

## **LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL**

**Venue: Town Hall, Moorgate  
Street, Rotherham. S60  
2TH**

**Date: Wednesday, 2 December 2009**

**Time: 2.00 p.m.**

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for Absence
4. Declarations of Interest
5. Minutes of the Previous Meeting held on 23rd September, 2009 (copy attached) (Pages 1 - 5)

### **FOR DECISION**

6. The Role of the Councillor as Corporate Parent – Scrutiny Review Update (report attached) (Pages 6 - 8)

### **FOR MONITORING**

7. Inspection of Fostering Services (report attached) (Pages 9 - 17)
8. Local Authority Duty to Support Vulnerable 16 and 17 Year Olds (report attached) (Pages 18 - 22)
9. Looked After Children Profile (report attached) (Pages 23 - 27)
10. Percentage of Looked After Children who have been looked after continuously for 12 months and who have missed 25 days or more of schooling for any reason during 2008/2009 (report attached) (Pages 28 - 31)

11. **EXCLUSION OF THE PRESS AND PUBLIC**  
The following items are likely to be considered in the absence of the press and public as being exempt under those paragraphs, indicated below, of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006):-
  
12. Children's Home - 18 St. Edmund's Avenue, Thurcroft - Ofsted Report (report attached) (Pages 32 - 42)  
(Exempt under Paragraphs 2 and 3 - information likely to reveal identity of an individual/information relating to the financial or business affairs of any particular individual (including the Council))
  
13. Issues emerging from Regulation 33 Reports of Children's Homes (report attached) (Pages 43 - 59)  
(Exempt under Paragraphs 2 and 3 - information likely to reveal identity of an individual/information relating to the financial or business affairs of any particular individual (including the Council))
  
14. Looked After Children Council (report attached) (Pages 60 - 63)  
(Exempt under Paragraph 2 of the Act – information likely to reveal the identity of an individual)

**Date of Next Meeting:-  
Wednesday, 24 March 2010**

**Membership:-**

Chairman – Councillor G. A. Russell.  
Councillors Austen, Barron, Burton, Dodson, Gosling, J. Hamilton, Jack, McNeely and P. A. Russell.  
Together with Co-optees:- Mr. P. Owen, Mr. D. Trickett, Mrs. A. Lidster and Mrs. A. Wild

**LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL**  
**Wednesday, 23rd September, 2009**

Present:- Councillor G. A. Russell (in the Chair); Councillors Austen, Barron, Burton, J. Hamilton and Jack; and Mrs. A. Lidster (co-opted member).

Apologies for absence were received from Councillors Dodson, Gosling, McNeely, P. A. Russell and Trickett (co-opted member).

**12.           DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**13.           MINUTES OF THE PREVIOUS MEETING HELD ON 8TH JULY, 2009**

Agreed:- That the minutes of the previous meeting of the Looked After Children Scrutiny Sub-Panel, held on 8th July, 2009, be approved as a correct record.

**14.           WIDENING ACCESS TO HIGHER EDUCATION TO YOUNG PEOPLE WHO HAVE BEEN IN LOCAL AUTHORITY CARE**

Further to Minute No. 9 of the meeting of the Looked After Children Scrutiny Sub-Panel held on 8<sup>th</sup> July, 2009, consideration was given to a report, presented by the Manager of the Get Real Team, concerning the support and encouragement provided for children who live in state care to stay on at school or college after the official school-leaving age.

The report stated that the Government's Care Matters agenda, set out in the Green Paper and the subsequent White Paper "Time for Change" (2007) outlined the support which young people could expect when entering higher education. This support includes:-

: applicants coming from care backgrounds can be identified and supported during the admission process and once they begin their studies;

: introducing a national bursary, requiring local authorities to provide a minimum of £2,000 for all young people in care who go on to University;

: giving young people a choice of vacation accommodation while they are studying.

In addition, under Section 20 of the Children and Young Persons Act 2008, schools have a duty to appoint a Designated Teacher and Designated Governor to have responsibility to promote the educational achievement of looked after children who are registered pupils at the school (the designated teacher duty became a statutory role from 1st September 2009).

Included with the report was a copy of the document entitled "Going to University from Care", published by the Institute of Education (University of London).

The Scrutiny Sub-Panel also heard from Mary-Ann Barton (Action for Children Bridges Project) and from Ian Munton (University of Sheffield), who spoke about the support provided for Looked After Children who wished to go on to study at University.

The Scrutiny Sub-Panel's discussion of this item included the following salient points:-

- financial support for Looked After Children studying at University;
- choice of University, either local or much further afield;
- Personal Education Plans and raising the aspirations of looked After Children;
- student retention rates;
- housing for Looked After Children who return from University during holiday periods;
- links with local Colleges in Rotherham;
- this Council's performance in relation to the various recommendations of the document entitled "Going to University from Care", published by the Institute of Education.

Agreed:- (1) That the report be received and its contents noted.

(2) That the Cabinet Member for Children and Young People's Services be requested to examine and report back to this Scrutiny Sub-Panel whether any service alterations are required in order to improve the provision of support for Looked After Children who aspire to continue with their education beyond statutory school leaving age and particularly in respect of:-

- maintaining housing priority for those students who study out of the area and may wish to return on the conclusion of their course;
- post 16 academic support from the Get Real Team.

(3) That the development of links with local Colleges through Local Authority nominated Governors be supported.

**15. 'CARE MATTERS' - UPDATE**

Consideration was given to a report, presented by the Looked After Children Service Manager, concerning the developments within the Department for Children, Schools and Families' agenda, the results of an initial gap analysis of Rotherham provision in respect of the Care Matters agenda and progress made to improve provision for Rotherham's looked after children.

The report stated that the Care Matters agenda contains a range of required actions for local authorities and timescales for implementation.

