure cooperation.

## **8. Impact**

8.1 A Regulatory Impact Assessment is attached to this memorandum. This RIA looks at the impact of inter-agency co-operation, under section 10 of the Children Act 2004 and children's trust arrangements and includes the implementation of the CYPP.

8.2 We recognise that the introduction of the CYPP will mean some new work for the public sector. We do not wish to increase burdens on local authorities and their partners, and so, at the same time as introducing the CYPP, we are removing requirements for 19 plans. We recognise that operational planning will need to continue locally to address the problems that all these plans were designed to deal with, but authorities will have the scope to organise their operational plans as they choose. And the joint strategic planning envisaged by the CYPP may expose inefficiencies the removal of which could lead to savings in time and resources.

## **9. Contact**

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<sup>5</sup> ODPM press notice 127 (issued 26/11/2002) is available from [www.odpm.gov.uk/pns](http://www.odpm.gov.uk/pns)

# FINAL REGULATORY IMPACT ASSESSMENT

## INTERAGENCY CO-OPERATION

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### **Section 1 Background**

#### **1.1 Inter-agency co-operation, section 10 and children's trust arrangements**

1. There is now wide agreement about the outcomes we all want for every child – that they should be healthy, stay safe, enjoy and achieve, make a positive contribution to society and achieve economic well-being. Improved outcomes for children can only be achieved and sustained, however, when agencies work together

to design and deliver integrated services around the needs of children and young people. This will involve tackling the fragmentation of services which has, for too long, negatively impacted upon children and young people's outcomes.

### 1.1.1 Local fragmentation

2. Children's needs are complex and rarely fit neatly within one set of organisational boundaries. For instance, a child with behavioural problems due to parental neglect may be considered a child with special educational needs by the LEA, a 'child in need' by social services, or having a 'conduct disorder' by a child and adolescent mental health team. If the child truant, they may come into contact with the education welfare service, and if they offend they will come into contact with the police and the Youth Offending Team. The categories around which services are organised are overlapping, fluid and, in some cases, blurred.

3. The fragmentation of responsibilities for children leads to problems such as:

- information not being shared between agencies and concerns not being passed on. The Victoria Climbié enquiry highlighted the failure to collect basic information and share it between agencies or across local authority boundaries. For instance, nobody checked whether Victoria was in school. Despite her case coming to the attention of various agencies on twelve occasions, professionals made decisions based on little information about Victoria's previous contact with a series of services. Judgements were made based on separate snapshots rather than a picture built up over time;
- children with multiple needs may be subject to multiple assessments by different people, each collecting similar information but using different professional terms and categories. The core information does not follow the child. This is not only an inefficient use of resources, but also alienating for the child and family who have to tell the same story to several professionals but may receive little practical help as a result;
- some frontline services, such as the police, schools and health, may refer children to social services without a preliminary assessment of the child's needs. As a result, social services may be overwhelmed with inappropriate cases, and children and families may undergo initial assessments unnecessarily. Frontline professionals such as pastoral staff in schools, who may already have trusting relationships with the child or parent, may be in a better position to discuss initial concerns with a child or parent, and work with them over time, than a social worker with whom the family has had no previous contact.
- children may be in contact with more than one specialist service at a time. For instance, a child may be truanting, offending, and suffering from abuse at home, and may have special educational needs. As a result, children can receive services that risk duplicating or cutting across each other, with no single person providing continuity or co-ordinating services;
- several agencies spend some money on the child rather than one agency spending an appropriate amount on a co-ordinated package of support;
- services may disagree about whether the child falls into their categories and

may try to pass on difficult cases to other organisations;

- professionals and services may be based in different locations rather than co-located. Children can be faced with a series of different professionals who work in different offices to different managers. Co-location and multi-agency working can make services more accessible to users, improve inter-professional relationships and ways of working;
- services are planned and commissioned to focus on one particular objective such as childcare, truancy, or family abuse. Planning services in the round can enable a better response to support the child and better value for money. Joint commissioning can enable the creation of services that deliver multiple dividends such as Children's Centres and extended schools.

#### 1.1.2 Vision

4. In order to counter fragmentation and the associated waste of resource, the government wants to move to a system where:

- there is clear overall accountability for services for children, young people and families;
- there is integration of key services around the needs of children, in particular, education, social care, health, youth justice, and Connexions;
- key services and budgets for children and young people are placed within a single organisational focus locally.

5. To provide part of the legal underpinning for this system, section 10 of the Children Act 2004 requires children's services authorities (i.e. shire and unitary local authorities) and their 'relevant partners' to cooperate to improve children's wellbeing: as defined by the five Every Child Matters outcomes (see 2.1). A set of effective local co-operation arrangements, operating at every level, will be a children's trust in action (see *Statutory Guidance on inter-agency co-operation to improve the wellbeing of children: children's trusts* at [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)).

6. This RIA provides an overview of the impact of children's trust policy (section 2) while also looking in detail at key individual elements that move to the system outlined above and contribute to the overall children's trust arrangements (section 3). By focusing in some detail on these elements, the RIA builds on and further develops the assessments made within the published Final RIA for the Children Act 2004.

## 1.2 Other areas of policy

7. Significant related policy areas not covered within this RIA are (i) safeguarding arrangements under section 11 of the Act and Local Safeguarding Children's Boards, and (ii) information sharing indexes. Both of these will be subject to separate impact assessments.

## 1.3 Public sector agencies affected

- (i) Shire and unitary local authorities.
- (ii) The 'relevant partners'.

8. These are:

- the district council in two tier authorities;
- the police authority and the chief officer of police for a police area any part of which falls within the area of the children's services authority;
- a local probation board for an area, any part of which falls within the area of the authority;
- the Youth Offending Team;
- a Strategic Health Authority and Primary Care Trust for an area any part of which falls within the area of the authority;
- Agencies responsible for providing services under section 114 of the Learning & Skills Act 2000; and
- the Learning and Skills Council for England.

(iii) Other key public sector partners

9. Other public agencies that deliver important services to children and young people will also engage in children's trust arrangements, although they are not subject to the statutory formal duty to co-operate in section 10 of the Children Act 2004 which applies to the strategic bodies listed in section 1.3. This category includes schools and primary care providers.

10. As the universal service provider that maintains contact with most children five days a week for 38 weeks a year, schools are central to the drive to improve all five outcomes for children and young people. They will therefore want to be appropriately involved in the local children's trust co-operation arrangements.

## 2.1 Objective

11. The objective of children's trust arrangements, underpinned by section 10 of the Children Act 2004, is to improve the well-being of children and young people, as defined by the five outcomes (see below) through bringing greater coherence and efficiency to children's services in England.

### Every Child Matters Outcomes

- **physical and mental health and emotional wellbeing** – 'be healthy'. This means that children and young people: are physically healthy; mentally and emotionally healthy; sexually healthy; live healthy lifestyles; and choose not to take illegal drugs. We also want to ensure parents, carers and families promote healthy choices;
- **protection from harm and neglect** – 'stay safe'. This means that children and young people are safe from: maltreatment, neglect, violence and sexual exploitation; accidental injury and death; bullying and discrimination; crime and anti-social behaviour in and out of school; and have security, stability and are cared for. We also want to ensure parents, carers and families provide safe homes and stability;
- **education, training and recreation** – 'enjoy and achieve'. This means that: young children are ready for school; school-age children attend and enjoy school; children achieve stretching national educational standards at primary school; children and young people achieve personal and social development and enjoy recreation; and children and young people achieve stretching national educational standards at secondary school. We also want to ensure parents, carers and families support learning;
- **the contribution made by them to society** – 'make a positive contribution'. This means that children and young people: engage in decision making and support the community and environment; engage in law-abiding and positive behaviour in and out of school; develop positive relationships and choose not to bully and discriminate; develop self-confidence and successfully deal with significant life changes and challenges; and develop enterprising behaviour. We also want to ensure parents, carers and families promote positive behaviour;
- **social and economic wellbeing** – 'achieve economic wellbeing'. This means that: young people engage in further education, employment or training on leaving school; young people are ready for employment; children and young people live in decent homes and sustainable communities; children and young people have access to transport and material goods; and children and young people live in households free from low income. We also want to ensure that parents, carers and families are supported to be economically active.

