

LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL

Venue: Town Hall, Moorgate
Street, Rotherham.

Date: Thursday, 23 March 2006

Time: 3.00 p.m.

A G E N D A

1. Apologies.
2. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
3. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
4. Declarations of Interest.

For Discussion/Decision:-

5. Minutes of the Previous Meeting held on 9th February, 2006 (herewith). (Pages 1 - 4)
6. Profile of Looked After Children in Rotherham (report herewith) (Pages 5 - 10)
(To receive update.)
7. Draft Work Programme for 2006/07 Municipal Year (report herewith for discussion) (Pages 11 - 13)
(To discuss draft work and suggest items for inclusion.)
8. Role of Councillors As Corporate Parent for 2006 / 07 (report herewith on progress) (Pages 14 - 18)
(To receive update on progress of the review.)
9. Overview and Implications of the Adoption and Children Act, 2002 (report herewith) (Pages 19 - 26)
(To receive report.)
10. Co-option Arrangements (information herewith for confirmation) (Pages 27 - 29)
(To confirm Co-optees.)

- 2 Foster Carers
- 2 Designated Governors
- 2 Care Leavers

11. If this were my child ... A Councillor's Guide to being a good Corporate Parent (attached) (Pages 30 - 71)
(For information and future reference.)

Membership:-

Chairman – Councillor G. A. Russell.

Vice-Chairman Councillor McNeely.

Councillors Burke, Dodson, Jackson, P. A. Russell, Sangster, Senior, St.John, Thirlwall and Whelbourn.

**LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL
9th February 2006**

Present:- Councillors Councillor G. A. Russell (in the Chair); Councillors Jackson, McNeely, Senior, St. John and Whelbourn.

1. APOLOGIES

Apologies for absence were received from Councillors Dodson, P. A. Russell and Sangster.

2. MINUTES OF THE PREVIOUS MEETING

Agreed:- That the minutes of the meeting held on 8th December, 2005 be received as a correct record.

3. MATTER ARISING – CO-OPTED MEMBERS

The meeting was informed of the action taken, that the matter was being progressed and that further information would be available at the next meeting.

4. DRAFT TERMS OF REFERENCE

Consideration was given to suggested draft Terms of Reference which had been amended since the last meeting.

Comments were made which related to :-

(a) amending No. 2 to delete reference to visiting fostered children and their carers;

(b) include specific reference to the five themes of "Every Child Matters" in No. 3;

(c) the role of school governors in respect of Looked After Children and child protection issues.

Agreed:- (1) That the draft Terms of Reference be amended as discussed.

(2) That information be submitted to the next meeting on the role of school governors in respect of Looked After Children and child protection.

5. PROFILE OF LOOKED AFTER CHILDREN IN ROTHERHAM

Dave McGee expanded on information submitted which set out a profile of numbers of looked after children and current placements as at January, 2006.

The profile indicated the type of care, total number in care and their age distribution.

Trends over the past three years indicated a reduction in the number of Looked After Children and the reasons for this were reported.

Comments on the profile were :-

(a) updated profile information to be submitted to each meeting of this Sub-Panel, the information to include:-

- Gender
- ethnicity
- comparators
- the various types/categories of Looked After Children

(b) the need for more information on the Leaving Care Service.

(c) the situation in respect of children from outside Rotherham MBC being in private homes in Rotherham and being educated at Rotherham schools.

Agreed:- That the information as requested at (a) and (b) above be submitted to the next meeting, the information to include a diagram setting out the various types/categories of Looked After Children (in an understandable format as requested by Councillor St. John !!!).

6. EDUCATIONAL ATTAINMENT OF LOOKED AFTER CHILDREN

Consideration was given to reports submitted which set out information relating to:-

- performance indicators in respect of absenteeism for the past four years compared with targets;
- action taken to monitor and reduce absence from school by Looked After Children and the challenges involved

A breakdown was submitted of current performance by Looked After Children who have missed school this academic year, the information submitted indicated the situation for the children concerned.

Also submitted was information from 2003 to the present, on Looked After Children who were not entered for GCSE's together with a breakdown of the reasons.

Subsequent comments on the information made reference to :-

- how Rotherham compared with other authorities
- the number of people involved when meetings take place to discuss a looked after child and how this comes to fruition particularly in respect of a child's Personal Education Plan
- the ways in which a school reports a child's absence and how it can be improved (e.g. electronically)
- the level of attendance at school by children in residential homes

- how parents with Children in Care Orders are informed when a child is not attending school

Agreed:- (1) That future meetings of this Sub-Panel receive up to date information on current performance relating to Looked After Children who do not regularly attend school.

(2) That an update on progress with schools regarding notification to the LEA of a child's absence from school be given at a future meeting.

(3) That a report on Transition arrangements be submitted to a future meeting.

(4) That arrangements be made for members of this Sub-Panel to visit the Get Real Team's office base.

7. DATE AND TIME OF NEXT MEETINGS

It was agreed that the next meetings take place as follows :-

Thursday 23rd March, 2006 at 2.00 p.m.

Thursday 29th June (to be confirmed)

September 2006 (to be confirmed)

“Looked After Children”

(in foster care or residential care within or outside Rotherham and, in some cases, at home with parents)



Section 31 Care Order gives L.A. (shared) parental responsibility.

Care Order does not remove parental responsibility from the parents.

The principal responsibility rests with the L.A. but parents' responsibility remains an ever-present feature.

The L.A. is 'encouraged' (power not a duty) to look at ways in which it can share the care of the child with the child's parent.

L.A. has same duties and responsibilities to protect and promote welfare for all Looked After Children.



Section 20 - Child accommodated by L.A. with parents' agreement

No shared parental responsibility - Parents may seek return of child at any time.

Section 20 - L.A. may seek to obtain Section 31 Care Order (and thus parental responsibility) if L.A. concerned about child returning home or parent is not exercising appropriate parental responsibility.

Section 20 child or young person returns home to care of person exercising parental responsibility - L.A. has no parental responsibility but retains duties and responsibilities associated with 'Children in Need'.

Section 20 young person, from 16+, may leave Local Authority care, but L.A. has duties and responsibilities under the Children Leaving Care Act to protect and promote welfare until the young person is 21 or 25, if in education (N.C.H. Support).

Section 31 children may be placed at home following assessment - L.A. retains shared parental responsibility until child is 18 or Care Order discharged. The child or young person is still classed as "Looked After".

Section 31 young people can leave L.A. care at 16. L.A. retain parental responsibility until 18 but has other duties and responsibilities to the young person under Children Leaving Care Act until young person is 21 or 25 if in education (N.C.H. Support).

Adoption - When a child or young person is adopted, the Care Order ceases. L.A. and birth parents cease to have parental responsibility. Parental responsibility is exclusive to the adopters.

A **Special Guardianship Order** gives the special guardian parental responsibility for the child. Unlike adoption, under a Special Guardianship Order the parents remain the child's parents and retain parental responsibility, though their ability to exercise this is extremely limited. The making of a Care Order does not bring Special Guardianship to an end.

Residence Order - Holder of a Residence Order has parental responsibility. On the making of a Residence Order, a Care Order comes to an end - So the child ceases to be Looked After.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICES

Report for Looked After Children Scrutiny Panel
23rd March, 2006 - 3.00 p.m. until 5.00 p.m.

Profile of Numbers of Looked After Children
and Current Placements as at January 2006

Rotherham Council currently has 323 children in our care.

Type of Care	Total in Care	Age Distribution (Years)				Total
		0 - 5	6 - 10	11 - 15	16+	
Placed for Adoption	15	11	4	0	0	15
In Foster Care	230	46	67	88	29	230
Independent Living	4	0	0	0	4	4
Residential Within Rotherham	17	0	0	11	6	17
Residential Outside Rotherham	5	0	1	3	1	5
Residential School	3	0	0	1	2	3
Other Residential	9	1	0	1	7	9
Placed with Parents	40	7	9	13	11	40
Totals	323	65	81	117	60	323

Type of Care	Total in Care	Ethnicity									Total	
		White - British	White - Irish	White - Other	Asian - Pakistani	Black - African	Mixed - White and Asian	Mixed - White and Black Caribbean	Other - Any	Not Recorded		
Placed for Adoption	15	14	0	1	0	0	0	0	0	0	0	15
In Foster Care	230	214	3	1	1	3	2	4	1	1	1	230
Independent Living	4	4	0	0	0	0	0	0	0	0	0	4
Residential Within Rotherham	17	17	0	0	0	0	0	0	0	0	0	17
Residential Outside Rotherham	5	5	0	0	0	0	0	0	0	0	0	5
Residential School	3	3	0	0	0	0	0	0	0	0	0	3
Other Residential	9	9	0	0	0	0	0	0	0	0	0	9
Placed with Parents	40	39	0	0	0	0	1	0	0	0	0	40
Totals	323	305	3	2	1	3	3	4	1	3	1	323

Type of Care	Total in Care	Gender		Total
		Female	Male	
Placed for Adoption	15	6	9	15
In Foster Care	230	95	135	230
Independent Living	4	2	2	4
Residential Within Rotherham	17	6	11	17
Residential Outside Rotherham	5	3	2	5
Residential School	3	0	3	3
Other Residential	9	5	4	9
Placed with Parents	40	13	27	40
Totals	323	130	193	323

For 238 of these 323 Young People the council shares legal parental responsibility.

Between April 2005 - February 2006, 24 children have been adopted (anticipate a further 8 - 10 before March 2006).

Trends over the last 3 years show a reduction of Looked After Children.

- 2002/3 420 Looked After Children
- 2003/4 380 Looked After Children
- 2004/5 360 Looked After Children
- 2005/6 323 Looked After Children

This is consistent with our corporate group, strengthened gate-keeping, flexible and creative use of resources and challenge protocols which have all influenced this improved position.

Attendance for Looked After Children

This academic year to date we have 14 LAC who have missed 25 days of schooling, as of 10/02/06, they break down as follows:

Child	Year Group	Type of Care	Number of days missed	Commentary
A and B	8	Parental Care	62.5	Transition support into new school, family support by Education Welfare Officer - significant improvement
C	8	Residential Care	57	Re-integration into Fenton wood PRU & programme in place - now has full attendance
D	8	Residential Care	92	Behaviour of significant concern. Secure application being sought; part time programme still in place
E	9	Parental Care	47	No Longer a Looked After Child
F	10	Residential Care	31	Incentives in place and support - significant improvement.
G	10	Residential Care	51	New placement in Sheffield, liaison with Sheffield to support him into Mainstream school in Sheffield, will be joining Titans project after Easter to support re-integration
H	10	Foster Care	50.5	Prevented Permanent exclusion, currently on an off site package due to medical/ mental health issues.
I	11	Residential Care	25	Engaged in GCSE English course and support from PA to consider future options
J	11	Parental Care	37	Full time table in place - attendance has shown improvement
K	11	Foster Care	39	1:1 work offered to ensure all course work is completed for GCSE, sanctions and rewards in place to improve attendance
L	11	Foster Care	49	Attends teaching sessions but sees no value in attending school. Get Real continuing to work with both girls to try to address this
M	11	Parental Care	65	Total school refuser; turned 16 and decided he no longer had to attend. Has engaged in offsite teaching GCSE and is pursuing a work placement.
N	11	Parental Care	96	Total school refuser refuses to engage with services; possible drug user. Get Real team visiting weekly to try to engage. Education Welfare Services involved.
O	11	Out of Authority	70	Significant improvement seen in attendance - regular contact established

		residential		with Residential Placement.
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Initiatives put in place to improve Multi-agency Approach to Attendance

- Representation at Special Head Teacher Meeting and Primary Cluster meeting to raise the importance of the need to contact the Get Real Team on the first day of absence for any Looked After Child.
- A paper was presented at the secondary Heads Meeting endorsing the point above.
- All Year 11 pupils who have poor attendance have an Action plan in place to ensure they meet the best possible outcomes for the end of statutory education.
- Liaison with the Education Welfare Service to ensure individual officers are aware of the Looked After Children in their school cluster.
- Re issuing of the Letter to Parents who have children at home on Care Orders outlining their responsibilities in regard to school attendance and implications of their failure to comply with this. (This letter is to be sent out shortly)
- Each child who has high attendance is allocated within the team and an individualised Action Plan has been put in place.
- Multi-Agency Conference on Friday 17th March 06 to address the importance of achievement and attendance of Looked After Children.