The submitted report provided details of progress made after the full review of the Care Matters agenda and the gap analysis of service provision within Rotherham. This agenda has implications for the whole of Children's and Young People's Services Directorate. Service provision is considered to be good and many aspects of the proposed legislation are incorporated within existing practice. Where gaps have been identified, action plans have been developed to ensure compliance. Details of the actions being taken were included in the report.

Discussion took place on the various key aspects of the Care Matters agenda and the actions being taken by the Borough Council:-

- corporate parenting;
- family and parenting support;
- care placements;
- delivering a first class education;
- promoting the health and well-being of looked after children;
- the transition to adulthood of looked after children;
- the role of the social work practitioner.

Agreed:- (1) That the report be received and its contents noted.

(2) That the various actions, as described in the report now submitted, to ensure compliance with the Government's Care Matters agenda, be endorsed.

(3) That a report be submitted to a future meeting of the Looked After Children Scrutiny Sub-Panel detailing the statutory role of the designated teacher for looked after children.

**16. LOOKED AFTER CHILDREN PROFILE**

The Looked After Children Service Manager submitted a report providing the quarterly statistics and profile of the number of looked after children and young people in Rotherham. The report stated that, as at 7<sup>th</sup> September 2009, there were 400 looked after children, 28 of whom were supported by the children's disability team. This number was an increase from 353 children in June 2008 and 391 in March, 2009, but a decrease

from 409 in June, 2009.

Statistics were included in the report of the type of care received by looked after children and young people, their age range, type of care order and ethnic backgrounds.

Discussion took place on the reported figures and how they were recorded and validated on the computer record system (SWIFT).

Agreed:- That the report be received and its contents noted.

**17. INSPECTION OF FOSTERING SERVICES**

Consideration of this item was deferred until the next meeting of the Looked After Children Scrutiny Sub-Panel, to be held on 2nd December, 2009, to enable the updated action plan to be reported.

**18. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended (information likely to reveal the identity of an individual).

**19. ISSUES EMERGING FROM REGULATION 33 REPORTS CHILDREN'S HOMES. (REPORT ATTACHED)**

Consideration was given to a report presented by the Operations Manager, Provider Services containing a summary of the main issues and events occurring in Children's Homes during the period June to August, 2009. The report referred to the mainstream Children's Homes which are:

- Goodwin Crescent Children's Home at Swinton;
- St. Edmunds Avenue Children's Home at Thurcroft;
- Silverwood Children's Home, East Herringthorpe;
- Woodview Children's Home, Kimberworth Park (formerly Studmoor Road).

The report and appended action plans provided information about the visits and reports made under Regulation 33 of the Children's Homes Regulations 2001.

Reference was made to the implications of the inspections of the children's homes undertaken by the Office for Standards in Education (Ofsted).

Agreed:- That the report be received and its contents noted.

**20. LOOKED AFTER CHILDREN COUNCIL**

Consideration was given to a report presented by the Looked After Children Service Manager outlining the duties placed upon local authorities within the Care Matters agenda to put into place new processes to hear the voice of the looked after child and to ensure that their needs are listened to and responded to. The report also detailed the progress made towards these requirements, in Rotherham.

The report included details of the membership of the Looked After Children (LAC) Council. The work of the LAC Council has included:-

- work on the Borough Council and LAC Council's 'pledge' to Looked after Children;
- networking with other LAC Councils;
- a visit to London as part of the London Ministerial Stock;
- development of a magazine for Looked after Children (the Magazina);
- Summer holiday activities and planning for a residential outing in Derbyshire later this year.

Agreed:- That the report be received and the good progress of the Looked After Children Council be noted.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Looked After Children Scrutiny Sub-Panel</b>
<b>2.</b>	<b>Date:</b>	<b>Wednesday 2 December 2009</b>
<b>3.</b>	<b>Title:</b>	<b>‘Role of the Councillor as Corporate Parent’ – scrutiny review update</b>
<b>4.</b>	<b>Programme Area:</b>	<b>Chief Executive’s</b>

**5. Summary**

The former Social and Community Support Scrutiny Panel undertook a scrutiny review into the Role of Councillors as Corporate Parents in 2005. Since the review, the Care Matters White Paper was published in 2006, initiating an ongoing programme to improve outcomes for children and young people in care. The recommendations arising from the scrutiny review and how these relate to the wider governance arrangements for corporate parenting have not been re-examined in recent years. As part of its work programme, the sub-panel agreed to revisit the 2005 review to examine whether the recommendations are still fit for purpose and in line accepted good practice.

**6. Recommendations**

- a. **That a Member working group is established to revisit the 2005 scrutiny report ‘Role of the Councillor as Corporate Parent’, and review current corporate parenting activity, drawing upon national best practice and inspection guidance.**
- b. **That recommendations emerging from this review are forwarded to Cabinet Member for Children and Young People’s Services for consideration.**



## **7. Proposals and Details**

- 7.1 The 2005 scrutiny review examined the role of councillors as corporate parent and made recommendations on how practice could be improved to ensure that services for children and young people in care are “good enough for my child”.

The review looked at how corporate parenting is undertaken in Rotherham and in other authorities, taking into account the views of Cabinet Members, officers, Children and Young People in Care and foster carers.

The review identified a number of areas for improvement, including:

- Establishing a dedicated sub-panel to scrutinise corporate parenting activity across the Borough;
- The development of a corporate parenting strategy;
- Developing training and guidance for all members on the corporate parenting role;
- Regular meetings be set-up with Children and Young People in Care and care leavers (at least twice yearly) to ensure that they have an opportunity to meet with relevant members.

- 7.2 As part of its current work programme the sub-panel agreed to revisit the review. Whilst the 2005 review was cited as good practice (featuring as a case study on the Improvement and Development Agency website), it has not been evaluated in light of the Care Matters agenda, other Local Authority best practice or increased emphasis on corporate parenting in the inspection regime.