## 2.2 Risk assessment

12. Children's trust arrangements address risks that impact on society because of weaknesses in the wider system of children's services. Failure to support children *now* can impact on their children and their children's children. Evidence shows that children of disadvantaged parents tend themselves to grow up disadvantaged.

13. The cost to society of negative outcomes is great and we know that public services spend substantial sums of money on problems that might have been prevented if intervention, effectively co-ordinated across partner agencies, had come earlier. For example, while many children may be in care because of problems that are unavoidable, co-ordinated early intervention can prevent some cases of neglect or abuse and thereby reduce



the current requirement for 60,000 foster and residential care placements. There are also substantial human and social costs that can be prevented: 50-100 children die from neglect and abuse each year in England; there are approximately 27,000 children on the child protection register in England; and 300,000-400,000 children are classified as 'in need'.

14. While it is clearly essential that these risks are addressed, it is also important that the transition of children's services is well managed. A poorly managed change process offers the following potential risks:

- confusion over roles and accountabilities leading to a reduction in the performance of services;
- reduction in staff morale;
- local authorities failing to adopt a partnership approach to decision making within the children's trust, tending more towards an inappropriate top-down command structure. This approach could alienate key partners such as District Councils who have an important community leadership role and provide essential services affecting children and young people. Their effective engagement in the children's trust decision making structures will be a key test of county and unitary authorities' leadership;
- failure of partners to engage with non-statutory stakeholders, families and young people.

These risks are being countered in a number of ways:

- local authorities and their partners will be supported in delivering children's trusts through engagement with strategic advisers (see 2.6);
- a range of statutory and non-statutory guidance documents and materials are being made available through the Every Child Matters website;
- support and development activities for senior local leaders, including events and networks;
- funding is being made available that will assist with local change programmes (see 2.4);
- Joint Area Reviews will evaluate the way local services, taken together, contribute towards children's wellbeing. They will also look at the interface between services and the extent to which co-operation is occurring (see 2.6);
- the DfES is developing a wider strategy for targeting support.

### **2.3 Options**

15. The statutory guidance on inter-agency co-operation, to be issued under section 10 of the Children Act 2004, provides a conceptual framework for what constitutes a mature children's trust and describes the features of these arrangements. The guidance on inter-agency co-operation also makes clear that it is for the local partners to determine how best to improve children and young peoples' well-being, within the overall framework provided by the guidance. This means that while adjustments are required in response to the national direction of travel and the legislative requirements resulting from the Children Act 2004, local partners will have significant flexibility in deciding the shape of the change programme through: their prioritisation of areas for change, defining the local response to the 'features' laid out in the duty to co-operate guidance; and to a large extent by

defining the pace of change.

16. Further flexibility in delivery options is also currently being trialled through Local Area Agreements. These will remove ring-fencing around a number of central government funding streams, thereby further empowering local authorities and partners to determine the nature of their response to local needs through children's trust arrangements.

## 2.4 Cost and benefits

17. The following section describes the overall costs and benefits of children's trust arrangements, as described in the statutory guidance on *inter-agency co-operation to improve the wellbeing of children: children's trusts*.

### 2.4.1 Costs, efficiencies and contributions

18. Greater integration at all levels will require: improved partnership working; the development and employment of appropriate accountability and management frameworks; increased awareness and appreciation of how services can better complement each other; and some adjustment to current service delivery models.

19. Change of this kind is not without cost, but will also bring savings from efficiencies. It is recognised that, *in the short term*, the focus on integration and co-operation has the potential to increase demands on existing staff in terms of designing the change process, undergoing training, participating in decision making structures, and making the necessary changes to services.

20. Evaluation of the children's trust pathfinders has identified the need for funds to support the change to delivery through children's trust arrangements, primarily around the need for dedicated staff time focusing on aspects of the change process. The establishment of decision making arrangements, joint commissioning arrangements and the development of multi-agency approaches to delivery will require careful partnership working and the engagement of partners in new activity e.g. District Councils being represented on the children's trust board. The appointment of a Director of Children's Services and a Lead Member also holds the potential to generate costs should an authority choose to appoint a Director of Children's Services or Director of Adult Services from outside of its existing personnel. The introduction of the Common Assessment Framework and improvements to information sharing arrangements will also create some transitional costs through the need for training and co-ordination.

21. To meet these costs, the Government is making extra resources and support available to local partners. This includes:

- a local Change Fund grant of £15 million, for an 18-month period to March 2006, has been allocated across local authorities to help them to build on progress in setting in place children's trust arrangements;
- Children's health services will benefit from growth in NHS expenditure by almost 70% in six years from £33 billion to almost £56 billion. It will rise steadily over the next five years to more than £90 billion;
- investment in early years and childcare would increase by £769 million between 2004–05 and 2007–08. Sure Start Local Programmes, Children's Fund, Children's Centres and Extended Schools all support integrated, multi-agency approaches to service delivery. This funding provides an important contribution to the creation of the new integrated service landscape and should be used strategically through children's trust arrangements to bring about lasting change;
- the Government will be making available £22.5 million in 2006–07 and £63 million in 2007–08 to help Local Authorities implement local change programmes that will support children's trust and LSCB development;
- children's health services will also benefit from growth in NHS expenditure by

almost 70% in six years from £33 billion to almost £56 billion. It will rise steadily over the next five years to more than £90 billion;

- there will continue to be grant resources (£89 million per annum) for improving child and adolescent mental health services;
- Regional Change Advisors will work with local partners to assist them in putting in place children's trust arrangements. They will provide high level support, helping local authorities lead the change process with efficiency and minimal disruption, thereby saving crucial resource;
- the creation of Directors of Children's Services and Lead Members for Children's Services will help ensure that children's trust arrangements are coherent and efficient and thereby minimise resource wastage. Statutory guidance on the on the Role and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services has been issued to assist local authorities in the creation and development of these key positions.

#### 2.4.2 *Benefits*

22. The aim of introducing children's trust arrangements is to improve the coherence of children's services and increase the quality of services provided to children and young people through a more integrated approach. The full benefit to children and families can not be measured directly. However the scale of the potential impact can be envisaged if we recognise that change programmes will affect a workforce of 4 million plus people in England who work with children, or support those working with children. These include:

- 13,000 health visitors, 2,500 school nurses, almost 6,000 speech and language therapists, and over 50,000 other health professionals including paediatricians, children's nurses and midwives;
- 83,000 early years workers;
- 280,000 childcare workers;
- 440,000 teachers and 230,000 school support staff;
- 40,000 children and families social workers;
- 3,000 education welfare officers;
- 7,000 Connexions personal advisers;
- 7,000 youth workers;
- 30,000 play workers;
- 400,000 sports and leisure workers;
- 5,000 people working in Youth Offending Teams;
- 5,000 people working in the juvenile secure estate.

#### Key benefits for children

- All children should benefit from a more integrated approach to education,

health and social services, focused around the well-being outcomes.

- Children who need additional support will benefit from earlier, more appropriate and better informed and co-ordinated service responses.
- Children, parents and families will benefit from more tailored, flexible support when they most need it.
- All those who work with children, whether in schools, primary care, social care or other services will be in a position to do their jobs more effectively through better joint work across professional disciplines.

## Key benefits for agencies

23. In general, the children's trust pathfinders have been highly positive about the potential for savings through efficiencies including:

- improved communication;
- reduced bureaucracy. It is expected that in many areas the establishment of integrated strategic arrangements through children's trusts will lead to a consolidation of multiple strategic partnership bodies involved in local planning and/ or commissioning of services for children, young people and families. Cost savings can thereby be made in relation to staff time spent attending multiple meetings. Cost savings are also envisaged through the rationalisation of statutory planning requirements accompanying the introduction of the Children and Young People's Plan and through reducing monitoring requirements as funding streams are pooled and ring-fences removed;
- faster access to services leading to reduced long term need;
- reduction in the number of unnecessary assessments;
- reducing the duplication of service through improved data quality (91% of children's trust pathfinder sources surveyed expected children's trusts to result in less overlap between services provided by different agencies);
- improved forecasting of need;
- greater emphasis on preventative work should reduce longer term referrals to expensive specialist services.

