

ANNEX : NEW BURDEN ASSESSMENT PROFORMA

In advance of discussions with others, or as part of these discussions, the lead department should complete the proforma below (this can be tailored to the specific policy where appropriate but should cover the same information). As highlighted in the guidance, these issues should be discussed with Communities and Local Government at the earliest possible stage, and the proforma can be revised as the assessment is taken forward. The signed off proforma should be sent to Communities and Local Government.

Details of the proposal	
1. Name of lead department	DCSF
2. Working level contact in lead department	Lydia Affie
3. Name of policy/duty/expectation	Care Planning Placement and Case Review Regulations and Sufficiency Guidance
4. Description of the policy objective	<p>To clarify and place on a statutory footing the requirements placed on local authorities regarding care planning, placement provision and decisions and case review sections following the Children and Young Persons Act 2008.</p> <p>The regulations also seek to consolidate regulations going back to 1991.</p>
5. Stage proposal is at (eg. initial draft, consultation document, Cabinet clearance, etc.)	The draft regulations and guidance are being sent out for consultation
6. Brief expected timeline of the forthcoming key stages, including committee clearance	The consultation will run from 16 th November 2009 to February 2010. The regulations will be considered in light of the consultation responses. The commencement order for the relevant provisions of the Children and Young Persons Act is due in April 2010 with the regulations actually coming in to force in September 2010 and April 2011.
7. 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?	<p>Many aspects of the regulations are consolidation of existing regulations or guidance and thus do not place new burdens on local authorities.</p> <p>There are other aspects of the regulations that whilst placing a duty on LA's do not require specific additional action by LA's and so do not represent new burdens:</p> <ul style="list-style-type: none"> - The requirement for LA's to limit disruption to education of LAC's, particularly at KS4. - Restrictions on out of authority placements. (Children and Young Persons Act 2008 (s22C)) These restrictions will require local authorities to commission services in a more strategic way than so that they can secure a wider range of quality placements within their local area at lower cost rather than simply commissioning <i>more</i> places at increased cost. The efficiency savings within the process mean that this will be cost neutral, though the initial outlay costs will be needed to change existing

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	<p>commissioning practice</p> <p>Those elements that do place new specific actions/ burdens on local authorities on local authorities are:</p> <ul style="list-style-type: none"> - New Independent Reviewing Officer requirements/ powers - Extending the Independent Visitor scheme
8. Expected date the policy impacts on local authorities. If implementation is to be phased in, please give estimated dates for each phase.	December 2010 with Sufficiency for Placements coming into force April 2011
9. 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.	Yes
10. If there is an impact on the local government performance framework, has this been discussed with the relevant team in Communities and Local Government?	N/A
Estimated costs/savings	
11. Has the proposal been appraised in accordance with HM Treasury <i>Green Book</i> principles?	
12. Best estimate of reasonable costs and savings involved for local authorities for each individual year.	<p>Independent Review Officer Changes £1.9m pa (Based on average wage of £38,000 and estimated additional recruitment need of 50 IRO's) An additional one of provision of £1m 09-11 for additional court/CAFCASS burden.</p> <p>Extending the Independent Visitor scheme £3.0m pa, based on 1,500 more children being provided with an independent visitor per year (£2,000 per child per year).</p> <p>Restrictions on out of authority placements Whilst this proposal is cost neutral it is acknowledged that an initial outlay for assessment and identification of LA's future commissioning needs. This has been included within costings to deliver the new duty to secure a sufficient and diverse supply of quality placements within the local authority area as part of Care Matters funding.</p> <p>£1.5m was set aside in 09-10 to cover the needs assessment for each local authority to identify its commissioning needs as part of the CYP Acts sufficiency duty. Set-up costs to meet the new duty to secure appropriate provision will be borne by local authorities. Whilst we have argued these costs are quickly reimbursed from efficiency savings, we know that some local authorities will benefit from using the change fund to help them make the</p>

