

# Policy framework: key legislation and policy developments

Owing to the complexity of this fast-moving policy area, it is impossible to compile a comprehensive list, so an attempt has been made to set out key legislation and new policy initiatives relevant to the study. *(Please note – I have not yet had time to update this since the Election so the names of Ministers will be out-of-date. This will be rectified as soon as possible and links to key websites will be added.)*

## Cross-cutting

### **Cabinet Committee on Children and Young People's Services**

The Cabinet Committee on Children and Young People's Services, is chaired by Gordon Brown with David Blunkett (Education) as the vice chair and includes the Deputy Prime Minister, Lord Chancellor, Home Secretary, Secretaries of State for Social Security, Health, and others. Its aims are to co-ordinate policies to prevent poverty and underachievement among children and young people, co-ordinate and monitor the effectiveness of delivery, and work with the voluntary sector to build a new alliance for children. The Cabinet Committee is supported by the cross-cutting *Children and Young People's Unit*.

### **The Children and Young People's Unit (DfEE)**

Paul Boateng, Home Office Minister, is also the Minister for Young People, with day to day responsibility for *The Children and Young People's Unit* (DfEE), which will also report to David Blunkett. The Unit will administer the Children's Fund (£450m to tackle child poverty and social exclusion 2001-2004) and monitor how well Whitehall departments work together to serve vulnerable children. The Unit will produce an annual report on the Government's strategy for youth inclusion and will establish and oversee mechanisms for consulting with and listening to children and young people, with the assistance of voluntary organisations.

### **The Social Exclusion Unit (Cabinet Office)**

The Social Exclusion Unit was set up by the Prime Minister in December 1997 to help reduce social exclusion by promoting better inter-Departmental and inter-agency working. Most of its work is project based. The recommendation for a cross-cutting Children and Young People's Unit came out of Policy Action Team (PAT) 12 work on the National Strategy for Neighbourhood Renewal. The Unit covers England only.

### **Children's Commissioner (Wales)**

Following the recommendations of Sir Ronald Waterhouse in his report *Lost in Care*, the Care Standards Act 2000 established the role of Children's Commissioner in Wales. Peter Clarke was appointed to this post in December 2000. The Children's Commissioner for Wales Bill, mentioned in the December 2000 Queen's Speech, would extend these powers to allow the Commissioner to examine the cases of individual children, and monitor the arrangements for complaints and advocacy in a wider range of agencies, including schools and NHS hospitals.

### **National Childcare Strategy**

The National Childcare Strategy was launched in 1998, aimed at ensuring access to high quality affordable childcare (for 0-14 year olds) for every family who needs it. The main delivery agents are Early Years Development and Childcare Partnerships (EYDCPs). Early Excellence Centres have also been funded to develop good practice.

## **Sure Start**

Sure Start multi-agency partnership schemes, costing over £1bn in total, are planned in 500 deprived areas between 1999 and 2004, and intended to reach a third of children under five who live in poverty. The aim of the programme is to work with parents and children to promote the physical, intellectual and social development of pre-school children, through better access to family support, advice on nurturing, health services and early learning, so that children are ready to thrive at school. Early identification and support of children with learning difficulties is emphasised. Yvette Cooper of the DoH is the *Sure Start* Minister.

## **Connexions**

The *Connexions* service, a cross-Whitehall initiative located in the DfEE, will provide personal advisers for all 13-19 year olds, targeting those most at risk of underachievement. Local partnership schemes will be phased in from April 2001. Advisers will be expected to work closely with other agencies, for example, Youth Offending Teams, housing and health services, to ensure that vulnerable young people receive a co-ordinated service suited to their individual circumstances. Advisers will also be responsible for planning transition post-16 for young people with SEN and offering robust support to care leavers.

## **Disability Discrimination Act 1995**

The Disability Discrimination Act confers new rights in the areas of employment, goods and services and buying or renting land or property. The Act requires also schools, colleges and universities to provide information for disabled people. It also set up the National Disability Council.

## **Human Rights Act 1998**

Many of these rights are relevant to services for children with disabilities, and it is known that in practice they may not be respected. In particular: the right to respect for private and family life; the right to an education that respects religious and philosophical convictions; the prohibition of torture or inhumane or degrading treatment; and the right to freedom of expression.

## **Disability Rights Commission Act 1999**

This Act set up the Disability Rights Commission

# **Health and social care**

## **Health Act 1999**

The Health Act 1999 introduced the duty of partnership, the option for budget pooling by different agencies, lead commissioning and money transfer powers.

