

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Wednesday, 16th November, 2011 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Mrs Dunn (Chairman)
Councillor Attwood (Vice Chairman)
Councillors Mrs Billingham, Hanif, J Jones, Miller, Mrs Ridney and S Turner;
Mr Songole, Mr Tinsley and Mrs Ward; Mr Taylor; Mr Bruton, Mr Duffield and
Mrs Verdegem.

OFFICERS:-

Assistant Director of Adult, Community and Housing Services (Policy, Performance and Resources) - Lead Officer to the Committee; Acting Director of Children's Services, Assistant Directors of Children's Services (Children and Families and Quality and Partnership), the Divisional Manager and the Head of Assessment (both Children's Specialist Services, Directorate of Children's Services), Children's Specialist Services, the Quality and Complaints Manager and the Improvement and Complaints Manager (both Directorate of Adult, Community and Housing Services), the Director of Corporate Resources and the Treasurer and Mr Sanders (Directorate of Corporate Resources)

ALSO IN ATTENDANCE

Councillor Mrs Walker (Cabinet Member for Children's Services)

21. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Miss Arshad, Mrs Greenaway and P Woodall, and from Reverend Wickens.

22. **DECLARATIONS OF INTEREST**

Declarations of a Personal Interest, in accordance with the Members' Code of Practice, were made by Councillor Mrs Dunn in agenda items numbers 5 and 6 (Care Proceedings and Corporate Parenting, respectively) in view of her office as a governor with responsibility for looked after children at two schools.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Hanif in agenda item number 6 in view of his office as a governor of Rufford Primary School.

Declarations of a Personal Interest, in accordance with the Members' Code of Conduct, were made by Councillor Mrs Ridney in agenda items numbered 5 and 6 in view of her offices as Chairman of the Governors of the Virtual School and as the Governor for Looked After Children at Christchurch and Hurst Hill Primary Schools and the Coseley School.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Councillor Mrs Ridney in agenda item number 5 in that her son in law acts in Court on behalf of the Council.

A declaration of Personal Interest, in accordance with the Members' Code of Conduct, was made by Mr Tinsley in agenda items numbered 5 and 6 in view of his office as a special school governor with responsibility for looked after children.

23. SUBSTITUTE MEMBERS

It was reported that Councillor Mrs Ridney was serving in place of Councillor Miss Arshad for this meeting of the Committee only.

24. CARE PROCEEDINGS

A report of the Acting Director of Children's Services was submitted advising the Committee of the legal processes undertaken by the Council in relation to the protection and safeguarding of children in need.

The report indicated that the majority (79%) of children who were looked after in Dudley were subject to Care Orders and denoted the actions available to the Council and the Police in relation to care proceedings. The report also noted the key issues relating to care issues named in the Family Justice Review commissioned by the Government in February 2010 and published on 3rd November, 2011 which included a recommendation that all Child Protection cases were dealt with within a statutory six months time limit and advocated a reduction in the use of expert witnesses.

In order to enable the Committee to understand the procedures involved, a case study of typical care proceedings was included at appendix 1 and a timetable for the court process was set out at appendix 2. The options available to courts in determining cases were specified in paragraph 21 of the report.

In attending the meeting to expand on the report and provide further details,, the Principal Solicitor, Richard Clark, indicated that, in Dudley, 60 child care cases had been instituted in 2010/11, with the number of cases started in March 2011 being the highest ever recorded in a month. The Principal Solicitor contended that this had resulted from referrals prompted only partially by the Baby Peter case. In the current year, however, the number of cases instituted was as high as in the corresponding period in 2010/11, these being respectively 14 in the first quarter, 17 in the second quarter, and 7 to date in the third quarter. Approximately 70% of the cases instituted comprised cases involving families with whom the Council was familiar, for which most of the evidence necessary was available and the case could thus be referred to court relatively quickly. Approximately 30% of cases involved families whom were not known to the Council and therefore took longer for the evidence to be obtained and processed.

