#### LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL

Venue: Bailey House, Rawmarsh Date: Wednesday, 24 March 2010

Road, Rotherham

Time: 1.30 p.m.

#### AGENDA

- 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 2nd December, 2009 (copy attached) (Pages 1 5)
- 6. Local Authority Business Growth Incentives (LABGI) Allocations for the Looked After Children Council and the Looked After Children Trust (minute attached) (Page 6)
- 7. Local Authority Duty to Support Vulnerable 16 and 17 Year Olds (report attached) (Pages 7 10)
- 8. Training for Designated Teachers and School Governors (report attached) (Pages 11 13)
- 9. Scrutiny Review of Role of Councillors as Corporate Parents Emerging Issues (presentation at meeting)
- 10. Overview of Inspections of Looked After Children's Services (report attached) (Pages 14 19)
- 11. Rotherham Looked After Children Statistics and Glossary of Terms (copy attached) (Pages 20 29)

#### 12. EXCLUSION OF THE PRESS AND PUBLIC

The following item is likely to be considered in the absence of the press and public as being exempt under Paragraphs 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended - information likely to reveal the 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 30 - 37)

#### Date of Next Meeting:-Wednesday, 30 June 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, 2nd December, 2009

Present:- Councillor G. A. Russell (in the Chair); Councillors Barron, Dodson and McNeely; Mr. D. Trickett (co-opted member)

Apologies for absence were received from Councillors Austen, Burton, J. Hamilton, Jack, P. A. Russell and from Mrs. A. Lidster.

#### 21. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

### 22. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD SEPTEMBER, 2009

Agreed:- (1) That the minutes of the previous meeting of the Looked After Children Scrutiny Sub-Panel, held on 23rd September, 2009, be approved as a correct record.

- (2) That a report be submitted to the next meeting of the Looked After Children Scrutiny Sub-Panel in respect of Minute No. 14 of the 23<sup>rd</sup> September 2009 Sub-Panel meeting (housing priority and post 16 academic support for looked after children studying in further and higher education).
- (3) That future agendas for meetings of the Looked After Children Scrutiny Sub-Panel shall include a glossary of the definition of the terms in use in the various subject reports submitted to the Sub-Panel meetings.

### 23. THE ROLE OF THE COUNCILLOR AS CORPORATE PARENT – SCRUTINY REVIEW UPDATE

Consideration was given to a report presented by the Senior Scrutiny Adviser which referred to the scrutiny review, undertaken during 2005 by the former Social and Community Support Scrutiny Panel, into the Role of Councillors as Corporate Parents. Since that scrutiny review, the Care Matters White Paper had been published in 2006, initiating a continuing 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 Looked After Children Scrutiny Sub-Panel agreed to revisit the 2005 review to examine whether the recommendations are still fit for purpose and accord with accepted good practice.

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

(2) That a working group of councillors be established to revisit the 2005

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scrutiny report on the 'Role of the Councillor as Corporate Parent', and review current corporate parenting activity, drawing upon national best practice and inspection guidance; the membership of this working group shall comprise Councillors Austen, Burton and Dodson and others to be appointed.

(3) That the recommendations emerging from this working group review be reported to a future meeting of the Looked After Children Scrutiny Sub-Panel and forwarded to the Cabinet Member and Advisers for Children and Young People's Services for consideration.

#### 24. INSPECTION OF FOSTERING SERVICES

Further to Minute No. 23 of the meeting of the Looked After Children Scrutiny Sub-Panel held on 25<sup>th</sup> March, 2009, consideration was given to a report presented by the Looked After Children Service Manager concerning the inspection of Rotherham's Fostering Services which had taken place during the week commencing 22nd June, 2009. This report summarised the findings of the inspection, listed the actions required to improve provision and the recommendations made to improve provision and also described 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 during 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.

The Scrutiny Sub-Panel noted that there were a number of actions required by the Service and an action plan is in place to address this work. Discussion took place on the significant budget pressures upon the fostering services.

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

- (2) That the various actions outlined in the submitted action plan be endorsed.
- (3) That a further report describing the progress of the various actions be submitted to the meeting of the Looked After Children Scrutiny Panel to be held on Wednesday, 30<sup>th</sup> June, 2010.

### 25. LOCAL AUTHORITY DUTY TO SUPPORT VULNERABLE 16 AND 17 YEAR OLDS

Consideration was given to a report presented by the Looked After Children Service Manager concerning a recent (May, 2009) Law Lords judgement (G vs Southwark), which considered how local authorities support homeless 16 and 17 year olds. The legal case tested the circumstances in which local authorities should provide accommodation for this age group and the legislation that should apply. The judgement

#### **LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL - 02/12/09**

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 also referred to 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).

Discussion took place on the financial implications of this Law Lords judgement. Members requested clarification of the amounts of grant claimed by local authorities providing services for unaccompanied asylum seeking young people. There was also reference to a seminar for local authority children's services, organised by the Home Office and taking place in Manchester on 7<sup>th</sup> December, 2009, to consider further the implications of the Law Lords judgement.

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

(2) That further information about this matter be reported to the next meeting of the Looked After Children Scrutiny Sub-Panel.

#### 26. 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 20<sup>th</sup> November 2009, there were 398 looked after children, 29 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.

Further discussion took place on the reported figures and how they were recorded and validated on the computer record system (SWIFT). Reference was also made to the number 'not recorded'.

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

# 27. 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

Consideration of this report was deferred until the next meeting.

#### 28. EXCLUSION OF THE PRESS AND PUBLIC

Agreed:- 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 those paragraphs, indicated below, of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

### 29. CHILDREN'S HOME - 18 ST. EDMUND'S AVENUE, THURCROFT - OFSTED REPORT

Consideration was given to a report presented by the Operations Manager, Provider Services containing a summary of the findings of Ofsted following the unannounced inspection on 5th and 8th October, 2009 of the St. Edmund's Avenue Children's Home, Thurcroft. The report also detailed the response of the Looked After Children service team.

Members noted that this was an unannounced key inspection to check the home's capacity to meet the outcome areas of being healthy, staying safe, enjoying and achieving, making a positive contribution, achieving economic well being and organisation.

The Scrutiny Sub-Panel requested further details of the response of the Looked After Children service team to the various issues raised by the Ofsted inspection.

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

(Exempt under Paragraphs 2 and 3 of the Act - information likely to reveal identity of an individual/information relating to the financial or business affairs of any particular individual (including the Council)

### 30. ISSUES EMERGING FROM REGULATION 33 REPORTS OF CHILDREN'S HOMES

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 September to November, 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 (formerly Creswick Road);
- Woodview Children's Home, Kimberworth Park (formerly Studmoor Road).

