



Department
for Education

Children and social work Bill

Impact assessments

November 2016

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Summary

This document presents the outcomes of the Department for Education's impact assessments for the Children and Social Work Bill brought from the House of Lords to the House of Commons on 24 November 2016.

Regulatory impact

None of the provisions in the Bill place a regulatory burden on the conduct of private/independent sector business activity. The Bill has therefore been ruled out of scope of the Regulatory Impact Assessment process.

Some of the secondary legislation the Bill enables has the potential to impact on private/Independent activity. For example, Part 2 of the Bill, which makes provision for new regulation, registration and standards for social workers will potentially impact on self-employed social workers, those who are employed by agencies and third sector organisations, as well as on the agencies themselves. Regulatory impact will be revisited when secondary legislation is brought forward.

Policy area	Provisions in Bill	Impact on
Children in care and care leavers	Corporate parenting principles This clause introduces a set of principles to which local authorities in England must have regard in carrying out their functions in relation to looked after children and care leavers.	Local authorities in England
	Personal Adviser: A clause to extend existing duties on local authorities to provide a personal adviser to care leavers in education up to the age of 25, so that every care leaver in that age group has similar support should they want it.	Local authorities in England
	Local offer: A clause requiring local authorities to consult on and publish details of their support offer to young people leaving care and making the transition to adulthood.	Local authorities in England
Adoption and care in England	Proceedings relating to Children: Clauses requiring courts to take into account the current and future needs of a child when considering the plan for their upbringing should they enter care; and to require courts and agencies to consider any relationship between a child and their prospective adopters, with whom they have been placed, when an adoption decision is made.	The courts, and adoption agencies in England and Wales. Even where the provisions apply to voluntary adoption agencies, the activities to which the decision making applies will be matters of public sector business activity.
	Educational achievement of children adopted from care or who have left care under a special guardianship order of child arrangements order (post-LAC): Clauses place a new duty on local authorities to promote the educational achievement of post-LAC and to appoint an officer (Virtual School Head) to ensure the duty is properly discharged; and a new duty on school governing bodies to designate a member of staff with responsibility for promoting the educational achievement of children adopted from care.	Local authorities and schools in England

Securing proper performance of combined authority functions:	A clause to clarify the application of the Secretary of State's powers to intervene in a local authority to secure proper performance (Children Act 2004, Childcare Act 2006) to a group of authorities which have combined their services under City Deals or similar arrangements.	Local authorities in England
Serious child protection cases and local safeguarding arrangements	Clauses to create a new framework for reviewing serious incidents of child harm at both the local and national level. The clauses also create stronger, more flexible partnership arrangements to protect children locally, and arrangements for child death reviews.	Local authorities, Chief Officers of Police, Clinical Commissioning Groups. Other agencies involved in protecting children may be affected depending on the content of regulations, but the clauses themselves do not themselves have any regulatory impact.
Children's social care: pre-employment protection of whistle-blowers	A clause that amends the Employment Rights Act 1996, allowing for the Secretary of State to make secondary legislation extending the whistleblower protection available to employees to those applying for employment with the specified bodies carrying out children's social care functions.	The clause itself enables the making of secondary legislation and does not in itself have any regulatory impact.
Social Work regulation:	Clauses to establish a new regulator for social workers in England. The clauses set out the objectives and functions of the regulator, including requirements to set professional standards and standards of education and training, and to operate fitness to practise and disciplinary arrangements. The clauses provide for much of the detail/practicalities of the regulator's operation to be set out in secondary legislation.	The clauses themselves do not have any regulatory impact on private/independent sector business activity. Standards, arrangements and regulations made as a result of these clauses have the potential to have such impact and will need to be assessed in due course.

Conclusion reached by: John Bostock

Date of conclusion:

Date conclusion reviewed : 28.11.16

Equality Impact Assessment

In line with the Public Sector Equality Duty (contained in section 149 of the Equality Act 2010), in introducing the Children and Social Work Bill the Secretary of State must have due regard to the need to –

Public Sector Equality Duty

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:

- *Sex*
- *Race*
- *Disability*
- *Religion or belief*
- *Sexual orientation*
- *Pregnancy and maternity*
- *Gender reassignment*
- *Age*
- *Marriage and civil partnership*

The following table considers the potential for differential impact against these characteristics for each of the policy areas covered by the Children and Social Work Bill.

Policy area	Provisions in Bill	Impact consideration
Children in care and care leavers	Corporate parenting principles This clause introduces a set of principles to which local authorities in England must have regard in carrying out their functions in relation to looked after children and care leavers.	Age (in the provision of social care services) and marriage (applies to employment issues only) are out of scope of the EIA 2010 requirement. The potential for impact against the other protected characteristics will be dictated by the make-up of the population of children in care. However, the impact within that population will not be differential, and clarity around duties to looked after children advances equality of opportunity for all in this group.
	Personal Adviser: A clause to extend existing duties on local authorities to provide a personal adviser to care leavers in education up to the age of 25, so that every care leaver in that age group has similar support should they want it.	Age (in the provision of social care services) and marriage (applies to employment issues only) are out of scope of the EIA 2010 requirement. The potential for impact against the other protected characteristics will be dictated by the make-up of the care leaver population. However, the impact within that population will not be differential, and the provisions are designed to enhance support for those leaving care when they have reached the age of 16 or over, ensuring better continuity of support and advice. This will have a positive impact on equality of opportunity for all in this group.
	Local offer: A clause to requiring local authorities to consult on and publish details of their support offer to young people leaving care and making the transition to adulthood.	Age (in the provision of social care services) and marriage (applies to employment issues only) are out of scope of the EIA 2010 requirement. The potential for impact against the other protected characteristics will be dictated by the make-up of the care leaver population. However, the impact within that population will not be differential, and providing greater transparency around (and hence access to) available support for care leavers advances equality of opportunity for all in this group.
Adoption and care in England	Proceedings relating to Children: Clauses requiring courts to take into account the current and future needs of a child when considering the plan for their upbringing should they enter care; and to require courts and agencies to consider any relationship between a child and their prospective adopters, with whom they have been placed, when an adoption decision is made.	Age (in the provision of social care services) and marriage (applies to employment issues only) are out of scope of the EIA 2010 requirement. The potential for impact against the other protected characteristics will be dictated by the make-up of the population about whom adoption decisions will be made and the population of prospective adopters. However, the impact within that population will not be differential, and more appropriate and considered decisions concerning adoption will lead to positive impact for all in these groups.
	Educational achievement of children adopted from care or who have left care under a special guardianship order or child arrangements order (post-LAC): Clauses place a new duty on local authorities to promote the educational achievement of post-LAC and to appoint an	Age (in the provision of social care services) and marriage (applies to employment issues only) are out of scope of the EIA 2010 requirement. The potential for impact against the other protected characteristics will be dictated by the make-up of the population of post-LAC. However, the impact within that population will not

