



The Michael Sieff Foundation is a registered charity which has been at work since 1987. The Foundation is dedicated to improving policy and practice for the well-being of children and young people.

Response to the Consultation Paper Powers to delegate children's social care functions

In three brief pages issued in a Consultation Paper on 17 April 2014 the Government is setting the ground for a radical change of local government responsibilities for their work with children and young people. For such a major policy development the consultation period of six weeks, ending on 30 May, is unacceptably short.

The key proposal lies in paragraph 3.3. It states: 'The Children and Young Persons Act 2008 provides a power to extend or restrict by affirmative regulations the range of relevant care functions that may be delegated by local authorities. This consultation sets out a proposal to make regulations extending the relevant care functions to cover nearly all local authority social services functions related to children.'

The relevant part of the Act is Sections 1 (6) and (7).

Regrettably neither the Consultation Paper nor the draft Regulations are explicit about what is meant by 'nearly all local authority social services functions'. It gives the appearance that the state's duties towards vulnerable children are vested in local authorities simply for them to decide whether to retain responsibility or delegate it to voluntary agencies or privately funded profit-making organisations.

It is not for example clear whether the proposals could empower a local authority to transfer the power to make applications for care or supervision orders to a third party. Our interpretation would be that section 31 of the Children Act 1989 would prevent that but there should be no ambiguity in legislating for the responsibility for such important powers.

Safeguarding children within a multidisciplinary environment has proved difficult within the existing child care system. There is no evidence to suggest that the introduction of organisations whose primary objective is to make profits would improve the system.

There are likely to be other examples within the extensive Schedule 1 of the Local Authority Social Services Act 1970 where responsibilities should be retained by local authorities. In our opinion there might be merit in extending some responsibilities, eg as with children's homes, but there must be core duties for which local authorities have to be answerable to Members and their electorate and to the Courts, in a way which neither voluntary agencies nor profit making organisations can be.

Without having far more information about the detailed scope of the proposals, which should be provided for on the face of the legislation, these regulations should not be affirmed.

The Michael Sieff Foundation

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