

Report To: **JOINT MEETING EXECUTIVE CABINET/OVERVIEW PANEL**

Date: 10 February 2020

Reporting Officer: Sandra Stewart, Director – Governance and Pensions
Sarah Threlfall, Assistant Director – Policy, Performance and Communications

Subject: **ASSURANCE REVIEW OF LGSCO FOCUS REPORT – CHILDREN IN CARE**

Report Summary: To receive for information, a service response on shared learning detailed within the LGSCO focus report on children in care. Scrutiny Panels will routinely review LGSCO decisions, with shared learning reported to services in order to gain assurances of practice, delivery and outcomes for residents and service users.

Recommendations: That Overview Panel are asked to note the content of the report and ongoing activity of the Scrutiny Panels to review LGSCO decisions to inform and improve local service delivery.

Links to Corporate Plan: The work of Scrutiny is closely linked to the Council’s Corporate Plan Priorities. Scrutiny activity seeks to support effective decision making and improvement outcomes across Tameside.

Policy Implications: Scrutiny work programmes comprise activity that seeks to check the effective implementation of the Strategic Commission’s policies and if appropriate make recommendations to the Executive with regards to development, performance monitoring, outcomes and value for money.

Financial Implications: There are no direct financial implications arising from the scrutiny activity set out in this report. The scrutiny function is expected to be funded from existing revenue budgets.

(Authorised by the Section 151 Officer)

The financial context of Children’s services is relevant to this scrutiny activity and is summarised here for context. The Council has allocated significant additional investment to the Children’s Services directorate budget provision over recent years to support service improvements, including seven key sustainability initiatives from 2020/21. Despite the pandemic and significantly increased numbers of open cases in the statutory children’s system since June 2020, cared for children (CfC) numbers has remained static, however the full impact of lockdown is not yet known. Similarly to other local authorities there is the potential for unknown growth in numbers to come forward in the early part of 2021, which may place further financial pressures on the service.

The Council’s medium term financial plan assumes that budgetary savings will be achieved from the investment in service improvements with total savings of £7.3m between 2022/23 and 2024/25. A further saving of £0.5m has been identified as part of the 2021/22 budget process to contribute to the corporate savings. In 2020/21 the service is currently forecasting an overspend £4.1m by 31 March 2021. There is a risk that the

service will not bring spending back on line or be able to deliver the savings to the timeline or scale assumed

**Legal Implications:
(Authorised by the Borough
Solicitor)**

The Commission for Local Administration, usually known as the Local Government and Social Care Ombudsman (LGO), was established by the Local Government Act 1974. There is one Ombudsman, appointed by the Queen on the advice of the Secretary of State. The service is independent of government and of Parliament. The LGO service covers England. Complaints against central government departments and health bodies in England are covered by the Parliamentary and Health Services Ombudsman. For a valid complaint to be made, a complainant must have suffered injustice through maladministration by the authority concerned. S/he should also have made use of the authority's own complaints procedure before approaching the LGO. The LGOs enjoy a good deal of discretion in the way that they carry out their functions. Moreover, the emphasis has generally been on seeking a settlement between the complainant and the authority rather than in formally identifying maladministration. The LGO cannot compel an authority to implement its recommendations, although in practice councils almost always do act on them. There is no right of appeal against a decision by the LGO, but it is possible to seek judicial review where it is believed that the legal basis of a decision is flawed. The LGA 200 increased the powers of the Ombudsman to look at service failure in a wider sense rather than just that complained of and they work hand in hand with other regulators such as Ofsted to raise standards. More can be read here: [SN04117.pdf](#)

Risk Management:

Regular updates to Overview Panel provide assurance that Scrutiny is progressing with an effective work programme, supporting good decision making and service improvement.

Access to Information:

The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:

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1. BACKGROUND

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) works to remedy individual injustice and undertakes a wider role to support councils tackle systemic failures. This routinely takes the form of shared learning opportunities and methods aimed to improve the approach and management of complaints.
- 1.2 The Integrated Care and Wellbeing Scrutiny Panel requested a service response to a recent LGSCO focus report. The report, Careless: Helping to improve council services to children in care, was published in December 2020.
- 1.3 The report includes case studies and the experiences of young people to highlight the breadth of investigation and identifies common issues and themes associated with the following areas of provision within Children's Services:
 - Coming into care
 - Care planning
 - Ensuring stability
 - Contact arrangements
 - Accommodation for 16 and 17 year olds
 - Care leavers
- 1.4 Focus reports promote local accountability and include a comprehensive set of questions for Scrutiny to seek assurance at a local level. This is of particularly importance for looked after children where the council is their corporate parent. The service response (**Appendix 1**), responds directly to questions listed on pages 24 and 25 of the focus report (**Appendix 2**).