Many Local Authorities have consolidated their corporate parenting activity under the auspices of a “Corporate Parenting Board”. Recent OFSTED inspection guidance suggests that arrangements should be in place to provide clarity about decision making and ensure transparent links between other bodies carrying out Corporate Parenting responsibilities.

In Rotherham, some of the functions of the Corporate Parenting Board are carried out within the LAC Scrutiny sub panel and some within Cabinet Member meetings. There are, however a number of functions which require a decision making body which incorporates a wider membership (for example the Governing Body of the looked after children’s “virtual school”). It is timely therefore, that corporate parenting current activity is reviewed to see if and where, improvements can be made.

- 7.3 It is suggested that a small working party is set-up to review current corporate parenting activity, drawing upon national best practice and inspection guidance. Any recommendations emerging from the review will be forwarded to Cabinet Member for consideration.

## **8. Finance**

- The cost attached to the review will be met through existing resources.

- The financial implications of any recommendations emerging from the review will require further exploration by the Corporate Management Team on the cost, risks and benefits of their implementation.

**9. Risks and Uncertainties**

Failure to undertake a robust review of corporate parenting arrangements and ensure that they meet best practice may negatively impact on future inspection judgements.

**10. Policy and Performance Agenda Implication,**

Inspection must contribute to improved and sustainable outcomes for looked after children and their families. Findings from all inspections of safeguarding and services for looked after children will help determine OFSTED's annual performance rating of council services for children and young people and will make an important contribution to CAA area and organisational assessments.

**11. Background Papers and Consultation**

- Scrutiny Review 'The Role of Councillors as Corporate Parents'
- Cabinet Member for Children and Young People's Services minutes Tuesday, 27th September, 2005, ref 41
- Care Matters: Ministerial Stocktake Report 2009, DCSF, November 2009
- Inspections of safeguarding and looked after children services: Framework for inspection and guidance for local authorities and partners, OFSTED, May 2009

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<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Looked After Children Scrutiny Sub Panel</b>
<b>2.</b>	<b>Date:</b>	<b>Wednesday 2<sup>nd</sup> December 2009</b>
<b>3.</b>	<b>Title:</b>	<b>Inspection of Fostering Services</b>
<b>4.</b>	<b>Directorate:</b>	<b>Children and Young People's Services</b>

## **5. Summary**

Rotherham's Fostering Services were inspected during the week commencing 22<sup>nd</sup> June 2009. This report summarises the findings of the inspection, lays out the actions required to improve provision and the recommendations made to improve provision, and considers the resource implications.

The inspection recorded an overall outcome of Satisfactory, with 'good' scores across four areas. The inspectors commented positively on the progress made over the last year, especially in reducing the number of placements requiring an exemption to acceptable numbers and in the development of a robust risk assessment procedure.

There are a number of actions required by the service and an action plan is in place to address these.

## **6. Recommendations**

- **That the contents of the report are noted**
- **That the Actions outlined in the attached action plan are endorsed**

## 7. Proposals and Details

The Ofsted inspection of fostering services is an annual event and tests the Local Authority against the requirements of the Care Standards Act 2000, Fostering Services Regulations 2002 and Fostering National Minimum Standards. Ofsted's judgements about the quality of our provision is published on the internet and should be made available to children and young people and relevant stakeholders. The Inspection in 2008 resulted in a judgement of 'inadequate' and highlighted practice that caused very serious concern to Ofsted. An action plan to ensure improvement and progress, and to monitor a number of 'statutory requirements and recommendations within the 2008 Inspection Report, has been in place and regularly monitored by the LAC Service Manager and Director of targeted Services and overseen by Cabinet Member, Chief Officers and the Safeguarding Board.

The Fostering Inspection looks at the five ECM outcome areas and the organisation and management of the service. An additional area has been introduced to review the service in relation to Equality and Diversity. Each area is rated by one of four judgements:

- Outstanding - provision of exceptional high quality.
- Good - provision is strong.
- Satisfactory - provision is sound.
- Inadequate - provision is not good enough.

Based on these an overall quality rating is given, although it should be noted that the 'safe' outcome is given primacy and the overall rating cannot be higher than that of 'safe'.

Rotherham's results from the 2009 Inspection are:-

Helping children to be healthy	<b>Satisfactory</b>
Protecting children from harm or neglect and helping them stay safe	<b>Satisfactory</b>
Helping children achieve well and enjoy what they do	<b>Good</b>
Helping children make a positive contribution	<b>Good</b>
Achieving economic well-being	<b>Good</b>
Equality and Diversity	<b>Good</b>
Organisation	<b>Satisfactory</b>
Overall rating	<b>Satisfactory</b>

The Inspection Report acknowledges the progress that has been made in Rotherham in the past year, confirmed and exemplified in verbal feedback between the Inspectors and Directors. There is still a way to go and areas that require further attention, but the direction of travel for fostering services is positive. The Ofsted inspectors gave a clear message that they had recorded a judgement of satisfactory as they felt that Directors and Members had shown commitment to real and sustained change. They were also clear that they would seek to reassure themselves that this change had been sustained

and, for example that the numbers of children within individual placements had not risen again.

The Report also includes:-

### **Statutory requirements to improve**

- 1. Ensure that placements made under Regulation 38 meet the Regulation and that all placements are reviewed at panel within 6 weeks.** An action plan was already in place to address these issues, including the creation of a new post of Friends and Family (Reg 38) Fostering Social Worker. The inspectors expressed satisfaction with the action plan. Work is underway to address this issue and progress is closely monitored. Currently 3 carers have immediate approval for placement of children under Regulation 38 and all 3 will be presented to the next fostering panel on 7<sup>th</sup> December. A further 3 Friends and Family carers are undergoing assessment.
- 2. Ensure that the service is managed with sufficient care, competence and skill to ensure that the monitoring systems in place are effective.** Monitoring systems were seen by the inspectors to have improved and evidenced through file audit though further improvements were necessary to ensure robust scrutiny of all aspects of the service. A schedule of performance management through supervision and increased file audits has been implemented. ADM authorisation is now required for any placement made 'out of category' (eg. of a child within a differing age band to approval status)
- 3. Ensure that panel minutes provide an accurate record of the discussion and decisions made.** The pool of available minute takers has been enhanced and additional training sought. The LAC Service Manager commenced as Panel Advisor in September 2009 and undertakes robust scrutiny of panel minutes.