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	transition in the early years.
(a) Overall additional costs to local authorities for each year	£6.9m
i. Element attributable to 'one off' implementation costs	£2.0m
ii. Recurring costs element (for the first 3 years)	£4.9m
(b) Estimated specific and identified savings 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.	<p>The savings to local authorities are not identifiable as the savings accrued through improved behaviour and outcomes resulting from improved care planning, placement and case review are more long term and harder to quantify.</p> <p>Despite savings being difficult to quantify an example of <i>possible</i> savings can be shown. Of the 60,900 LAC in England 6516 (10.7%) have had three or more placement moves in the year ending 31/03/09 (Statistical First Release 2009). If the proposed regulations, via improved care and placement planning, result in improved placement stability and eliminate just one move for the 10.7% above mentioned the resulting saving would be approximately £3.6m. (Based on average review cost £557*^x Number of children with more than three placements in year up to 31st March 2009 6516) *Based on 2006-2007 average figure – Harriet Ward et al, <i>Costs and Consequences of Placing Children in Care</i>, Jessica Kingsley Publishers, 2008. p87</p>
(c) What are the direct and indirect impacts on local authorities pay and pensions costs?	N/A
(d) Overall estimate of the Net Additional Cost (costs-savings) to local authorities for each year	Not Known
Discussion with authorities	
13. 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.	<p>We have had pre consultation meeting with a range of stake holders on the regulations as a whole at which the Association for Directors of Children's Services were present.</p> <p>LGA in separate pre-consultation</p> <p>Consultation undertaken as part of the Care Matters White and Green papers prior to the act.</p> <p>Consultation with IRO networks</p> <p>IRO work practices survey with over 75 LA's responding</p>
14. Give a brief description of the authorities' views, particularly on costs and financing (note: there is no obligation to agree final finance assessments	These proposals have already been consulted on in principle via the Care Matters Green and White Papers. However this consultation will give us

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<p>with them).</p>	<p>further opportunity to gather LA's views on the cost implications of the proposed regulations.</p> <p>Generally on the Regulations: In the pre consultation meeting stakeholders were generally supportive of the regulations as a whole but did have some reservations about the details that we will be consulting on. LGA was generally supportive but their comments were general. It should be noted that the primary audience of the consultation will be local authorities so they will have opportunity to consider and comment in detail on our proposals</p> <p>IRO Changes: Detailed discussions on the options for improving the IRO have taken place with CAF/CASS.</p> <p>Most IROs themselves felt that they should remain employed by the local authority, with certain provisos such as increased separation of line management from operational activity; standardisation of monitoring and reporting; independent legal advice; and common agreement on the role and position of IROs in care planning for children in care. This view was echoed by other respondents including local authorities who felt that taking IROs out of the local authorities would weaken their power and influence.</p> <p>Extension of Independent Visitor Requirement: When consulted during the white and green papers on care professionals welcomed the proposal to extend independent visitor access to a wider group of looked after children and suggested specific groups (e.g. disabled children). Young people themselves were strongly supportive and thought that all looked after young people should have the opportunity to have an independent visitor</p>
<p>Providing the resources</p>	
<p>15. Has the lead department identified where the funding for this new burden is coming from? Please give details.</p>	<p>The funding has already been identified through the Care Matters (see below and attached Annex B) Impact Assessment and funding provided through the Area Based Grant. The specific elements of care matters funding that relate to the proposed regulations have been identified in Section 12</p> <p>Care Matters White Paper Implementation Funding: £13.5m in 2007-08 and £67.9/£74.6/£85.6 million over the 2008-11 comprehensive spending review period, including capital funding (£2.5/2.5/5m). We have made available a change fund for local authorities who have audited their systems for supporting children in care and those on the edge of care and identified their priorities for improvement.</p>
<p>16. 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?</p>	<p>Refer to Section 12</p>