### 2.4.3 Summary of costs and benefits

24. The change to operating through children's trust arrangements will result in some front-end change costs. The extent of these costs depends upon the extent of change required in each locality in order to establish a mature set of children's trust arrangements and the local application of the arrangements. The duty to co-operate guidance provides a framework and a description of a mature set of children's trust arrangements, however it is for local partners to apply this framework to best meet the needs of the children and young people in their area.

25. The guidance also indicates that children's trust arrangements are expected in most areas by 2006 and all by 2008. This allows local partners flexibility in creating a phased approach to change, spreading potential costs so as to more easily absorb them, while avoiding other costs through using opportunities as they arise to implement changes in a cost neutral fashion.

27. The government is providing significant resources to support local change programmes over the next three years (see paragraph 21). It is not however requiring a specific level of expenditure on the change process. Over the longer term, it is expected that the efficiency savings generated through children's trust arrangements will outweigh front-end investment. This expectation is borne out by the national evaluation of the 35 children's trust pathfinders in which 86 percent of pathfinder respondents indicated that they would expect children's trusts to improve children's services, even with the same resources. The measures addressed by this RIA should therefore be considered cost-neutral and not a pressure on council tax.

28. The Government is committed to working with local authorities, their representative organisations and their partners as policies are developed further to ensure that they do not place new unfunded burdens on local authority resources.

## **2.5 Equity and fairness, and sustainable development**

29. By ensuring that all children have access to good quality services, children's trust arrangements will reduce the gap between the majority of children and the significant minority of children who face the greatest challenges and risk of social exclusion.

30. The creation of children's trust arrangements are not likely to result in any change to the environmental impact of children's services or to the rural landscape.

31. The considerable flexibility provided by the statutory guidance on children's trust arrangements means that local partners will be able to tailor the essential features of a children's trust to the local circumstance. In the case of rural areas, this may involve localised decision making structures that reflect the practicalities of travel for meetings. It may also require different approaches to multi-agency working than the co-location of staff which could prove less appropriate where local populations are dispersed. In this circumstance the use of virtual teams and multi-agency networks and panels may provide a more appropriate approach to service integration.

32. The move towards children's trust arrangements will not disadvantage rural communities. Closer integration between service providers through the children's trust will reduce professional isolation and improve co-ordination and targeting. The creation of a children's trust should therefore increase appropriate service availability to rural communities.

## **2.6 Monitoring and Review, Enforcement and Sanctions**

### *Joint Area Reviews and Annual Performance Assessments*

33. A joint area review (starting September 2005) will be conducted in each shire and unitary authority's area by December 2008. JARs will take the place of separate inspections of council education and children's social care services and will cover other services provided in the local area. Evidence from other inspections, such as schools, health and residential settings, will contribute to the coverage.

34. Joint area reviews will set out to describe the outcomes achieved by children and young people growing up in the area and evaluate the way local services, taken together, contribute to their well-being. They will cover universal, preventive and targeted services. Particular attention will be given to joint action by local services on behalf of those groups of children and young people who are vulnerable to poor outcomes. So while individual inspections, reviews and assessments will challenge, and provide recommendations to services, joint area reviews will look at the interface between these services and the extent to which co-operation is occurring. The joint area review report will be public, so will communicate findings to service users as well as to service providers.

35. On receiving the report, the shire or unitary authority, consulting with its partners, will draw up and publish an action plan specifying how agencies propose to respond to the report's recommendations. Further action may follow depending on circumstances. This might include specific monitoring of how the action plan is being implemented. If a joint area review raises a concern about a single service or function, then in exceptional circumstances there may be a follow-up inspection of the service.

36. A local authority's annual performance assessment undertaken in the year following on from the joint area review will also need to be completed in light of the joint area review and any subsequent related changes and activity. The annual performance assessment will assess the council's specific contributions to improving outcomes for children and young people, through the development of children's services in the local area. It will

focus on the council's contribution through its education and social care functions but will cover other services, for example the youth offending team, where relevant.

37. Joint area reviews and annual performance assessments of children's services represent revised monitoring arrangements rather than new burdens. They will be guided by the new overall Framework for Inspection of Children's Services, which includes as principles that inspection is proportionate to risk and tailored to needs and circumstances; and that inspectors aim to keep disruption to the organisations inspected and their service users to a minimum. Joint area reviews will replace currently separate inspections of local education authorities, council children's social care functions, Connexions services, area provision for students aged 14-19, Children's Fund programmes and youth services. Where possible, judgements will be made on the basis of evidence from existing inspections, annual performance assessments, and analysis of performance data and documents, with fieldwork minimised.

#### *Intervention*

38. Assessment and inspection evidence might trigger the use of more formal engagement or intervention powers to address co-operation duties. This would apply where a failure to co-operate is identified through inspection evidence as a contributory factor to underperformance in services to children. The intervention powers in the Children Act are only available to the Secretary of State in respect of local authority services and would only be used as a last resort where an authority is unwilling or unable to address inspection findings.

39. Any engagement or intervention strategy would be developed with, and agreed with, not only the relevant partners in that local area but also any other relevant Government Departments or organisations who have performance management or other responsibility for those partners. As well as Children Act intervention powers in respect of local authorities, those other organisations will also have their own mechanisms to help partners drive up performance.

#### *Priorities conversations and targeted support*

40. Local authorities and their partners will also be supported and challenged on delivering children's trusts through engagement with strategic advisers. The Priorities Meeting is designed to allow all key local partners, including health and the voluntary and community sector and the police, to consider with those who hold a national remit, the local and national priorities for improving outcomes for children and young people in 2005/06, and in particular to:

- review the evidence from the APA and more recent data about progress on outcomes for children and young people, PSA targets, the Every Child Matters: Change for Children Programme and NSF priorities. This will include a review of any issues of concern or emerging trends identified from DfES analysis of the 2005 test and examination results, for example looking at support for underperforming or failing schools and support for underperforming pupils, such as looked after children.
- discuss the implications of the APA and of local and national PSAs, LAAs and other policies for local priorities eg children's centres, extended schools
- discuss how these priorities can best be reflected in the Children and Young People's Plan
- agree the level and focus of engagement by others which will enable successful delivery of the policies and objectives set out in the plan.

41. In addition the DfES is developing a wider strategy for targeting support.

## **2.7 Consultation**

### **2.7.1 Within Government**

43. Consultation has taken place across government departments over the vision for children's trust arrangements. Detailed consultation around specific areas of policy contributing to the arrangements has also been conducted and continues in some areas as policy develops. Participating departments include Department of Health, the Home Office, Department of Culture Media and Sport, Department of Work and Pensions, HM Treasury, the Office of the Deputy Prime Minister, the Ministry of Defence, and the Inland Revenue.

#### 2.7.2 With stakeholder agencies

44. A number of representative bodies and interest groups have contributed directly to policy development. These include the Local Government Association, the Association of Directors of Social Services, the Confederation of Education and Children's Services Managers, the Society of Local Authority Chief Executives, the Association of Chief Police Officers and the National Council of Voluntary Child Care Organisations.

45. A series of focus groups held between February and March 2005 have provided the opportunity for various public bodies to act as critical friends and comment on aspects of policy addressed within this RIA. Audiences have included district councils, police authorities, Youth Offending Teams, Connexions Partnerships, the Learning and Skills Council, primary care trusts and strategic health authorities.

46. A nationwide series of workshops held as part of the Change for Children national events programme have also gathered useful feedback to inform policy development.

#### 2.7.3 Public consultation

47. A number of formal public consultation exercises have been held in advance of publication of statutory guidance. These are:

- Interagency co-operation to improve the well-being of children: children's trusts (22 December 2004 to 16 March 2005);
- The Role and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services (26 November to 18 February);
- The Common Assessment Framework (25 August to 17 November 2004);
- Regulations and Guidance on the Children and Young People's Plan (14 March 2005 to 6 June 2005).