Current Position

At a half way point in the academic year our current position in regard to the performance indicator is 7%. This is a very encouraging position to be in at this time of the year.

Performance Indicator

% of LAC looked after for 12 months or more who have missed 25 days of schooling for any reason:

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. Meeting:	Looked After Children Scrutiny Sub-Panel
2. Date:	23rd March, 2006
3. Title:	Draft Work Programme
4. Programme Area:	Chief Executive's All wards

5. Summary

The report outlines a draft work programme for the Looked After Children Scrutiny Sub Panel for the 2006/07 municipal year.

6. Recommendations**That members:**

- a. discuss the work programme and consider whether additional items should be added.**

7. Proposals and Details

Each scrutiny panel must plan its forward work programme. Members of the Looked After Children scrutiny sub-panel have recently agreed its Terms of Reference. It is suggested that its work programme is structured around its key points. These include:

- To review reports on Councillor visits to children and young people's residential establishments;
- In liaison with Cabinet Member for Children and Young People's Services, to meet with looked after children and young people;
- To consider and monitor reports on the extent to which the Council is meeting its statutory responsibilities to looked after children and care leavers;
- To consider progress on meeting targets in Fostering and Adoption;
- To receive regular progress reports on the preventative measures being taken to reduce the overall number of children in the care of the Council;
- To keep under review the Council's arrangements for ensuring that it fulfils its role as corporate parent;
- To consider an annual report on the Council's performance as a Corporate Parent;
- To monitor the effectiveness of the Council's Corporate Parenting Strategy.

8. Finance

There are no financial implications arising directly from this report. However, recommendations arising from the sub-panel may have financial implications should they be implemented.

9. Risks and Uncertainties

The work programme is flexible and issues may be referred to the Sub-Panel which are not known about at this stage. The work programme therefore, must be realistic in terms of the Sub-Panel's capacity to properly examine issues that come before it. If additional items are added, the panel may have to re-prioritise which issues it wishes to scrutinise.

10. Policy and Performance Agenda Implications

Scrutiny panels have a key role in scrutinising the effectiveness of services. The areas identified for future scrutiny should complement the priorities identified in the Community Strategy and Corporate Plan and the Every Child Matters agenda.

11. Background Papers and Consultation

This report has been brought at the request of Cllr Ann Russell

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Draft - Outline Work Programme 2006/07

Looked-After Children scrutiny sub-panel

Month/Theme	Presentations	Other Reports	Quarterly reports
June	<ul style="list-style-type: none"> • Services for Care Leavers Involving Neighbourhoods, Connexions, relevant benefits staff 	<ul style="list-style-type: none"> • Reporting fostering and adoption activities 	<ul style="list-style-type: none"> • LAC Profiles • Issues emerging from visits to Children's residential units
September	<ul style="list-style-type: none"> • Health services to LAC • Consultation and participation activities 	<ul style="list-style-type: none"> • Issues emerging from Joint Area Review • Complaints • Update of Corporate Parenting review 	<ul style="list-style-type: none"> • LAC Profiles • Issues emerging from visits to Children's residential units
December	<ul style="list-style-type: none"> • Educational achievement LAC 	<ul style="list-style-type: none"> • Progress report on steps taken to minimise non-authorised absence of LAC • Outcome of Local Public Service Agreement -Adoptions 	<ul style="list-style-type: none"> • LAC Profiles • Issues emerging from visits to Children's residential units
March	<ul style="list-style-type: none"> • Children's Residential Units 	<ul style="list-style-type: none"> • Update of services to care leavers • Annual report – Corporate Parenting Activity 	<ul style="list-style-type: none"> • LAC Profiles • Issues emerging from visits to Children's residential units

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. **Meeting:** **Looked After Children’s Scrutiny Panel**
2. **Date:** **23rd March, 2006**
3. **Title** **Role of Councillors as Corporate Parents**
4. **Programme Area:** **Children and Young People’s Services**
5. **Summary**

Members of Social and Community Support Scrutiny Panel and Lifelong Learning Opportunities Scrutiny Panel undertook a review of the Members’ role as Corporate Parents. The review considered how corporate parenting is undertaken in Rotherham.

The Scrutiny Review was received by Cabinet on 6th July, 2005. An Action Plan was endorsed by the Lead Member for Children and Young People’s Services and by Children and Young People’s Services Scrutiny Panel. Updates to the Action Plan were presented to Lead Member on 27th September, 2005.

6. **Recommendations**

That the Members:

1. **Receive the report and approve the updated Action Plan.**
2. **Receive regular updates on the progress of the Action Plan**

7. Proposals and Details

Following the review, work has been undertaken to assist Elected Members to further develop their role as Elected Members by direct contact with staff and service users.

All Members have had access to training on their role as Corporate Parents and have received bulletins giving them recent relevant information about the Looked After children in Rotherham.

8. Finance

The training was delivered by R.M.B.C. officers and hosted at the Town Hall. The costs were met within existing budgets.

The Looked After children's Young Champions Awards were also financed from revenue budgets. Links with sponsors were made and the cost was approximately £6,000 as opposed to previous years at £20,000.

9. Risk and Uncertainties

The Local Authority has 327 children Looked After:-

- 49 children and young people are at home on Care Orders, subject to the necessary regulations.
- 198 children and young people are subject to Care Orders.
- 45 children and young people are subject to Interim Care Orders.
- 35 children and young people are accommodated by the Local Authority.

There are a number of key performance indicators in relation to this group. In summary, the Annual Performance Assessment recognised significant improvements and good performance in a number of key performance areas.

10. Policy and Performance Agenda Implications

As identified, we have a number of high performing areas in relation to Looked After children and 4 key thresholds:-

- ◆ Stability of Placements
- ◆ Number of Children Adopted
- ◆ G.C.S.Es. Attained
- ◆ Care Leavers in Employment, Education and Training

All of the above are in the top quartile.

Our areas for improvement as identified in the Annual Performance Assessment are number of days of Looked After children are absent from school and Health Assessments for Looked After children.

11. Background and Consultation

The May 2005 Annual Performance Assessment documented strengths and areas for development. This was confirmed by the Dataset Outturn of July 2005. All Children's Residential Units managed within the Local Authority have an annual Announced Inspection together with a number of Unannounced Inspections. The reports from the Unit's Inspections inevitably identify areas of good practice and areas of improvement. Last year's Inspections confirmed where standards were met and where they fell below the National Standards. Generally, the Units were providing a good level of service to the residents of those Units.

Fostering Services are reviewed annually and Adoption Services every 3 years, both these services were inspected in March 2005, with a positive outcome. Fostering Services were inspected in November 2005 and a positive outcome and improvement on March 2005 inspection. Separate reports detailing the outcome of the Inspections have been provided to the Children's Director and Cabinet Member and Advisers.

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Role of Councillors as Corporate Parents

Update on Recommendations

Rec. No.	Recommendation	Update
10.1.1	Ensure that the new Executive arrangements for children and young people's services maintain an overview of services to address the needs of LACYP and care leavers. This should include health, education, employment and training, leisure, housing and social care	Completed.
10.1.2	That the Lead Member for Children's Services ensures that the Children and Young People's Board addresses the needs of LACYP and care leavers through its partnership arrangements	Completed.
10.1.3	That work is undertaken to develop a corporate parenting policy and strategy in the Council and work be undertaken to ensure that relevant protocols are developed and adopted by partners	Draft presented at Members' Training - January 2006.
10.2.1	That appropriate mandatory training be undertaken with new members to introduce them to the corporate parenting role as part of their induction	January 2006 - First training event.
10.2.2	That all relevant Executive and Scrutiny Members, including those on the Fostering and Adoption Panels, undertake mandatory training on their corporate parenting role	Partially met. Further training required.
10.2.3	That regular bulletins should be issued to all members updating them of service developments and key messages	Second bulletin has been distributed.
10.2.4	That guidance should be developed and issued to all members of their corporate parenting role. This should also include protocols for visits to residential units.	Presented at training for Members. To be entered into Members' Handbook.
10.2.5	The briefing/seminars on the corporate parenting role should be scheduled into the Member Development programme	Head of Scrutiny Services and Member Support to action.
10.3.1	That a leaflet is developed and distributed to all LACYP and care leavers explaining the role of councillors as their 'corporate parents'	Outstanding work to be completed in June 2006.
10.4.1	That a LAC Scrutiny sub-panel be set up	Scrutiny Chair.

Rec. No.	Recommendation	Update
10.4.2	That regular meetings be set-up with LACYP (those in foster placements) and care leavers..... to meet relevant members...co-ordinated through LAC sub-panel	Lead Member and Scrutiny Chair have met with children and young people in various forums.
10.5.1	That members who are school governors be encouraged to take-up the role of designated governor for L.A.C.Y.P.	Senior Scrutiny Adviser to facilitate.
10.6.1	That funding is identified and secured for annual celebration events for L.A.C.Y.P. and foster carers.	Young Champions Event held on 6th March - Total cost £6,000, having engaged sponsors and local facilities.
10.7.1	That the Youth Cabinet is encouraged to explore strengthening the representation of LAC in their structures	Completed.
10.7.2	That further work be undertaken through 'Voice and Influence' to develop links with LACYP and care leavers and existing Children's Rights Group and care leaver's organisation	Completed.
10.7.3	That consideration be given to developing a 'buddying' or shadowing arrangement to enable LACYP and/or care leavers to be linked to executive or scrutiny members	Bi-annual meetings with Members arranged. 'Buddying' arrangements target - October half-term for Cabinet Member, Scrutiny Chair and Leader. 'Buddying' with Mayor targeted for Christmas 2005.

Rotherham Borough Council – Report to Members

1. **Meeting:** **Looked After Children’s Scrutiny Panel**
2. **Date:** **23rd March, 2006**
3. **Title:** **Overview and Implications of The Adoption and Children Act, 2002**
4. **Programme Area:** **Children and Young People’s Services**

5. Summary

On 30th December, 2005, the Adoption and Children Act, 2002 will be fully implemented.

The Adoption Act, 1970, no longer meets the needs of children in a society that has seen significant social, cultural and technological changes. The Adoption and Children Act, 2002, recognises these changes and represents a comprehensive and radical overhaul of the legislation relating to adoption and the provision of adoption services.