The Principal Solicitor indicated that, on average, cases were taking 53 weeks rising to 57 weeks to complete, the average in the second quarter of 2011/12 being 53.6 weeks. The national average was about 56 weeks. The Family Justice Review, however, considered this length of time to be damaging to children and were thus advocating a six month time limit. The point was made by the Assistant Director of Children's Services (Children and Families) that some cases were dealt with in a significantly lower period that 53-57 weeks but that when there were particularly difficult cases with complicating factors, a substantially longer period might be necessary, thus increasing the average figure. The Principal Solicitor indicated that the Legal caseload was dealt with by a team of solicitors, assisted by 4 Legal Executives.

Arising from the presentation of the report and the details provided, the Principal Solicitor and other officers responded to Member's questions as follows:-

- That, when child came into the Borough from another Authority, and care proceedings had been instituted, the informing authority retained responsibility for the proceedings following the transfer of the child. Orders could not be transferred between Authorities.
- That, when a child in respect of whom care proceedings were in the course of preparation but had not been initiated transferred to the Borough from another Authority, responsibility for progressing the proceedings to court vested in the Council, and that information regarding the child would be passed to the Council from the transferring authority and used in the preparation of evidence.

- The value of expert witnesses for the majority of cases was debatable and their availability was inevitably difficult to arrange and could cause significant delay. There was also a cost element. The Principal Solicitor confirmed that the Social Worker's evidence was usually sufficient without the aid of expert advice and that the judiciary are mostly happy with the evidence of the Social Worker. It was likely that, if the recommendation of the Family Justice Review that all child protection cases were required to be dealt within a statutory six month period were implemented, the use of expert witnesses would have to become exceptional owing to the time limit. It was acknowledged, however, that in difficult and complex cases, an expert witness was sometimes necessary and the ways in which they were used was explained.
- The Principal Solicitor clarified that there was a steady stream of cross border cases.
- Further to the issue of the recommended six month statutory period, the point was made that the needs of the child was paramount and that, while, care proceedings should be dealt with as quickly as possible, the need to act quickly to achieve the time limit should not compromise or disadvantage the interests and wellbeing of the child. In responding to a question on the issue, the Assistant Director of Children's Services (Children and Families) referred to various issues which could cause delay, including the parents' right to legal challenge and the number of persons or disciplines considered necessary to be represented at court hearings. In so doing, the Assistant Director indicated that no assurances could be given regarding the completion of a case with six months.
- In relation to case load, the Principal Solicitor clarified that, very occasionally, care proceedings initially instituted were withdrawn, but only where the Council was satisfied that the family care was appropriate. The Principal Solicitor explained that the purpose of a Care Order was to ensure the safety of a child and explained that the majority of Court Orders comprised not a single order but a package.

Further to a request by a Member, the Assistant Director of Children's Services (Children and Families) agreed to provide statistical information regarding the results of care proceedings, as referred to in paragraph 21 of the report.

RESOLVED

That the report, presentation and comments made be noted.

25. CORPORATE PARENTING

A report of the Acting Director of Children's Services was submitted indicating the Council's responsibilities in relation to corporate parenting for children in care. The report also sought support for the Corporate Parenting Strategy.

Reference was made in the report to the Corporate Parenting Committee which had been established to support young people looked after by the Authority. The membership and terms of reference of the Committee had recently been reviewed and the body would be re-confirmed as the Corporate Parenting Board, with a relaunch prior to the meeting of the Council on 28th November 2011. Membership had been being extended to include an invitation to all Cabinet Members and Shadow Cabinet Members. The proposed revised Terms of Reference of the Board were set out in appendix 1 to the report now submitted. The draft Strategy was set out in appendix 2. Other relevant documents were also appended.