## **8. Finance**

The number of Rotherham Looked after Children has increased considerably over the last year, from 337 in December 07 and 353 in June 08 to a high point figure of 416 in September. The numbers of Looked after Children are slowly reducing and currently stand at 398. Expectations are that numbers will level out at this level for some time. The imperative to reduce numbers in placement and to place increasing numbers of children has led to a large increase in the numbers of children placed in Independent Fostering Agencies (IFA's). In September there were 116 children placed in IFA's. Following intensive scrutiny and ongoing budget reviews there are now 88 children placed in such placements.

The placement budget for IFA placements is still insufficient to meet the current demand. A budget review is currently underway and all children placed in IFA placements are subject to a high level of scrutiny and review.

**9. Risks and Uncertainties**

A successful recruitment campaign has resulted in an increase in the numbers of foster carers approved by panel and the quality of care provided by these carers is perceived to be good. National Guidance on placements with new carers does though impact on the number of placements available (panel will only in exceptional circumstances approve for more than one placement with a new carer). Additionally, an aging population of existing carers (a national phenomenon) and a number of resignations due to the increased pressures of fostering, impacts negatively on total overall figures. Therefore, despite an unprecedented recruitment campaign and confidence in meeting a target of 30 new foster carer recruits in 09/10, this will not translate into the equivalent increase to overall number of foster carers.

The number of Looked After Children appears to be levelling out at around 400. A new focus on Early Intervention and on securing alternative placement routes (for example Residence orders or Special Guardianship Orders) will bring down the numbers of children looked after, although it is likely to be one to two years before an appreciable effect is seen.

**10. Policy and Performance Agenda Implications**

Performance within the Fostering Ofsted inspection is now closely linked to performance in Safeguarding inspections and the CAA. There will be a further inspection of Fostering Services in 12 months though the Service is prepared for an announced inspection of Safeguarding services at any point.

**11. Background Papers and Consultation**

This report has been prepared with reference to the Ofsted inspection report received in August 2009 and verbal feedback given by the inspectors.

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**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

CHILDREN AND YOUNG PEOPLE'S SERVICES

**Fostering Inspection Action Plan – Version 6 November 09**

Regulation or Standard	Action Required	Plan	Who	When	Progress	R.A.G. status
<b>STATUTORY REQUIREMENTS</b>						
Standard 8 Reg 38.2	Ensure that placements made under Regulation 38 meet the Regulation and that all placements are reviewed at panel within 6 weeks	Action plan in place, to review monthly	AS/SM	Monthly first review 03-08-09	Significant progress made. 3 Reg 38 approvals are going to Panel in December together with one full Friends and Family assessment	Green
Standard 4 Reg 8.1.b	Ensure that the service is managed with sufficient care, competence and skill to ensure that the monitoring systems in place are effective	<p>Review existing monitoring arrangements</p> <p>Continue file audit as in performance monitoring doc</p> <p>Monthly supervision sessions of FSW to prioritise performance monitoring</p> <p>Supervision of Carers to monitor performance including recording and</p>	<p>SM/SP</p> <p>SM/SP/ MC</p> <p>MC</p> <p>MC and team</p>	<p>21-08-09</p> <p>ongoing</p> <p>ongoing</p> <p>immediately</p>	<p>Performance monitoring agreed in supervision with team managers includes monthly reports and quality assurance of files</p> <p>File audits undertaken, ongoing improvements especially in supervision noted.</p> <p>Expansion of supervision format to include clarification of recording methods, CWDC compliance, new placements, disruptions and locality visiting.</p> <p>Supervising Social Workers commenced monitoring supervision format to be</p>	<p>Amber</p> <p>Amber</p>

Regulation or Standard	Action Required	Plan	Who	When	Progress	R.A.G. status
		storage of documents. Supervision monitored through file audits			amended to capture this	
Standard 30 Reg 25.2	Ensure that panel minutes provide an accurate record of the discussion and decisions made	All panel minutes to be closely scrutinised by panel advisor with especial care to check the recommendations  The capacity of the service to provide panel minute takers to be further reviewed and creative solutions sought	SM  SM/DH	With immediate effect  Review options by 15-08-09	SM Commenced as Panel Advisor and scrutinises minutes closely  More minute takers identified, training in progress	Green  Amber
<b>RECOMMENDATIONS</b>						
NMS 12.1	Ensure that Carers are provided with Health Care Plans	Plans to be passed to LAC Admin by the LAC Nurse, photocopied by LAC admin and sent to Foster carers unless the child expressly refuses consent and is of an age and understanding to do so  Monitoring system to be devised by Senior administrator to ensure all LAC medicals are sent to the Foster Carer	LB/DW  DW/DH	With immediate effect  15-08-09	In place – completed but will be monitored  Completed	Green  Green



Regulation or Standard	Action Required	Plan	Who	When	Progress	R.A.G. status
NMS 12.1	Ensure that Carers have copies of the placement agreements which contain accurate health care information and in particular the arrangements for consent to medical treatment	All Locality and Team Managers to ensure all social work staff understand the importance of LAC Paperwork	Loc managers	Ongoing	Ongoing monitoring. Staffing issues impact negatively on this	Amber
		All Foster Carers to be supported to challenge placements made where LAC paperwork is not available	MC			
		Supervision of Foster Carers highlights where LAC Paperwork is missing workers and team managers are alerted.	MC		In place and reflected in Supervision format	
		LAC Paperwork placed on ESCR will be accessible by fostering team and admin, to ensure paperwork on ESCR is copied and given to all carers	MC		To be reviewed during supervision when new placements made.	
NMS 8.4	Review the placement agreement to ensure that when completed it meets the Regulation and Schedule 6	Placement agreement format reviewed.	SM/MC	Nov 09	Presented to LSSMT 17/11/09 use of agreement format commenced.	Amber