The new Act takes many elements from good practices developed and already in use by practitioners to reform and modernise adoption practice.

Anyone working in the child care field, particularly those involved in planning for children will be affected by the new legislation and will need to be aware of its impact on their role and that of their colleagues.

6. Recommendation

That Members receive the report, note the new duties and responsibilities and resources required for the full implementation of the Act.

7. Proposals and Details

The Development of the Act - Legislative Background

February 2000

The Prime Minister commissioned a review of adoption by the Performance and Innovation Unit of the Cabinet Office.

July 2000

The Performance and Innovation Unit published its review report as a consultation document and proposed that the Government introduce new adoption legislation.

December 2000

The Secretary of State for Health presented to Parliament the White Paper - Adoption: a new approach. This underpins the Government's drive to:-

- Modernise the adoption system
- Make it work more clearly, consistently and fairly
- Promote greater use of adoption where appropriate.

November 2002

The Adoption and Children Act, 2002, received Royal Assent and modernises the entire existing legal framework for domestic and intercountry adoption.

2003 - 2004

Key provisions of the Act were implemented including:

- 1 June 2003 - new restrictions on intercountry adoption
- 31 October 2003 - the first phase of adoption support services for adoptive families
- 1 December 2003 - parental responsibility for unmarried fathers who jointly register the birth of their child with the mother
- 1 April 2004 - advocacy services for children and young people making complaints
- 30 April 2004 - the first phase of the Independent Review Mechanism

31 January 2005

- Change in definition of 'harm' in the Children Act 1989.

30 December 2005

The following regulations come into force on 30 December 2005. They represent the main Statutory Instruments by which the Adoption and Children Act 2002 will be implemented in England.

- The Adoption Agencies Regulations 2005
- The Adoption Support Services Regulations 2005

- The Adoptions with a Foreign Element Regulations 2005
- The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005
- The Restriction on the Preparation of Adoption Reports Regulations 2005
- The Suitability of Adopters Regulations 2005
- The Special Guardianship Regulations 2005.

Throughout the development of the regulations and the accompanying guidance, every effort has been made to involve all parties with an interest.

The Key Principles That Live at the Heart of the Act

Makes the child's welfare paramount

- The Act places the needs and welfare of the child at the centre of the adoption process. It makes the child's welfare the paramount consideration in all the decisions by courts and adoption agencies relation to their adoption, including whether to dispense with a parent's consent to adoption.
- It also introduces the use of the 'welfare checklist' into adoption work. This brings the Act into line with the Children Act 1989.

Highlights the need to prevent delay

- The Act emphasises the need to avoid undue delay in planning for permanence and adoption when children cannot be cared for by their own birth family.

Promotes the importance of planning for permanence

- The Act widens the options for permanence by extending residence orders to 18 years where appropriate and by introducing a new permanence option called special guardianship.

Widens the range of potential adoptive parents

- The Act widens the range of people who can be considered as prospective adopters by allowing unmarried couples to adopt jointly.
- The Act aims to encourage more people to adopt by placing a duty on local authorities to ensure that the support and financial assistance needed is available to people affected by adoption.

Takes a lifelong view of adoption

- The Act acknowledges the lifelong impact of adoption on all parties. It sets out a new and more consistent approach to the release of sensitive and identifying information held in adoption records.

The Adoption of Children Act 2002 has a number of significant strands with implications for practice and opportunities for new approaches.

- **Regulation of Adoption Agencies**

Rotherham Council is an approved Adoption Agency. There are new regulations that govern adoption agencies including the process of assessing prospective adopters and new restrictions on who may write adoption reports. There are significant implications for Rotherham in this regard.

The Child's permanence report is a key document and there will be certain safeguards which permit only certain social workers to write one.

- A qualified social worker with 3 years post qualifying experience who is in child care social work, including direct experience of adoption or
- A student (or a newly qualified social worker) supervised by a social worker with the relevant experience.

This requirement has significant resource implications, as the supervisor must have some knowledge of the child in order to approve the report. This may require duplication of work.

- **Financial support**

Regulations in 2003 introduced the duty for Local Authorities to provide a range of support services including financial support to adoptive families. The 2005 regulations and guidance build upon the first phase.

Financial support is payable to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made.

Financial support may be paid to an adoptive parent in the following circumstances:

Child

Where it is necessary to ensure that the adoptive parent can look after the child.

Special Care

Where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect.

Special Arrangements

Where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption by reason of:

- The age or ethnic origin of the child or
- The desirability of the child being placed with the same adoptive parent as his brother or sister, or another child with whom he has previously shared a home.

Contact

Where such support is to meet recurring costs in respect of travel for the purpose of contact visits between the child and a related person.

Costs

Where the local authority consider it appropriate to make a contribution to meet the following kinds of expenditure:

- Legal costs
- Introducing an adoptive child to his adoptive parent
- Accommodating and maintaining the child.

Financial support cannot normally include any element of remuneration to the adoptive parent. However, where an adoptive parent was previously the child's foster-carer, and they received an element of remuneration as the child's foster parent, they can receive an element of remuneration for up to two years from the date of the adoption order. It may be paid for longer in exceptional circumstances at the local authority's discretion.

Means testing

The local authority must consider the financial circumstances of the adopter and the financial needs and resources of the child. Under the new regulations, the local authority **may disregard** financial circumstances when they are considering providing financial support in respect of the following:

Settling in

The settling in grant when a child is first placed with the family - it is not expected that this payment will be means tested but the local authority may wish to means test, for example, an adaptation to the home.

Contact

Travel costs to maintain contact between the child and a related person.

Special needs

Costs of caring for a child with special needs.

Siblings

When a child is being placed with siblings or is a child who is hard to place.

Remuneration

Remuneration to foster carers who have gone on to adopt.

The local authority **must disregard** the means test when it is considering the following:

- Legal costs and court fees where an adoption order is applied for
- Expenditure for purpose of introducing a child to his adoptive parents.

- **Adoption records**

The duty of an agency to store, safeguard and provide access to adoption case records remains broadly similar to the requirements in the 1976 Act, but there are also some additions in relation to access to information.

Agencies must keep records secure but whereas previously adoption records were required to be kept for 75 years after an adoption order was made. they must now be kept for 100 years.

- **Independent Review Mechanism**

A new concept of Independent Review Panels has been introduced allowing prospective adopters to make representation if their adoption agency proposes not to approve them as suitable to adopt a child.

Where a prospective adopter does not accept the agencies qualifying determination that they are not suitable to adopt they can request a review of the determination by writing to the Independent Review Panel Administrator, the agency must provide the Independent Review Panel with all the relevant documents within 10 working days of being notified by the Independent Review Panel Administrator.

The Independent Panel Administrator has been developed regionally with membership from a number of voluntary sector agencies, administered by British Agency for Adoption & Fostering (BAAF). Rotherham's regional is in Leeds and BAAF currently appoint and regulate the panel membership. Each case referred will cost the home authority approximately £3,000. To date none have been referred from Rotherham.

- **Adoption Support**

The Act introduces a duty for Local Authorities to undertake an assessment of adoption support needs when considering an adoptive placement, and has enhanced the provision of a core set of adoption support services. Rotherham has a Service Level Agreement in place with After Adoption Yorkshire who provide some services to birth parents who have had their children adopted. The major resource implication is the duty of the Local Authority to provide longer term support services to children and adoptive families both in their area and those requiring specialist provision placed outside their Local Authority.

- The Act also identifies the range of people who can adopt. Previously with unmarried couples one person could adopt and the other would have to seek a residence order in order to gain Parental Responsibility. With the new Act both parties are able to adopt.

The Act aims to encourage more people to adopt by placing a duty on the Local Authority to ensure that the support and financial assistance needed is available to people affected by adoption.

8. Finance

As already identified there are a number of financial implications for Local Authorities, both overt and hidden.

The new requirements to ensure that Adoption reports are written by workers within this field or managed by workers in this field will be challenging with our current staffing difficulties. We have used sessional staff and agency staff at critical points in order to maintain standards and performance, this is more costly than our own staff resource.

The Independent Review Panel will cost £3,000 per referral plus staff and administration time.

The duty to provide support services has already been presented to the agency with an interesting 'test case' of an adoptive family being out of the area who have identified what they regard as excellent support services able to meet the complex needs of their adoptive child and support the Carers with their parenting. The cost is £30K per year. The assessment process identified that this would be required for the next 3 years.

Duties to offer non-means tested setting up grants and facilitate contact costs are also costly. In the financial year 2005/06 we are projecting to spend £30,000 on Adoption equipment, this is an increase of £22,000 on 2004/05. This reflects the higher rate of adoptions this year but also, in approximate terms, we now anticipate £1,000 set up cost for each adopted child. In addition, foster carers who adopt should be offered a 2 year 'cushioning' from losing Fostering Allowances (that are non-means tested). On average the Local Authority has approximately 3 children who are in foster placements who are adopted. The cushioning described may add an additional £8,000 per child so, hence, an additional £24,000 per year. Therefore, the increase expenditure anticipated for the next financial year would include £10,000 for

therapeutic work (1 child), 30 adoptions would cost £30,000 in set up grant, 3 foster children adopted would cost approximately £25,000 in cushioning allowances. In addition, we have our first case referred through to the Independent Review mechanism at a cost of £3,000+. This will total approximately an additional £70,000 for the next financial year.

9. Risks and Uncertainties

The Act in full has only just been implemented and the guidance notes have only been available since late December 2005. Rotherham has been preparing by a series of training events in autumn 2005 which trained senior and first line managers to roll out training for other staff. This was in addition to our 'in house' legal services who have also assisted in delivering training.

The courts have begun to prepare for other changes, for example 'Freed for Adoption' order being replaced by 'Placement orders'. The Courts have also taken a keen interest in post adoption support plans. Adoption panel members have been offered sessions on the new legislation and have access to panel solicitors for advice and information.

Some of the guidance poses challenges for our service resources but also an acknowledgement that the Act does provide for Best Practice. The training notes and advice are well presented and useful tools to assist.

10. Policy and Performance Agenda Implications

Rotherham Adoption Agency is currently rethinking policies and procedures in order to be compliant with the new Act. Our Adoption Inspection of March 2005 was positive and annual performance outcome within the top quarter.

The Service is inspected every 3 years so a further inspection is not due again until March 2008, although cases including adoption will be considered during the Joint Area Review.

Our projected L.P.S.A target should result in between 32 -34 Adoptive placements made this year. Although this does not make the target of 39 it is still a very high performance rate.

11. Background and Consultation

Adoption and Children Act, 2002
Consultation with Frances Jeffries, Service Solicitor - Social Services, RMBC
Legal Services

Contact name: Pam Allen, Acting Head of Service ext 3905
pam.allen@rotherham.gov.uk

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL
2.	Date:	23 March 2006
3.	Title:	Co-option onto the Looked After Children Scrutiny Sub-Panel
4.	Programme Area:	Chief Executive's All Wards

5. Summary

This report gives the Panel the opportunity to consider co-optee nominees for the 2006/07 and 2007/08 municipal years.