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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.

(Exempt under Paragraphs 2 and 3 of the Act - information likely to reveal identity of an individual/information relating to the financial or business affairs of any particular individual (including the Council)

#### 31. 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:-

- events and activities preparation and participation (eg: SWAMP circus);
- awareness day;
- approach to the Council's Youth Services to employ a youth worker to work with the Looked After Children Council;
- publication of the second edition of the magazine for Looked after Children (the Magazina);
- investigation of alternative sources of funding for the LAC Council:
- arranging a further meeting with Elected Members of the Borough Council.

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

(Exempt under Paragraph 2 of the Act - information likely to reveal the identity of an individual)

## ROTHERHAM METROPOLITAN BOROUGH COUNCIL LOOKED AFTER CHILDREN SCRUTINY SUB-PANEL – 24 March 2010

### Local Authority Business Growth Incentives (LABGI) Allocations for the Looked After Children Council and the Looked After Children Trust

Minute of meeting of the Cabinet Member and Advisers for Children and Young People's Services held on 10 March 2010 – for information ...

"Consideration was given to a report presented by the Looked After Children Service Manager concerning the Local Authority Business Growth Incentives (LABGI) scheme which gives local authorities a financial incentive to encourage local business growth by rewarding qualifying business growth with a non-ring-fenced grant.

The report stated that a LABGI funding allocation of £30,000 was agreed in August 2009 to support developmental work and activities for Looked After Children. Members considered the proposals for allocation of this grant funding, as detailed in the report submitted.

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

- (2) That approval be granted for the allocation of the Local Authority Business Growth Incentives grant funding to the projects listed below, in accordance with the details contained in the report now submitted:-
- (i) transfer £10,000 LABGI funds to the Looked After Children Trust, with the remainder of the monies divided between:-
- (ii) sessional youth work;
- (iii) The Pledge (wallet sized version);
- (iv) Quarterly Magazine 'Magazina' published by the Looked After Children Council;
- (v) Ministerial Stock-take and visits to meet young people in other authorities;
- (vi) Looked After Children Council celebration day and entertainment;
- (vii) Young people's resource publications;
- (viii) Developmental work;
- (ix) Purchasing rooms, refreshments, children's payments for the Looked After Children Council."

#### **ROTHERHAM BOROUGH COUNCIL - REPORT TO MEMBERS**

1.	Meeting:	Looked After Children Scrutiny Sub Panel
2.	Date:	Wednesday 24 <sup>th</sup> March 2010
3.	Title:	LA duty to support vulnerable 16 and 17 year olds, further information.
4.	Directorate:	Children and Young People's Services

#### 5. Summary

In May 2009 a Law Lords judgement considered how local authorities support homeless 16 and 17 year olds (G v Southwark). 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.

A Multi agency Task and Finish group was established in November 2009 to ensure all agencies work together to develop a clear strategy and this report details progress to date.

#### 6. Recommendations

- That the contents of this report are noted.
- That the work of the task and finish group is endorsed

#### 7. Proposals and Details

#### **House of Lords judgement:**

The case of GV Southwark progressed to the Law Lords in May 2009. The Law Lords 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).

In Rotherham, and in most local authorities since 2002, housing authorities have assumed greater responsibility for housing 16 to 17 year olds. Neighbourhood and Adult services; 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.

The DCSF have cited best practice as being those Local Authorities who undertake joint assessments of need and have a range of supported accommodation available to meet the range of needs of young people presenting as homeless including fostering and residential options where a young person needs to be looked after.

Supporting People continue to fund homeless accommodation for 16 and 17 year olds. An implication of this Ruling may be that Homeless 16 and 17 year olds are not eligible for Housing benefit and will require funding from Children and Young Peoples services. Three test housing benefit applications have been made and we await the response from Housing Benefit regarding funding of accommodation for this group.

#### **Service Demand**

The previous report detailed information about potential demand for this provision. It is still unclear what the overall level of demand will be, however since the beginning of November: 6 young people aged 16 and 17 have presented to Key Choices as homeless and were deemed to require a joint assessment. Of these: 3 were fleeing alleged physical or emotional abuse or domestic violence; 2 had been evicted by parents and one had been living with friends and could no longer stay there. Immediate accommodation was provided for 5 of the girls, one found her own accommodation with a friend. Three girls were placed in crisis accommodation with support from the tenancy support staff; one placed in a refuge and one in a hostel. Since then two have returned home and one moved into hostel accommodation.

In the same period 4 young people aged 16 and 17 have been accommodated under S20 by the Local Authority and the Leaving Care Service is supporting 8 young people aged 16 and 17 who are seeking asylum.

#### **Progress**

The multi agency task and finish group have met on 3 occasions. A sub group is currently meeting to refine the process map and develop a joint assessment framework.

Information on the implications of this ruling has been shared with all teams within Children's Social Care and Housing Services. Interim guidance states that the team approached by the child will provide immediate direct support to the child and liaise with other teams as relevant. This will ensure that Children aged 16 and 17 are not passed from one service to another. An immediate assessment is undertaken and the young person either accommodated under S20 or supported accommodation

sought. Where the child is accommodated under S20, primary responsibility is held by Children's Social Care. Where the immediate assessment identifies that the young person is able to live in supported accommodation, Key choices will liaise with housing partners and ensure appropriate supported accommodation is provided. A child in need assessment must then be completed by the Children's Social Care locality team responsible for the locality in which the child's parents or person with parental responsibility lives.

A number of other working groups also contribute to this agenda and contribute to the work of the 16 and 17 year old Homelessness task and finish group.

Children's Social Care Locality Teams have struggled to provide assessments of need within timescales due to other pressures on social work time. Children's social work provision is currently subject to review in order to ensure all children get a ring fenced and responsive service. Improvements in joint assessments of 16 and 17 year old homeless young peoples have been factored into the review.

A full needs assessment and strategic review of Care Placements is also in progress. This aims to ensure sufficiency of accommodation for Looked after Children and to develop appropriate preventative strategies, including work with children on the edge of care and young people at risk of homelessness through family breakdown.

Neighbourhoods and Adult Services are reviewing the feasibility of the development of differing accommodation options for 16 and 17 year old homeless young people

A number of professionals are already working within this arena and it may be possible to identify some professionals within agencies to staff some posts within the proposed team. Success though depends on a speedy response to a young person in crisis and a team with the skills to undertake direct work with a family in crisis. The team will require a dedicated and accessible workforce though some aspects of the team support may form part of a virtual extended team (for example CAMHS assessments or support from the Voluntary sector).

Further work is necessary to scope existing capacity

#### 8. Finance

Additional funding has been sought to develop service provision but is not currently available. The joint service approach is therefore working to develop service responses within existing provision.