<p>17. 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?</p>	<p>N/A</p>
<p>18. 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?</p>	<p>As has already been stated, the proposed regulations largely consolidate existing regulations going back to 1991. Thus much of these regulations is part of existing local authority practice and does not essentially change the requirements on local authorities.</p> <p>Those areas where there are additional burdens funds have been provided via the care matters funding in the Area Based Grant and this is identified in the previous sections of this assessment.</p>
<p>Finance Director's Sign Off</p>	
<p>19. 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: ANN COLLINS</p> <p>Date: 4/11/2009</p> <p>Telephone Number: 0207 340 7690</p> <p>Address: Sanctuary Buildings Level 5, London.</p>

Please send the form to the relevant Communities and Local Government contact in Annex C.

For completion by the CLG New Burdens Team:

Date received: Reference number:

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ANNEX A: COMMUNITIES AND LOCAL GOVERNMENT AND HM TREASURY - MAIN CONTACTS

The main contacts in the Communities and Local Government New Burdens Team; the Communities and Local Government Spending Review and Payments Team; and HM Treasury are listed below. Note that, as highlighted in the guidance, departments are also responsible for assessing all new burdens on local authorities which originate from their executive agencies and their sponsored bodies.

Communities and Local Government: New Burdens Team

Nick CLANCY (020 7944 6259 or GTN 3533 6259)

Jon BENNETT (020 7944 8839 or GTN 3533 8839)

Robert CRANGLE (0207 944 3054 or GTN 3533 3054)

Justin VETTA (020 7944 4027 or GTN 3533 4027)

E-mail: `firstname.secondname@communities.gsi.gov.uk`

Address: New Burdens Team, Communities and Local Government,
Zone 5/D2, Eland House, Bressenden Place, SW1E 5DU

Communities and Local Government: Spending Review and Payments Team

Nick ALLAN (020 7944 4015 or GTN 3533 4015)

Paul S ANDREWS (020 7944 4013 or GTN 3533 4013)

E-mail: `firstname.secondname@communities.gsi.gov.uk`

HM Treasury

HM Treasury switchboard: 020 7270 4558

Where departments wish to contact the Treasury about new burdens issues, this should initially be done through the relevant Treasury Spending Team.

Additional information on Local Government Finance can be found on the Communities and Local Government website at www.local.communities.gov.uk

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ANNEX B Care Matters White Paper Costing Table

Proposal	07-08 (£m)	08-09 (£m)	09-10 (£m)	10-11 (£m)
Chapter 2 - Family and parenting support				
Develop improved access to short term breaks for both disabled and non-disabled children	0	0	0	0
Put in place a 'gateway approach' to family and friends care to make sure that it is considered as an option at each stage of decision-making - courts	0	0	0.99	2.08
Put in place a 'gateway approach' to family and friends care to make sure that it is considered as an option at each stage of decision-making – new framework	Local Authorities can draw from change fund			
A Centre of Excellence in Children's services.	0.515	3.4	4.1	5.2
Chapter 3 - Placements				
The Change Fund to support local authorities transitioning into new arrangements set out in this chapter	0	5	7.5	10
We will introduce a statutory duty to secure a sufficient and diverse provision of quality placements within the local authority area – needs assessment	0	0	1.5	0
We will introduce a statutory duty to secure a sufficient and diverse provision of quality placements within the local authority area – new duty	Local Authorities can draw from change fund			
Strengthen the statutory framework so that a local authority may not place a child out of its local authority area unless it is	Local Authorities can draw from change fund			
satisfied that such a placement is in the child's best interests.				
National rollout of the Fostering Changes Programme	0	0	3.0	3.0