6. Recommendations**That Members:**

- a. agree that the period of co-option should be for the 2006/07 and 2007/08 municipal years;
- b. agree the nominations for 2 co-optees representing foster carers and care leavers;
- c. determine which designated governors it wishes to co-opt onto the sub-Panel

7. Proposals and Details

- 7.1 All scrutiny panels in Rotherham co-opt representatives from outside bodies or groups as non-voting members onto their panels or working groups. These can be for the municipal year or for the duration of a review.
- 7.2 Historically, representatives of external organisations are co-opted onto the Panel for one municipal year, however at its meeting of 21 December, 2005, Performance and Scrutiny Overview Committee (PSOC) agreed that the period of co-option should be extended to two years to ensure continuity.
- 7.3 At its meeting on 8 December, 2005, the LAC Scrutiny Sub-Panel agreed to seek two co-optees from each of the following categories:
- foster carers,
 - designated governors for children in public care and
 - care leavers.
- 7.4 Relevant bodies were contacted and two nominations each were received from foster carers and care leavers. It is recommended that these nominations are approved by the panel.
- 7.5 With regards to designated governors, at the time of writing seven nominations have been received for two co-optee places. It is suggested that co-optees are selected on the basis of type of school, one representing secondary and one primary, with further consideration being given to geographic location.

8. Finance

Any additional expenses arising from having co-optees on the Panel (e.g. additional travel or catering costs in connection with a review or off-site meeting) will be met from existing Democratic Services budgets.

9. Risks and Uncertainties

It is impossible to devise a list of co-optee organisations that comprehensively covers all issues that may be covered by the Panel, as the Panel membership may become unwieldy in number. However, it should be noted that the Panel has the option of co-opting additional specialists for any specific matter that it sees fit, as well as for scrutiny reviews.

10. Policy and Performance Agenda Implications

Involving external co-optees helps the Panel understand the different economic, social and local impacts when taking decisions on policies and activities.

11. Background Papers and Consultation

- Minute 118, PSOC 21 December, 2005

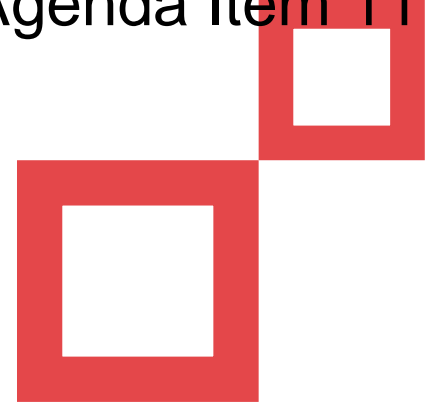
- Minute 4, LAC Scrutiny Sub-Panel, 8 December, 2005
- Co-option Scrutiny Review – June 2004
- Cllr Ann Russell, Chair of LAC Scrutiny Sub Panel

Contact: *Caroline Webb, Senior Scrutiny Adviser, direct line: (01709) 822765*

e-mail:

s Officer:-

If this were my child...



A councillor's
guide to being
a good
corporate
parent

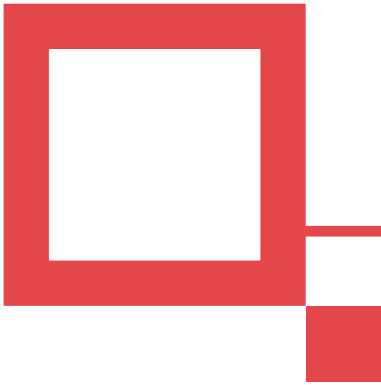


A joint publication from
the Department for Education and Skills
and the Local Government Information Unit

October 2003

This publication was supported by The Education Network and the Democratic Health Network, partner organisations of the Local Government Information Unit.

This publication was written by Jessica Crowe. Cllr Crowe is Deputy Mayor of the London Borough of Hackney and a former policy officer of the Local Government Information Unit.



Foreword

by Margaret Hodge Minister for
Children, Young People and Families

Many of you will remember receiving the letter from the then Secretary of State for Health, Frank Dobson, in 1998 announcing the launch of Quality Protects, and the vital role you would play in it. When thinking of the services we provide as corporate parents, he suggested we asked ourselves “Is this good enough for my child?”. By asking that question, we are most likely to ensure that the most vulnerable children are given the best that society can offer: the care, safety and security and opportunities to make the most of their lives that all children deserve.

One of the greatest successes of the Quality Protects Programme, and a key element in implementing this agenda, has been the enthusiasm with which it has been grasped and driven forward locally by councillors. The concept of corporate parenting – the collective responsibility across services and across councils to safeguard and promote the life chances of looked after children – is widely understood. However, with councillor turnover and changes in the roles of councillors, we all need to ensure this understanding remains current. So we were pleased when the Local Government Information Unit approached us with the idea of this joint publication to help you play an active part in continuing the improvements to children’s services seen under the Quality Protects programme.

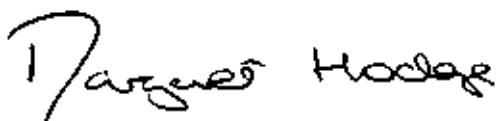
When the Quality Protects programme was launched in 1998 one of the main aims was to improve the well-being and life chances of children looked after by local authorities. The programme has been a key part of our Government’s wider strategy for tackling social

exclusion. Our commitment to improving the life chances of looked after children is underlined by a Public Service Agreement target which focuses on

- Improving outcomes for care leavers
- Reducing offending of looked after children
- Improving the educational engagement and attainment of looked after children.

In 2000 the Department of Health and the Department for Education and Skills issued Joint Guidance to local authorities, underpinned by a Department of Health Circular, *The Education of Children and Young People in Public Care*. This guidance was specifically to 'assist local authorities in their role as corporate parents' to safeguard and promote the education of children in their care. To support the guidance an Education Protects programme was launched to assist local authorities improve educational support and outcomes. This work continues apace, with the Social Exclusion Unit's report *A Better Education for Children in Care*; Choice Protects aiming to improve placement quality and choice for children; and the implementation of the Adoption and Children Act 2002.

In September 2003 the Government published a Green Paper *Every Child Matters* setting out our vision for every child to be healthy, safe, grow up enjoying and achieving, and making a positive contribution to society, and to grow up in good economic circumstances. The Government is committed to improving the life chances for vulnerable children. My appointment as the first Minister for Children, Young People and Families is testament to that. I hope you will use this booklet to help you play your part.

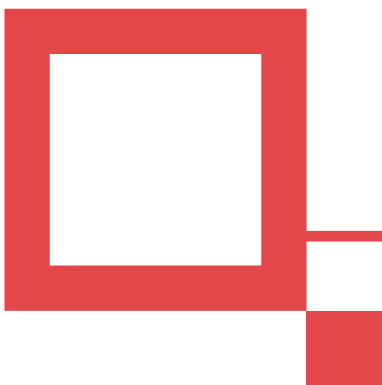


MARGARET HODGE MBE

Minister for Children, Young People and Families

“Elected councillors have a crucial role. Only you can carry it out. You can make sure that the interests of the children come first. You bring a fresh look and common sense. As councillors you set the strategic direction of your council’s services and determine policy and priorities for your local community within the overall objectives set by Government. It is the responsibility of your officers to manage services and resources in order to achieve those policy objectives and to advise your council on the best way forward. Councillors and officers need to have a good dialogue to ensure that councillors clearly understand their role and responsibilities, and that officers understand the expectations of your council.”

Extract from Frank Dobson’s letter to all councillors, September 1998



1. Introduction

1.1. If this were my child,...

When you became a councillor, you also became responsible for ensuring that the council acts as the “corporate parent” for all the children in its care. The role of corporate parent is to seek for the children in public care the outcomes that every good parent would want for their own children.

A common misconception about children in care is that they are there because they have done something wrong. This is untrue. The overwhelming majority of children in care are there because of family pressures and problems or because they have experienced abuse or neglect.

Once a child is in care, all members and officers of the council, as their corporate parents, need to be concerned about that child as if they were their own. This concern should encompass their education, their health and welfare, what they do in their leisure time and holidays, how they celebrate their culture and how they receive praise and encouragement for their achievements.

Glossary of terms

There are many terms that you may come across which professionals use to describe children in need under the Children Act 1989. Below are simple definitions of the most common:

looked after children – these are children who are looked after by the local authority through a care order made by a court or by agreement with their parent(s), whether in a residential home, with other members of their extended family or with foster carers. These are the children for whom the council is the corporate parent and are the children about whom this publication is primarily concerned.

children in need – these comprise a much wider group of children who are assessed as being unlikely to achieve or maintain a reasonable standard of health or development without access to services. The Children Act says all disabled children are children in need, as are those whose names are on the child protection register (see below).

children at risk of harm – these are children about whom there are concerns that they are or may be at risk of suffering harm through abuse or neglect. Your council will maintain a child protection register of the names of children who are the subject of a child protection plan because of continuing concerns about their safety. It will monitor closely their safety and developmental progress.

1.2. Ensuring a joined-up approach

The corporate parenting responsibility is towards children looked after by your council, and therefore applies to members of local councils with social services responsibilities – unitary and metropolitan authorities, London boroughs and county councils. However, it is important to bear in mind that it is not just social services that impact on these children. Section 27 of the Children Act 1989 places a duty on health, housing and education authorities to assist social services authorities in carrying out their functions under the Act – this includes assisting in their corporate parenting function.

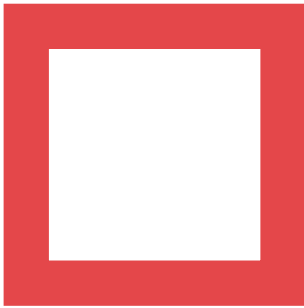
Members should seek to ensure that provision of other public services used or needed by looked after children and young people is high quality, “joined-up” and takes account of their needs. The Green Paper proposes the model of a Children’s Trust which can include:

- the local health service
- Sure Start and Children’s Fund programmes
- early years provision
- the Connexions employment and training service
- the Learning and Skills Council
- the Local Education Authority and schools
- Further and higher education providers and training providers
- Youth Offending Teams (Yots)
- the council housing department, housing associations or management companies who may run some or all local social housing

- the council's leisure and library services
- other services that may be contracted out to private or voluntary sector organisations

For members in county councils you need to engage with the district councils in your county to make them aware of the needs of your looked after children in relation to the services that they provide. Ensuring the voices of the children and young people themselves are heard by other authorities, services and agencies is vital.

To provide guidance on the sorts of issues you should be aware of in all the different roles you have as a councillor, this publication contains a series of different questions for you to think about. Do not worry if you do not know all the answers immediately or cannot remember them! The important thing is that you know how you can find out the answers, and that your authority has developed a means of informing you and updating that information.



2. Being a good corporate parent

2.1. Who is a corporate parent and what do they do?

The council as a whole is the “corporate parent”, therefore all councillors have a basic level of responsibility for the children in their authority’s care. This requires there to be mechanisms for all councillors to receive accurate information and be able to find out about the basic issues faced by such children in their area.

This section outlines the policy areas of which all councillors need to be aware. The following sections on scrutiny and the executive suggest some of the additional specific responsibilities and issues involved for members taking on these functions. The issues in this publication are equally relevant to England and Wales. There are some small differences in the guidance and approach taken; sources for this and other information are mentioned in the **Resource File** at the end of this document.