#### 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. There is a clear expectation of joint assessment from Children's Social Care and housing services and of provision of a range of supported housing options.

The campaigning voluntary sector organisation 'Shelter' are monitoring implementation of this ruling closely on a National basis and are testing case law through applications for judicial review where they feel a Local Authority is not following the ruling.

The Safeguarding and Corporate Parenting inspection could enquire about homeless 16 and 17 year olds and the inspectorate would wish to reassure themselves that we have a clear strategy in place to assess need and deliver appropriate care or support to this vulnerable group.

#### 10. Policy and Performance Agenda Implications

As a consequence of the judgements it is possible 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 Southwalk (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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#### ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1	Meeting:	Looked After Children (LAC) Scrutiny Sub Panel
2	Date:	Wednesday 24 <sup>TH</sup> March 2010
3	Title:	Training to Designated Teachers/ Governors
4	Directorate:	Children and Young People's Services

#### 5 Summary

Statutory Guidance to school governing bodies of maintained schools in England is issued under section 20 of the Children and Young Persons Act 2008. Within the guidance the role of the designated teacher becomes statutory. The guidance informs the governors that they must appoint a designated teacher who is:

- a qualified teacher or Headteacher or Acting Headteacher or;
- a person who is taking steps to become a qualified teacher (2012) and has undertaken a role of promoting the educational achievement of Looked After Children (LAC) for at least 6 months.

The Governments guidance states that designated teachers must have training in emotional, psychological and the social impact of separation from the birth family, reasons for the separation, a broad framework of the care system and the likely impact on education outcomes.

### 6 Recommendations That the contents of the report are noted

#### 7 Proposals and Details

Statutory Guidance to school governing bodies of maintained schools in England is issued under section 20 of the Children and Young Persons Act 2008. Within the guidance the role of the designated teacher becomes statutory. The guidance informs the governors that they must appoint a designated teacher who is:

- a qualified teacher or Headteacher or Acting Headteacher or;
- a person who is taking steps to become a qualified teacher (2012) and has undertaken a role of promoting the educational achievement of Looked After Children (LAC) for at least 6 months.

Where the designated teacher is not a member of the Senior Leadership Team (SLT), a member of the SLT should be appointed as a champion for Looked after Children.

Rotherham has one hundred primary schools, sixteen secondary schools, six special schools and five Short Stay Schools (previously known as PRUs).

The Governments guidance states that designated teachers must have training in emotional, psychological and the social impact of separation from the birth family, reasons for the separation, a broad framework of the care system and the likely impact on education outcomes.

The Government has allocated a small amount of grant to support training for designated teacher to attended training. This money is held by the Get Real Team. All schools were informed of the training by flyers sent out to both Headteachers and the Designated Teacher in the school. Training has also been offered to Designated Governors on their role in supporting the Designated Teacher. This training has been undertaken at different times of the day to allow governors to attend at times convenient to them.

The training for Designated Teachers has been provided in three parts:

- The role of the Designated Teacher in addressing the underachievement of Looked after Children including an overview of the care system and its impact on education.
- Attachment training (delivered by an educational psychologist)
- The Designated Teacher's role regarding the Personal Education Plan (PEP) and contribution to statutory reviews

The Designated Governors training covered;

- Roles and responsibility (supporting the designated teacher and reporting mechanism)
- An understanding of the care system and its impact.

#### **Attendance**

#### Primary

- 32 Designated Teachers attended Designated Teacher's role training
  - 9 other teachers attended Designated Teachers role training
- 30 have attended the Personal Education Plan training
- 25 have attended attachment training
  - 5 Designated Teachers have completed all training required

26 Governors have attended the Designated Governors training.

Thirty four of the primary schools are targeted for future training as they have not attended any training to date

#### Secondary

- 10 Designated Teachers attended Designated Teachers role training
  - 3 other who are undertaking the role attended Designated Teachers role training

20 attended PEP training

23 attended attachment training

5 secondary Designated Teachers have completed all the training required.

4 Governors have attended the designated governors training

Only one secondary school needs targeting for the future training having not attended any training so far

#### Special Schools and Short Stay Schools

5 Designated Teachers attended Designated Teachers role training

3 other attended Designated Teacher's role training

5 attended PEP training

3 attended attachment training

4 Governors have attended the Designated Governors training

This training is to be delivered next year with further development in the areas of resilience, loss and bereavement and a support group meeting is to be established.

#### 8 Finance

Grant £18,952 for two years 2009-2011 to deliver training to designated Teachers

#### 9 Risks and Uncertainties

Not all schools have undertake all the required training
The programme is potentially at risk once the funding has been ceased
There is a certain level of "waste" when a trained Designated Teacher leaves and
either moves to a new school but not as a Designated Teacher or leaves the
authority.

#### 10 Policy and Performance Agenda Implications

All school policies are reviewed from the point of view of Looked after Children. Training and understanding leading to the role making further impact on the outcomes for Rotherham Looked after Children

#### 11 Background Papers and Consultation

Section 52 Children Act 2004: Duty to Promote the Educational Achievement of LAC Every Child Matters and Care Matters
Children and Young People Act 2008
Improving the Attainment of Looked After Young People in primary/secondary schools

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#### **ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	Meeting:	Looked After Children Scrutiny Sub Panel
2.	Date:	Wednesday 24 <sup>th</sup> March 2010
3.	Title:	Overview of Inspections of Looked after children's services.
4.	Directorate:	Children and Young People's Services

#### 5. Summary

#### **Overview of Individual Ofsted Inspection Action Plans**

This report details actions taken to respond to requirements of Ofsted inspections. It is fully accepted that compliance with these actions ensures the safety of our children and improves service provision. A holistic view of inspection requirements has been taken and the response includes actions identified by the inspectors in the main body of reports and in verbal feedback as well as specific actions detailed as statutory requirements or recommendations. Action plans are in place to meet all requirements

#### 6. Recommendations

That the contents of this report are noted.