2. RESPONSE OF CHILDREN'S SERVICES

- 2.1 The LGSCO focus report is welcomed and highlights many key and important areas that as a local authority responsible for statutory children's services we should be, and are mindful of.
- 2.2 A point made in the report introduction is that children who come into our care often have multiple and complex needs and that the most common underpinning reason is "because they were at risk of trauma". To which we would add "have" suffered trauma, rather than just being at risk.
- 2.3 Children in care are more likely to have a special educational need (56% compared with 15% of all children), or a mental health difficulty. The number of children in care is also growing, with figures showing a 28% increase in the last 10 years.
- 2.4 A number of common issues within the case studies already inform specific questions for Scrutiny. Comments below cover the main themes.

Coming into care

- 2.5 It is absolutely the responsibility of the local authority to promptly review and explore family and friends options for a child's care arrangements. In Tameside we seek to act to ensure that we support family carers when placing children with them because of child protection concerns and do not rely on the goodwill of family carers or claim a child was placed as a private arrangement when the facts of the case indicate otherwise, as the ombudsman concludes in their learning points.
- 2.6 This is sometimes a balanced judgement, but we are acutely aware of both the LGSCO rulings on this and the relevant case law.

Care Planning

- 2.7 The key learning from this study is primarily the need to maintain accurate records. This is for a range of reasons aimed to support a young person to be able to understand, in later years, decisions made by us as a corporate parent. This is something that runs through all areas of our Social Work practice and is monitored through activity such as audit and peer review.
- 2.8 The second point raised here is quite specific in terms of identity documents and this issue does arise specifically in relation to unaccompanied asylum seeking children, and we would agree that this is a key task for the Social Worker and Personal Advisor to address.

Ensuring Stability

- 2.9 It is correct to state as it does in the report the importance of permanency planning - *“A key function of a child’s care plan is to ensure there is a long-term plan for their upbringing” “and it identifies which option is most likely to meet the needs and wishes of the child.”*
- 2.10 This is an area in which we as a Local Authority can improve. The point contained in our self-assessment is a priority area for further development in 2021. Permanency planning should run through a child’s time in our care and start soon after the point at which they become cared for.
- 2.11 Included in this are specifics that the LGSCO report raises in relation to proper consultation with the child and those involved in the child’s life, as well as proper assessment and planning before placements are disrupted. These are elements of good permanency planning and we are working to improve the overall quality and consistency of our work in this area.

Contact

- 2.12 As the ombudsman concludes, ‘care plans must properly consider contact with relatives, in a timely way, recording the frequency of contact and where it should take place’, and this forms part of the arrangements for all our Cared for Children.

Accommodation for 16 and 17 year olds

- 2.13 We are, as a local authority, alert to and familiar with the issues relating to the accommodation for 16 and 17 year olds arising from the “Hillingdon judgement” and our duties in this regard.
- 2.14 Assessments are undertaken as required and there is a positive working relationship between Children’s Social Care and Tameside Housing Advice. As at October 2020 all 16 and 17 year old homelessness presentations have been allocated within the Safeguarding teams. Referrals are triaged in the Multi-agency Safeguarding Hub (MASH). It may then be necessary to progress to a Safeguarding Social Worker to undertake a joint Homelessness assessment alongside colleagues in Tameside Housing Advice.
- 2.15 Accommodation for this cohort is limited and there is a significant reliance on independent providers. We are growing our own supported accommodation provision from 7 to 17 individual tenancies/placements and anticipate this to be completed by April 2021.
- 2.16 Other accommodation with foster carers is also limited and for those assessed as unable to manage in their own supported accommodation, this can on occasions result in young people being placed in residential provision.

Leaving Care

- 2.17 This is linked to the learning point above and we seek to proactively help and support all our care leavers to move into independent living as required. They will all have a Personal Adviser and Pathway Plan.

2.18 Finally, in terms of the ombudsman's recommendations reached based on examples of good practice that they have identified. It would be fair to say that we would fully endorse and do already promote all of the positive steps identified.

3. RECOMMENDATIONS

3.1 As set out on the front of the report