In the discussion on the report, reference was made to the academic success of a number of children looked after by the Council. A view was expressed that a mechanism for reports on progress on looked after children be submitted to Members should be instigated, in view of the Council's role in loco parentis. The Cabinet Member for Integrated Children's Services indicated that she would arrange for discussion on the possible submission of reports on looked after children to Council via the Cabinet and that she would also advocate examination successes of looked after children being celebrated through the children concerned being greeted in the Mayor's Parlour and presented at Council where appropriate. In relation to the Corporate Parenting Committee, the Cabinet Member suggested that the new Board might include representatives of this Committee and the Acting Director of Children's Services indicated that it was proposed that the revised body would include representation by looked after children.

In response to a comment made on the unsettling effect on a looked after child when there were constant changes in the allocation of Social Worker support, the current position with regard to Social Worker posts was indicated. It was reported that, while all posts were filled and there were no vacancies, this had been achieved only by the employment of a number of agency staff. It was a vital management responsibility, therefore, to ensure that case work was allocated and administered at the correct level and that the appropriate safeguards were in place.

In response to a question, the Acting Director (Children and Families) confirmed that where appropriate, a Care Order enabled the birth parent to contribute to the child's life when the child was in the care of the Council. In instances where a parent applied for the child to be returned to the family, an assessment was made and the court advised in accordance with the relevant evidence presented to it.

RESOLVED

- (1) That the Council's role in Corporate Parenting to children in care be noted and recognised as an area for priority action for the Council in seeking to further improve outcomes during 2011/12.
- (2) That the draft Terms of Reference for the new Corporate Parenting Board be supported.

26. ANNUAL REPORT FOR COMPLAINTS, COMMENTS AND COMPLIMENTS FOR CHILDREN'S SOCIAL CARE SERVICES 1ST APRIL 2010 TO 31ST MARCH 2011

A report of the Acting Director of Children's Services was submitted providing an annual report on Social Care Compliments and Complaints for the period 1st April 2010 to 31st March 2011, in accordance with the statutory requirement so to do.

The full annual report had been circulated with the Agenda as a separate document and a summary of the complaints, comments and compliments contained in the Annual Report was included in the report of the Acting Director now submitted.

In the discussion, the term "inadequate", as referred to in the complaint issues and summarised in paragraph 6.3 of the Annual Report, was clarified at being a matter recorded as such when a complainant was not satisfied with the adequacy of the service provided and/or when the service or outcome did not meet expectations.

In response to a question on the reasons why complaints received across the Directorate were almost double in Care Management North, in comparison with Care Management South, Assistant Director of Children's Services (Children and Families) indicated that the Care Management North team had experienced far greater staff volatility and agreed that an analysis of the situation would be included in the report for 2011/12 and that this area was being monitored and supported. In response to a question on the procedures involved when complaints made by young persons were pursued, the procedures and steps involved were explained and it was indicated that any young person who raised a complaint had an entitlement to access the advocacy processes.

RESOLVED

That the Annual Report be accepted and made available as a public document as required by regulations and guidance.

27. REVENUE BUDGET STRATEGY 2012/13

A joint report of the Chief Executive, Treasurer and Acting Director of Children's Services were submitted on the proposed revenue budget strategy for 2012/13 and the medium term financial strategy from 2011/12 to 2013/14 for services provided under the Terms of Reference of this Committee.

In response to questions received regarding the proposal to save £13,000 from the Education Support for Looked After Children, with the funding of that amount being met from the Government's new Pupil Premium Grant, in view of the uncertainty regarding the continuation and usage of the Grant in the future, the Acting Director of Children's Services indicated that the position would be monitored. She then clarified current guidelines for the usage of the Grant.

The Treasurer amplified the budget strategy for Children's Services in 2013, in the light of the budget reductions made in 2011/12 and the subsequent changes in education funding by the Government.

RESOLVED

That the Cabinet's Revenue Budget Strategy proposals for Children's Services for 2012/13 and the medium term financial strategy for the services under the Terms of Reference of this Committee, be received and that no changes to the Cabinet's proposals be recommended.

28. QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 AND ON INFORMATION ITEM

No questions had been submitted Council Procedure 11.8 and no questions were asked on the information items placed on the Committee Management Information System (CMIS).

The meeting ended at 7.20 pm

CHAIRMAN