Regulation or Standard	Action Required	Plan	Who	When	Progress	R.A.G. status
		New working practices to be agreed by LSSMT and implemented	PA/ LSSMT	08-09-09		
NMS 16.7	Ensure children placed with Independent Fostering Agencies are given the same level of scrutiny as children placed with Rotherham's carers	<p>Revise central scrutiny of IFA Placements through resource panel</p> <p>Monitor statutory visits to LAC placed with IFA Carers</p> <p>Strengthen role of IRO in ensuring compliance</p>	<p>PB/MM/ SM</p> <p>Loc Manager s</p> <p>JC/RW</p>	<p>21-08-09</p> <p>With immediate effect and ongoing</p>	<p>Initial discussions held re monitoring formats.</p> <p>Resource panel has commenced a budget and quality Review of all children placed with IFA carers.</p> <p>IRO Team manager part of the resource panel review</p>	Amber
NMS 24.7	Review the arrangements for the recording by carers to ensure that they are following the policy	<p>Review and re-issue the recording guidance to all foster carers</p> <p>Amend the supervision pro forma to ensure carers logs for each child are reviewed at each supervision session</p>	SM/RB/ MC	Nov 09	<p>Work commenced</p> <p>Supervision pro forma amended</p> <p>Current practices reviewed through supervision with FSWs.</p>	Amber

### Responsible Individuals

Initial	Name and Title
SP	Simon Perry, Director of Targeted Services
PA	Pam Allen, Director of Locality Services
SM	Sue May, Looked After Children's Service Manager
MC	Mike Carter, Team Manager, Fostering
AS	Andy Symcox, Team Manager, Fostering Recruitment, Assessment and Training Team
AR	Annie Redmond, Operational Safeguarding Manager
JC	Jenny Cooper, IRO Team Manager
DH	Diane Hyner, Support Services Manager
RB	Ruth Bastin, Performance Team Manager
LSSMT	Locality Management Team
MM	Michael McGuigan, Contract Manager
DW	Debra Walker, LAC Admin Senior
LB	Louise Bishop, LAC Nurse

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Children and Young People’s Services Cabinet Member and Advisers (&amp; LAC Panel)</b>
<b>2.</b>	<b>Date:</b>	<b>Wednesday 4<sup>th</sup> November 2009 (02.12.2009)</b>
<b>3.</b>	<b>Title:</b>	<b>Local Authority duty to support vulnerable 16 and 17 year olds.</b>
<b>4.</b>	<b>Directorate:</b>	<b>Children and Young People’s Services</b>

### 5. Summary

This report reviews a recent (May 2009) Law Lords judgement (G vs Southwark), which considered how local authorities support homeless 16 and 17 year olds. The case tested the circumstances in which local authorities should provide accommodation for this age group and the legislation that should apply. The judgement concluded that the duties of local authorities to accommodate children in need cannot be circumvented by referring the young person to the housing authority. The case has profound implications for local authority children’s services.

The report further considers the position of unaccompanied asylum seeking young people, including support arrangements, accommodation support, support in relation to their status as looked after children and financial arrangements, as informed by a 2003 High Court judgement, (R v London Borough of Hillingdon and the Secretary of State for Education and Skills).

### 6. Recommendations

- That the contents of this report are noted.
- That the financial implications for the Local Authority are more fully considered and reported.
- That further discussions be had with Housing and Supporting People provision to plan for Rotherham’s response to the ruling.
- That consideration is given to representation being made to central government regarding the implications of the Ruling upon the capacity of the LA being able to adequately discharge its statutory duties.
- That the capacity of services to unaccompanied asylum seeking young people is reviewed.

## 7. Proposals and Details

### House of Lords judgement:

G in this case is a young man born in Somalia in 1990 who came to the UK with his family in 1998 and was granted indefinite leave to remain. In June 2008 he became homeless following the deterioration in the relationship with his mother and 'sofa surfed' until September 2008. Following referral by his solicitor G was assessed by Southwark children's services department and identified as a 'child in need' under section 17 of the Children's Act (1989). The assessment concluded that accommodation could be provided by referring him to a homeless persons unit, and his other needs met by referral to support agencies, including social services. G was therefore placed in bed and breakfast accommodation with support from other agencies.

The case was appealed on 28<sup>th</sup> September 2008 with G's legal team arguing that the assessment by children's services should have concluded that G was entitled to provision under section 20 of the Children's Act 1989 (the provision of accommodation for children) and therefore that G should have been accommodated by Children's Services rather than them discharging their duties under section 17.

The appeal was upheld in favour of the local authority. The Court of Appeal concluded that *"the local authority was entitled to conclude that he (G) required only 'help with accommodation' under section 17"*.

The case then progressed to the Law Lords in May 2009 who determined that for 16 and 17 year olds it is *"the clear intention of the legislation that these children need more than a roof over their heads and that local children's authorities cannot avoid their responsibilities by passing them over to the local housing authorities"*. (Baroness Hale, May 2009).

For the local authority this means that all lone 16 and 17 year olds presenting as homeless will be assessed with the presumption that core services should be provided under section 20 of the Children Act 1989, effectively making them "looked after".

Whilst the ruling notes exceptions to a conclusion following assessment of section 20 services, most notably in cases where the young person does not wish to be accommodated under section 20 or where a young person had been living independently prior to being homeless, it is likely that the majority of young people will require accommodation under section 20. Baroness Hale notes *"authorities should be slow to conclude that a child was no longer 'in need' because he did not need that help or because it could be provided in other ways"*.