2.2. Checklist

1. Do you receive regular information on and know the answers to the key questions about children in your area (see box below)?
2. Does your authority provide training and information for you as corporate parents, about the issues for and concerns of children in your area?
3. Does your authority provide specific training for any councillors who may come into contact with looked after children, for example by visiting children's homes?
4. How do you know what issues concern the young people in your council's care? What arrangements are there to enable you to enter into a dialogue with children for whom you are corporately responsible and for you to respond to their views?
5. Is there an occasion at least once a year for the council to hear from looked after children and young people and foster carers and to celebrate their achievements?

2.3. Key questions for councillors

Key questions for councillors

1. How many children in need, children whose names are on the child protection register, looked after children and care-leavers are there in your area? How old are they and what sort of help do they need?
2. In particular how many are from ethnic minorities and how many are disabled?
3. Are your looked after children safe?
4. How well does the authority look after them?
5. Are they all in school or is there alternative educational provision? How well are they doing at school, college or university and what needs to be done to improve educational outcomes?
6. What are their health needs?
7. What are their housing needs?
8. What specific support is there when they leave your care?
9. What is happening to make sure they don't get into trouble?

Good Practice in Dudley and Gateshead – Informing councillors

Dudley and Gateshead, among other councils, are issuing all councillors and officers with a Corporate Parenting Pack, containing the strategy for looked after children and joint policy statements from Social Services & Health and Social Services & Education.

Key question 1. How many children in need, children whose names are on the child protection register, looked after children and care-leavers are there in your area?

Key question 2. In particular how many are from ethnic minorities and how many are disabled?

- How many children are there in each of these categories?
- What is their ethnic and cultural background?
- Do they have any disabilities or other special needs?
- Are they involved in any offending behaviour?
- What trends are there in any of these figures?
- What arrangements are there for members of the council to listen to and act on the views of young people?

Of particular concern should be the ethnic and cultural make-up of these groups of children. For example, if there is an imbalance between the proportion of children of a particular ethnic group in care and their proportion in the local population overall, councillors will need to ask questions to try to understand the reasons for this.

Councillors will also want to ask questions about disabled children who are over represented amongst children in care. They are more likely to be looked after in residential settings, sometimes with poor links with their families. All children in residential schools, paid for by social services should be supported as looked after children, although research shows this is not always the case. Disabled children are vulnerable if not protected by regular contact with a social worker and when regular reviews of their needs are not carried out.

It is important to be aware of children placed in residential schools, especially those who end up living a long way from their home area or home council. Often these placements are paid for jointly by social services and education, and the children should receive the same support as those living within the borough. They should be seen as looked after in the same way as other children in care, for example, do they have a social worker who keeps in contact and regularly review their needs? Children in such situations can be particularly vulnerable. Even though they are placed in another borough, councillors in the home

authority do not lose their parental responsibility for these children and councillors must ensure that such children are properly cared for. Another growing group of vulnerable children, who come within the scope of the Children Act and are likely to be looked after children, are unaccompanied asylum-seeking children. Members should be aware of the particular needs and isolation of any such children in their area.

In addition, you need to be satisfied that your council is meeting the cultural and religious needs of looked after children. Many authorities send Christmas cards and presents to their looked after children; other religious festivals should also be marked and celebrated in some appropriate way.

Key question 3. Are your looked after children safe?

Councillors have a responsibility to ensure that arrangements are in place to promote the welfare of children in the care of the local authority, and to protect them from abuse and neglect. Where there are concerns about the welfare or safety of a child who is accommodated or the subject of a Care Order, the guidance in the *Framework for the Assessment of Children in Need and their Families* and *Working Together to Safeguard Children* must be followed, as for any other child.

You will need to consider how well you ensure that children in the care of the local authority are protected from abuse – emotional, physical and sexual – and from neglect. To this end, you will wish to ensure that your council has implemented the guidance in *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families*. Indeed, you should receive regular reports on the use of this guidance including how many staff have received training (including induction and continuing staff development) on it. You should also receive regular reports including statistics on the number of looked after children whose names are on the Child Protection Register.

Good Practice Example: Gateshead

Gateshead Council introduced the training pack, *Towards Safer Care* to a wide-ranging multi-agency audience, via its Area Child Protection Committee (ACPC) training sub-group. This, together with a Corporate Action Plan, helped to increase the awareness of key staff of the risks to children from potential abusers.

- Do staff receive training on *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families*?
- If looked after children experience concerns about their own safety, do they have someone trusted to talk to?
- Do foster carers and staff responsible for looked after children know what to do if they have concerns about a child's safety?

- Do staff and foster parents have regular training on what to do if they have concerns about a child's safety?
- How many looked after children's names are on the child protection register? What are the reasons for looked after children's names being on the register?
- Are all the necessary recruitment checks carried out?
- Are effective management systems and procedures in place to support front line staff working with looked after children?
- Are there appropriate procedures in place for use when a child goes missing from care (including foster care)? Have the measures in *Children Missing from Care and from Home* been implemented for children in care?
- Does the Local Authority work effectively, through the Area Child Protection Committee (proposed in the 2003 Green Paper to be replaced by a statutory Local Safeguarding Children Board), with the other local agencies responsible for the provision of services to looked after children?
- Are the specific needs of disabled children addressed in child protection protocols?

Key question 4. How well does your local authority look after them?

- What services are available for children in your area and looked after children in particular, and how much do you spend on providing them? Do looked after children have access to the full range of services available to all children?

This could range from advocacy and advice services, for example on sex education or drugs abuse, to provision of information about services that children and young people can access, to youth work and leisure activities providing safe opportunities for play and exercise.

- What needs are you unable to meet and why are you unable to meet them?

Good practice in Nottingham – children's advocacy

Nottinghamshire County Council and Nottingham City provide independent advocacy services for children through a partnership with National Children's Homes.

- For children looked after by your council, what type of placement are they in – foster care, residential home, custody – and how many placement moves have children had?
- Are they in the right placement in the first place?
- How many children in your care are living in placements outside your authority, where you will have less opportunity to influence whether or not they do well?

- Do all looked after children have an allocated social worker and are all case files kept up to date and reviewed regularly?

One of the greatest problems for children in care is the upheaval caused by frequent moves from one type of placement to another, between foster carers and even from one area to another. Each placement move may require the child – already traumatised by the events at home that have led them into care – to change schools, make new friends or develop new relationships with a different set of adults and professionals.

While some placement moves, particularly for children placed in emergency care are essential, the Government wants local authorities to ensure that looked after children do not have more than three placement moves in any one year. This does not mean that if a placement turns out to be inappropriate for the child, for whatever reason, they should not remain in that placement simply in order to meet a target. However, too many placements can end because appropriate education is not in place, or if the school placement breaks down putting pressure on the carers. More needs to be done to prevent placement breakdown and Councillors need to know that in their authority children are not having multiple and disruptive placement moves.

Good practice in Dudley, Warrington and Thurrock – ways of increasing stability in children's lives

Dudley Metropolitan Borough Council has the lowest percentage of children with three or more placements in its comparator group of similar authorities and very low numbers of children placed out of the borough – reducing this from 29 to 15 in two years between 1997 and 1999. One of the ways they have achieved this is through good support to foster carers, including levels of remuneration, mentoring and involving them in service planning. (Dudley Joint Review 2002)

Warrington also has fewer placement changes than the national average and the second highest rate of family placements in their comparator group. While their levels of remuneration for foster carers are not high, they provide good support and training, with ten foster carers studying to gain NVQs. (Warrington Joint Review 2001)

Although Thurrock was assessed as lacking sufficient numbers of high quality foster carers, they have set up a specific scheme, the Phoenix Scheme, to cut out-of-borough placements, which has succeeded in doing so by 25%. (Thurrock Joint Review 2002)

Key question 5. How well are they doing at school, college or university?

- Do they have a school place, attend school regularly and how many are excluded, officially or unofficially, from school?

- Are those out of school provided with appropriate and full-time alternative learning provision?
- What progress are they making and how do they do in examinations and Standard Assessment Tests?
- Does every child have a personal education plan (PEP) and is it up-to-date?
- Do they receive the support they need to benefit from education?
- How many have a statement of special educational need and how does this compare with average rates of statementing in the area?
- How many looked after children achieve at or above what they were predicted to achieve when they entered public care (the value-added approach – see below) and what aspirations do your schools have for them?
- How does your council encourage and support young people to continue in further and higher education?
- Do you know what they want to be when they grow up?

Too many children in care are unable to achieve their educational potential. Even allowing for the effect of trauma on children before they came into care, being in care has a major adverse effect on children's educational attainment. The objectives set out in the Quality Protects programme; the issuing of joint Government guidance and the practical support offered to local authorities through the Education Protects programme has helped to focus attention on educational life chances and the vital need for corporate parenting support in improving outcomes. However, even allowing for the effect of trauma on children before they came into care, the Social Exclusion Unit Report confirms that the major barriers to achievement continue to be:

- Lack of stability;
- Time out of school;
- Insufficient help with education, particularly catching up;
- Lack of proactive support and encouragement from carers; and,
- Insufficient help with their emotional, mental and physical health.

Any good parent will want their child to do well at school and to get the best start in life. As corporate parents, it is councillors' responsibility to have the highest aspirations for children in the council's care. Ensuring close co-operation between Education and Social Services departments is crucial in this area of work.

Good practice in Nottinghamshire – raising educational attainment of looked after children

Nottinghamshire County Council has recruited a former head teacher to act as a “Virtual Head” for the educational attainment of looked after children across the county, cutting suspensions and exclusions of looked after children. Nottinghamshire has the highest percentage of looked after children leaving care with qualifications (almost 60%) in its comparator group. (Nottinghamshire Joint Review 2002)

You should monitor your council’s progress against the Government’s national target of substantially narrowing the gap between the educational attainment and participation of children in care and that of their peers by 2006.

This target will have been achieved if, by 2006:

- outcomes for 11 year olds in English and maths are at least 60% as good as those of their peers;
- the proportion who become disengaged from education is reduced, so that no more than 10% reach school leaving age without having sat a General Certificate of Secondary Education (GCSE) equivalent exam; and
- the proportion of those aged 16 who get qualifications equivalent to five GCSEs graded A*-C has risen on average by 4 percentage points each year since 2002; and in all authorities at least 15% of young people in care achieve this level of qualifications.

Statutory guidance on Education Development Plans requires local education authorities to identify strategies for raising attainment for children in public care and to set a local target for care leavers at Key Stage 4 (GCSE). *A Better Education for Children in Care* highlights the importance of using the Personal Education Plan as a planning tool.

Good practice in South Gloucestershire – raising educational attainment of looked after children

Following a poor set of performance indicators in 2000/01, South Gloucestershire has implemented a new system of monitoring pupils’ performance using a value-added approach. It requires close working between education and social services and monitoring throughout the year to track the progress made by children in public care.

Where the children achieve beyond initial expectations, they receive a letter of congratulation from the Executive Member for Education or the Director. Where their attainment is less than expected, this is investigated by a multi-agency panel and recommendations made for ways forward in the next year. (DfES/DoH 2002)

Councillors who are school governors can play a key role in pushing schools to have high expectations of and raise attainment standards for looked after children. Looked after children have said that they want schools and authorities to believe in them and to have the same aspirations for what they can achieve as for other children. This is a key responsibility for members as corporate parents.

At governing body monitoring meetings you should ask what strategies are in place for assisting looked after children in the school to do better. It may be particularly appropriate for councillor-governors to be the link governor for this issue, given your dual responsibilities as both governor and corporate parent.