	officer (Virtual School Head) to ensure the duty is properly discharged; and a new duty on school governing bodies to designate a member of staff with responsibility for promoting the educational achievement of children adopted from care.	be differential, and better support for educational achievement advances equality of opportunity for all in this group.
Securing proper performance of combined authority functions:	A clause to clarify the application of the Secretary of State's powers to intervene in a local authority to secure proper performance (Children Act 2004, Childcare Act 2006) to a group of authorities which have combined their services under City Deals or similar arrangements.	These measures have no equality impacts by reference to the protected characteristics – they simply maintain the current position in relation to under-performance in children's social care where local authorities have combined.
Serious child protection cases and local safeguarding arrangements	Clauses to create a new framework for reviewing serious incidents of child harm at both the local and national level. The clauses also create stronger, more flexible partnership arrangements to protect children locally, and arrangements for child death reviews.	These measures have no direct equality impacts by reference to the protected characteristics. The measures replace one framework for local safeguarding and assessing and learning from serious incidents with another. More effective working of this nature should have a beneficial impact on all children engaged with child protection and safeguarding services, including those with protected characteristics.
Children's social care: pre-employment protection of whistle-blowers	A clause that amends the Employment Rights Act 1996, allowing for the Secretary of State to make secondary legislation extending the whistleblower protection available to employees to those applying for employment with specified bodies carrying out children's social care functions.	The primary legislation simply enables the making of secondary legislation and does not itself impact on any protected characteristics. The impact of any secondary legislation will need to be assessed separately if/when produced.
Social Work regulation:	Clauses to establish a new regulator for social workers in England. The clauses set out the objectives and functions of the regulator, including requirements to set professional standards and standards of education and training, and to operate fitness to practise and disciplinary arrangements. The clauses provide for much of the detail/practicalities of the regulator's operation to be set out in secondary legislation.	The clauses have no direct equality impacts by reference to the protected characteristics. The measures replace one framework for regulating social workers with another. The impact of the detailed operation of the regulator which will be set out in secondary legislation will be assessed when regulations are developed.

Conclusion reached by: John Bostock

Date of conclusion:

Date conclusion reviewed : 28.11.16

Family test

Issue:

The Children and Social Work Bill will make changes to the legislative framework in the following policy areas:

1) Children in care and care leavers

Corporate parenting principles. This clause introduces a set of principles to which local authorities in England must have regard in carrying out their functions in relation to looked after children.

Local offer: A clause requiring local authorities to consult on and publish their support offer for young people leaving care.

Personal Adviser: A clause to extend existing duties on local authorities to provide a personal adviser to care leavers in education up to the age of 25, so that every care leaver in that age group has similar support should they want it.

2) Adoption and other permanency arrangements

Proceedings relating to Children: Clauses requiring courts to take into account the current and future needs of a child when considering the long-term plan for their upbringing, and to require courts and agencies to consider the relationship between a child and prospective adopters when an adoption decision is made.

Educational achievement of children adopted from care or who have left care under a special guardianship order or child arrangements order (post-LAC): Clauses place a new duty on local authorities to promote the educational achievement of post-LAC and to appoint an officer (Virtual School Head) to ensure the duty is properly discharged; and a new duty on school governing bodies to designate a member of staff with responsibility for promoting the educational achievement of children adopted from care.

3) Securing proper performance of combined authority functions:

A clause to clarify the application of the Secretary of State's powers to intervene in a local authority to secure proper performance (Children Act 2004, Childcare Act 2006) to a group of authorities which have combined their services under City Deals or similar arrangements.

4) Serious Case Reviews and local safeguarding arrangements: Clauses to create a new framework for reviewing serious child safeguarding cases at both the local and national level. These are cases where a child suffers harm or death as a result of known or suspected abuse or neglect. The clauses also create stronger, more flexible partnership arrangements to protect children locally, and arrangements for child death reviews.

5) Children’s social care: pre-employment protection of whistle-blowers

A clause that amends the Employment Rights Act 1996, allowing for the Secretary of State to make secondary legislation extending the whistleblower protection available to employees to those applying for employment with specified bodies carrying out children’s social care functions. The Test will be applied separately to regulations if/when produced.

6) Social work regulation

Clauses to establish a new regulator for social workers in England. The clauses set out the objectives and functions of the regulator, including requirements to set professional standards and standards of education and training, and to operate fitness to practise and disciplinary arrangements. The clauses provide for much of the detail/practicalities of the regulator’s operation to be set out in secondary legislation. The test will be applied separately to regulations if/when produced.

Will the policy change have an impact on family relationships or functions?

Partially:

- *The clauses relating to 2) adoption and permanency require fuller consideration by the courts of the experiences and long-term needs of children who enter care. They also require consideration of the relationship a child may have built with their prospective adopters, when decisions relating to their adoption are made. This will lead to more appropriate decision making when courts make adoption and placement orders supporting family formation and more successful long term family relationships.*
- *The same clauses also provide for additional support from local authorities and schools to promote the educational achievement of previously looked after children. This additional support is likely to be of benefit to relations within families going through key transitions – adoption itself, starting school etc*
- *The clauses relating to 1) children in care and care leavers are unlikely to have substantial impact on family relationships or functions. The clarification of corporate parental responsibility bites at the point at which children are in local authority care, although more effective performance of this role might in some cases lead to beneficial impact on families going through key transitions and/or at risk of deterioration and breakdown. Similarly, the clauses relating to care leavers bite at the point where a child in local authority care*

transitions to adulthood so their impact on family relations is marginal, although impact on the young person in question at a point of key transition are substantial and positive. The reference to relationships in clause 2 means that local authorities should publish information about local services relating to relationships within their local offer. This may include services which support the young person to maintain family relations, in so far as such services would assist the young person in preparing for adulthood and independent living.

- *The clauses relating to 4) Serious Case Reviews and local safeguarding arrangements aim to secure more effective local partnership working to protect children and better review of and learning from serious incidents to improve practice. If successful any impact of these changes on families is likely to be beneficial in instances of risk of deterioration/breakdown.*
- *The proposed clauses relating to 6) social work regulation and 5) protection of whistle-blowers enable the Secretary of State to change the current legislative framework by making regulations. Such regulations might have an impact on family relations or functions, and the Test will need to be applied when they are made. The primary legislation itself does not have such an impact.*
- *The clarification of 3) performance and intervention powers merely retains current arrangements in the context of new local authority structural arrangements.*

The various provisions of the Bill are either neutral or positive for families – in particular, ensuring better considered family formation at the point of adoption, and support thereafter, and facilitating more effective operation of children’s social care which should lead to positive impact for the families with whom they engage.