The defence of Southwark against the appeal was in part predicated on the Homeless (Priority Need) Order 2002. This order specifically includes 16 and 17 year olds who have a priority need for housing under Part VII of the 1996 Housing Act, consequently Southwark Children's Services argued as the local authority had a duty to house him, the children's services could perform its duty under section 20 of the 1989 Act by making arrangements to ensure G was provided with housing.

In Rotherham, and in most local authorities since 2002, housing authorities have assumed greater responsibility for housing 16 to 17 year olds and in conjunction with Supporting People have made provision for this vulnerable group and developed preventative services to avoid the need to accommodate.

However, this judgement rules that the 2002 Order specifically excludes from priority those to whom a local authority owes a duty under section 20 of the 1989 Act. This judgement therefore reverses the trend of responsibility since 2002 from Housing Authorities to Children and Young People's Services and has profound implications for the local authority.

### **Unaccompanied asylum seeking young people:**

Currently there are 14 unaccompanied asylum seeking children in Rotherham aged 16 to 18 years old. Only 7 are classified as looked after children and are given full looked after support including statutory medical assessments and looked after reviews. These young people are currently provided with accommodation in shared houses 3-4 young unaccompanied minors per property. As per the report above, the 7 remaining unaccompanied young people should also be considered as looked after children. There is one full time social worker for unaccompanied asylum seeking children who monitors and supervises the young people in their independent living situation. The social worker also provides support to young people claiming asylum who live with family members and also to families with children who are claiming asylum.

The post involves undertaking Merton compliant age assessments of young people who claim to be under 18 when claiming asylum. In the event of the worker determining that the young person is likely to be over 17 and a half their claim for asylum is likely to be refused. There are a growing number of appeals against age assessments and threats of judicial review from solicitors. The social worker provides support for young people attending appointments with the Home Office and legal appointments. The position requires a high level of skill and understanding of the complex immigration issues and support requirements for young people who are claiming asylum from various countries and backgrounds, often with traumatic life histories and experiences. There are particular risks associated with a lone female worker visiting properties where 4 young men reside (their histories and ages are often uncertain) having to deal with sometimes challenging situations and support is often required. Additionally there are safeguarding issues in relation to the young people being placed in independent living situations without adequate support. There have been concerns about the conditions of some of the properties which the young people have been living in. The new social worker has developed a health and safety checklist in order to check that the properties used meet basic safety requirements, however the current standard of properties is not always adequate, e.g. no smoke alarms, no fire safety equipment, electrical equipment not PAT tested and placed in areas where they may be vulnerable to victimisation.

There is a need to review the current service requirements to support the social worker in their role and also to look at more appropriate supported living arrangements, such as that provided through either foster care, or more comprehensive supported living packages.

## **8. Finance**

Rotherham in keeping with other authorities has in the main accommodated 16 to 17 year olds via the Housing Authority, or by referral to voluntary sector providers (Rush House, Action Housing etc). Whether placed in council or voluntary provision, funding is derived from housing benefit or, for particularly vulnerable young people, a combination of housing benefit and supporting people funding.

An immediate implication for Children and Young People's Services assuming responsibility for accommodation under section 20 of the 1989 Act, is that these young people would be deemed to be "looked after" and therefore ineligible for benefits.

Benefit payments are derived from the Department of Work and Pensions (DWP) and provision for looked after children is in the main derived from the Department for Children,

Schools and Families (DCSF). Correspondence from the DCSF in response to the Local Government Association enquiries about this ruling makes clear that there are no plans to realign funding from the DWP to DCSF, neither is there an intention to consider changing the law in respect of benefit payments to looked after children or to provide additional resources as a result of the financial implications of this judgement. The DCSF's view concurs with that of the Law Lords and they consider that they have provided sufficient funds to support the current legislative framework and that this ruling has not changed that framework.

A further financial implication is that those that are looked after for more than 13 weeks will become eligible for leaving care support until at least 21.

It is difficult to ascertain the exact number of homeless 16 to 17 year olds in Rotherham as it appears no one agency collates this information. Homeless section report during 2008/9, 26 young people were categorised as homeless. However this is likely to be an underestimate as social care and health service will often refer such young people to voluntary sector providers without resource to the housing department. These providers will also accept self referrals from young people.

A slightly more accurate figure is likely to be that reported by Supporting People who in 2008/9 recorded 122 'new starts' – that is to say young people from the age bracket accessing accommodation. Taking these figures as initial estimates and the average cost of voluntary sector provision as £100 per week, (currently funded by a combination of housing and other benefits which looked after young people would be ineligible for), the cost of 122 young people being assessed as requiring accommodation under section 20 would be in the region of £634,400 in a full year.

This cost estimate is by no means an accurate depiction of the true costs that would be incurred as a result of full implementation of the ruling. It does not account for associated costs such as social worker assessments, statutory duties associated with looked after status (eg reviews, health assessments, pathway plans, independent reviewing officers etc), and leaving care costs. However the figure is indicative of the "highly significant costs pressure" (LGA) anticipated by the Local Government Association.

There is an urgent need to obtain accurate data for homeless 16 to 17 year olds and conduct a full cost analysis.

As far as unaccompanied asylum seeking young people are concerned, grants are applicable to Local Authorities providing services, and are claimed retrospectively. The amounts are £108.18p per day for under 16's and £48.45p for 16/17 year olds. The total figure received in Rotherham for 2008-09 was £84,437. The rates remain the same for the current year and projected expenditure to be claimed back for 2009-10 is £107,392.