Local authorities should expect LEA appointed governors to act as champions promoting the needs of children in care in schools and nurseries.

Key question 6. What are their health needs?

One of the issues children in care feel most keenly about, is not having someone to talk to in confidence about their health needs and concerns, particularly information about growing up. They also feel that the traditional annual health check required for all looked after children can be impersonal and degrading. Guidance issued in November 2002 makes changes to reflect this and gives councils new responsibilities to promote the health – both mental and physical health – of looked after children.

Independent advocacy and advice services which looked after children can access are important, as is ensuring that your authority has reviewed how it assesses the health of looked after children in a sensitive way. At a more strategic level, it is important that your authority works in a joined up way with local health services to ensure the health needs of looked after children are on the agenda.

Good Practice: The National Healthy Care Standard has been introduced in 6 pilot sites to co-ordinate multi-agency support for looked after children's health. This is delivered via a multi-agency looked after partnership (MALAP) which co-ordinates the implementation of actions and policies to improve the health of looked after children.

- How is your authority implementing the 'Promoting the Health of Looked After Children' guidance?
- How is your authority responding to proposals in the Green Paper to establish a Children's Trust as a model for the integration of commissioning and provision of services?
- See Section 4.4 below for how to use local authorities' power of health scrutiny to monitor the health service on this issue.

Good practice in Nottinghamshire – joint working with Health

Nottinghamshire have used part of their Quality Protects allocation to develop a cross-agency Corporate Parenting Agreement and recruit staff from the health and education services to deliver more joint working. (Nottinghamshire Joint Review 2002)

Key question 7. What are their housing needs?

- Is there enough affordable housing for foster carers, and/or are levels of remuneration adequate for the cost of living locally?
- What support is there for care-leavers in finding and living in their own accommodation, if necessary?
- Is there a sufficient range of supported accommodation options for care leavers?
- Are the particular needs of disabled young people leaving residential placements being met?
- If you are a member in a County Council, what links are there with District Councils over housing provision?
- If you are a member in a District Council, what arrangements are in place to ensure your corporate parenting responsibilities are recognised?

Good practice in Bolton – joint working with Housing

Bolton's Joint Review found genuine commitment to collaborative joint working with Housing, illustrated by a number of initiatives such as strong preparation for young people leaving care and responding to the needs of homeless young people. (Bolton Joint Review 2002)

Key question 8. What support is there when they leave your care?

- How many young people who left care at 16 are still in touch with their social worker, carer or other approved person at the age of 19?
- What sort of progress, for example in education, training, and employment, do young people make after they leave your authority's care?
- How does this compare with other young people in the area?
- How have the provisions of the Children (Leaving Care) Act 2000 been implemented in your area?

- If not, why not and what is being done to ensure the Act is fully implemented?
- How will they secure employment?
- How many care leavers does your council employ?

Care-leavers are over-represented in both the prison and homeless populations, indicating that spending time in care does not help prepare them for independent living when they leave. As a major local employer, the council could offer major employment and training opportunities to care-leavers, and councillors as corporate parents have a key responsibility in ensuring the council does so.

You should monitor your council's progress against the Government's national target for improving the level of participation in education, training and employment of care leavers aged 19. The target will be achieved if the levels for this group are at least 75% of those achieved by all young people in your area.

Good practice in Thurrock – supporting care-leavers

Thurrock has a Corporate Parenting Panel, which meets monthly to monitor the experiences of looked after children and was instrumental in setting up work placements in the council for care-leavers, from which some have gone on to modern apprenticeships with the council.

Key question 9. What is happening to make sure they don't get into trouble?

- How many young people in care in your authority have been in trouble with the police? How does this compare with all young people? You should monitor your council's progress against the Government's national target for narrowing the gap in offending between children in care and their peers. The target will be achieved if the rate of children in care is reduced to 7.2%. In September 2000 the rate was 10.8% which is three times the rate for all children.
- What support is available to carers concerned about a young person's behaviour?
- Are there good relationships between children's homes and the police locally?
- What activities are available so that children and young people do not get into trouble, eg access to leisure services?

The proportion of young people in care who receive a final warning or conviction is three times as high nationally than all young people.

2.4. Communications and information

To find out the answers to the key questions identified above, you need some basic information, which can be provided in a variety of ways – written or face-to-face briefings, an annual report, or opportunities to meet and hear directly from looked after children themselves.

Good practice in Oxfordshire and Gateshead – communications between children and councillors

In Oxfordshire a letter was sent to members of the Children and Young Person's Sub-Committee from "an Oxfordshire child", setting out councillors' responsibilities to all children in the county. Oxfordshire also has a Children's Rights Checklist, drawn up by children from two schools and widely circulated (used at LGIU Corporate Parenting seminar June 2002)

In Gateshead, there is a Children's Rights Officer with a wide ranging remit, including responsibility for organising the Youth Parliament, which plays a key role in linking looked after children and councillors (Safeguarding Children 2002)

Communications between children, their carers, the council and councillors are complicated. There are issues of confidentiality and respect, and the needs and interests of the child must always come first. Personal contact between councillors and looked after children on an individual basis is not generally appropriate, although they have the same rights as any local resident to visit their ward councillor, for example.

On the other hand, some contact and communication is important, both for councillors and the children and young people themselves. For councillors it can help them understand why they must take their responsibilities seriously. For the young people, it is an opportunity to express their views and concerns directly to those with ultimate policy-making authority.

Good practice in Wales – listening to children

In recent years in Wales, particular emphasis has been given by both the Assembly and Local Government to the participation of children and young people. Notable developments have been the establishment of:

- a Children’s Commissioner for Wales who can act as an independent scrutineer of and advisor on policies and service delivery affecting children, undertake investigations into individual cases where the issues at stake have wider implications, and champion children’s interests and rights;
- Funky Dragon, the Children and Young People’s Assembly for Wales, which is a representative self-governing body of national and local level forums and networks of children and young people across Wales. Its website provides a platform for children and young people to raise and discuss issues of concern. Representatives meet twice yearly with Assembly Ministers to progress these issues which are publicised for wider discussion, via the Dragon’s Dialogue report.
- Youth Forums in place or developing in every local authority area, designed to facilitate the direct input of children and young people in the local authority’s Children and Young People’s Partnership;
- School councils in all primary and secondary schools to build pupil confidence, encourage active citizenship and provide the opportunity for participation in decisions affecting the school.

Councillors should be aware of issues of concern to children. Children have raised a range of issues in the Quality Protects programme and the Choice Protects review, through the Children’s Rights Director and through A National Voice campaigns. These can include simple requests about how they are treated, for example that when moving placement, they are given suitcases rather than having to move their belongings in black bin bags.

Children ask for information about new placements before they move, and about the services available to them. They ask to be able to meet other children in care through groups, and to be able to keep in touch with extended family, old friends and old placements when they move. They also want to be listened to and to have a chance to express their opinions about being in care.

Good practice in LB Newham – listening to children

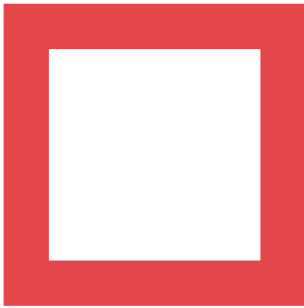
Newham's Corporate Parenting Group is chaired by the Chief Executive and involves key councillors, directorate representatives and two young people's representatives. It has its own budget and is taking practical steps on issues identified by young people, e.g. 100% of care-leavers are offered council accommodation. A young person said of this group:

"They actually listen to us and ask our views, and they act on your views, which is the crucial point."

(SSI/Audit Commission 2002)

Local authorities need to consider ways in which councillors and the children in their council's care can communicate with each other sensitively and appropriately. Ideas you could try include:

- An annual debate at full council, with presentations from groups of looked after children, foster carers and care-leavers on their experiences during the year
- An annual awards ceremony to celebrate looked after children's achievements at school during the year
- Training delivered by young people for councillors on what is important to them and how to communicate
- A newsletter from children and young people in the council's care for councillors and other individuals and agencies
- Meetings between lead members and young people and carers about issues chosen by the children and young people themselves, to their agenda
- Inviting young people's representatives to sit on relevant committees or working groups (e.g. Children's Trust)
- Work with a voluntary sector partner, to provide an independent advocate and intermediary between children and the council.



3. Being a good Executive corporate parent

3.1. Responsibilities of executive members

The new political management structures place increasing responsibility on executive members to play a corporate leadership role as an individual, rather than as a leading member of a service committee. In taking this role forward there are four major themes to consider:

- the increasing importance of political leadership
- the increasing emphasis on partnership and joined-up working
- opportunities offered by the new structures to work in a more cross-cutting way, now formalised in the Green Paper *Every Child Matters* proposals for a lead member for Children
- issues around funding, setting priorities and commissioning.

3.2. Checklist

1. Have you ensured that there is clear political leadership and responsibility for children by an identified lead member?
2. How does the lead member work with other lead members to bring in issues from other directorates and agencies?
3. Is corporate parenting considered collectively at executive meetings, or does it tend to be left to one lead member?
4. What contribution to partnership working is made by executive members?
5. What are the funding levels allocated to services for children corporately, but particularly in children's social services?
6. What approach have you taken towards commissioning appropriate levels and types of services?
7. How do you take a lead in ensuring other members are aware of their responsibilities for corporate parenting?

3.3. Providing leadership

Councillors who are members of their council's executive or cabinet have a particular responsibility to provide leadership for the local community. The importance of political leadership has been increasingly emphasised in recent analyses of performance across all areas of local public service, such as the Comprehensive Performance Assessment (CPA) and the Welsh Programme for Improvement.

In his Annual Report 2001/02, for example, the Chief Inspector for the Social Services Inspectorate Wales (SSIW) made no apology for repeating the previous year's theme: "the need for strong and effective leadership at political, corporate and professional level".

From the Annual Report 2001/02 of Joint Reviews in England, some key attributes of councils with strong leadership include:

- clear strategic direction
- clear roles and responsibilities between councillors and officers
- decision-making on the basis of good information
- ambition to raise the standards of core services

- using resources to good effect
- openness to challenge and willingness to change direction.

The importance of effective political leadership

The impact of effective political leadership is also evidenced in individual Joint Reviews:

“The roles of members is critical to the effective business management of the Social Services Department and in Bolton, members are informed, supportive, challenging and inclusive.” (Bolton)

“Strong and informed political commitment to Children’s Services has contributed positively to their successful development.” (Milton Keynes)

“Knowledgeable social services councillors ... have contributed to steady progress in most areas of performance in social services.” (Warrington)

3.4. Planning and commissioning

The Choice Protects review is looking to help local authorities improve the way that placements for looked after children are planned and commissioned. The Choice Protects national partnership in placement forum has been established, involving leading commissioners and providers, and will produce a strategic agreement describing how placement services for looked after children should be planned and commissioned. Lead executive members need to be aware of these developments and to ensure that your authority is able to respond.

Local authorities need to commission a range of placements in order to offer looked after children the best possible match. Strategic commissioning plans should be based on an assessment of current need and should also anticipate what placements are likely to be needed in the future. The strategic commissioning plan should guide the planning and development of local authorities’ in-house services and also help local authorities to commission the right placements from external providers. Commissioning placements in this way should help local authorities enter into joint commissioning and consortia arrangements, reduce unnecessary out of authority placements, and make the best use of residential care.