Conclusion reached by: John Bostock

Date of conclusion:

Date conclusion reviewed : 28.11.16

Child rights impact assessment

1. The Children and Social Work Bill takes forward the package of measures to improve children's social care and safeguarding announced in the Queen's Speech on 18 May 2016. The Bill is designed to strengthen the quality and range of support for vulnerable children and young people, as part of the Government's wider reforms to children's social care.

Overall Assessment of Impact on Children's Rights

2. The principles of the legislation are fully aligned with the UN Convention on the Rights of the Child (UNCRC). The Bill will: promote excellence in social care practice so the system is better able to meet the needs of children; provide targeted support for specific groups of children; and improve the multi-agency response to keeping children safe. The Bill will address concerns raised by the UN Committee on the Rights of the Child, including:

- **ensuring the best interests of the child are paramount in decision-making**, through establishing a new social worker regulator, and providing it with the necessary framework to improve the skills and competence of social workers, and changing the factors decision-makers must consider to ensure children's needs are foremost in decisions regarding placement decisions; and it will create a power to enable innovative practice in local areas to explore ways to improve children's outcomes or to work more effectively to meet their needs;
- **protecting children from violence** through reforms to the regulation of social workers, and resulting improvements to practice, and creation of strengthened local safeguarding arrangements to help improve the multi-agency response to keeping children safe; and
- **rehabilitation after abuse or neglect and the right to education** for looked-after and formally looked-after children. Provisions to extend the Virtual School Head and Designated Teacher and, for care leavers, the Personal Advisor role, seek to ensure more tailored support to help these children and young people realise their rights and address gaps in outcomes between them and their peers.

3. Certain provisions give the Secretary of State powers to make secondary legislation. In such cases further consideration of the impact on children's rights will be conducted when developing regulations. When implementing the legislation, consideration should be given, at a local level, to how children can be involved in shaping decisions e.g. how children can influence the support that they receive through the Designated Teacher or Personal Advisor.

Detailed assessment of the Bill and their underlying policy intentions

4. In this section we have divided the contents of the Bill into broad policy themes, set out the policy intention behind their inclusion, and considered them in relation to impact on children, consultation with children, interaction with UNCRC articles, and any previous UN Committee recommendations or concerns relating to the policy area.

Looked-after Children and Care Leavers

Policy intention

5. To improve support for looked-after children and young people leaving care, and to improve the long term outcomes of children who have been looked after, by:

- setting out principles that describe the way in which local authorities in England should carry out their responsibilities to looked-after children and care leavers;
- introducing a requirement on local authorities to consult on and publish a local offer setting out what information, support and services young people can expect the authority (as a good corporate parent) to provide for them as care leavers; and
- extending the entitlement for care leavers aged 16 to 25 to have a personal adviser (PA) regardless of whether they are in or planning to return to education and training where they want one and regardless of their circumstances.

Impact on children

6. The provisions related to the PA role and the local offer should improve the level and quality of service and information about services that care leavers receive. The level of care leavers not in education, employment or training (NEET) remains relatively high: around 40% of care leavers are NEET at ages 19, 20 and 21, compared to around 15% of all 19 – 21 year olds. In relation to establishing a set of corporate parenting principles, overlaying existing Children Act 1989 duties in respect of looked-after children and care leavers, all parts of a local authority (not just children’s social care services) should then understand that the whole authority (and therefore they) have responsibilities to looked-after children and care leavers in the way they carry out their functions.

Consultation with children

7. From our engagement with looked-after children and care leavers through, for example, the All Party Parliamentary Group (APPG) for looked-after children and care leavers, we have gained a good sense about the extent to which they consider their LA acts corporately and behaves like a good ‘corporate parent’.

8. As part of the seven consultation events involving care leavers to inform the development of a refreshed care leaver cross-government strategy we have asked about their needs, including the role of and access to PAs generally, and the extent to which they have the information they felt they needed about local services and how to access them. These provisions reflect the messages about the greater vulnerability of care leavers not in education and training and the lack of easily accessible information available to care leavers about their entitlements, and themselves require local authority consultation with care leavers.

Which UNCRC article/s relate to the policy you are developing?

- Article 3: best interests of the child
- Article 9: separation from parents
- Article 20: children deprived of family environment
- Article 39: rehabilitation of child victims

How do your proposals comply with the UNCRC Article/s?

9. The legislation will strengthen the rights of children in and leaving care by improving the quality and consistency of information, advice and support they receive. The personal adviser extension will be of particular benefit to care leavers who are not in employment, education or training. Given the high proportion of children in care with special educational needs or disabilities, these proposals will also strengthen compliance with UNCRC Articles related to disability and health. The proposals will strengthen:

- the general principle of best interests of the child, by ensuring that such protection and care as is necessary for the wellbeing of children in and leaving care is provided (Article 3, best interests of the child); and
- the longer term outcomes of this group of children, a majority of whom will have suffered abuse and neglect (Article 39, rehabilitation of child victims);
- support for children who cannot live with their birth family, through extending entitlements to special protection and assistance by the State (Article 20, deprivation of family environment).

10. We have not identified any conflict between the proposals and the Articles in the UN Convention on the Rights of the Child. Monitoring and quality assuring the implementation of the proposals will be crucial to ensure that we are meeting our policy intentions and are compliant with the Convention.

Has the UN Committee previously made recommendations or expressed concerns about the proposals?

11. In 2008, the UN Committee raised concerns about the attainment and life chances of children in care. The UN's concluding observations recommended that the UK provide programmes to prepare children in alternative care for adult life. In 2015, children's rights groups gave evidence to the UN Committee. Children's Rights Alliance England, for example, raised concerns that the transition to adulthood for care leavers feels accelerated and compressed compared to their peers.¹ Children and young people who also gave evidence to the UN Committee felt that not enough is done to support children leaving care, with many feeling unprepared and pushed to leave care before they were ready.

Adoption

Policy intention

12. The Bill will also ensure children's long term needs are foremost in decisions regarding where looked after children should be placed when they enter the care system eg adoption, foster care/residential care, or with a special guardian. This stems from concern in a recent review of Special Guardianship Orders that some children are being placed in placements which are not in their best interests.