48. Further public consultation is planned around guidance publications on information sharing and the role of the lead professional.

### **Section 3 Specific measures**

49. This section provides greater detail on the impact of individual elements contributing to the overall children's trust arrangements.

#### **3.1 Director of Children's Services and Lead Member for Children's Services**

##### 3.1.1 Purpose and intended effect of policy

###### *Objectives*

50. The appointment of a Director of Children's Services (DCS) will be required in each shire and unitary authority for the purposes of discharging the authority's functions as a local education authority, for children's social services, and for any services delegated to the local authority by an NHS body as they relate to children. The post of DCS will ensure that there is a single individual with clear accountability for the discharge of the authority's functions in these areas.

51. In addition to clearer accountability at officer level, every shire and unitary authority will be required to designate a Lead Council Member for Children's Services. The Lead Member (LM) will mirror the responsibilities of the DCS and provide a clear local political focus, especially on safeguarding children. This will strengthen political accountability and reflect, at local authority level, the appointment of a Minister for Children and Young People at national level.

###### *Background*

52. There will need to be a DCS and LM in every local authority that is a local education authority and has responsibility for children's services in all 150 authorities. The Children Act 2004 also provides for a statutory post of Director of Adult Social Services (DASS). These posts will replace the existing statutory Chief Education Officer (CEO) and Director of Social Services (DSS) posts. The current Chief Education Officer and Director of Social Services of each local authority will both potentially be affected (300 people in total). However a number of authorities have already appointed a chief officer responsible for children's services. It is possible that other officers of the authority may be affected, depending on the scope and pace of moves towards better integration in individual authorities.

53. The designation of a Lead Member in each authority will also potentially have an impact on the distribution of portfolios between members in 150 authorities (less those that have already changed).

### *Risk Assessment*

54. Lord Laming's report of the Victoria Climbié inquiry clearly highlighted the need for a clear line of accountability, and the legislation and guidance on the DCS and LM are designed to address this need. This will reduce the risks associated with separation of functions identified by Lord Laming and earlier enquiries, whilst allowing authorities flexibility in the arrangements they put in place below that. The DCS and LM are essential levers for change, taking a lead role in giving effect to the integration of a wide range of children's services.

##### 3.1.2 Options

55. It will be possible for local authorities to change their chief officers' individual briefs so, for example, the existing CEO and DSS become the new DCS and DASS. It will likewise be possible for authorities to designate an existing member of the executive as LM. Where authorities choose to reorganise their structures more significantly, the major impact is likely to be the costs of recruitment and redundancy or early retirement.

56. There is no requirement for the local authority to reorganise its structure below the level of DCS and LM as a result of this policy, but some local authorities may of course choose to do so. For example, two senior officers could work to the Director,



with one focusing on schools and the other focusing on child protection. Authorities may choose a commissioner-provider split, or increasingly devolve services down to a cluster of schools. Organisational structures would be a matter for local determination.

57. Although the Director must be responsible for the authority’s functions in respect of education and social services for children, it would be open to the authority to include other services e.g. adult education or leisure services in the Director’s remit.

3.1.3 Costs and Benefits

*Benefits*

58. The Director and Lead Member will together provide a clear line of accountability at local level for outcomes for children, delivered across a wide range of services. In addition, they will ensure greater coherence between education and children’s social services.

*Costs*

59. The proposals are intended to be cost-neutral, but some LAs may opt to incur transitional costs. The extent of these costs will depend on the particular circumstances of the authority concerned and its timetable for restructuring. To lessen transitional costs the Government has not set a formal timetable for all Directors of Children’s Services to be in place, but expects that most authorities will have one in place by 2006 and all by 2008. Potential costs are:

(1) Time resource - Additional functions placed on local authorities by the Children Act will be the responsibility of the DCS and LM. However, the Children Act RIA has already addressed these *policies* and there are no new burdens relating to the DCS and LM imposed since that RIA.

(2) Recruitment, redundancy and reorganisation – Costings for this are based on the assumption that all shire and unitary authorities will advertise and interview for the DCS post (although in practise many will not) and that 40 chief officers (those close to retirement) are made redundant as the result of local authorities’ reorganisations. We are assuming that the majority of chief officers will either be offered a DCS or DASS post within their existing authority or secure a similar post with another authority.

*(i) Possible costs of recruitment*

<b>Item</b>	<b>Notes</b>	<b>Cost</b>
Cost of advertising	Half page advertisement in Local Government Chronicle with local authority logo included.	£690,000 <u>across 150</u> <u>LAs</u>
Cost of interview and sift	(a) Average of 3 senior officials for panel. Costed at chief officer level at £41 per hour. Based on field of 3 interviewees.  (b) 70 hours of earlier work carried out by lower tier officers for placing advertisements and early stage sift, based on 1 public service administrative professional at £18.45 per hour.	£359,850 <u>across 150</u> <u>LAs</u>
	Total costs would therefore amount to:	
	Interviewing: £369	
	Final sift: £738	
	Early stage work: <u>£1292</u>	
	Sub total: £2399.	
Costs of reaching decisions on reorganisation	<i>Costs of redundancy</i>  Essentially cost neutral as the policy does not require any chief officers to be made redundant. However local authorities may take the opportunity of reorganising to make some chief officers redundant. We will assume that 40 of the DSSs and CEOs close to retirement will be made redundant, as opposed to being	£3,056,360 <u>across 40</u> <u>posts</u>

moved to the new DCS and DASS posts or securing chief officer posts in alternative authorities.

Notes on figures used

Based on average existing chief officer salary of £86,001, having worked for the local authority in question for 10 years (chief officers being reasonably mobile), and that those selected for redundancy are within 5 years of retirement.

*(iii) Conclusion*

60. The assessment is that essentially the process is cost neutral. The designation of LMs will be from existing members and there is already a sufficient supply of suitably qualified chief officers to allow local authorities to reorganise from a structure with a CEO and DSS to one with a DCS and DASS without an expensive process of recruitment and redundancy. However, some local authorities will take the opportunity to appoint a DCS to reorganise. As a result of exercising this choice, authorities could incur costs in the region of **£4m**.

Note on figures used

- Costings of chief officer salaries based on December 2004 Joint Negotiating Committee for Chief Officers of Local Authorities – ‘Chief Officers’ Pay 2004/07’, averaged (mean) across the median rate of pay for County, Metropolitan, Unitary and London Borough chief Officers.
- Local authority redundancy and early release schemes (based on N Somerset scheme).
- Local authority pension arrangements (the Local Government Pension Scheme).
- Discussions with Local Government Chronicle magazine over the cost of advertising.

3.1.4 Equality and Fairness

61. The appointment of DCS and LMs will be subject to the equal opportunities policies of the authorities making the appointments.

3.1.5 Monitoring and Review

62. The DfES maintains a log of DCS appointments made. DfES field forces, Children’s Services Improvement Advisors and Regional Change Advisors also monitor the appointment of DCS to post.

## **3.2 Joint commissioning with pooled budgets**

### **3.2.1 Purpose and intended effect of policy**

#### *Pooled budgets*

63. The duty to co-operate builds on Section 31 of the Health Act 1999 by allowing a greater number of partners to pool budgets with increased flexibility. Local police authorities, probation boards, Youth Offending Teams and Connexions Partnerships are all enabled by a power in section 10 of the Children Act 2004 to pool budgets as part of their co-operation arrangements to improve the well-being of children and young people.

64. This wider pooling power addresses the current situation whereby – through Section 31 of the Health Act 1999 – only local authorities and health bodies can formally pool their budgets in order to improve the well-being of children and young people. This is too narrow a basis to support broad partnership arrangements, leaving a requirement for the more broadly based and flexible pooling arrangement made possible through the Children Act.

65. This policy addresses two risks. Firstly, those bodies not permitted to pool into a wider children's services budget as part of Section 31 risk not being formally tied into co-operation arrangements. Secondly, the complex nature of the process used under Section 31 may discourage some partners from pooling their budgets.