#### 7. Proposals and Details

#### **Fostering Service**

The fostering service received a judgement of satisfactory following the inspection in June 2009. Judgements in Safe, Health and Organisation were satisfactory and judgements in Enjoy and Achieve, Positive contribution, achieving economic wellbeing and the new sub group Equality and diversity were rated as good. The inspection noted improvements across service provision but gave a notice of requirement to improve in three areas

• Ensure that placements made under regulation 38 meet the regulation and that all placements are reviewed at panel within 6 weeks. The lack of compliance with regulations had been recognised by the Local Authority prior to the inspection and a comprehensive action plan was in place. A new post of Regulation 38 Fostering worker had recently been established and assessments for Regulation 38 carers became the responsibility of the fostering service. Clear processes have been developed for the approval of Regulation 38 foster carers and progress is monitored closely. The locality team continue to undertake the initial viability assessment as they have responsibility for

ensuring the child's immediate welfare and have more knowledge of the child's needs and family dynamics. An immediate assessment is taken to the fostering panel for notification after the fostering team is informed of the placement. In a few cases, there has been delay in informing the fostering team of a placement which has resulted in a delay in presenting to panel for notification. This has been taken up individually with team managers and all have received further information about the processes to follow. The new draft regulations propose amended timescales for panel approval and, when in force will remove the 6 week notification period, replacing it with a 16 week period for completion of assessment, this will assist the team in compliance. Friends and Family placements are increasing in line with DCSF guidance and the draft regulations. Further specific guidance in this respect will shortly be available. Further improvements in this service provision are in development, including use of the Family Rights Group assessment format which assists in assessing family dynamics.

- Ensure that the service is managed with sufficient care, competence and skill to ensure that the monitoring systems in place are effective. A full review of delegation of decision making has been undertaken and all decisions in respect of placements out of category are now made by the Agency Decision Maker (The Director of Safeguarding and Corporate Parenting). Monitoring systems have been fully reviewed and improved where necessary. This has included improvements to monitoring and quality assurance of panel paperwork.
- Ensure that panel minutes provide an accurate record of the discussion and decisions made. There have been ongoing issues with provision of appropriately qualified minute takers. This has been improved through enhancement of the pool of minute takers available. Minutes are monitored by the Agency Advisor.

A number of recommendations were also made. All of these have been subject to action planning and improvement. Improvements have been made to our systems for ensuring that health care plans are sent to carers. A new placement agreement replaces the 72 hour meeting format and ensures better information sharing. Supervising social workers monitor foster carer recording to ensure they follow the policy.

Monitoring of Independent Fostering Agency placements has improved through improved information sharing between Locality Teams and the commissioning team. Where issues have arisen, placements are reviewed by the Resource panel and advice given. Enhanced support has been given by the LAAC Team where it has been identified that this would be beneficial.

The inspection commented positively on the improvements to the training of Foster Carers. The service was enhanced through secondment of a workforce development worker into the team and development of a specialist part time post of Social Work Qualified CWDC Training worker. The CWDC Training worker left the post in October 2009 and we have not been able to successfully recruit to this position. The workforce development worker is also now on Maternity leave. This does leave a potential gap in service provision. One part time fostering social worker is working an additional one day per week to undertake CWDC and training support and the team continue to undertake some development work. No gap in provision has as yet been identified but this will require close monitoring.

#### **Adoption Service**

The adoption service was last inspected in January 2008 and was judged to be good. Two statutory requirements were made.

- Ensure written adoption support assessments are completed. The Looked after and Adopted Children's Therapeutic Support team had, at the point of inspection only just been established. They have since taken over the role of post adoption support and complete comprehensive assessments of need. Their work has not subsequently been tested by an Adoption inspection but inspections of fostering services have praised the work of the team and the quality of their assessments. Close monitoring of volume of work is required to ensure the team is able to continue to provide a responsive and well assessed service, especially as the use of Special Guardianship Orders is increasing.
- Ensure that checks are undertaken in relation to specialist workers to make sure they are registered to undertake adoption support work or that employment checks are undertaken by Rotherham MBC. This action related to a therapeutic service commissioned by Rotherham MBC to support an adopter living in another Local Authority area. The service was commissioned on the recommendation of the other Local Authority but was not registered with Ofsted to provide post adoption services; there were no identified issues with the quality of the service. The commissioning team were informed of this requirement in order to ensure future compliance.

A number of Recommendations were also made and appropriate actions undertaken to improve service provision. Panel processes have improved through the provision of two waiting rooms to ensure Adopter confidentiality. Second opinion visits are undertaken but the Adviser does not do these so that there is no potential for conflicting advice. Police records are checked whenever a prospective adopter has lived abroad, even if for only a brief time and weapons of all types are included n the Health and Safety checks.

Processes have been improved, including a review of the timing of recording of prospective adopters applications and a policy review which has addressed all recommendations in the Ofsted report.

A letterbox coordinator has been appointed to ensure pro-active support to adopters and birth families in direct and indirect contact. Contact is promoted where identified to be in the child's interest and creative solutions sought including financial support for holiday provision to support a natural contact opportunity for siblings where they cannot be placed together.

Our current performance in respect of placement within 12 months of the Should be placed for Adoption (SHOBPA) decision is poor at just over 50%. Actions have been taken to improve this, including virement of a post within LAC Services to develop a specialist Family Finding post which was filled in November 2009. Concerted action has been taken to place those who have been waiting the longest with considerable success. This initial action may impact negatively on this key PI in the initial phase as these children are likely to have waited over 12 months but will result in positive progress in the longer terms. As this PI is only counted after the child is adopted, there is a lengthy time period between practice improvement and improvement in the PI.

26 children have been identified as requiring revocation of a SHOBPA decision as adoption is no longer the plan, ie an audit identified that although the Care Plans for these children had changed, and been agreed through the LAC Review process, there had been no return to the Adoption Panel to seek revocation. They will all be placed before the Adoption Panel within the financial year to ensure accuracy at the commencement of the next financial year.

#### Children's Homes

Inspections of Children's homes in 2009 identified a number of issues in respect of compliance with the Children's Homes Regulations and National Minimum Standards. Some of these areas had not shown improvement over successive inspections. A comprehensive improvement plan was developed in response and shared with the inspectorate team in a meeting in November 2009.

Inadequate staffing within the units was identified as a key factor resulting in an over reliance on Casual and Agency staff. Improvements in the staffing of the units were approved and actions are underway to ensure the new posts are filled with appropriately qualified staff. The numbers of children within each Unit was also discussed in the meeting with the inspectors. Though the Statement of Purpose and Function, (which states the maximum numbers of children who can reside within the unit) was approved by the inspectors, they commented that best practice would be to reduce numbers. Two of the units have increased in size from 5 to 6 bedded units and these will be subject to review as part of the current LAC placement review.

Management of the units was criticised as oversight of compliance with regulations was not sufficiently robust. Improved schedule 6 and Regulation 33 inspection reports and action plans evidence closer scrutiny of regulatory requirements. Notifications of incidents to Ofsted are now made within timescales but compliance with tight timescales requires constant vigilance. We need to review the undertaking of the monthly Regulation 33 reports to ensure sufficient objectivity.

Ofsted has criticised management decisions in respect of placements of children. Within the long term units, we must ensure proper planning and appropriate matching in order to ensure that children feel safe, secure and listened to. All placements are carefully matched and the new residents introduced prior to placement.