### **9. Risks and Uncertainties**

The judgement of the Law Lords leaves little room for ambiguity, and it is clear there is an obligation for Children and Young People's Services to assume responsibility for the accommodation of 16 to 17 year olds. However the judgement also makes it clear that there is a need for joint co-operation between Housing and Children's Services, as referred to in Preventing Homelessness (Department for Communities and Local Government DCFS 2008), whilst children's services have the power to ask other authorities, including housing for "help in the exercise of any of their functions", the ruling specifically states that children's services cannot avoid their responsibilities by "passing the buck". Nevertheless the need for joint co-operation signals a need to improve joint working and to develop strategies,

protocols and procedures for both departments to work with single homeless young people, for example, a joint prevention strategy.

Additionally, as noted above there are specific risks associated with the service provided to unaccompanied asylum seeking young people, both for the staff involved and potentially for the provision offered the young people.

## **10. Policy and Performance Agenda Implications**

As a consequence of the judgements it is likely that Rotherham will experience an increase in the number of looked after children. This is likely to impact on a number of performance indicators in relation to looked after children, as well as having an adverse effect on capacity within social care in terms of statutory duties such as reviews. In turn this has the potential to impact on CAA outcomes and inspections.

## **11. Background Papers and Consultation**

- Opinions of the Lords Appeal for Judgement in the Cause R (on the application of G) (FC) Appellant V London Borough of Southwark (Respondents).
- Correspondence; Local Government Association and Department of Childrens Schools and Families
- Local Government Association Briefing
- Hillingdon case - R ex parte Berhe Kidane Munir and Ncube v London Borough of Hillingdon and the Secretary of State for Education and Skills, High Court, 29 August 2003, [2003] EWHC 2075 (Admin)
- Merton - The Queen on the application of B v London Borough of Merton [2003] EWHC 1689 (Admin) (14 July 2003)

### **Contact Names:**

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**Simon Perry, Director of Community Services**



ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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**1. Meeting: Looked After Children Scrutiny Sub-Panel**

**2. Date Wednesday 2<sup>nd</sup> December 2009**

**3. Title: Rotherham Looked After Children Report**

**4. Programme Area: Children and Young Peoples**

**The Quarterly Report for Looked After Children's Scrutiny Panel, Profile of Numbers of Children, Looked After.**

There are currently 398 Looked after Children, 29 of whom are open to the children's disability team. This is an increase from 353 in June 08 391 in March 09 but a decrease from 409 in June 09.

The table below represents the Looked after Children Population at **20/11/2009**

Care type and age

	0-5	6-10	11-15	16+	sum
Foster Care inside Rotherham	52	49	51	22	<b>174</b>
Foster Care outside Rotherham	35	24	28	7	<b>94</b>
Placed with parents	9	7	10	9	<b>35</b>
Placed for Adoption	29	6	2		<b>37</b>
Residential inside Rotherham			10	7	<b>17</b>
Residential outside Rotherham		1	7	3	<b>11</b>
Secure outside Rotherham			1	1	<b>2</b>
Other residential	1				<b>1</b>
Independent living				15	<b>15</b>
Not recorded	2		8	2	<b>12</b>
<b>Sum:</b>	<b>128</b>	<b>87</b>	<b>117</b>	<b>66</b>	398

Legal Order and age

	0-5	6-10	11-15	16+	sum
C1 interim care order	43	22	10	2	<b>77</b>
C2 Full care Order	13	35	76	41	<b>165</b>
D1 Freed for adoption (freeing order granted) n.b. now known as SHOBPA		6	5		<b>11</b>
E1 Placement Order Granted	62	15	3		<b>80</b>
J 1 In LA on remand/committed for trial/sentence			1	1	<b>2</b>
V2 single period of accommodation under section 20	10	9	22	22	<b>63</b>
<b>Sum:</b>	<b>128</b>	<b>87</b>	<b>117</b>	<b>66</b>	398

Type of Care

Type of care	Sum	percentage
Foster Care inside Rotherham	174.00	43.72%
Foster Care outside Rotherham	94.00	23.62%
Placed with parents	35.00	8.70%
Placed for Adoption	37.00	9.30%
Residential inside Rotherham	17.00	4.27%
Residential outside Rotherham	11.00	2.76%
Secure outside Rotherham	2.00	0.50%
Other residential	2.00	0.25%
Independent living	15.00	3.77%
Not recorded	12.00	3.02%
<b>sum</b>	<b>398.00</b>	
<b>percent</b>		<b>100.00%</b>

Care type & Ethnicity

	White British	White Irish	White other	Asian other	Asian Pakistani	Black African	Other any	Not recorded	Dual heritage. White & black Caribbean	Dual heritage White & Asian	Dual heritage other	Dual heritage White & black African	Gypsy/Roma	sum
Foster Care inside Rotherham	156	1	3	1		4	3		1	3	2			<b>174</b>
Foster Care outside Rotherham	79				3		6		2	2		1	1	<b>94</b>
Placed with parents	32		1				1			1				<b>35</b>
Placed for Adoption	34		1				1			1				<b>37</b>
Residential inside Rotherham	17													<b>17</b>
Residential outside Rotherham	11													<b>11</b>
Secure outside Rotherham	2													<b>2</b>
Other residential	1													<b>1</b>
Independent living	7			6			1	1						<b>15</b>
Not recorded	9		1				1				1			<b>12</b>
<b>sum</b>	<b>348</b>	<b>1</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>13</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>398</b>

Legal order & Ethnicity

	White British	White Irish	White other	Asian other	Asian Pakistani	Black African	Other any	Not recorded	Dual heritage. White & black Caribbean	Dual heritage White & Asian	Dual heritage other	Dual heritage White & black African	Gypsy/Roma	sum
C1 interim care order	62				3	2	7		1	1	1			<b>77</b>
C2 Full care Order	155	1	1			2	2		2	1	1			<b>165</b>
D1 Freed for adoption (freeing order granted) n.b. now known as SHOBPA	11													<b>11</b>
E1 Placement Order Granted	69		4				2			5				<b>80</b>
J 1 In LA on remand/committed for trial/sentence	2													<b>2</b>
V2 single period of accommodation under section 20	49		1	7			2	1			1	1	1	<b>63</b>
<b>sum</b>	<b>348</b>	<b>1</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>13</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	398