#### *Joint Commissioning*

66. The joint commissioning policy encourages local partners to commission children's services in a joined up way through children's trust arrangements. The policy is flexible – it does not state which services should be commissioned, there is no legislation to force partners to joint commission, and the way that services are jointly commissioned is left to local discretion. It should also be noted that YOTs already use joint commissioning and pool budgets with other partners for the benefit of children at risk of offending and those involved in the youth justice system. Decisions on commissioning and pooling rest with the head of service of the YOT.

67. There is no legislation for this policy. Guidance for the duty to cooperate includes joint commissioning as one of the ways that the Government expects partners to cooperate. The policy is designed to encourage partners that include voluntary and community sector agencies to work together to improve outcomes for children and young people, focusing on the needs of children and young people rather than the historic needs and traditions of their service.

### **3.2.2 Options**

68. The wider pooling power is already fixed in the Children Act 2004 although there is a fair amount of flexibility in the implementation of the policy on the ground.

69. As it is an enabling power those bodies named in the duty to co-operate are not compelled to pool their budgets. However strong encouragement will be given for them to do so as pooling is recognised as a key activity that children's trusts will need to address as they develop integrated planning and commissioning strategies.

### **3.2.3 Costs and Benefits**

70. There may be public sector administration costs to extend agreements to pool budgets but savings are expected to exceed costs. Those bodies that were previously unable to pool into a wider children's services budget may face extra training costs to familiarise staff with the pooling process. Any such costs will be at the discretion of local partners. If somehow the predicted savings of introducing effective pooled funds were not to outweigh the costs of implementation there would be no duty to go ahead and form the pooled fund.

71. Pooling budgets under this wider pooling power will be a less bureaucratic process than under Section 31 which should help reduce any legal costs, which can often be very variable. The main benefit of the policy is the greater flexibility it affords to commissioning services to meet the needs of children and young people. The

Government expects to see benefits for children, young people and their families in receiving a more joined up service.

72. Wide pooling powers and joint commissioning arrangements also generate broader economies of scale across a greater number of partners, promoting the rationalisation of suppliers and driving down costs. A single pooled budget will also reduce overheads where a supplier currently provides services to meet a number of contracts, each with separate financial and monitoring arrangements.

#### 3.2.4 Equality and Fairness

73. No impact.

#### 3.2.5 Enforcement and Sanctions

74. The wider pooling power enables, rather than compels, a broader range of partners to pool their budgets. The joint commissioning policy is flexible to allow local partners to best meet local needs – the policy will not be directly enforced.

### 3.2.6 Monitoring and Review

75. Joint Area Reviews will monitor the extent of co-operation between agencies, including where the wider pooling power has been invoked, and any joint commissioning.

76. As part of their pooled budget arrangements local partners will be expected to review how the pool is working in practice and whether or not it is meeting the outcomes as laid out in the pool agreement.

### **3.3 Local authority plan rationalisation and implementation of the Children and Young People's Plan**

#### 3.3.1 Purpose and intended effect of policy

##### **(i) The objective**

77. In order to help English local authorities and partners operate more effectively and with less bureaucracy in delivering the outcomes for children, a single statutory requirement to produce a Children and Young People's Plan (CYPP) is being introduced. This will be a strategic overarching plan for all local services for children and young people and will accompany the repeal of 7 statutory plans and the discontinuation of 12 non statutory plans (see box below).

78. The CYPP will be the focus of joint planning for local authorities and their partners. It will act as the vehicle for them to work together to agree clear targets and priorities for all their services to children and young people, identify actions and activities needed to achieve them, and ensure delivery.

##### **Statutory plans replaced**

Behaviour Support Plan  
Children's Services Plan  
Class Sizes Plan  
Early Years Development and Childcare Plan  
Education Development Plan  
Local Authority Adoption Services Plan  
School Organisation Plan

##### **Non-statutory plans replaced**

Area Child Protection Committee Business Plan  
Asset Management Plan  
Behaviour Improvement Plan  
Excellence Cluster Plan  
Excellence in Cities Plan  
ICT Development Plan  
Primary Strategy Plan (formerly literacy and numeracy plans)  
Teenage Pregnancy Strategy (to be subsumed by the CYPP from April 2006)  
Underperforming Schools Plan  
Youth Service Plan  
[Local Preventative Strategy Children's Centre Implementation Plan.](#)

##### **(ii) The background**

78. Three years of consultations with local authorities and key national organisations lie behind the introduction of the plan. This began with a small project in 2001 involving five local education authorities implementing a Local Education Strategy (LES) instead of a number of separate plans.

79. Evaluation of this project led to the proposals for a Single Education Plan (SEP) which received a very positive response from local authorities. However there is a need to drive reform further and extend this well supported approach to a whole range of services for children and young peoples and ensure the local partners are fully engaged in a joint planning process.

##### **(iii) Risk assessment**

80. The policy addresses the following risks:

- that the current requirements from central government impose an inflexible bureaucratic planning framework that does not meet local need or address the Every Child Matters agenda;
- the need for integrated and effective services for children is clearly set out in Every Child Matters: Change for Children. The delivery of this is dependent on local authorities and partners working together to agree clear targets and priorities for all their services, and identifying the activities and actions required to achieve them as well as ensuring delivery. Our consultations in the development of the CYPP policy have clearly indicated that a single statutory plan is required to facilitate this process and to reduce the risk of services remaining fragmented.

### 3.3.2 Options

81. In the development of the policy we considered the option of a non statutory plan. This was discounted on the following grounds:

- a non-statutory requirement would not ensure that good practice in planning will exist everywhere;
- linking the statutory requirement to prepare and produce a plan with section 10, the duty to cooperate, gives a lever to partnership working that would not be possible with a non-statutory plan;
- the statutory requirement offers reassurance to local partners who are losing rights to approval and consultation in the removal of requirements for the seven statutory plans;
- wide support for a statutory plan from local authorities, voluntary sector and other key stakeholders.

82. However, in line with wider Government policy, authorities that are categorised as excellent under Comprehensive Performance Assessment will not be required to produce a plan. We are confident that excellent authorities will build into their forward planning effective arrangements to ensure they meet the duties under the Children Act 2004 in respect of their own children's services and their duty to make arrangements to secure cooperation.

### 3.3.3 Costs and Benefits

83. The DfES undertook a partial Regulatory Impact Assessment to support the proposed introduction of the Single Education Plan (SEP). Whilst there are differences between the SEP policy (which is confined to education) and that for the CYPP (which is a plan for all local children's services for children and young people), we believe the results of that RIA indicate the CYPP will not increase burdens on local authorities.

84. There are key similarities between the two policies that support our thinking. Both policies would result in planning requirements which:

- better reflect local circumstances whilst still showing an awareness of Ministerial priorities. Authorities will continue planning at an operational level, but will do so in a way more suited to their own circumstances rather than according to central Government prescription;
- minimise planning duplication leading to a more effective and efficient use of resources focusing on delivery rather than bureaucracy;
- are consistent with the principles for plan rationalisation adopted across Government following the publication of the 2001 Local Government White Paper;
- provide a strategic, overarching, single plan which will give a more coherent picture of the objectives and priorities than the sum of current plans provides. The emphasis on a strategic approach will benefit authorities who do not already have a similar plan in place because it will enable better connections to be made across the policy spectrum. This will have a beneficial effect on the direction of the authority and on the operational plans sitting below the single plan. Thus planning will be more effective.

85. In consultation with three LEAs of different sizes preparing the SEP, we estimated that the cost saving of producing the alternative four statutory education plans was in the range of £28,000 - £91,000 per LEA (see table below). There is good reason to believe therefore, that the production of the CYPP in the place of 7

statutory plans and ten non-statutory plans will make the CYPP introduction at least cost-neutral, with the potential to result in significant time-resource savings.