13. The Bill will promote the educational achievement of children adopted from care or who have left care through a special guardianship order (SGO) or child arrangements order (CAO). The legislation will

¹ Children's Rights Alliance for England (2015), *UK Implementation of the UN Convention on the Rights of the Child, Civil Society Alternative Report 2015 the UN Committee – England*

place a duty on local authorities to appoint an officer (the virtual school head) to provide advice and information to parents and all those who have parental responsibility for a child following a Special Guardianship or Child Arrangements Order, funded early years settings and schools; and will place a duty on the school governing body to appoint a designated teacher to support children in the school they attend.

Impact on children

14. The legislative changes will build on the educational entitlements (the pupil premium and priority school admissions) recently extended to children adopted from care or who have left care under a SGO and CAO. Together these measures will help address the attainment gap and improve educational outcomes. The legislative changes are also intended to ensure that, when children cannot live with their birth parents, they are provided with the quality of care and stability they need to protect their welfare and life chances. The changes seek to address recent decision-making trends which have caused concern that children are sometimes missing out on adoption when it would be the best option for them, and that some children are being provided with alternative placements even where there are significant concerns about the care on offer.

Consultation with children

15. We have not directly consulted children and young people on these proposals, although we have engaged with the Children's Commissioner who was supportive of the general proposals in our policy paper 'Adoption: a vision for change'. We intend to consult stakeholders on specific legislative proposals over the coming months.

Which UNCRC article/s relate to the policy you are developing?

- Article 3: best interests of the child
- Article 9: separation from parents
- Article 21: adoption
- Article 28: right to education
- Article 39: rehabilitation of child victims

How do your proposals comply with the UNCRC Article/s?

16. The proposals to improve support for children adopted from care, or who have left care through a SGO or CAO, via the Virtual School Head and Designated Teacher, comply with the UNCRC, through:

- improving the education of this group of children who, as recent statistics show, attain less at school than many other groups of children (Article 28, the right to education);
- supporting the rehabilitation of this group of children, a majority of whom will have suffered abuse and neglect (70% of children adopted from care in 2015/16 had experienced abuse or neglect) (Article 39, rehabilitation of child victims); and
- reinforcing the general principle of best interests of the child, ensuring that such protection and care as is necessary for the wellbeing of adopted children is provided (Article 3, best interests of the child).

17. The legislative changes to proceedings in adoption law seek to ensure that, as stated in the Article 3 of the UNCRC, in “all actions concerning children, whether undertaken by courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” The proposals will strengthen compliance with the UNCRC regarding best interests of the child by requiring courts to consider in their decision-making: the child’s current and likely future needs and any harm the child has suffered or risk of future harm; and the relationship between the child and the prospective adopter. These considerations will also strengthen compliance with Article 19 (protecting children from all forms of violence), and Article 39 (supporting the rehabilitation of child victims).

18. The proposals on adoption do not conflict with the UNCRC. When extending the Virtual School Head and Designated Teachers to children adopted from care and those who leave care on an SGO and CAO, consideration should be given by local authorities and schools to how children can be involved in shaping the support they receive.

19. The proposals on proceedings of court are not intended to promote adoption over other permanence options, but to ensure the court takes all factors into account to make decisions in the best interests of the child. Courts will need to consider how to ensure the views of children and young people are respected and incorporated into decision-making about permanence options. The legislation will not affect other considerations the court must take into account, linked to Article 9, e.g. ensuring separation from parents only occurs when this is necessary for the best interests of the child, exploring options for other family members to care for the child, and ensuring family members can make their views known.

Has the UN Committee previously made recommendations or expressed concerns about the proposals?

20. In 2008, the UN Committee recommended that the UK:

- “take all necessary measures to eliminate inequalities in educational achievement and exclusion rates between children from different groups and to guarantee all children receive an appropriate quality education”; and
- “strengthen efforts to facilitate a situation in which children, always in their best interests, be adopted as speedily as possible, taking in due account, inter alia, their cultural background.”

Powers to secure proper performance of combined authority functions

21. This is not a new policy but a technical fix to extend the Secretary of State’s existing powers to intervene in local authorities whose children’s services are inadequate, to local authorities whose children’s services have been combined (known as ‘combined authorities’). This is following the ‘Cities and Local Government Devolution Act 2016’ which means that it is now possible to transfer children’s social care and education functions into a combined authority. As a consequence, if a combined authority was found to have ‘inadequate’ children’s social care services, we would be unable to deploy our current powers of intervention to secure improvement.

Serious Case Reviews and local safeguarding arrangements

Policy intention

22. To reform practice by giving the three key safeguarding partners (local authority, health and

police) responsibility for defining appropriate local partnership working to protect children and to conduct local reviews of serious child safeguarding cases. To centralise reviews of cases which are complex or of national importance creating new child death review partner arrangements, all of which aim to ensure that improvements to safeguarding and the welfare of children are at the heart of the review process, locally and nationally.

Impact on children

23. The reforms seek to ensure that arrangements for protecting children at a local level are owned by the three key safeguarding partners and tailored to best meet local needs. Where children have been the subject of known or suspected abuse or neglect which have caused them death or serious harm, reviews of these cases should lead to appropriate learning, reduce the risk of the same mistakes happening again, and therefore benefit children in future.

Consultation with children

24. An independent review of the roles and functions of Local Safeguarding Children Boards, including the ways in which centralisation of reviews might work best at local level, concluded in March 2016. As part of the review, the reviewer spoke directly to several groups of children, as well as to the Children's Commissioner and to children's charities, and this was reflected in the review. The reviewer also undertook a widespread written consultation.

Which UNCRC article/s relate to the policy you are developing?

- Article 3: Best interests of the child
- Article 6: Right to life, survival and development
- Article 19: Right to protection from all forms of violence

How do your proposals comply with the UNCRC Article/s?

25. The proposals should strengthen compliance with the UNCRC, particularly Article 6, the right to life, and Article 19. The reforms will ensure that where children have been the subject of serious incidents of abuse or neglect which have caused them death or harm, that reviews of these cases lead to wider learning that benefits other children in future. The revised arrangements for multi-agency working will lead to better promotion of the welfare of children. There is no obvious conflict with the Articles.

Has the UN Committee previously made recommendations or expressed concerns about the proposals?