Effective commissioning involves market development. This requires commissioners to work in closer partnership with service providers. It is essential that commissioning strategies are based on accurate assessments of population need and that commissioners, once services have been commissioned, take reasonable steps to make sure that placements meet the needs of individual looked after children. Quality assurance needs to

have a central role within children’s placement services, and lead members have a responsibility to drive up service standards in this area.

3.5. Partnership working

All public services are increasingly being delivered through partnerships of different kinds, whether with other public sector bodies, or the private or voluntary sector. One of the developing roles for executive councillors is to play a leading role on these partnerships on behalf of their authority, rather than leaving this to chief officers as was traditionally the case.

The Government’s Pathfinder Children’s Trusts offer further opportunities for leading members to play a key part in driving up standards across service boundaries, focusing on outcomes for children. In addition to partnership bodies specifically relating to children, for example in Health and Social Care, it is important for leading members to raise issues of concern to children in the other forums in which they are likely to be active.

Good practice in Bolton and Thurrock – councillors’ roles in partnership working

In Bolton, members’ role and the corporate framework for partnership working were identified as key strengths in their Joint Review. Policy Development Groups drive this work, chaired by executive members and including stakeholders from other directorates and outside agencies. (Bolton Joint Review January 2002)

In Thurrock, according to their Joint Review, the “approach to partnership was also demonstrated at a political level: councillors saw their roles on health bodies or regeneration boards as equally important to their role in relation to council services.” (Thurrock Joint Review July 2002)

There is a need, however, to challenge the setting up of ever increasing numbers of partnership boards, cross-agency working parties, multi-agency steering groups etc, not least to avoid overload on the participants. There is also a danger that the creation of new delivery mechanisms can create new barriers and obstacles to joined-up working rather than break down old ones.

In Nottinghamshire, for example, the Joint Review found seventeen cross-agency boards and partnerships interacting in a complex web of children’s services provision – as well as the seven Local Strategic Partnerships, seven Primary Care Trusts and six Sure Start Programme Boards – and concluded:

“Because of the sheer number of organisations and the accumulating volume of partnership initiatives, all agencies are now experiencing logistical problems in

fielding managers of the appropriate authority for the time-consuming plethora of meetings.” (Nottinghamshire Joint Review December 2002)

Sometimes it may be more a matter of ensuring effective “joining-up” of existing services and ways of working, rather than setting up new partnership structures. Children’s Trusts provide a model which can simplify the complexities that have arisen as a response to joint working initiatives. A key role for members is required at Trust board level, working with other partner agencies in a comprehensive approach to the Commissioning of Services.

Good Practice in Hertfordshire – joining up services to raise educational attainment

The Education Support Service for children in care and care leavers in Hertfordshire actively supports children of statutory school age both in and outside of school time to help them raise their all round attainment. Young people beyond statutory school age are comprehensively supported in a way that widens their participation in further or higher education, training and employment.

The service is staffed by officers from a range of agencies: four Advisory teachers, one Educational Psychologist, eight Education Support Workers, four Connexions Personal Advisers, a Teenagers 2 Work and an Out of School Hours Learning Co-ordinator for children in care together with the Manager for Education, Training and Employment for care leavers and the Corporate Parenting Officer who lead the policy initiatives.

The service offers direct support to young people as agreed in the Personal Education Plan or Pathway planning process as well as a comprehensive programme of out of school hours and study support opportunities specifically aimed at overcoming the barriers to learning faced by children in care. These supported learning opportunities are offered during school holidays, after school and at weekends and are representative of the “joined-up” services within Children, Schools and Families and its partner agencies.

3.6. Cross-cutting portfolios

The new political structures offer good opportunities for members to contribute to better joined-up working through the use of themed or cross-cutting portfolios. A number of authorities, including Bolton, Oxfordshire and LB Hackney, have already created a post for Children and Young People in their executive, covering a range of services including Education, the Youth Service and Children & Families social services, and foreshadowing the recent Green Paper proposals (see relevant paragraphs on the Green Paper in Resource File 1 below). Such postholders have a brief to make links with other lead members to ensure children’s issues are taken into account in their areas of responsibility.

3.7. Funding and political priorities

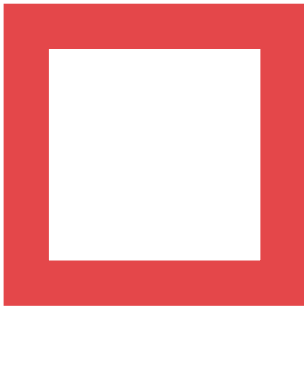
Ensuring a political priority for children across the council is a key task for the leading member responsible. When funding is required to be attached to this, difficult decisions can follow, but making a case to colleagues for necessary extra funding is one of the roles of executive members. It is, however, also true that funding levels do not appear to be necessarily correlated to service outcomes, as a comparison between Joint Review assessments and authorities' levels of spending above or below SSA shows.

Good Practice in LB Hackney – political priorities and leadership to drive service improvements

In 1999, the London Borough of Hackney received one of the worst SSI inspection reports ever issued for its Children & Families Service. At the time it was a hung council and had had no fixed Chair of Social Services for some years, with members rotating the chair for each committee meeting. Following the inspection, a commitment was made to appoint a permanent chair and a new Director and Assistant Director to provide political and managerial leadership.

At the same time, Hackney entered a major financial crisis, with millions of pounds of savings having to be made across the council year on year. However, the Chair of Social Services made a political case for major investment in the fostering service. Despite the need for savings overall, members took the decision to invest to save in Children and Families, resulting in more foster carers being recruited locally and less use of expensive out-of-borough placements.

In 2003, a Joint Review assessed Hackney's social services overall as serving most people well, with promising prospects for improvement, with particular strengths in Children and Families, concluding that "services have been transformed since 1999" and that "a determined focus on priorities has helped deliver substantial improvements". (London Borough of Hackney Joint Review 2003).



4. Being a good Scrutiny corporate parent

4.1. Asking the questions

The scrutiny function offers councillors a range of different and potentially exciting and innovative ways to fulfil their corporate parenting responsibilities. In some respects, councillors fulfilling their scrutiny function are closest to the vision set out in the original Secretary of State's letter on corporate parenting, where he described councillors as the people in the system who have a responsibility to "bring a fresh look and common sense" and "ask demanding questions about the services and resources for children in your community". (Dobson, 1998)

It is fair to say that many of these opportunities have not yet been realised, as scrutiny remains at an early stage of development in most authorities. The difficult issue is how to structure the implementation of your scrutiny role to make sure that you as councillors are picking up on all the important pieces of information relating to children looked after by the authority. The Annual Report of Joint Reviews in England by the SSI and Audit Commission in 2001/02 highlighted the dilemma:

"In many councils, there is an urgent need to engage Scrutiny Committees in a more meaningful way, so that they are not simply noting large numbers of reports, but playing an active role in investigating the most important issues in depth. Equally, scrutineers need to become skilled in monitoring the implementation of policies –

and the impact for service users and potential users – so that any criticism of policy changes is well informed.” (SSI / Audit Commission 2002)

Good Practice Example – Trent Strategic Health Authority (SHA)

Trent SHA have introduced a Looked After Health Standards document for Primary Care Trusts (PCTs) to consider during the production of their Local Delivery Plans. Standards that PCTs are expected to meet for looked after children include:

1. Ensure structures in place to plan, manage and monitor delivery of health care for all looked after children.
2. In collaboration with social services, identify appropriate designated doctors and nurses to provide strategic and clinical leadership to defined geographical population; and ensure they are appropriately trained.
3. Ensure clinical governance and audit arrangements in place to assure quality of health assessments and health care planning.
4. Ensure that where a child is placed “out of authority”; systems are in place to provide continuity of the health assessment and planning process.
5. Ensure systems are in place to make sure looked after children are registered with GPs and dentists near to where they are living – even if this is a temporary placements. PCTs must encourage GP practices to accept this standard and allow looked after children to be registered.
6. When looked after children need to register with new GP, ensure systems in place to “fast track” GP-held clinical records and dental records. Ensure systems in place through commissioning process to make sure looked after children are not disadvantaged when they move from one PCT area to another – i.e. NHS waiting lists.
7. Ensure arrangements in place for transition from child to adult health services.
8. Ensure appropriate data set collected and reviewed annually.

The introduction of Children’s Trusts offers an opportunity for the council to use their scrutiny role effectively. Now that local authorities have the responsibility to scrutinise their own services and the health services in their area, they have the opportunity to review the major activity of Children’s Trusts in a whole systems way. Several of the Trusts also envisage further roles for councillors. In Newcastle, for example, a Children’s Champion will be appointed. This will potentially be an elected member whose function will be to ‘walk

the service', scrutinise services and promote the interests of children – including all aspects of the Children's Trust.

The checklist suggests some potential avenues to explore, in particular using the new power of health scrutiny to examine how your local health service is responding to the health needs of looked after children, and seeking to consult and involve the children and young people themselves in reviewing and improving the services that they use.

4.2. Checklist

1. What kind of scrutiny structure and process does your authority need to help fulfil your corporate parenting responsibilities? Does your present structure help you do this?
2. Have all members in your authority had the opportunity to gain answers to the key questions for councillors in the previous section and checklist? If not, who is responsible for this and can you call them to account?
3. What are the key issues that are of most concern to looked after children in your authority? If you are not sure, have you considered commissioning a survey or inviting a group of looked after children to a scrutiny meeting?
4. Have you had a recent external inspection, with an action plan which the executive should be implementing and which you could monitor?
5. Using your health scrutiny powers (see below), have you considered monitoring how the health needs of looked after children are being met?
6. How do you monitor the educational achievements of the children who are in your care?
7. How would you know if young people in your care were getting into trouble with the police?
8. Are you aware of provision for looked after children, particularly care leavers, by the local housing service? If you are a county councillor, have you considered a joint scrutiny exercise with your district council colleagues of housing provision for care-leavers or foster carers, for example?

4.3. What is the best scrutiny structure to use?

There are a number of different ways of developing scrutiny effectively in relation to meeting corporate parenting responsibilities, some of which different authorities have already adopted and which your council could consider:

- On-going service monitoring and scrutiny

You may feel that you need to monitor services for looked after children on a continuous, on-going basis. You might want a scrutiny committee to receive regular reports on the local statistics relating to looked after children or on progress with implementing the Action Plan which local authorities must produce following a Joint Review.

Good Practice in Leicester – terms of reference for a Scrutiny Committee

Leicester City Council has agreed the following responsibilities for Scrutiny Committee Members (April 2003):

To take all necessary steps to scrutinise the Council's arrangements for safeguarding children, with particular reference to:

- the adequacy of funding
- staff levels and morale
- the Department's performance, including unallocated cases
- the care, education, health and achievements of Looked After Children
- that protection is accessible to all communities

- A one-off, in-depth, top-to-bottom policy review

This could be of the whole experience of looked after children, perhaps along Best Value lines, or of a particular aspect – this could be combined with the above system if on-going monitoring reveals a major problem that warrants further investigation.

Good practice in LB Camden – one-off scrutiny review

The London Borough of Camden held a scrutiny inquiry into Children Looked After by Camden in 2000, which resulted in detailed recommendations for improvements. Their inquiry heard evidence from outside experts and council officers, commissioned a questionnaire to Camden looked after children and care leavers, and the members visited a children's home and observed family case conferences.