In the emergency and respite unit, we must ensure that the mix of children within the unit is appropriate. Though we can place up to 5 children in an emergency, Ofsted have expressed their concerns about this and given a clear statement that the numbers of children placed in an emergency and mix of children will be scrutinised closely in subsequent inspections. Drift of emergency placements was also identified as a problem. Placement of children in an emergency does entail management of unknown risk. Management decisions in respect of emergency placements are carefully considered though balancing the needs of children already within a resource provision and the needs of a child for a safe placement within the local area are complex, especially when the provision is required out of office hours. The unit has recently managed complex groups of children, placed in an emergency who have presented challenging and risky behaviour. Risk Management processes are robust and creative

solutions are used wherever possible, for example, through use of the separate respite unit. Decisions in respect of the emergency unit require ongoing scrutiny. The review of Sufficiency of accommodation provision incorporates a full review of emergency provision and alternative models are under consideration.

Ofsted recommended an amendment of the emergency unit Statement of Purpose and function to a maximum emergency stay of 12 weeks, this action has been completed. The inspectors are, however, clear that they are concerned about drift and placements which continue beyond this time period will be closely scrutinised. Timescales have improved markedly and the majority of children continue to move to an alternative placement, either for permanence or to return home within 8 weeks. One child currently has been in placement for 15 weeks and remains in placement due to difficulty in sourcing an appropriate alternative placement. Ofsted have been notified and an alternative placement has been identified.

Improvements have been made to the living space in all units and further work is ongoing. These include provision of conservatories to allow for quiet space and opening up of living spaces to ensure all children can sit together in comfort as well as improvements in office space. One of the Units requires considerable capital investment to undertake a comprehensive improvement to the building. Ofsted inspectors have been clear that the unit will not progress to 'good' without this investment. Capital funds have been applied for.

Ofsted also identified some issues with missing or out of date LAC Paperwork including care plans, Reviews and Pathway plans. Receipt of these is monitored closely through the Schedule 6 report. Development of electronic files ensures that paperwork is maintained centrally and can be accessed by all staff with access to SWIFT and ICS systems. Currently the Children's Homes cannot access these systems. Access is under consideration and this would streamline communication.

The Operations Manager for the Residential Units oversees the implementation of actions to address recommendations from Ofsted Inspections or Regulation 33 visits. It is recognised that these actions are reactive. The service is, therefore, considering the ongoing continuous improvement required to meet the "outstanding" criteria and a Business Plan is being developed. As a part of this, a visioning day was held with all Unit Managers and Deputies, led by the Interim Director, LAC Service Manager and Operations Manager. The vision strap line was agreed as 'Whatever it takes' and will be used as a key statement to inspire staff and send a clear understandable message to our young residents about our commitment to them. The group have a commitment to further developing a therapeutic model of provision across all units using the training undertaken on children's attachment and exploring Social Pedagogic models of provision.

#### 8. Finance

Full compliance with Ofsted requirements and recommendations has financial implications.

Following internal and external review, social care staffing has been enhanced in key areas, including Locality services and Children's homes. Investment in the fabric of the homes is also under review.

#### 9. Risks and Uncertainties

Failure to deliver improvements in service provision for Looked after Children will impact negatively on outcomes for the children for whom we have corporate parenting responsibility.

Rotherham currently has a notice to improve, monitored by DCSF which includes the requirement to increase the percentage of regulated services rated as 'good'. Though LAC Services form only a small percentage of regulated services, they have a high weighting and performance will be monitored closely. A Safeguarding and Corporate Parenting service inspection will be undertaken in the near future and improvements will be subject to intense scrutiny.

#### 10. Policy and Performance Agenda Implications

This has implications for all aspects of Children and Young Peoples service provision.

#### 11. Background Papers and Consultation

Ofsted inspections of LAC Services
Regulation 33 reports on Childrens homes
Action plans and improvement plans for LAC Services
Performance monitoring reports
LAC Service Self Assessment

#### **Contact Names:**

Sue May, LAC Service Manager <a href="mailto:sue.may@rotherham.gov.uk">sue.may@rotherham.gov.uk</a>

#### **ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	Meeting:	LAC Scrutiny Sub Group
2.	Date:	24 <sup>th</sup> March 2010
3.	Title:	LAC Statistics
4.	Directorate:	Children and Young People's Services

#### **Summary**

The following tables give statistical information in respect of placements of Looked after Children in Rotherham

Information provided concerns:-

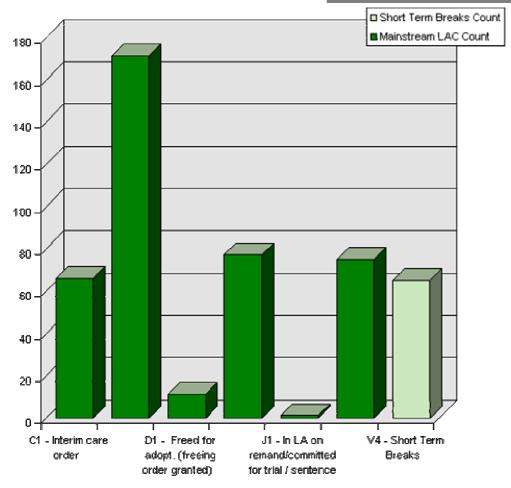
- Placement type
- Legal Status
- Ethnic Origin
- Gender
- Age

This information is available on the Children and Young Peoples Social Care information portal and is used to inform service planning

Placement Type	Mainstream LAC	Short Term Breaks	Total
A3 - Placed for Adoption With Consent (current Foster Carer)	3	0	3
A4 - Placed for Adoption With Consent (not current Foster Carer)	5	0	5
A5 - Placed for Adoption With Placement Order (current Foster Carer)	1	0	1
A6 - Placed for Adoption With Placement Order (not current Foster Carer)	25	0	25
F1 - Foster Placement in LA - Relative / Friend	23	0	23
F2 - Placement in LA - Foster Carer by LA	141	25	156
F3 - Placement in LA - Foster Carer Agency	10	0	10
F4 - Foster Placement outside LA - Relative / Friend	5	0	5
F5 - Placement outside LA - Foster Carer by LA	13	0	13
F6 - Placement outside LA - Foster Carer Agency	84	0	84
H2 - Secure Unit outside LA boundary	1	0	1
H3 - Children`s Homes located inside LA boundary	20	62	82
H4 - Children`s Homes located outside LA boundary	17	0	17
H5 - Resid. Accom. not subject to Children's Homes Regulations	3	0	3
P1 - Placed with parents or other with Parental Resp.	27	0	27
P2 - Independent living (flat/lodgings/friends/B&B)	14	0	14
Q1 - Foster Placement with Relative or Friend	1	0	1
R1 - Residential Care Home	3	1	4
R5 - Young Offender Institute or Prison	1	0	1
S1 - All Residential Schools, except where Dual-Registered as a School and Childrens Home	4	0	4
	401	65	484