26. In evidence to the UN Committee in 2015, Children's Rights Alliance England, raised concerns that "there have been a number of high profile child sexual abuse cases and, despite Serious Case Reviews and official enquiries, lessons have failed to be learned."² In 2008, the UN Committee welcomed the introduction of statutory child death reviews in England and Wales, but raised concerns about the high

² Children's Rights Alliance for England (2015), *UK Implementation of the UN Convention on the Rights of the Child, Civil Society Alternative Report 2015 the UN Committee – England*

prevalence of self-injurious behaviour among children in custody and the level of preventable deaths of children more widely. The Committee recommended that the UK use all available resources to protect children's right to life, including reviewing the effectiveness of preventative measures.

Children's Social Care – pre-employment protection of whistle-blowers

Policy intention

27. The proposal seeks to extend the whistleblower protection available to employees to those applying for employment with specified bodies carrying out children's social care functions.

Impact on children

28. The primary legislation does not itself impact on children, but the power it creates is intended to provide additional protections to those who seek to highlight shortcomings in the provision of social care to children.

Consultation with children

29. As the Bill provisions do not have a *direct* impact on children and young people we have not consulted them about our proposals. However, the aim of the policy is to ensure that professionals are more likely to identify and report mis-practice, improving standards of care and protection for children and better protecting their rights.

Which UNCRC article/s relate to the policy? How does the policy comply with the article/s?

30. As above, enhanced protection for "whistle-blowers" should lead to a system in which mis-practice is more often identified and dealt with, thus improving outcomes for children. In this regard the policy principally engages article 3 – Best interests of the child.

Has the UN Committee previously made recommendations or expressed concerns about the proposals

31. None of direct relevance.

Regulation of Social Workers in England

Policy intention

32. To establish a new regulator for social workers in England, creating a regulatory framework which results in high professional standards in social work practice, and provides better support for vulnerable children, young people and adults. The main functions of the new regulator will be to hold a register of social workers; run fitness to practise hearings; and set and raise standards for initial education and training, proficiency, and continuous professional development.

Impact on children

33. The new regulator will not directly work with children, adults and families – but their interests are

at the core of its objectives. Raising the standards of the social work profession will improve the quality of service provided and consequently improve outcomes for vulnerable people. By supporting the professional development of social workers through reforms that aim to improve the quality of education, training and status of the profession, they will be better equipped to meet the needs of vulnerable children and adults.

Consultation with children

34. As the Bill provisions which enable the creation of a new regulatory regime do not have a *direct* impact on children and young people we have not consulted them about our proposals. However, the aim of the policy is to improve the standards of social workers to ensure better outcomes for children, young people and adults through better quality practice.

Which UNCRC article/s relate to the policy?

35. Whilst the body will not directly work with children, adults and families, reforms to the social work profession are particularly of relevance to:

- Article 3: best interests of the child
- Article 12: respect for the views of the child
- Article 25: review of treatment in care
- Article 19: protecting children from all forms of violence
- Article 39: rehabilitation of child victims

How do your proposals comply with the UNCRC Article/s?

36. Stronger, more specialised and dedicated regulation of the social work workforce in England, with high standards and expectations, will ensure that social workers are better equipped to help children realise their rights. Social workers should be better able to appreciate and apply the UNCRC to meet the needs of vulnerable children. Given the circumstances that social workers operate in, the proposals should particularly strengthen:

- the general principles of operating in the best interests of the child, and ensuring the child has the right to participate in decisions affecting them (Articles 3 and 12);
- protecting children from harm and supporting their rehabilitation and recovery where they have suffered from abuse and neglect (Articles 19 and 39); and
- supporting children who cannot stay with their birth family and are in alternative care or are placed for adoption (Articles 9, 20, 21 25).

37. There is no obvious conflict with the Articles in the Convention although the detailed secondary legislation enabled by the Bill will need to be considered against the principles as it is produced.

Has the UN Committee previously made recommendations or expressed concerns about the proposals?

In 2008 the UN Committee raised concerns that many families were not adequately supported to help them bring their children up; and there was inadequate monitoring of children in care, particularly the quality and consistency of reviews of their support and treatment. Children who recently met the Minister

for Vulnerable Children and Families in the run-up to the UK's oral hearing on the UNCRC, raised concerns about the quality of some individual social workers. These proposed reforms, in combination with other reforms to social work, should help address the concerns of the Committee.

New burdens assessment

Details of the proposal – please answer in area provided below question	
Q1	Name of Lead Department.
A1	Department for Education
Q2	Working level contact details in lead department.
A2	<p>Name: John Bostock</p> <p>Team: Children and Social Work Bill team</p> <p>Telephone: 02073407785</p> <p>E-mail: john.bostock@education.gov.uk</p>
Q3	Name of policy/duty/expectation.
A3	Children and Social Work Bill
Q4	Description of the policy objective.
A4	<p>The Children and Social Work Bill covers 6 policy areas:</p> <p>1. Looked after children in care and care leavers Corporate parenting: Clauses to clarify the framework of corporate parental responsibility for local authorities and other public bodies towards looked after children and care leavers . The clarification impacts on local authorities, although we do not believe it will create new burdens. We believe this is in scope of the new burdens exercise and discuss further below.</p> <p>Support for care leavers: Clauses to extend existing duties on local authorities to provide a personal adviser to care leavers in education up to the age of 25, so that every care leaver in that age group has similar support should they want it. Further clauses requiring local authorities to publish details of their support offer for care leavers. We believe this is in scope of the new burdens exercise and discuss further below.</p> <p>2. Adoption and care in England Proceedings relating to Children: Clauses amending the requirements of a court making a decision about the placement or adoption of a child to take account of the child’s likely future needs as well as current needs, and to take into account the relationship between the child and the prospective adopter in reaching that decision. There is no direct impact on local authorities. We believe this is out of scope of the new burdens exercise and give it no further treatment in this document.</p> <p>Educational achievement of children who have left care under an adoption, special guardianship or child arrangements order (referred to here as previously looked after children): a clause which places a new duty on local authorities to promote the educational achievement of previously looked after children, and appoint an officer to discharge the duty (the Virtual School Head); and clauses which place a new duty on maintained schools and academies (respectively) to designate a member of staff (the ‘designated teacher’) to promote the educational achievement of previously looked after children. We believe the designated teacher within a school is out of scope of the new burdens exercise. The virtual school head is in scope of this exercise and is discussed further below.</p>