More from: www.camden.gov.uk/yourcouncil/scrutiny_fr.htm

There are two key difficulties that need to be considered and overcome if you wish to ensure you are making the best use of scrutiny to support your corporate parenting duties and to avoid simply re-creating the old social services committee:

- How do you prevent monitoring becoming purely reactive and passive?

Members should always challenge why they are being provided with information and ask themselves and their officers what the information is telling them. There is a need to prioritise and to set the key indicators and targets for your priorities, and monitor these on the most regular basis; issues of lesser concern can be reported on less frequently, for example through a six-monthly or even annual review.

The key way of actively determining which issues are priorities to monitor, is to seek feedback from the young people themselves, from foster carers and other relevant agencies and use this to drive your scrutiny work in this area.

Good practice in Nottinghamshire – involving service users and carers in scrutiny

Nottinghamshire County Council have developed systematic means of involving service users and carers in service monitoring, drawing all feedback from a multiplicity of forums and user groups together into an annual report and action points, the implementation of which is monitored by both members and officers.

Nottinghamshire's Joint Review in December 2002 identified this as a strength and suggested it could be developed to provide more opportunities for elected members to engage directly with users and carers in order better to inform the scrutiny select committees about the outcomes achieved by services.

- How do you ensure that this work does not just become the responsibility of members of the scrutiny committee that covers social services?

There is a danger that monitoring information about looked after children could either take over that committee's agenda or – more damagingly – limit the issues covered to those in social services alone.

There are several different approaches you could take to avoid these two dangers:

- setting up a sub-committee of a main scrutiny committee to monitor specific corporate parenting concerns on their behalf
- taking a cross-cutting or themed approach to all scrutiny committees, so that all children and young people's issues are considered together
- in some authorities, this kind of on-going monitoring is shared jointly between the executive and scrutiny functions.

Good practice in Bolton – joint executive & scrutiny monitoring

Bolton have a Children's Policy Development Group, attended by the executive member, but which reports back to both scrutiny and the executive on the monitoring information it receives, including some directly from children and young people.

4.4. Power of health scrutiny

The Health and Social Care Act 2012 gives local authorities in England the power of scrutinising their local health services, supplemented in May 2013 by government guidance on how this should develop. The emphasis in the guidance is on scrutinising health issues rather than specific services provided or commissioned by the health service. It also makes clear that health scrutiny is an important way of seeking to reduce health inequalities and ensuring all agencies are contributing to health improvement.

Looked after children have a range of health needs and problems, including the fact that they often lack people to talk to in confidence about their health, personal development and anxieties. It is particularly important that looked after disabled children receive joined up services from health and social care. The emphasis in the 2012 Government guidance gives a clear remit for scrutiny members to ensure the health needs of looked after children are being met in a holistic fashion by all agencies concerned. One area scrutiny committees could address is the Child and Adolescent Mental Health Services available in their area because of the high levels of need and significant new investment by the Government.



Resource File 1

Legal and policy framework governing services for children

The overarching framework of principles is provided by the **United Nations Convention on the Rights of the Child** (UN 1989) ratified by the British government in 1991.

See: www.hri.org/docs/CRC89 for full text of the Convention.

The Children Act 1989 provides the basic framework for services for children, and gives local authorities the legal responsibility for children “in care”.

The Children Act means that all local councillors, when elected, take on this duty of being “corporate parents” towards such children, the key responsibilities of which are:

- Children in public care must be the *primary* focus for the resources and accountability of the local authority which has accepted a parenting responsibility for them
- Children who have spent a significant time being looked after by the local authority should afterwards be given the kind of support that decent and responsible parents would give to their own children
- Children in the public care and other children in need, including disabled children, should be provided with a fully rounded set of support and care services, in partnership with health and education services particularly. Without such support more children will end up in care.

See: http://www.legislation.hmsso.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm for text of the Children Act

The Children (Leaving Care) Act 2000

The Children (Leaving Care) Act 2000 requires the local authority which last looked after a young person to draw up a Pathway Plan, provide them with their own adviser, setting out the services needed to help the young person make the transition to adult life. This includes financial and other support for as long as they continue in further or higher education, recognising that parental support does not usually come to an abrupt end at the age of 16.

See: <http://www.legislation.hmso.gov.uk/acts/acts2000/20000035.htm> for text of the Children (Leaving Care) Act

The Adoption and Children Act 2002

This substantially overhauled adoption law in this country, replacing the 1976 Adoption Act and implementing the proposals from the *Adoption: a new approach* White Paper of 2000. It aligns adoption law with the Children Act to ensure the welfare of the child is paramount and confers new duties on local authorities to provide adoption support services and on the courts to ensure adoption cases progress with appropriate speed.

See: <http://www.legislation.hmso.gov.uk/acts/acts2002/20020038.htm> for text of the Adoption and Children Act

Guidance on the Education of Children and Young People in Public Care requires a nominated champion for children in care to promote inter-agency working; Personal Education Plans for Children in Care; a designated teacher in each school to promote the interests of children in care; and, the expectation of a time limit of 20 school days within which children in care who change school must be found an education placement.

The government has produced comprehensive **Guidance on Promoting the Health of Looked After Children**, which places a duty on local authorities, Primary Care Trusts and Strategic Health Authorities to ensure every child entering care has a health assessment and that a health plan is then drawn up and regularly reviewed for each child in care.

See: <http://www.doh.gov.uk/lookedafterchildren/promotinghealth.htm> for more information on health and looked after children

Quality Protects (England)

The Quality Protects Programme was launched in September 1998 by the then Secretary of State for Health, Rt Hon Frank Dobson MP, and a special grant of £885 million over five years was allocated to councils with social services responsibilities. Improvement has been the key theme of Quality Protects, based on the premise that high standards of management and practice in the care system are the best safeguards against abuse or harm to vulnerable children.

In addition to improvement and quality, a central part of Quality Protects has been an emphasis on the role of councillors as “corporate parents” to their authority’s looked after

children. This was driven by a letter from Frank Dobson to all councillors at the launch of Quality Protects, the key paragraphs of which are reproduced below.

Extract from Secretary of State's letter to all councillors September 1998

"Elected councillors have a crucial role. Only you can carry it out. You can make sure that the interests of the children come first. You bring a fresh look and common sense. As councillors you set the strategic direction of your council's services and determine policy and priorities for your local community within the overall objectives set by government. It is the responsibility of your officers to manage services and resources in order to achieve those policy objectives and to advise your council on the best way forward. Councillors and officers need to have a good dialogue to ensure that councillors clearly understand their role and responsibilities, and that officers understand the expectations of your council.

"As a councillor, you need to make sure you receive the right information so that you can ask demanding questions about the services and resources for children in your community. You need to know:

- How the overall needs of children in your community, and the likely demand for services have been estimated
- What services are being provided and how much is being spent on them
- How you can judge the quality and effectiveness of services and whether they achieve good outcomes for children. This is essential if you are to discharge your responsibilities to scrutinise and oversee the performance of your local services."

See: <http://www.doh.gov.uk/pub/docs/doh/members.pdf> for the full text of Frank Dobson's letter to councillors in September 1998

The letter provided a checklist of questions for all councillors to ask about the information the local authority should have on the numbers, types and needs of children in the area and it emphasised that all councillors collectively as the council hold the corporate parenting responsibility and should seek to exercise this in their work as councillors.

See: <http://www.doh.gov.uk/qualityprotects/> for more information about Quality Protects

Choice Protects

A new initiative, Choice Protects, focuses councils' work in improving fostering services and offering greater placement choice to looked after children, through better planning and commissioning of services. The initiative is being supported by a £113 million grant over three years.

See: <http://www.doh.gov.uk/choiceprotects/index.htm> for more information about Choice Protects

Education Protects

Recognising the key role education plays in improving the lives and life chances of all children and those who are disadvantaged in particular, a parallel initiative entitled **Education Protects** has helped to develop improvements in the educational opportunities of looked after children. Schools should ensure they have a designated teacher to advocate for children in care and liaise with other services, and every child or young person in care should have a Personal Education Plan.

See: <http://www.dfes.gov.uk/educationprotects> for more information about Education Protects

Children First (Wales)

A parallel programme has been in place in Wales since the launch of Children First in 1999. Its objectives were "to transform the management and delivery of social services for children in Wales" with designated funding (amounting to £24.6 million in 2003/4) and reporting arrangements akin to those in England. An identical line to that taken by the Secretary of State for Health in relation to the role of councillors was taken by Alun Michael MP, then Secretary of State for Wales, in his letter to all Welsh local authority members in 1999.

A report on the Outcomes of Children First to the National Assembly's Health and Social Services Committee in March 2003 notes improvements in local authorities' information and planning, and the success of new services, particularly in relation to the health and education of looked after children. However, the current statutory guidance (March 2003) describes the programme as continuing to present "a major challenge to local authorities".

Like its English sister programme, the existing funding and reporting arrangements ends in 2003 for subsequent inclusion in the revenue support grant. The guidance identifies increased investment, clear political commitment and leadership and genuine multi-agency working as central to the programme's developing success in coming years.

See: <http://www.childrenfirst.wales.gov.uk/content/about.htm> for more information about Children First

Green Paper 2003, Every Child Matters

- The government published a Green Paper in September 2003, which also provided the response to the Laming Inquiry into the death of Victoria Climbié.

The overall aims of the Green Paper are to:

- Ensure **no child falls through the net** and help every child to achieve their potential
- **Shift the balance** towards **prevention** through tackling child poverty, improving early years education and childcare, raising school standards and supporting parents
- **Intervene earlier** before children reach crisis point

The means of achieving these goals are:

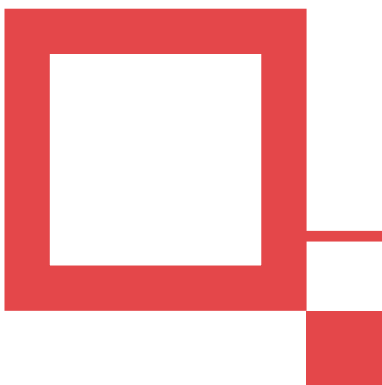
- **Clear accountability – putting someone in charge locally and nationally, of coordinating services for children** (Children’s Director and Children’s Minister)
- **Integrating education, health and social care around the needs of the child rather than the needs of professionals** (Children’s Trusts, Children’s Centres, Full service extended schools).
- **Raising the priority of child protection across all services – doctors, teachers, police and local authorities** (new statutory duties and local safeguarding children board)
- **Creating a lead inspectorate for children to ensure services are held to account based on how they work together for children** (OFSTED lead inspectorate role)
- **Creating an independent voice for children** (the Children’s Commissioner)
- **Raising the attractiveness and status of working with children, and fostering children**
- **Sharing information between services to pick up the warning signs** (Children’s Trusts, improved information sharing, common assessment and multi-disciplinary team working)
- **Increasing our focus on supporting families and foster carers**

See: <http://www.dfes.gov.uk/everychildmatters> for the full text of the Green Paper

Keeping Children Safe: The Government’s response to The Victoria Climbié Inquiry Report and joint Chief Inspectors’ Report Safeguarding Children

A Better Education for Children in Care

See <http://www.social exclusion unit.gov.uk>



Resource File 2

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