

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**5 August 2014**

**Report of the Strategic Director for Children & Younger Adults**

**CONSULTATION ON THE GOVERNMENT'S PROPOSALS TO ALLOW  
LOCAL AUTHORITIES THE POWERS TO DELEGATE CHILDREN'S  
SOCIAL CARE FUNCTIONS – (Children and Young People)**

**Purpose of Report**

To provide information on the proposal made by the Government to make regulations to allow local authorities to enter into arrangements with third party providers for the discharge of a wider range of its social services functions relating to children.

**Information and Analysis**

In November 2013, national Government commenced Part 1 of the Children and Young Persons Act 2008 (CYPA) to allow local authorities in England to delegate looked after children functions to a third party provider of social work services. Care leaving services in Derbyshire have been commissioned through national voluntary sector providers since approximately 1998.

The Government is now seeking views on proposed regulations that will enable local authorities to delegate additional children's social care functions to third party providers, including child protection services.

The 2008 Act already excludes delegation of independent reviewing officer functions, and of adoption agency functions other than to a registered adoption society. In addition the draft regulations make clear that an authority's power to delegate under Part 1 of the 2008 Act cannot itself be delegated.

Functions that are delegated under the 2008 Act must be discharged by or under the supervision of registered social workers. Local authorities will have to decide with their third party provider how best to manage this requirement. This will require robust contractual arrangements to be put in place between

the local authorities and the providers; in particular ensuring any contract includes clear and detailed specifications of the functions to be delivered and effective contract monitoring and review of provisions.

In addition to Ofsted's inspection of local authority functions, under the new single inspection framework, Ofsted currently also inspects delegated arrangements as a result of the commencement of Part 1 of the 2008 Act in November 2013. It is argued that this registration process does not offer any genuine additional safeguards and therefore the Department of Education (DfE), by clause 61 of the deregulation Bill currently before Parliament, seeks to remove this requirement.

A number of experts have expressed concern regarding the Government's proposal to allow the outsourcing of children's services to third party providers.

Professor Eileen Munro who was commissioned by the Government to carry out an independent review of child protection published in 2011, said establishing a market in child protection would create perverse incentives for private companies to either take more children into care or lead to many languishing in dangerous families. She went on to assert that it was the responsibility of the state to protect children from maltreatment and should not be delegated to a profit-making organisation.

A recent letter published in the media which was signed by 37 senior social services academics, led by Professor Ray Jones from Kingston University, stated that England had one of the most successful child protection systems in the world, based on accountability, stability, continuity, good local partnership working across professionals and agencies, and with experienced and committed professionals and leadership. The intention that private sector agencies should be able to run child protection services caused considerable concern.

The consultation closed on 30 May 2014 and the DfE plans to publish the results in the summer, so the proposed changes can be in force by autumn 2014.

Derbyshire County Council submitted a consultation response form on 30<sup>th</sup> May 2014. Due to the timescale it was not possible to consult with Cabinet. The Cabinet Member for Children and Young People was consulted within completing the response to the DfE.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: - financial, legal, prevention of crime and disorder, equality of

opportunity; and environmental, health, human resources, property and transport considerations.

### **Background Papers**

- Consultation Response Form (attached)
- Children and Young Persons Act 2008
- Powers to delegate children's social care functions (2014) DfE

### **Strategic Director's Recommendation**

That Cabinet endorses the Authority's objections to current Government proposals to allow the outsourcing of children's services to third party providers.

**Ian Thomas**  
**Strategic Director for Children & Younger Adults**