	<p>3. Securing proper performance of combined authority functions: A clause to clarify the application of the Secretary of State’s powers to intervene in a local authority to secure proper performance (Children Act 2004, Childcare Act 2006) to a group of authorities which have combined their services under City Deals or similar arrangements. The existing policy impacts on local authorities, as will this amendment, although we do not believe it will create new burdens. We believe this is in scope of the new burdens exercise and discuss further below.</p> <p>4. Serious Case Reviews and local safeguarding arrangements: Clauses to create a new framework for reviewing serious incidents of child harm at both the local and national level. The clauses also create stronger, more flexible partnership arrangements to protect children locally, and new arrangements for child death reviews. The existing policy impacts on local authorities, as will these changes. We believe this is in scope of the new burdens exercise and discuss further below.</p> <p>5. Children’s social care: pre-employment protection of whistle-blowers: A clause that amends the Employment Rights Act 1996, allowing for the Secretary of State to make secondary legislation extending the whistleblower protection available to employees to those applying for employment with specified bodies carrying out children’s social care functions. We believe the primary legislation is out of scope of the new burdens exercise and we give it no further treatment in this document, any secondary legislation will need to be assessed separately for new burdens.</p> <p>6. Social Work regulation: Clauses to establish a new regulator for social workers in England. The clauses set out the objectives and functions of the regulator, including requirements to set professional standards and standards of education and training, and to operate fitness to practise and disciplinary arrangements. The clauses provide for much of the detail/practicalities of the regulator’s operation to be set out in secondary legislation. The primary legislation itself does not impact on local authorities, but does enable the making of secondary legislation, standards and arrangements which might do. We believe the primary legislation is out of scope of the new burdens exercise and give it no further treatment in this document. Secondary legislation, standards and arrangements will need to be assessed separately for new burdens.</p> <p>We will revisit this assessment following any changes to the Bill as it progresses, and again at the conclusion of the parliamentary process.</p>
Q5	Stage proposal is at (e.g. initial draft, consultation document, Cabinet clearance, etc.). If first draft, please state when update will be submitted.
A5	All elements of the Bill have the relevant Cabinet clearances.
Q6	Brief expected timeline of the forthcoming key stages, including committee clearance.
A6	The Bill has completed its passage through the House of Lords and transferred to the House of Commons on 24 November 2016.
Q7	What the proposal requires local authorities to do, and how this differs from what they are doing now. If there is no difference, why is the new power/duty/ expectation being made?
A7	<p>Corporate parenting</p> <p>The Bill sets out a framework of corporate parenting principles that overlays the existing responsibilities of local authorities to looked after children, making clear what it means for the authority as a whole to act as a good parent.</p>

The provision does not place new requirements on local authorities as such but provides a framework to help local authorities understand and fully comply with existing duties across the whole of their services as they discharge those duties to looked after children and care leavers.

We have spoken to some 20 LAs. The corporate parenting principles were not seen as a new burden. They do not add new duties on LAs but are rather about informing how existing functions are carried out.

Good LAs already have a good understanding of corporate parenting and it is something that features in the Ofsted inspection framework. The inspection framework mentions corporate parenting 9 times. Of the 18 LAs visited recently most had a corporate parenting board or panel. This was made up of elected members and senior managers from across education and social care. Some have external representation from schools and health.

There is a general sense that having a set of corporate parenting principles in law is a good thing, will be welcomed and will help focus minds on the responsibility that the LA has as a whole to looked after children and care leavers.

Support for care leavers

The Bill introduces requirements for local authorities to publish their offer of support to young people leaving their care, and to extend the current offer of personal adviser to those in education and training to all care leavers up to the age of 25.

Local authorities already have a duty to appoint a personal adviser (PA) to care leavers up to the age of 21 or, if they are following a programme of education or training, up to the age of 25. The Bill proposes that care leavers aged 21 to 25 who are not in education or training (NEET) should also have access to a PA if they want one and that the local authority should be proactive in making this service known to care leavers at least annually if they want one. Provision is proactively offered but local authorities will only need to provide a PA to those young people who want support, rather than all relevant young people.

In addition, local authorities will be required to publish their local offer to care leavers, which provides information on the services and support they offer in discharging existing duties to assist them in or in preparing for transition to adulthood and independent living. This clause removes the requirement for a local authority to publish information about services provided to care leavers under specified sections of the Children Act 1989 as that duty is now replaced by the duty to publish a “local offer for care leavers”.

Educational achievement of previously looked after children

Local authorities already have a duty to promote the educational achievement of looked after children as part of their role as the corporate parent. When children leave care through, for example, adoption they continue to be vulnerable and have a high level of need, including under-performing at school compared to children who have never been in care. The proposed new duty will therefore require local authorities to also promote the educational achievement of children who were looked after but who left care through an adoption, special guardianship or child arrangements order. The new duty will be limited to providing advice and information to parents or those who have parental responsibility for a child under a Special Guardianship or Child Arrangements Order, and to funded early years settings and schools as authorities would not be acting in their capacity as the ‘Corporate Parent’ and would only operate with the agreement of the child’s parents.

	<p>Securing proper performance of combined authority functions These clauses maintain current Government intervention powers in cases of local authority underperformance in cases where local authorities have entered into combined models of provision. There is, therefore, no new expectation of local authorities as a result of these provisions.</p> <p>Serious Case Reviews and local safeguarding arrangements Local authorities currently have responsibility to set up and participate in Local Safeguarding Children Boards (LSCBs). LSCBs, among other things are responsible for ensuring serious case reviews and child death reviews are conducted.</p> <p>The clauses replace these arrangements with requirements for local authorities to work jointly with clinical commissioning groups and chief officers of police to establish and take forward new joint working arrangements, including for reviews of serious incidents at a local level, and for local authorities and clinical commissioning groups to ensure child death reviews are conducted.</p> <p>The clauses also create a new Child Safeguarding Practice Review Panel which will conduct reviews into serious safeguarding cases that raise issues which are complex or of national importance.</p> <p>These arrangements replace current arrangements which already require local authority engagement in local safeguarding, serious case reviews and child death reviews. As such they do not create a new burden for local authorities, but offer greater flexibility to create arrangements best suited to the local area.</p> <p>In conducting some of the most complex reviews currently undertaken by LSCBs, the National Panel is likely to reduce financial burdens on local authorities who are in large part responsible for resourcing existing LSCBs.</p> <p>Local authorities will, as part of the new joint arrangements which replace LSCBs, also conduct local reviews into serious child safeguarding cases which raise issues of importance to the local area, are less complex, and will be cases which the Panel does not review.</p>
<p>Q8</p>	<p>Expected date the policy impacts on local authorities. If implementation is to be phased in, please give estimated dates for each phase.</p>
<p>A8</p>	<p>We expect the Bill to gain royal assent in spring 2017. For the most part the provisions of the Bill will be commenced in the financial year 2017-18. In the case of Serious Case Reviews and local safeguarding and child death review arrangements, we expect staggered implementation over a period of one to two years.</p>
<p>Q9</p>	<p>Is an impact assessment being completed? If this shows that the policy impacts on the private sector in the same way with no disproportionate impact on local authorities, contact the Communities and Local Government New Burdens Team to confirm that the new burdens rules do not apply in this case - this does not mean there are no local government finance matters that might need to be addressed.</p>
<p>A9</p>	<p>The Bill's contents have been reviewed and ruled out of scope for the regulatory impact assessment exercise.</p>