LEA	Officer time spent on 4 statutory plans	Total cost of 4 current statutory plans (£)	SEP costs (£)	Net savings (£)
A	12 weeks	28,000 The cost was estimated at £7,000 per plan.	7,000 (1 <sup>st</sup> year) 3,500 (after 1 <sup>st</sup> year)	21,000 24,500 (after 1st year)
B	52 weeks	91,000 comprising £28,000 (EDP), £36,750 (SOP), £17,500 (EYDCP) and £8,750 (BSP)	74,200 (1 <sup>st</sup> year) 55,300 after 1 <sup>st</sup> year	17,850 (1st year) 35,700 (after 1 <sup>st</sup> year)
C	30 weeks	53,200 (cost of each plan estimated at 13,300)	26,600, assuming a 50% saving	26,600

### 3.3.4 Equality and Fairness

86. The proposals are to improve planning of services for all children and young people and will not have a disproportionate effect on any one group. However the plan will facilitate better identification of the needs of vulnerable groups and the actions required to meet them.

### 3.3.5 Enforcement and Sanctions

87. The plan will form the basis for discussion between Departmental advisors, independent inspectors (including Ofsted, CSCI, CHAI and the Audit Commission as part of the arrangements for integrated inspection for children's services) and the local authority. In this context it must be seen as part of the wider children's service's improvement cycle. This draws together work on joint inspection, CPA, self review, the Priorities Conversation between the Department's advisors and the authority and partners, and annual performance assessment of LAs into one coherent package of improvement.

### 3.3.6 Monitoring and Review

88. The monitoring and evaluation of the plan will be a coherent part of the package outlined above. There is a clear commitment to review the need for a statutory plan once all CYPPs are in place.

89. In addition to this, Ofsted has been commissioned to lead a joint thematic inspection of planning in a sample of local authorities to both monitor and evaluate the development of the plan. This inspection will inform best practice for local authorities and partner agencies. We will also be working with Ofsted and the inspectorates to take a longer term look at the effectiveness of the plan alongside the development of children's trusts.

### **3.4 Information Sharing**

#### **3.4.1 Purpose and intended effect of policy**

90. The information sharing measures addressed by this RIA underpin good information sharing practice, but do not include the establishment of information sharing indexes under section 12 of the Children Act 2004. The indexes will be subject to their own RIA prior to the making of regulations that will bring them into being.

91. Good information sharing is the key to successful collaborative working. Arrangements under section 10 of the Act should ensure that information is shared for strategic planning purposes and to support effective service delivery. These arrangements should address key issues such as improving the understanding of the legal framework and developing better information sharing practice between and within organisations, including information about individual children.

92. Directors of Children's Services and the Lead Members for Children's Services will need to ensure that effective information sharing arrangements are in place in their organisation and within other organisations, drawing on the statutory guidance on the Children Act 2004 duties to co-operate (section 10) and to safeguard and promote welfare (section 11).

93. In addition, all partner organisations will also need to ensure that information sharing is properly addressed in their own organisations and that:

- where appropriate, service delivery plans incorporate effective and clearly understood mechanisms for sharing information across service and professional boundaries;
- relevant managers and practitioners receive adequate training on information sharing;
- managers, practitioners and other staff understand the legal basis on which information can be shared;
- strategic managers are familiar with the guidance that their managers in children's services should take account of.

#### **(i) The objective**

94. The Government is committed to providing effective services to all children, with a strong focus on early intervention and prevention. This applies both to the 30% or so of children who require targeted or specialist services to ensure they achieve their optimal developmental outcomes, and to the much smaller numbers of children in need, including those who have suffered harm or are likely to suffer harm. If we are to meet this objective, we must become better at sharing information and supporting practitioners to work together to prevent problems escalating.

#### **(ii) The background**

95. Improving information sharing practice and processes is now part of the mainstream work of local authorities and their partners, including that done through a children's trust approach. Effective practice in improving information sharing has been developed by: all shire and unitary local authorities using an allocation of £100,000 each in the two years to March 2005; and 10 groups of Trailblazer local authorities who were allocated £1m each over the same period to undertake more resource-intensive development work. All authorities should have made significant progress introducing local information sharing protocols between agencies, delivering staff training, developing a directory of local children's services, and improving arrangements for identifying children missing education. Materials and other resources developed with this



funding are available for other local authorities and their partners to download and adapt through the Information Sharing and Assessment Community Website ([www.dfes.gov.uk/isa/community/private](http://www.dfes.gov.uk/isa/community/private)).

96. To support practitioner information sharing practice the Government intends to publish in September 2005 practitioner guidance, endorsed by all relevant Government Departments, on information sharing and the legal framework governing it.

### (iii) Risk assessment

97. The Laming Report, following the death of Victoria Climbié, highlighted the need for agencies working with children to improve their information sharing. A risk exists that if a practitioner, or practitioners, fail to share information the result will be that a child is disadvantaged in some way, or suffers serious harm or even death. A similar risk exists if information is shared inappropriately or without good cause.

98. A further risk is that informal information sharing becomes the norm with no recognised or official support mechanism and accountability which would create at best a 'patchy' or uneven level of service, and at worst may expose particularly vulnerable children to additional or prolonged risks. These risks become more likely if the policy/practice is not fully integrated within children's workforce reforms

### 3.4.2 Options

99. There is no option but to drive forward and support improved practice in information sharing through the measures put in place in the Children Act 2004. Currently cultural and professional silos are a barrier to information sharing. Many practitioners adopt a risk averse attitude to information sharing because they do not understand the legal framework or do not trust what other practitioners will do with the information.

### 3.4.3 Costs and Benefits

100. The improvement of information sharing arrangements is likely to create some transitional costs associated with training and change co-ordination and funding to assist these transition costs has been included within the Change Fund allocations for 2004-06 and the additional £22.5m and £63m allocation to local authorities for 2006-07 and 2007-08 respectively. The costs of delivering this training will be substantially offset in two ways. First, we will take action at national level to include *training on effective information sharing* in initial training and continuous professional updating for key groups of practitioners. Second, we expect local agencies to use some of their existing training budgets on information sharing, drawing on the specification of knowledge and skills required for effective information sharing as set out in the Common Core.

101. The benefits of improved information sharing would be a swifter, more coordinated response to children's and young people's needs. This would lead to less call on acute services as needs will be identified and action taken before they escalate.

102. Local service directories enable children, young people and families, as well as other practitioners to see what services are available in their area, thereby supporting referrals and enabling self-referrals. They will be web-based and widely available providing a single source of information for the public and professionals alike.

### 3.4.4 Equality and Fairness

103. There are no foreseen negative issues on fairness, equality or impacts relating to the Race Relations Amendment Act 2000.

104. The existing legal framework that supports and provides for information sharing requires that disclosure of information must take account of The Data Protection Act 1998, the Human Rights Act 1998 and the Common Law Duty of Confidence.

### 3.4.5 Enforcement and Sanctions

105. Guidance on the Children Act 2004 will make clear that adoption of improved information sharing practices is something that relevant bodies must have regard for in discharging their duties. Enforcement will be through the new inspection regime established under the Children Act 2004.

106. The Framework for Inspections makes clear that inspections will include ensuring that: a single assessment and recording system is in place, or being developed; information about individuals is provided to local services once only; and the actions which agencies take are well coordinated and facilitate the tracking of individuals.

### 3.4.6 Monitoring and Review

107. Monitoring will be undertaken through Joint Area Reviews. There will also be further evaluation of the impact of the Information Sharing Trailblazer areas in 2005-06.

### **3.5 Common Assessment Framework (CAF)**

#### **3.5.1 Purpose and intended effect of policy**

108. The CAF will help practitioners undertake an initial holistic assessment of a child or young person's needs. It will help them determine the level of need and identify an appropriate response. Where the assessment indicates that the child has significant and complex needs, requiring specialist assessment and intervention, the common assessment information will feed into the specialist assessment process.

109. The aim of the CAF is to encourage and support all practitioners working with children to identify the needs of a child whom they have identified as not achieving the five priority outcomes identified by *Every Child Matters*.

110. The Government is committed to providing effective services to children and young people, with a focus on early intervention. The CAF will help practitioners to assess children's needs for services earlier and more effectively.