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New system of enforcement to ensure that providers comply with the relevant minimum standards.	Local Authorities can draw from change fund			
Requirement to visit looked after children explicit for all placements and require local authorities to have mechanisms for young people to be appropriately contact their social worker and seek advice outside these visits.	Local Authorities can draw from change fund			
Extending the requirement to visit to those children who were voluntarily accommodated immediately before entering custody.	0	0	3.0	3.0
Visiting disabled children in long term residential placements	0	3.75	3.75	3.75
Strengthening the Local System of Approval for Foster Carers	0	0.2	0.1	0.1
Invest in a locally delivered campaign to recruit foster carers from a diverse range of backgrounds, working with LAs to build on the lessons we have learned from previous experience and research	0.5	0.1	0	0
<i>Chapter 4 - A first class education</i>				
Requirement that the local authority must ensure that a child or young person's education is not disrupted as a result of care planning decisions.	0	0	0	0
Put the role of designated teacher on a statutory footing, supported by training and statutory guidance clearly setting out their role and responsibilities.	0	3.3	3.3	3.3
From 2008 all children in care not reaching the expected standards will receive an entitlement of £500 a year to support their educational and developmental needs.	0	18.75	18.75	18.75

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Make clear to local authorities, through revised Children Act Guidance, that the cost of transport, including for disabled children who may face particular transport barriers, should not act as a barrier to children in care remaining in a school placement	0	0	0	0
<i>Chapter 5 – Health and well-being</i>				
Introduce the new role of the personal advisor to pregnant young women in care - modelled on Sure Start Plus.	0	0	1.35	1.35
Ask schools to ensure that children in care are eligible for free access to the extended schools subsidy	0	0	0	0
Ensure that the families or carers of children in care will not be charged for music tuition.	0	0	0	0
Ask every local authority to provide a pack to carers, via social workers, setting out the activities available in their area; we will provide a national template for these packs	0.45	0	0	0
<i>Chapter 6 - Transition to adulthood</i>				
Extend the provision of a personal adviser (PA) and maintain a pathway plan to age 25	0	2.25	3.6	4.5
In the child's trust fund, £100 per year for every child who spends the year in care.	0	0.74	0.92	1.12
Introduce a national bursary, requiring local authorities to provide a minimum of £2,000 for all young people in care who go onto University.	0	1.0	1.0	1.1
<i>Chapter 7 The role of the practitioner</i>				
Reviewing and strengthening the independence of	0	0.6	1.3	1.9

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Independent Reviewing Officers				
As above – contingency for more court cases	0	0	0.5	0.5
Independent visitors	0	3.0	3.0	3.0
Exploring the implications of strengthening the focus on core functions for social workers' basic and post-qualifying training	0	0	0	0
Options for Excellence	0	21	21	21
Social Pedagogy in residential care	0.2	0.5	0.5	0.5
Multi-Dimensional Treatment Foster Care (MTFC)	4.0	3.8	1.0	0
Pastoral Care in FE	0	0	0	0
Budget-holding Lead Professionals for children in care	0.27	0.27	0	0
Right2B Cared4	2.0	2.0	2.0	0.1
Staying with foster carers until 21	0	2.20	1.66	1.26
Sub total	12.727	57.892	69.450	73.150
<i>Pilots</i>				
Social work practices	0.1	2.04	2.04	2.04
Multi Systemic Treatment Foster care	3.0	3.0	3.0	3.0
Family Drug and Alcohol Courts	0.15	0.15	0.15	0
Regional Commissioning Units	0.75	0.05	0	0
Virtual Head teacher and the Private Tutoring Pilots	0.792	1.792	1.44	3.6
Social Pedagogy in residential care	0.2	0.5	0.5	0.5
Multi-Dimensional Treatment Foster Care (MTFC)	4.0	3.8	1.0	0
Pastoral Care in FE	0	0	0	0

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Budget-holding Lead Professionals for children in care	0.27	0.27	0	0
Right2B Cared4	2.0	2.0	2.0	0.1
Staying with foster carers until 21	0	2.20	1.66	1.26
Sub total	12.727	57.892	69.450	73.150
Advocacy for disabled children	0.1	0	0	0
Adoption (ongoing work)	1.498	1.498	1.498	1.498
Total	1.748	2.168	1.598	1.598