Estimated costs/savings	
Q10	Has the proposal been appraised in accordance with HM Treasury <i>Green Book</i> principles? What was the outcome of the appraisal?
A10	<p>We have assessed the costs associated with 1) Educational achievement of previously looked after children and 2) Support for Care Leavers.</p> <p>The remaining elements of the Bill are either out of scope of the new burdens exercise, or do not impose a new burden on local authorities</p>
Q11	Best estimate of reasonable costs and savings involved for local authorities for each individual year. Please give breakdown <u>by financial year</u> and state whether costs are revenue or capital.
(a)	Overall <u>additional</u> total costs to local authorities for each year.
A(a)	<p>Educational achievement of previously looked after children</p> <p>None - we estimate costs of up to £50K (although more likely approximately £30K) per local authority per year as a result of the virtual school heads provision. This represents employment costs for additional support to existing virtual school heads. Our view is that this cost will be more than offset by savings generated through the wider programme of regionalisation in adoption.</p> <p>The programme to establish regional adoption agencies began in financial year 2015-16 and is being further rolled out this financial year. By the end of 16-17 DfE will have made available over £8M to LAs to support this move.</p> <p>Local authorities are expected to realise savings from 2017-18 onwards from three main areas:</p> <ol style="list-style-type: none"> 1. The merging of adoption functions could allow services to be provided more efficiently and support services for families procured more cheaply, due to <i>economies of scale</i>. 2. The existence of a larger pool of potential adopters could allow matches to be made more quickly between children and adopters, <i>reducing the length of time children spend in foster care</i> and associated costs. 3. A larger pool of potential adopters could also lead to an <i>increase in the proportion of children waiting for adoption who are adopted</i>, reducing the number of foster care placements. <p>Our initial assessment of these areas suggests total annual savings of the order of £14.8m a year across all local authorities as a result of reducing time to adoption. We are currently revisiting the modelling on economies of scale, although our initial assessment suggests possible additional savings of £16.5m per year across the whole sector. Over ten years this would suggest possible savings of around £310m to local authorities.</p> <p>While there will be variation by local authority in the actual cost of extending the virtual school head role and in realising savings from regionalisation, it is reasonable to assume broad proportionality – local authorities with more adopted children are most likely to require additional resource for the new duty, but also to benefit from quicker adoption. In any case, the order of expected savings is substantially larger than of expected costs.</p>

	<p>Support for care leavers For immediate national implementation: £4 million in 2017-18 and £8 million in each subsequent year for the rest of the Spending Review Period. Incremental implementation would reduce required funding in the first years of implementation. In either scenario, DfE plans to meet the costs incurred.</p>
i.	Element attributable to 'one off' implementation costs.
A(i)	<p>Educational achievement of previously looked after children Negligible</p> <p>Support for care leavers Negligible</p>
ii.	Recurring costs element (for the first 3 years).
A(ii)	<p>Educational achievement of previously looked after children Up to £50K per annum but expected to be offset with efficiency savings as a result of the introduction of Regional Adoption Agencies in 2017.</p> <p>Support for care leavers For immediate national implementation: £4 million in 2017-18 and £8 million in each subsequent year for the rest of the Spending Review Period. Incremental implementation would reduce required funding in the first years of implementation. In either scenario, DfE plans to meet the costs incurred.</p>
(b)	Estimated specific and identified <u>savings</u> for each year - these must be additional to the annual savings authorities are expected to make and their treatment consistent with the appropriate HM Treasury guidance on efficiency.
A(b)	<p>Educational achievement of previously looked after children We expect local authorities to make substantial savings as a result of the regionalisation of adoption services in 2017, including:</p> <ol style="list-style-type: none"> 4. The merging of adoption functions could allow services to be provided more efficiently and support services for families procured more cheaply, due to <i>economies of scale</i>. 5. The existence of a larger pool of potential adopters could allow matches to be made more quickly between children and adopters, <i>reducing the length of time children spend in foster care</i> and associated costs. 6. A larger pool of potential adopters could also lead to an <i>increase in the proportion of looked after children who are adopted</i>, reducing the number of foster care placements. <p>Our initial assessment of these areas suggests total annual savings of the order of £14.8m a year across all local authorities as a result of reducing time to adoption. We are currently revisiting the modelling on economies of scale, although our initial assessment suggests possible additional</p>

	savings of £16.5m per year across the whole sector. Over ten years this would suggest possible savings of around £310m to local authorities.
(c)	What are the direct and indirect impacts on local authorities pay and pensions costs?
A(c)	<p>Educational achievement of previously looked after children Our estimate of implementation cost is based on the costs of employing one additional member of staff to support the current virtual school head per authority – maximum £50K although more likely around £30K.</p> <p>In reality, many LAs already operate a similar approach for formerly looked after children as they do for currently looked after, while we anticipate others will likely extend the existing role in respect of looked after children. The likelihood, therefore is that the actual pay and pensions impact would be substantially less.</p> <p>Support for care leavers We estimate LAs will need to employ one or two additional personal advisers per authority. We have modelled the financial impacts in our response to question 15.</p>
(d)	Overall estimate of the <u>Net</u> Additional Cost (costs-savings) to local authorities for each year.
A(d)	This is the £4 million in 2017-18 and £8 million in each subsequent year for the rest of the Spending Review Period covering additional support for care leavers
Discussion with authorities	
Q12	What discussions have taken place with local authority associations, e.g. with the LGA or LC? If there is no planned contact with local authorities through representative bodies, please explain why.
A12	<p>Educational achievement of previously looked after children The new duty has been discussed with the National Association of Virtual School Heads (NAVSH) and with several individual VSHs. Further consultation with the NAVSH and other LAs continues to take place.</p> <p>Support for care leavers We have discussed these proposals with the leaving care manager in Trafford (where similar arrangements are already in place). We have also discussed the approach with Lincolnshire’s DCS as well as in confidence discussions with leaving care managers from four other authorities and representatives of the National Association of Virtual School Heads.</p>
Q13	Give a brief description of the authorities’ views, particularly on costs and financing (note: there is no obligation to agree final finance assessments with them).
A13	<p>Educational achievement of previously looked after children Some authorities (Virtual School Heads) already offer support for parents and schools in respect of children who have left care through, for example, adoption. Islington and Windsor and Maidenhead are good examples.</p>