#### **(i) The objective**

111. The CAF is a nationally (England) standard approach to conducting an assessment of the needs of a child or young person and deciding how they should be met. It has been developed for use by practitioners in all agencies so that they can communicate and work more effectively together. It will support earlier intervention by providing a tool to enable practitioners in universal, as well as targeted or specialist services, to assess needs at an early stage. It aims to rationalise, over time, existing assessments by providing the main method whereby needs are assessed by agencies, eventually replacing all or part of many existing assessments.

112. The CAF will help to ensure that there are better, more evidenced referrals to specialist services, such as social services. This will help resources to be used more efficiently in the delivery of services, as there will be fewer separate assessments and specialist assessments will become shorter.

113. The CAF will act as a lever to multi-agency working by embedding a common process and shared language, and improving information flows between agencies. A full picture of a child's or young person's needs can be built up over time and, with appropriate consent, shared between practitioners. Children, young people and families will benefit from better and more targeted services that can be provided earlier, without the need to repeat their story in a number of different, overlapping assessments.

#### **(ii) The background**

114. The proposal for the development of a CAF arose from concerns that existing arrangements are not achieving the five priority outcomes set out in *Every Child Matters* as effectively as they might. In particular, services and practitioners tend to assess particular aspects of a child's welfare and development, with the risk that potential needs lying outside that focus may be overlooked. At present, assessments often take place entirely uninformed by previous assessments.

#### **(iii) Risk assessment**

115. Introduction of the CAF will support better information sharing, a key area identified in the Laming Report. It will also better equip practitioners at all levels to make an early identification of the signs that a child needs extra support; to assess the child's needs; and to ensure that the necessary support is identified. These themes run throughout Lord Laming's recommendations.

#### **3.5.2 Options**

116. During the period April 2005-March 2006 the CAF will be trialled in a number of 'early adopter' areas. Implementation in these areas will be monitored and

evaluated by DfES Regional Change Advisors and an independent external evaluation organisation will also be carried out. This process will inform the further development of the CAF process and materials prior to the commencement of national implementation locally through local change programmes within the children's trust model in the period from April 2006-March 2008. In the meantime, the expectation is that services that are not 'early adopters' should use the period from April 2005-March 2006 to plan for implementation of the CAF from April 2006.

117. It is envisaged that there will need to be a significant measure of central standardisation if the aims of the CAF, i.e. to implement a common approach for professionals that is transferable between local areas, are to be met. However, some local flexibility will be needed in order to reflect local needs and delivery structures.

### 3.5.3 Costs and Benefits

118. The CAF is intended to provide a common approach to needs assessment that can be used by the whole children's workforce, whether they are in universal or specialist services, for any child in need of support. The CAF aims to provide a non-bureaucratic 'whole child' assessment, drawing on good practice, enabling the practitioner to make a decision about how far they themselves can meet the needs and who else needs to be involved.

119. Practitioners already undertake a wide range (and large number) of disparate assessments. Although common assessments will not replace highly specialist ones, e.g. the Framework for Children in Need and their Families, over time we expect a significant rationalisation of assessments, with the CAF replacing or being brought together with existing assessment frameworks. Such rationalisation and sharing of information through the CAF should reduce overall time spent by professionals in undertaking assessments, and bring efficiencies which can be used to increase service delivery.

120. The benefits of the CAF will be: improved outcomes for children and young people; improved local working practices between practitioners; development of greater trust across agencies; greater information sharing; less repetition of assessments, saving time; and better targeted referrals.

121. It is important to recognise that there is no need to do a common assessment for every child. Children who are progressing well, or have needs that are already being met, do not need one. Neither is a CAF needed where a child's needs have been identified by a service who can meet them or knows how to get the required help from another service, using established procedures. A checklist has been devised for a practitioner to use in order to inform the decision about whether a CAF is needed. We are looking for a number of the areas implementing CAF in 2005-6 to test the use of the checklist as part of initial assessments, e.g. in health or the Foundation State Profile.

122. Clearly the introduction of the CAF involves a training requirement for those expected to use it. Many staff will receive training through an adaptation of the content of national sectoral training initiatives, both in terms of initial training and CPD which already exist and is already funded. Additional resources to support area-wide introduction of the CAF through local authority training for practitioners in using the CAF have been included within the additional £22.5m and £63m allocation to local authorities for 2006-07 and 2007-08 respectively. Local authorities may draw upon Change Fund allocations to support preparatory activity in 05-06 for introduction of the CAF in 06-08, and, if they choose to do so, to support trialling of the CAF within their area in 05-06.

123. We envisage that the population of trained CAF assessors will build up over time in the light of local resources and the pace of implementation.

### 3.5.4 Equality and Fairness

124. There are no issues of equality or fairness, or impacts under the Race Relations Amendment Act 2000, to be considered for the CAF.

### 3.5.5 Enforcement and Sanctions

125. Implementation of the CAF sits within a wider range of reforms in the delivery of children's services. This includes new duties on children's services authorities to co-operate to promote the well-being of children, and on delivery agencies to safeguard children and promote their welfare. Statutory guidance will be issued under section 11 of the Children Act 2004, which will make it clear that adoption of the CAF is something to

which the relevant bodies must have regard in discharging their duties. The Framework for Inspections makes clear that inspections will include inspecting that: a single assessment and recording system is in place, or being developed; information about individuals is provided to local services once only; and the actions which agencies take are well coordinated and facilitate the tracking of individuals.

126. The CAF will also help support the coordination of services around a child, young person or family assessed in the Joint Area Review.

#### 3.5.6 Monitoring and Review

127. There will be an initial, limited, trialling of the CAF from April 2005 to March 2006. This will allow time for monitoring and an independent evaluation on a 'work in progress' basis (by Regional Change Advisors and an independent external evaluation organisation), before full implementation over the period 2006-08. The initial trialling will provide valuable evidence on how the CAF can work best in specific contexts, e.g. assessments undertaken by midwives or health visitors, by school nurses or school beat officers, Youth Offending Teams, or extended schools settings.

## 3.6 Lead Professional

### 3.6.1 Purpose and intended effect of policy

#### (i) The objective

128. The objective is the introduction of a lead professional (where this does not already exist) in circumstances where more than one professional is working with a child, young person and their family. The lead professional would be chosen from among those practitioners working with the child, young person and the family and will:

- act as a single point of contact that children, young people and families can trust, and who is able to support them in making choices and in navigating their way through the system;
- ensure that children and families get appropriate interventions when needed, which are well planned, regularly reviewed and effectively delivered;
- reduce overlap and inconsistency from other practitioners.

#### (ii) The background

129. Evidence demonstrates that children and families who require support from a number of specialist professionals often receive fragmented and sometimes contradictory services. Such fragmentation causes confusion for everyone; it can cause delay in children receiving the support they need, and lead to poorer outcomes for children and young people using services.

130. The key target group for lead professional involvement are those children and young people who have *additional needs* and who require co-ordinated support from more than one professional.

131. Many practitioners are already carrying out the functions of the lead professional. For example, many targeted practitioners work in partnership with mainstream colleagues to support children and young people with additional needs. And for some children and young people there is already a statutory duty for local authorities to deliver an effective case management approach that ensures coordination between services/agencies e.g. looked after children, children with SEN, disabled children and those where there are child protection concerns.

#### (iii) Risk assessment

132. Failure to implement the lead professional role would have adverse consequences for the provision of effective coordinated services to children, young people and families.

### 3.6.2 Options

133. Guidance describes the main roles of the lead professional although the Government has not legislated specifically for this. The Government is, therefore, not prescriptive about the role and recognises a need for local flexibility. Lead Professional Good Practice Guidance will be published in May 2005.

### 3.6.3 Costs and Benefits

134. Evidence from practice suggests that the introduction of a lead professional role is central to the effective frontline delivery of integrated children's services. It ensures that professional involvement is rationalised, coordinated and communicated effectively. More importantly, it provides a better experience for children, young people and their families involved with a range of agencies.

