

## TACT Briefing: Children and Social Work Bill

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### Summary

The Children and Social Work Bill was announced as part of the Queen's Speech at the state opening of parliament on 18 May 2016. It aims to

Make provision about looked after children; to make other provision in relation to the welfare of children; and to make provision about the regulation of social workers.

### Overview

The Children and Social Work Bill was published and had its first reading on 19 May 2016. The second reading along with a general debate on all aspects of the Bill will take place on 14 June, and while the DfE is reluctant to give a date, they do expect it to receive Royal Assent "quickly".

The Government has reaffirmed its plans to enable a child to be adopted by a new family in a shorter period of time, improve the standards of social work, and give greater support for children leaving care through a new 'Care Leavers' Covenant'.

The new bill consists of 47 clauses and two main parts, the first on *Children* and the second on *Social Workers*:

#### **Part 1 Children**

Chapter 1 Looked After Children

Chapter 2 Other Provision Relating to Children in England

#### **Part 2 Social Workers**

Chapter 1 Social Work Regulations

Chapter 2 Approval of Courses in Relation to Mental Health Social Work

### Bill analysis

#### Announcements

Key themes of this paper were announced in the White Paper *Adoption – A Vision for Change* (27 March 2016), and in Prime Minister David Cameron's announcement on children in care in the *Sunday Times* (15 May 2016) where Mr Cameron pledged that people leaving care would be given "far more effective support", with the introduction of the UK's first care leavers' covenant.

## **Part 1 Children in Care**

### *Corporate Parenting Principles*

The bill opens with a list of standards for how local authorities should better act as a 'corporate parent' to support children in care as they move into adulthood. The principles are applicable to all local authorities in England, whether or not they are or were the local authority looking after the child.

### *Local Offer to Care Leavers*

The "Care Leavers Covenant" announced in the *Sunday Times* and the Queen's Speech will require local authorities to consult on and publish a 'local offer' to care leavers setting out all the services that they are entitled to. This is similar to that required of local authorities for children with special educational needs after the Children and Families Act 2014. However the Bill is very light on the detail of what might be included in the "Care Leavers Covenant".

### *Personal Advisor*

The proposed legislation extends the right to a Personal Adviser, someone who will make sure care leavers receive the support they need as they transition into adulthood, to every care leaver that wants one up to the age of 25.

### *Education*

All schools must appoint individuals who hold responsibility for helping care leavers, adopted children and children in special guardianship orders, to achieve positive educational outcomes. There is a duty on the schools in England to designate a member of staff at the school to have responsibility for promoting the educational achievement of certain previously looked after pupils.

### *Safeguarding*

A new Child Safeguarding Practice Review Panel is to be established by the secretary of state. The job of the panel will be to identify serious child safeguarding cases in England, which will raise complex issues of national importance, and arrange for those cases to be reviewed where they consider it necessary.

### *Care Planning*

New moves on evidencing care plans aim to ensure courts and local authorities take better account of a child's need for stability and support with recovery from trauma. This will require LA's to show that they have fully considered the effects of abuse and neglect on the child and have evidenced how the proposed long term placement will enable the child to recover from

such abuse/neglect. Though in some parts of government it is clear that this has been done with the expectation of reversing the trend away from adoption in recent years it will actually improve the evidencing of care plans whatever the suggested long term placement type. The most significant impact will be on SGO assessments which will have to be significantly more detailed and more akin to fostering or adoption assessments

There is also an additional duty on LAs and schools to support the educational achievement of adopted children and those in the care of guardians. Prospective adopters with whom a child is placed will be given the same rights as birth parents in adoption order hearings.

The adoption and social worker proposals were published in the DfE policy document *Adoption: a vision for change* (April 2016). [The TACT briefing is here.](#)

## **Part 2 Social Workers**

### Chapter 1: Social Work Regulations

#### *A specialist regulator for social work*

On the day that the bill was published, Children's Minister Ed Timpson MP announced that the proposed legislation would represent a "step change for the social work profession". The chapter on social work regulations sets out the framework for a new regulator with what Timpson calls a "relentless focus on raising the quality of social work education, training and practice in both children's and adults' services and overseeing the delivery of child and family social worker accreditation.

The new chosen regulatory system will oversee accreditation of social workers. It will also approve social work education providers, including training courses for approved mental health professionals and best interests assessors.

#### *New ways of working*

This bill gives government power to 'exempt' children's services from legal duties which will allow government to 'test new ways of working' by granting councils opt out from certain statutory duties.

There is an absence of detailed guidance on who will regulate the social work profession, and growing concern that social workers could be directly run by government.

#### *Consultation*

The detail on how the new system will work is not set out in the Children and Social Work Bill itself. Instead the government is required to launch a public consultation on the regulations. The DfE told TACT that they've tested policy ideas out with a number of local authorities and have spoken to groups of care leavers about the Government's wider care leaver strategy. They aim to talk to more organisations and young people about the proposed legislation

throughout the passage of the bill.

### Chapter 2: Approval of courses in relation to Mental Health Social Work

This section is to bring mental health social work under the scope of the newly proposed regulation of social work. What is not clear is whether or not other aspects of social work, including adults, will come under the new regulatory body.

## **Comment**

The Children and Social Work Bill seeks to combine a commitment to protect the most vulnerable in society with the “ambition to ensure that disadvantaged children have the brightest possible future”.

We support many of the bill’s proposed measures. Accreditation, a standalone regulator and moves to strengthen support and secure better outcomes for children in and leaving care are all proposals that resonate with TACT. A proper post-qualification pathway to ensure career long learning, training, development and reflection backed up by accreditation and licensing, that is properly overseen, has been missing from social work for far too long. It is not clear that whether the proposals in Part One will increase the number of adoptions. The Bill should improve the quality of evidence presented to the Family Courts but whether it will ‘improve decisions on placements’ remains to be seen Experience at TACT shows us that Special Guardian Order assessments need to be more in line with fostering assessments and should be subject to panel approval as adoption & fostering assessments are. The Government should also have clearly stated that LA’s must be given time to complete rigorous SGO assessments which means at least 16 weeks allowed for this.

There is no reference to the reduction in government support to local authorities, which has been the largest since 2012/13. Councils are currently half way through a scheduled 40 per cent cut in central government funding, and having delivered £10 billion of savings in the three years from 2011/12, local authorities have to find the same savings again in the next two years.

Councils in many areas will not have enough money to meet all their statutory responsibilities. So they have to find ways of doing more with less and find integrated and innovative ways of delivering preventative services. There is an absence of preventative policy in the bill and this is worrying. There is nothing in this bill to support the families that the children are being taken away from in the first place. There are no measures to help mothers get their lives back together so that they do not end up having more children taken into care. Equally absent is emphasis on the importance of post placement support, including support for birth parents should the child return home.

TACT welcomes the concept of the Care Covenant. In the interests of the  
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children and young people that we support, we will work with local authorities and other partner organisations, and of course the foster carers and children and young people in our care, to lobby the government to strengthen legislation by providing for:

- Free university tuition or a guaranteed apprenticeship for all care leavers
- An end to foster children having to claim housing benefit to stay at home post 18
- Care up to 21 for those in residential care
- An ongoing role for foster carers up to the young person's 25th birthday offering support, advice & guidance. This would be far better coming from the foster carer than a personal advisor who is unlikely to be consistent and will not have a pre-existing relationship with the child