	<p>We have heard conflicting views on cost implications of the proposal. Some authorities have concerns about capacity but we believe we can reassure them by emphasising the limitations of the new duty and the potential to cover any additional costs through efficiency savings as a result of the introduction of Regional Adoption Agencies. Other authorities have been clear that they do not see the requirement as having any significant resource implications – essentially providing the same set of advice and information through the same channels to a wider audience.</p> <p>Support for care leavers</p> <p>The LA managers we engaged were unanimous in welcoming the approach to extend personal adviser support to all care leavers up to age 25 regardless of whether they are in education. They also recognised that it should be something that was provided by the LA only to those who wanted it rather than requiring LAs to provide a PA and keep in touch with care leavers automatically regardless of whether they wanted it. Framing the PA duty in the way we have therefore avoids creating nugatory work for LAs. The LAs we spoke to believed that a cost of £8m a year based on 2 hours contact time at £30 per hour and applied to 15% of the 16000 care leavers aged 21 to 25 nationally who are NEET was a reasonable estimate.</p> <p>The LAs we have discussed the “local offer” proposals with believe this is a positive step as it will provide care leavers with the information about the services and support that they can expect their LA to provide (rather than specifying what those services are beyond the existing statutory requirements under the Children Act 1989). They did not identify any significant additional new financial burden, noting that it complemented/facilitated a range of existing responsibilities to engage with care leavers through the review of their pathway plans, and Care Councils.</p> <p>In addition the consulted authorities welcomed the corporate parenting principles and supported our assessment that they did not create additional burdens.</p>
Providing the resources	
Q14	If there are net additional costs, has the lead department identified where the funding for this new burden is coming from and agreed to fully fund them? Please give details.
A14	<p>Educational achievement of previously looked after children</p> <p>Not applicable</p> <p>Support for care leavers</p> <p>DfE will meet the costs of implementation from its SR settlement, making the funds available through an existing un-ringfenced grant that meets the costs of the Staying Put policy.</p>
Q15	What costing evidence/analysis do you have/are you going to undertake to demonstrate that the funding is sufficient, and when will you be providing this?
A15	<p>Educational achievement of previously looked after children</p> <p>A number of authorities already offer support for children in education who were formerly looked after and meet the cost from within existing resources. The cost of delivering the new duty will vary from authority to authority depending on the size of the authority and the demand for support. We estimate that the maximum additional cost for additional support to the current virtual head could be in the region of £50K (although more likely £30k), the equivalent of employing one further member of staff.</p>

	<p>This additional cost is more than offset by anticipated savings as a result of the programme to regionalise adoption from 2017, including:</p> <ol style="list-style-type: none"> 7. The merging of adoption functions could allow services to be provided more efficiently and support services for families procured more cheaply, due to <i>economies of scale</i>. 8. The existence of a larger pool of potential adopters could allow matches to be made more quickly between children and adopters, <i>reducing the length of time children spend in foster care</i> and associated costs. 9. A larger pool of potential adopters could also lead to an <i>increase in the proportion of looked after children who are adopted</i>, reducing the number of foster care placements. <p>Our initial assessment of these areas suggests annual savings of the order of £2M-£3M per LA as a result of reducing time to adoption and increasing numbers of adoption. We are currently revisiting the modelling on economies of scale, although our initial assessment suggested possible savings of up to £310M across the whole sector.</p> <p>This analysis is largely based on data derived from Section 251 financial data supplied by local authorities and data from the Adoption Leadership Board.</p> <p>Support for care leavers</p> <p>The cost of the proposal to extend the PA role up to age 25 to all care leavers who ask for a PA is based on the model that is operating in Trafford, where all care leavers are informed that they can continue to receive PA support when they reach the age of 21 (or return for support at any point before their 25th birthday).</p> <p>Support is provided only if requested. The costs of introducing a PA for all care leavers aged 21 to 25 who want it (£7.8 million per year) are based on Trafford’s experience that in a typical week, support is provided to around 15% of its care leavers aged 21 to 25. Applying this 15% figure to the 16,000 care leavers nationally who are NEET results in around 2,500 care leavers who would require support each week. Assuming that each care leaver will receive 2 hours PA support a week at a unit cost of £30 per hour PA support the cost of supporting 15% NEET care leavers nationally would be (2,500 x 2 hours x £30) = £150,000 per week or £7.8 million per year. This approach has been sense-checked through in-confidence discussions with a number of local authority leaving care managers.</p> <p>With implementation from the middle of financial year 2017-18, this gives year 1 costs of £3.9m.</p> <p>In this scenario, DfE proposes making £4m available in year 1 and £8m a year thereafter to meet these costs and any minor costs associated with the publication of the “local offer”. Incremental implementation would reduce required funding in the first years of implementation. In either scenario, DfE plans to meet the costs incurred.</p>
Q16	If costs are to be met by charging, do these cover the full net additional costs, and do authorities have the freedom to determine the fee levels consistent with recovering reasonable costs?
A16	Not applicable

Q17	If your assessment is that the proposal will result in no additional costs being placed on local authorities, how will you ensure that this is the case?
A17	<p>Educational achievement of previously looked after children The impact of the new duty on local authorities will be monitored during the first few years of implementation as will the impact of RAAs on local authority budgets.</p> <p>Support for care leavers Not applicable</p>
DCLG New Burdens Team Sign Off	
Q18	Have you shared your assessment with the New Burdens Team?
A18	A draft of this assessment was shared on 23 November 2016
Departmental Finance Director Sign Off	
Q19	Please state if this is a first or a final assessment of your proposal. If first please indicate when a final assessment will be submitted.
A19	Final
<p>Certification that the estimated net additional costs falling on local authorities has been assessed in accordance with the guidance on new burdens and that this will be fully funded. That to the best of finance director's knowledge the estimates are a true and fair assessment of the net additional costs falling on authorities. Confirmation that their department is aware that if the proposed policy or initiative is implemented, there may be an independent post-implementation scrutiny carried out (paid for from within their department's existing resources) and that under or over-payments of grant revealed by the scrutiny may inform future decisions on funding.</p> <p>Signed:</p> <p>Name: SIMON JUDGE, Finance and Commercial Director</p> <p>Date: 28 NOVEMBER 2016</p> <p>Telephone number: 020 7340 8108</p> <p>Address: Finance and Commercial Group Strategy and Resources Directorate 1st Floor Sanctuary Building Great Smith Street London SW1P 3BT</p>	



Department
for Education

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