135. Introduction of the lead professional is designed to be cost neutral with minimal implementation costs (likely to be around initial lead professional training, the development of local protocols of operation, and

communications with partners/agencies/schools) offset by anticipated efficiencies arising from improved ways of working. These will result from the lead professional:

- co-ordinating services around a child, young person or family, leading to more appropriate and timely interventions thereby providing a joined-up, more efficient and potentially **more successful service**;
- acting as a single point of contact that children, young people and families can trust, and who is able to support them in making choices and in navigating their way through the system. This will provide a more efficient service for the end user and support the child, young person or family in gaining appropriate support more quickly thereby, **reducing the numbers of inappropriate referrals**;
- providing a mechanism for the early identification and early intervention for children and young people who are at risk of developing more serious problems. Research demonstrates the **significant financial saving where potential issues are supported early in a child's life before they can escalate**. In the long term, this provides considerably better outcomes for the child, young person and family and statutory/voluntary services;
- ensures that children and families get appropriate interventions when needed, which are well planned, regularly reviewed and effectively delivered. A **reduction of inappropriate or ineffective support** will be identified early from the practitioners supporting the child, young person or family;
- **reduces overlap and inconsistency** from other practitioners. Efficiencies arise from fewer practitioners with overlapping roles supporting the child, young person and family. More consistent support will provide more efficient and effective interventions over the course of the programme of support.

#### 3.6.4 Equality and Fairness

136. The policy should not have an impact on race equality.

#### 3.6.5 Enforcement and Sanctions

137. The Lead Professional will help support the coordination of services around a child, young person or family assessed in the Joint Area Review.

#### 3.6.6 Monitoring and Review

138. The development and implementation of the lead professional role will be evaluated in a number of Authorities to inform ongoing policy development, the good practice guidance and to measure impact. The evaluation will also assess the Common Assessment Framework and will begin in April 2005.

### 3.7 Front line multi-disciplinary and multi-agency working

#### 3.7.1 Purpose and intended effect of policy

##### (i) The objective

139. The delivery of integrated front line services through various models of multi-disciplinary and multi-agency working including:

- **the multi-agency network or panel**  
Where practitioners come together to discuss, plan and carry out support for an individual child or a number of cases. Practitioners may be drawn from a range of different agencies and are likely to 'identify' as representatives of their home agency;
- **the designated multi-agency team**  
A more formal team configuration which is likely to have a dedicated team leader. The team will work to a common purpose and goals, staff will be directly recruited or seconded to the team and will 'identify' as members of the team, rather than as representatives of their home agency;
- **the co-located and integrated service**  
Here there are a range of separate services sharing a common location. It acts as a visible 'service hub' for the community where services can be staffed in a number of ways.

##### (ii) The background

140. The Government's commitment to improving outcomes for all children and young people was set out in the Green Paper *Every Child Matters*. It recognised the importance of prevention and early intervention in improving outcomes and recognised that multi-agency working can make a unique contribution to working in a preventive way – involving education, social care, youth justice and health services coming together around the needs of children and families.

##### (iii) Risk assessment

141. Failure to implement integrated front line services will have adverse consequences for the delivery of coordinated services to children, young people and families, thus leading to poorer outcomes.

#### 3.7.2 Options

142. The Department will not be prescriptive about the types of models that can be offered locally but will provide guidance on the commissioning, development and operation of various commonly used and evidence based models. Authorities can use the guidance alongside a local audit of need to determine the most appropriate model(s) based on local circumstances.

#### 3.7.3 Costs and Benefits

143. Evidence suggests that multi-disciplinary and multi-agency working strongly contributes to better outcomes for children, young people and their families. These include easier access to more services; better quality services; early identification and intervention; improved educational attainment; better engagement in education; better parental support; children's needs addressed more appropriately; and a reduced need for more specialist services.

144. The multi-disciplinary proposals resulting from Every Child Matters policy are likely to be cost neutral in the long term, but local authorities may incur transitional costs. These costs are likely to result from the development of training and induction, mapping/audit of resources/need across an authority to inform the multi-workforce commissioning process, information sharing protocols and operational protocols.

145. However, by taking an integrated approach, resources will also be used more efficiently by:

- reducing inappropriate, time consuming referrals;
- bringing together a complementary mix of practitioners who provide a more effective joined up service. Through working in collaboration more effective support can be provided, thereby providing a more efficient use of practitioner time and experience;
- facilitating a greater sharing of knowledge which can develop practitioner skills and competence, thereby enabling a greater number of existing practitioners to support a greater spectrum of cases.

3.7.4 Equality and Fairness

146. This policy should not impact on race equality.

#### 3.7.5 Monitoring and Review, Enforcement and Sanctions

147. The co-ordination of practitioners, agencies and services working with children, young people and families will be considered within the Joint Area Review.



### 3.8 Interagency co-operation - Case Study

148. 10-year-old Bruce was referred to a **multi-agency Joint Access Team** by his primary school last year when his behaviour deteriorated. Complex family issues leading to the separation of his parents had strongly affected him emotionally and resulted in low self-esteem and anger. This was being expressed as anti-social behaviour causing a risk of exclusion from school and the potential for further turmoil on transition to secondary school.

149. Bruce's emotional difficulties were making him regularly uncontrollable at school; harming other pupils, absenting himself from lessons, wandering unsupervised around the school, and putting himself at risk by climbing on the roof. He was becoming noticed as a nuisance to the public and was involved in defacing a grave and painting walls in the town (for which he received a reprimand from the Police).

150. A **common assessment** was undertaken and used to identify all the needs of the child and family and to agree co-ordinated support.

151. The following needs were identified:

- Bruce needed help to understand his parents' separation and the emotional impact on himself, to develop acceptable behavioural boundaries and to raise his self-esteem;
- Bruce's mother needed help to enable her to provide him with support to deal with emotional problems, to improve his behaviour, and to assist in his all round development;
- Bruce needed the right school environment to cater for his specific needs and behavioural issues and to prepare and support him through transition from the Primary School. He also required more support to improve his literacy and numeracy.

152. In response, a **lead professional** was appointed from within the Joint Access Team and the following support was co-ordinated:

- the School and Behavioural Support Team worked to help Bruce manage his behaviour. An educational psychologist provided advice to the school to help them manage his behaviour and education;
- the Youth Offending Team, Youth Crime Prevention Officer provided one-to-one counselling on crime and consequences for Bruce, and general support to his mother;
- the Social Services Family Centre provided outreach parenting support for Bruce's mother to enable her to strengthen her parenting skills;

153. Despite this support Bruce was permanently excluded so additional support was provided:

- the LEA provided access to a small unit to continue his education whilst a full time setting at a local special school was found. He was then supported with his induction into the school;
- the Youth Crime Prevention Officer continued to support him and his mother and a social worker did some individual work to support him with his emotional issues;
- Social Services provided weekly sessions for Bruce for three months. These gave him focused activities and a positive environment where he could achieve and receive praise to build his self-esteem. The sessions also provided respite for Bruce's mother.

154. The social worker considered that Bruce engaged well within the weekly sessions. He became able to work well in a one to one situation where there was a clear focus, clear boundaries and where he is able to achieve and receive praise.

155. The Youth Crime Prevention Officer and Social Worker have ceased their involvement, as there has been no more anti social behaviour due to the progress made.

156. Bruce has successfully integrated into his new school.

## Section 4 Summary and Recommendation

157. The policy developments addressed in this RIA are fundamental to delivering the Every Child Matters outcomes and to improving services for children and young people. The associated benefits to both children's lives and to operational efficiencies mean that it is advisable for the Department to bring these policies to implementation stage and to issue the following guidance documents to support implementation:

- statutory guidance on inter-agency co-operation, under section 10 of the Children Act 2004;
- statutory guidance to support the development of the Children and Young Peoples' Plan;
- cross-government practitioner guidance on information sharing;
- Lead Professional good practice guidance.

158. In addition, examples from evaluation work of how children's trust pathfinders are making a reality of interagency co-operation, including pooling and aligning budgets, training and joint commissioning, will be published shortly. Details can be found at [www.everychildmatters.gov.uk/strategy/childrenstrustpathfinders/nationalevaluation/](http://www.everychildmatters.gov.uk/strategy/childrenstrustpathfinders/nationalevaluation/).

### Ministerial Declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed .....

Beverley Hughes  
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