#### **LAC Legal Status Summary**

Legal Status	Mainstream LAC	Short Term Breaks	Total
C1 - Interim care order	66	0	66
C2 - Full care order	171	0	171
D1 - Freed for adopt. (freeing order granted)	11	0	11
E1 - Placement Order Granted	77	0	77
J1 - In LA on remand/committed for trial / sentence	1	0	1
Accommodated not on an order	75	0	75
V4 - Short Term Breaks	0	65	65
	401	65	466



Mainstream LAC Count - Short Term Breaks Count

#### **LAC Ethnic Origin Summary**

Ethnic Origin	Mainstream LAC	Short Term Breaks	Total
Asian - Indian	0	1	1
Asian - Other	7	0	7
Asian - Pakistani	3	0	3
Black - African	3	0	3
Dual Heritage - Other	3	0	3
Dual Heritage - White And Asian	7	0	7
Dual Heritage - White And Black African	2	0	2
Dual Heritage - White And Black Caribbean	3	1	4
Gypsy/Roma	1	0	1
Other - Any	7	0	7
Refused To Declare	1	0	1
White - British	352	63	415
White - Irish	1	0	1
White - Other	11	0	11
	401	65	466

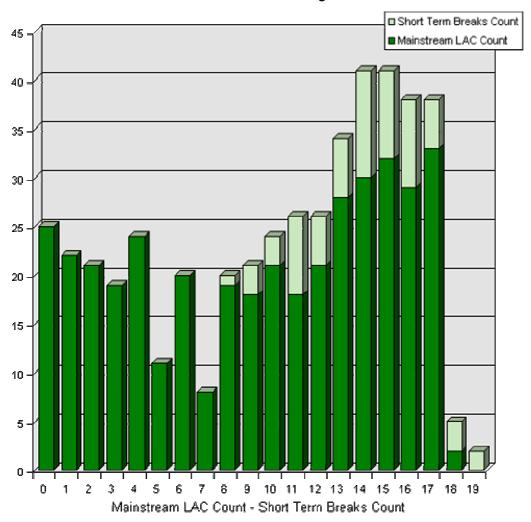
#### **LAC Gender Summary**

Gender	Mainstream LAC	Short Term Breaks	Total
Female	185	22	207
Male	216	43	259
	401	65	466

### **LAC Age Summary**

Age	Mainstream LAC	Short Term Breaks	Total
0	25	0	25
1	22	0	22
2	21	0	21
3	19	0	19
4	24	0	24
5	11	0	11
6	20	0	20
7	8	0	8
8	19	1	20
9	18	3	21
10	21	3	24
11	18	8	26
12	21	5	26
13	28	6	34
14	30	11	41
15	32	9	41
16	29	9	38
17	33	5	38
18	2	3	5
19	0	2	2
	401	65	466

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#### **Age Summary**

#### **Report Author**

Sue May

Looked After Children Services Manager

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#### **Glossary of Terms**

Most of the Legal Framework for Looked After Children is based around the 1989 Children's Act.

#### **General Terms**

Fostering – Foster care refers to a type of placement in which the child lives with an individual in their family home. Local authority foster carers (that is a foster carer with whom a child has been placed under section 23 (2) of the 1989 Act) must be approved by fostering services registered under the Care Standards Act 2000. Fostering is about caring for a child in your own home. For a whole variety of reasons there are around 42,300 children (in England year to March, 2008) who are placed with foster carers by social services departments. Many of these children will eventually return to their families. In some cases this may take a matter of days or weeks in others it may take much longer. If a return to their families is not possible a decision may be made to find them a permanent new family, possible through adoption. In the vast majority of cases children in foster care will have regular contact with their families and their parents will continue to have responsibilities towards them throughout the time they are in foster care.

**Adoption** - What adoption does is to provide the legal basis for the assumption of parental responsibilities in respect of a particular child by someone, or in the case of a couple (they need not be married, and they can be hetrosexual, gay or lesbian) by them both, who are not their natural parent. In the UK there were around 5,000 children adopted in 2000, but quite a number of these involved adoptions by a step-parent. The government want to see the number of 'looked after' children being adopted increase. In 2000/2001 there were over three thousand looked after children adopted in England, in 2001/2 this number increased to around 3,400 children. There are estimated to be many more children who would benefit from being placed with new families, and where adoption is the plan for the child. Most of these children are four years and older, and many are part of sibling groups. Nowadays, adoption is used to provide permanent families for children of all ages, from infants to teenagers.

**Agency Placement**– This does not always mean that the young person is placed beyond the geographical boundaries of the authority in residential or fostering care; rather that it can mean that the young person is placed with an independent fostering agency within the Rotherham Area.

**Relative / Friend** - A relative is defined in section 105 of the 1989 Act as "in relation to a child, a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent."

**Special Guardianship** – A legal order made to allow a child to secure permanence with a person with whom they have a connection without needing to break all links with their parents. This is predominantly used either as an alternative to long term fostering or to secure a placement with extended family. Guardians may continue to receive an allowance and are entitled to ongoing support. The child is entitled to some transition support from the leaving care team. A special Guardianship order is often referred to as an SGO.

**Private Fostering** – Where a family has made a private arrangement for the care of their child by a person who is not an immediate family member, and the arrangement lasts for more than 28 days, the placement is subject to Private Fostering regulations. It must be assessed as suitable, supported and monitored.

Ref	Title	Explanation
A3	Placed for Adoption With Consent (current Foster Carer)	Parental Consent has been granted and the young person will be adopted by their previous foster carer.
A4	Placed for Adoption With Consent (not current Foster Carer)	Parental Consent has been granted but the young person will not be adopted by their previous foster carer.
A5	Placed for Adoption With Placement	Placement Order: This is an order authorising a