LAC by type of accommodation

LAS Type of Accommodation	Sum
A3 placed for adoption with consent (current foster carer)	3.00
A4 placed for adoption with consent (not current foster carer)	5.00
A5 placed for adoption with Placement order (current foster carer)	1.00
A6 placed for adoption with Placement order (not current foster carer)	28.00
F1 Foster Placement in LA Relative/friend	20.00
F2 Placement in LA Foster Carer by LA	147.00
F3 Placement in LA Foster Carer Agency	7.00
F4 Foster Placement outside LA relative/friend	2.00
F5 Placement outside LA Foster Carer by LA	11.00
F6 Placement outside La Foster Carer Agency	81.00
H2 Secure unit outside LA Boundary	2.00
H3 Children's Homes locate inside LA Boundary	17.00
H4 Children's Homes located outside LA Boundary	11.00
H5 Residential accommodation not subject to Children's Homes regs.	3.00
Not Recorded	1.00
P1 Placed with parents or other with parental responsibility	35.00
P2 Independent living (flat/lodgings/friend/B&B)	15.00
Q1 Foster placement with relative or friend	1.00
R1 Residential care home	2.00
R3 Family Centre or mother and baby unit	1.00
S1 all residential schools except where dual registered as a school	4.00
T1 temporary periods in hospital	1.00
<b>sum</b>	<b>398.00</b>

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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<b>1</b>	<b>Meeting:</b>	<b>LAC Scrutiny meeting</b>
<b>2</b>	<b>Date:</b>	<b>2nd December 2009</b>
<b>3</b>	<b>Title:</b>	<b>% LAC who have been looked after continuously for 12 months who have missed 25 days or more of schooling for any reason 2008/2009</b>
<b>4</b>	<b>Directorate:</b>	<b>Children and Young People's Services</b>

## 5 Summary

### Get Real Team

The Get Real Team (GRT) was set up to raise the attainment, achievement and aspirations of Young People in care in Rotherham, mainly via short term intervention work. It monitors and supports attendance at school across all key stages.

## 6 Recommendations

**That the contents of the report are noted.**

## 7 Proposals and Details

This is one of the performance indicators as set by the Government to support the raising of attainment of LAC.

15.23 % of the 2008/9 cohort of Rotherham Looked after children have had 25 days absence or more (32 young people out of 210 Looked after Children who have been looked after continuously for 12 months till September 2009. This compares to 2007/2008 which was 20.1%.

Breaking this down by placement type

Placed with parent/relative	37.5%	(12)
Placed with residential	25%	(8 in house)
	6.25%	(2 Out of authority)
Placed for adoption	9.37%	(3)
Foster placements	21.8%	(7)

### **Current Procedure for School Attendance Monitoring of Looked After Children by the Get Real Team:**

All secondary schools send a weekly report to the GRT detailing attendance of their LAC.

Each Secondary school is to inform The Get Real Team of first day absence.

On receiving a phone call from school, GRT then contact the parent/carer to ensure that they are aware of the absence, ascertain the reason and input the information onto SWIFT in order to also bring it to the attention of the Social Worker. If there is cause for concern, a phone call will also be made to the Social Worker. If a member of the GRT is working with a child, they will also be informed of the absence.

A request is made directly to out of authority schools that have a Rotherham Looked After Child. This information is entered onto a database by the GRT in order to keep a record of all attendance.

At the ten day absence stage a letter is sensitively sent to the child and Carer expressing concerns with regard to the absence level, a copy of which is also sent to the Child Social worker.

A further letter is sent out at 15 days absence. This also triggers an assessment by the GRT based on information gathered from school, social worker, parent/carer.

All attendance issues are reported to the Get Real Internal Management Team, at their meeting every Friday morning. If any children are identified as having increasing absences, the GRT will undertake an assessment. A member of the GRT will then be allocated to address concerns. The Personal Education Plan (PEP) needs to be then reviewed to plan ways of improving poor school attendance.

Residential units send in a weekly summary of school attendance to GRT. Any absences are investigated and noted on SWIFT. Schools are kept informed of details of any off-site timetables.

In recognition of any LAC achieving 100% school attendance, a certificate is sent out each half-term, together with voucher entitling them to an activity funded by the LAC Activity Co-ordinator

**What additional short, mid and long term action and improvements have and will be taken and their expected outcome.**

a) Long term:

When a decision is made to place a child with relatives, a clear structured plan for care and education needs to be developed that gives support to parents or relatives in maintaining school attendance. This includes the school, social worker, Get Real Team, young person, carers and other relevant professionals (e.g. Special Educational Needs) as relevant. The obvious forum for this is within the Personal Education Plan.

New PEPs should be undertaken in line with changes in circumstances. This is a simple procedure if the initial Personal education plans is thorough.

b) Medium term:

In order to drive effective intervention regarding attendance, PEPs must be kept up to date.

Closer liaison with EWOs within Locality Teams .

The GRT is providing training to Designated Governors and Teachers on the new statutory guidance for Designated Teachers

c) Short term:

The Get Real Team is working very closely with the new Exclusion officer.

**8 Finance**

The budget is secure.

**9 Risks and Uncertainties**

**Impacting factors out of service control.**

The GRT team is unable to provide intervention for LAC placed out of authority.



The completion of Personal Education Plans is the responsibility of the child's Social worker and is overseen by locality managers.

Refusal to attend school of persistent non attendees  
The effectiveness of schools in recording attendance varies.  
Timetables for LAC are not flexible enough to meet needs.

## **10 Policy and Performance Agenda Implications**

This report has been compiled with reference to Every Child Matters and Section 52 of the Children's Act 2004

## **11 Background Papers and Consultation**

Reports form GRT members.  
GRT attendance database.

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