## **NHS Plan (England)**

The *Children's Services Taskforce*, is one of the ten Department of Health Taskforces which will deliver the NHS Plan (July 2000). Objectives include the improvement of services for children with disabilities, the implementation of Quality Protects, and maximising NHS and social care input into Government cross-cutting programmes.

## **NHS Plan for Wales**

The NHS Plan for Wales (January 2001) emphasises the commitment made to partnership working in the NAW's December 2000 consultation document *Children and Young People – A Framework for Partnership*. It gives an undertaking to review the health and health services needs of children in Wales by 2002, and to put out to consultation the external Learning Disabilities Advisory Group's report to the NAW, with a view to publishing a service framework for people (including children) with learning disabilities. The Plan sets out the expectation that Local Health Groups will take a leading role in forming health and social care partnerships through the implementation of the freedoms and flexibilities introduced in the 1999 Health Act.

## **Health and Social Care Bill 2001**

Currently passing through the House of Lords, this Bill would allow the formation of Care Trusts to integrate the delivery of health and social services in England.

### **National Learning Disability Strategy**

The *National Learning Disability Strategy*, due to be published as a White Paper in March 2001, is likely to emphasise the need for better partnership working between the NHS and local government and to examine how the flexibilities of the Health Act 1999 could be applied.

### **Quality Protects**

The *Quality Protects* social services programme for children in England (total funding £885m over 1999-2004) has introduced a multi-disciplinary assessment framework for children in need and their families (*Framework for the Assessment of Children in Need and their Families 2000*), with earmarked grants of £60m for services for children with disabilities.

### **Children First**

A parallel social services-led programme, *Children First* (total estimated funding of £66.4m over 1999-2004), has been introduced in Wales. While there is no earmarked funding for children with disabilities, there are a number of specific additional sub-objectives to ensure that this group benefits. Children with disabilities are a formal policy priority in Wales.

### **Carers and Disabled Children's Act 2000 and National Carers Strategy**

The *Carers and Disabled Children's Act 2000* introduced the right for those with parental responsibility for a child with disabilities to an assessment of their ability to care, an extension of the direct payments scheme to parent carers, and the power for councils to run voucher schemes for them. The direct payments scheme was also extended to 16 and 17 year old disabled young people to purchase their own care.

### **Health Action Zones**

A number of HAZs have set up partnerships to improve services for children with disabilities.

### **Children Act 1989**

This Act introduced a comprehensive framework for the care and protection of children, including the identification of and support for 'children in need', including children with disabilities.

### **UN Convention on the Rights of the Child 1989**

## **Education**

### **Draft Revised Code of Practice on the Identification and Assessment of Pupils with Special Educational Needs**

The proposed revised SEN Code of Practice seeks to streamline the identification process of children with special educational needs, reducing it from 5 to 3 stages, and emphasising role of school-based support and monitoring. (Introduction planned late 2001/early 2002.)

### **Special Educational Needs and Disability Bill 2000**

Strengthens the right of children with SEN to be educated in mainstream schools; requires LEAs to establish parent-partnership schemes and arrangements for conciliation in case of dispute over statements; and places new duties on LEAs and schools not to treat disabled pupils less favourably than others.

### **Meeting Special Educational Needs: A Programme of Action (DfEE, 1998)**

#### **Shaping the future for special education (NAW)**

These documents set out action plans to implement the proposals in the respective 1997 Green Papers, over three years.

Important subsequent initiatives include:

development of an assessment scale to support target-setting for pupils with SEN;  
establishment of SEN regional co-ordination projects to support joint-planning by LEAs and other agencies, in particular in relation to training, data and meeting low incidence needs; and  
Schools Access Initiative: providing £220 million over three years to improve the accessibility of school buildings.

### **Excellence for All Children: Meeting Special Educational Needs (DfEE, 1997 – Green Paper)**

#### **The BEST for special education (NAW, 1997 – Green Paper)**

These Green Papers on SEN give a commitment to greater inclusion and set out six themes to underpin policy:

high expectations for all children;  
inclusion of children with SEN within mainstream school wherever possible;  
better support for parents;  
shifting resources from remediation to early intervention/prevention;  
increased opportunities for staff development; and  
strong local partnerships to underpin provision.

### **1996 Education Act**

The arrangements for identifying and providing for children with SEN are set out in the 1996 Education Act (and prior to this the 1993 and 1981 Acts). This is supplemented by a statutory Code of Practice (1994 – currently being revised), which sets out a five stage process for identifying and meeting special educational needs.

### **Fair Funding**

These new funding regulations (effective from April 1999) have significantly increased the proportion of funding delegated to schools. Higher delegation targets from April 2001 will put strong pressure on LEAs to delegate substantial SEN resources to schools, although some may still be retained centrally.