Order (current Foster Carer)   local authority to place a child for adoption where there is no parental consent, or where parental consent is no longer appropriate. Placement by consent is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to that child backers is the free unconditional agreement of the parent or guardian of a child to hat child backers is the free unconditional agreement of the parent or guardian of a child to hat child backers is the free unconditional agreement of the parent or guardian of a child to hat child backers is the free unconditional agreement of the parent or guardian of a child backers is the free unconditional agreement of the parent or guardian of a child backers is the free unconditional agreement of the parent or guardian of a child backers is the free uncondition of parent or guardian of a child backers is the free uncondition of the parent or free there is no longer appropriate. Pleasement of the parent or guardian of the parent or free there is no longer appropriate. Pleasement of the parent or free there is no longer appropriate. Pleasement or free there is no longer appropriate. Pleasement of the parent or free there is no longer appropriate. Pleasement or free the parent or free the pa			
Placement Orders.   Placement Order   See A5/E1 for description of Placement Order.		Order (current Foster Carer)	there is no parental consent, or where parental consent is no longer appropriate. Placement by consent is the free unconditional agreement of the parent or guardian of a child to that child's adoption. The consent can be withdrawn at any time up and until an adoption order is made.
F1 Foster Placement in Local Authority - Foster Carer by Local Authority - Foster Carer Agency - Foster Placement in Uside Local Authority - Foster Placement outside Local Authority - Foster Placement outside Local Authority - Poster Carer Agency - Foster Carer by Local Authority - Foster Carer Agency - Foster Unit - Foster Carer Agency - Foster Variation - Fos			Placement Orders.
- Relative / Friend or family member of the child F2 Placement in Local Authority - Foster Carer by Local Authority - Foster Carer Agency F3 Placement in Local Authority - Foster Carer Agency F4 Foster Placement outside Local Authority - Relative / Friend F5 Placement outside Local Authority - Foster Carer by Local Authority - Foster Carer Agency F6 Placement outside Local Authority - Foster Carer Agency F7 Placement outside Local Authority - Foster Carer Agency F8 Placement outside Local Authority - Foster Carer Agency F9 Placement outside Local Authority - Foster Carer Agency F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F9 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F1 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F1 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC F1 Placement outside Local Authority - Foster Carer Iving	A6	Order (not current Foster Carer)	See A5/E1 for description of Placement Order.
Foster Carer by Local Authority  Placement in Local Authority - Foster Carer Agency  F4 Foster Placement outside Local Authority - Foster Placement outside Local Authority - Relative / Friend  F5 Placement outside Local Authority - Foster Carer by Local Authority - Foster Carer Agency - Foster Carer By Rotherham MBC  H2 Children's Homes located inside Local Authority boundary - Foster Bornes - Foster Secure Unit Currently all Children's Homes within Rotherham are Rotherham MBC homes - Currently these are all Agency Homes - Currently these are all Agency Homes - Foster Children's Homes - Foster Placed with parents or other with Parental Responsibility - Foster Placement with Relative or Friend - Foster Placement where Dual-Registered as a School	F1	- Relative / Friend	
F3 Placement in Local Authority - Foster Carer Agency F4 Foster Placement outside Local Authority - Relative / Friend friend or family member of the child F5 Placement outside Local Authority - Foster Carer by Local Authority - Foster Carer by Local Authority - Placement outside Local Authority - Foster Carer by Local Authority - Foster Carer by Local Authority - Foster Carer Agency F6 Placement outside Local Authority - Foster Carer Agency F7 Secure Unit outside Local Authority - Foster Carer Agency F8 Secure Unit outside Local Authority boundary F9 Children's Homes located outside Local Authority boundary F9 Secure Unit Othidren's Homes Iocated outside Local Authority boundary F9 Currently all Children's Homes within Rotherham are Rotherham MBC homes F9 Currently these are all Agency Homes Currently these are all Ag	F2		A Foster carer living in Rotherham who is
F4 Foster Placement outside Local Authority - Relative / Friend F5 Placement outside Local Authority - Foster Carer by Local Authority - Foster Carer by Local Authority - Foster Carer Agency - Foster Carer Agency - Foster Unit outside Local Authority - Becure Unit outside Local Authority - Foster Carer Agency - Foster Carer Agency - Foster Carer Moltiside Local Authority - Foster Carer Agency - Foster Carer Moltiside Local Authority - Foster Carer Agency - Foster Carer Agency - Foster Carer Moltiside Local Authority - Foster Carer Agency - Foster Carer Rotherham MBC  F5 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC  F6 Placement outside Local Authority - Foster Carer Iving outside Rotherham who is approved by Rotherham MBC  Currently all Children's Homes with Rotherham who is approved by Rotherham MBC  Currently all Children's Homes with Rotherham who is approved by Rotherham MBC  Currently all Children's Homes approved by Rotherham MBC  Currently all Children's Homes approved by Rotherham MBC  Some Post 16 accommodation is not subject to reg	F3	Placement in Local Authority -	A Foster carer living in Rotherham who is
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Foster Carer Agency H2 Secure Unit outside Local Authority boundary H3 Children's Homes located inside Local Authority boundary H4 Children's Homes located outside Local Authority boundary H5 Residence Accommodation not subject to Children's Homes Regulations. P1 Placed with parents or other with Parental Responsibility P2 Independent living (flat/lodgings/friends/B&B) Q1 Foster Placement with Relative or Friend R1 Residential Care Home R5 Young Offender Institute or Prison S1 All Residential Schools, except where Dual-Registered as a School		Foster Carer by Local Authority	approved by Rotherham MBC
Boundary   Children's Homes located inside Local Authority boundary   Currently all Children's Homes within Rotherham are Rotherham MBC homes		Foster Carer Agency	approved by Rotherham MBC
Local Authority boundary  H4 Children's Homes located outside Local Authority boundary  H5 Residence Accommodation not subject to Children's Homes Regulations.  P1 Placed with parents or other with Parental Responsibility  P2 Independent living (flat/lodgings/friends/B&B)  Q1 Foster Placement with Relative or Friend  R1 Residential Care Home R5 Young Offender Institute or Prison  Some Post 16 accommodation is not subject to regulation  Children on a care oder may be placed with parents but placements must be visited and reviewed. Children must also have PEP's and Health assessments  Post 16  Children on a care oder may be placed with parents but placements must be visited and reviewed. Children must also have PEP's and Health assessments  Post 16  All Residential Schools, except where Dual-Registered as a School		boundary	
Local Authority boundary  H5 Residence Accommodation not subject to Children's Homes Regulations.  P1 Placed with parents or other with Parental Responsibility  P2 Independent living (flat/lodgings/friends/B&B)  Q1 Foster Placement with Relative or Friend  R1 Residential Care Home  R5 Young Offender Institute or Prison  S1 All Residential Schools, except where Dual-Registered as a School		Local Authority boundary	are Rotherham MBC homes
subject to Children's Homes Regulations.  P1 Placed with parents or other with Parental Responsibility  P2 Independent living (flat/lodgings/friends/B&B)  Q1 Foster Placement with Relative or Friend  R1 Residential Care Home R5 Young Offender Institute or Prison S1 All Residential Schools, except where Dual-Registered as a School			Currently these are all Agency Homes
Parental Responsibility  parents but placements must be visited and reviewed. Children must also have PEP's and Health assessments  P2 Independent living (flat/lodgings/friends/B&B)  Q1 Foster Placement with Relative or Friend  R1 Residential Care Home  R5 Young Offender Institute or Prison  S1 All Residential Schools, except where Dual-Registered as a School		Residence Accommodation not subject to Children's Homes Regulations.	regulation
(flat/lodgings/friends/B&B) Q1 Foster Placement with Relative or Friend R1 Residential Care Home R5 Young Offender Institute or Prison S1 All Residential Schools, except where Dual-Registered as a School		Parental Responsibility	parents but placements must be visited and reviewed. Children must also have PEP's and Health assessments
Friend R1 Residential Care Home R5 Young Offender Institute or Prison S1 All Residential Schools, except where Dual-Registered as a School	P2	(flat/lodgings/friends/B&B)	Post 16
R5 Young Offender Institute or Prison S1 All Residential Schools, except where Dual-Registered as a School		Friend	
S1 All Residential Schools, except where Dual-Registered as a School			
where Dual-Registered as a School			
	S1	· · · · · · · · · · · · · · · · · · ·	

#### **Key Legal Terms**

Ref	Legal Status	Explanation
C1	Interim care order (ICO)	Under Section 38 of the Children Act 1989 the court has the power to make interim care and supervision orders. An interim care order places the child in the care of the local authority on an interim basis whilst the family is assessed and until the court can make a final decision. The interim care order has the same effect as a final care order in giving the local authority parental responsibility. The first time an interim care order

		is made it can last for 8 weeks and it can be renewed after that for up to 28 days at a time. In practice, the court renews the interim care order without a hearing so long as nothing significant has changed since the last time the order was made and that all parties consent to the order being renewed. A parent cannot expect the court to hold a hearing every time the interim order is renewed but can ask the court to consider the case again if something has changed or when some particularly important evidence comes in. In theory the court should make a final decision in every care case within 40 weeks of the local authority's application but in practice it can take a year or sometimes more.
C2	Full care order (CO)	A care order is a court order that places a child under the care of a local authority. The local authority then shares parental responsibility for the child with the parents, and will make most of the important decisions about the child's upringing, such as where they live and how they are educated.
D1	Freed for adoption (freeing order granted)	When a child's parents or guardians have relinquished their parental rights or have had them terminated in a court of law. Once this has occurred a child is then "legally free" to be adopted by another person or family member. This order is no loner used and has been replaced by a Placement order.
E1	Placement Order Granted	Placement Order: This is an order authorising a local authority to place a child for adoption where there is no parental consent, or where parental consent is no longer appropriate (parental consent is said to be "dispensed with." Placement by consent is the free unconditional agreement of the parent or guardian of a child to that child's adoption. The consent can be withdrawn at any time up and until an adoption order is made.  The consent must be given on a special form and witnessed by an officer from CAFCASS, (The Children and Family Courts Advisory and Support Services).  In the case of a mother who has just given birth her consent will not be valid if given in the first six weeks of the birth. If a child under six weeks is placed with an adoption agency they will have to look after the child until it is six weeks old and then ask for parental consent or apply for a placement order.  The consent of a parent or guardian may not be necessary if:  1. The parent or guardian cannot not be found or they are incapable of giving their agreement, e.g. because they are mentally ill.  2. The court is satisfied that the welfare of the child requires that consent be dispensed with. The welfare of the child outweighs the rights of the

		birth parents. However, the courts must still consider the impact on the child of ceasing to be a member of his/her birth family and the change in his/her relationship with the family that adoption would bring.  In the above circumstances an application should be made for a placement order, but only local authorities can apply for a placement order. They must do so if a child is the subject of a care order and there is no parental consent or where they consider the child is at risk of significant harm. A court cannot make a placement order unless an effort has been made to notify the parents or guardians who have parental responsibility for the child that an application for a placement order is being made.
J1	In Local Authority on remand/committed for trial / sentence	Remands to the Local Authority are rarely made, it is more common for Children to be bailed to reside where the local authority directs
	Accommodated under S20 of the Children Act not on an order (S20)	If you are accommodated then this is a voluntary arrangement between us and your family. This means that your family will keep all the rights and responsibilities as parents for you, and we do not take on any parental responsibility. This means that your family can end the arrangement to accommodate you at any time. If you are 16 or over you can come and ask to be accommodated, whether or not your parents agree with the idea.
		If you are accommodated in this way we will draw up a plan with your family setting out the arrangements that will be made for you, and this must be in writing. This is called a <i>care plan</i> . This care plan may say that you will live in a foster home or a residential home. In some cases the foster home could be the home of relatives or friends of your family. If you are accommodated we will make sure you can continue to have contact with your family and friends.
V4	Short Term Breaks	Short Term Breaks usually offered to children with a disability to allow them to have a different experience whilst giving their parents a break. This legislation can be used under different circumstances, for example to give an adoptive family a break.

#### Other useful terms

**Care Plan** – Each Child, Looked after must have a Care Plan which sets out their needs and the plan for their care. This must be amended when the plan changes and be considered at each review

**Childs Review** – Each Looked after Child must have their care plan and support needs reviewed within 28 days of placement and at regular intervals thereafter. The review is conducted by an Independent Reviewing Officer

**Independent Reviewing Officer (IRO)** – is responsible for reviewing the care plan and associated documents. The role of the IRO has been strengthened by new regulations which place a duty on the IRO to raise concerns about the child's care plan to CAFCASS if an

internal resolution cannot be found. The IRO must always consult with the child s part of the review process

**Foster Carers Review** – a specialist IRO also conducts annual reviews of Foster Carers. As part of this review, all children in placement, birth children, children's social workers and fostering social workers are consulted.

**Personal Education Plans (PEP's)** – An education plan devised for the individual child. This must be completed within 14 days of placement and must be reviewed every 6 months. The child, carer or key worker, social worker and teacher must be involved in the plan.

**Personal Education Allowance (PEA)** – An individual allowance which can be awarded to each child to assist with any aspect of their education. These have been used for additional tuition, equipment or residential trips where they are part of the curriculum

**Health Assessment** – All Looked after Children must have a Health Assessment within 28 days conducted by a paediatrician and this must be reviewed by their health visitor or school nurse every 6 months if under 5 and every year thereafter. Children who have reached an age to be Gillick compliant may refuse the assessment.

**Statutory Visit** – All Looked after Children must be visited by their social worker within a defined schedule.

**Independent Visitor** – All children who do not have contact with a family member or other key individual who is able to comment on their welfare has a right to an independent visitor who befriends the child and acts as an advocate on their behalf.

Agenda Item 13

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted