

<b>Title of Report:</b>	<b>Scrutiny review into governance arrangements in place for Children's Services</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	

<b>Purpose of Report:</b>	To outline the results of the review into the governance of Children's Services.
<b>Recommended Action:</b>	<p>That the Overview and Scrutiny Management Commission</p> <ol style="list-style-type: none"> <li>1. Endorses the recommendations of the Task Group to the Executive Member for Children and Young People.</li> <li>2. Carries out an update review of this activity in September 2015.</li> </ol>
<b>Key background documentation:</b>	The minutes of and papers provided to the task group (available from Strategic Support).

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# Executive Report

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## 1. Introduction

- 1.1 At its meeting of 25 February 2014, the Overview and Scrutiny Management Commission (OSMC) agreed to conduct a review of the governance arrangements in place for the activities being carried out by Children's Services.
- 1.2 This report provides the findings and recommendations arising from the review and sets out detail on its Terms of Reference and methodology.

## 2. Terms of Reference

- 1.3 The Terms of Reference for the task group were to examine the extent to which the bodies that are in place to ensure that social care practise for children and young people is safe and effective, collectively provide a framework that is necessary, comprehensive, efficient and effective and in particular:
- The role of each of the component parts of the governance framework
  - The effectiveness and efficiency of the framework, as a whole and by its constituent parts
  - Identification of areas for improvement
  - Report to the OSMC thence the Executive with recommendations as appropriate.

## 3. Methodology

- 1.4 The review has been conducted by a cross-party task group, working with the Head of Children's Services and key individuals chairing or otherwise involved in the provision of governance or oversight of the activities undertaken by Children's Services.
- 1.5 The members of the Task Group were Councillors David Allen, Peter Argyle, Paul Bryant and Sheila Ellison. Councillor Peter Argyle was elected as Chairman.
- 1.6 The task group held the meetings outlined in the table below.

Meeting date	Meeting focus
Friday 18 July 2014	<ul style="list-style-type: none"><li>• Election of the Chairman</li><li>• Agreement of the Terms of Reference</li><li>• Background briefing on<ul style="list-style-type: none"><li>○ Statutory bodies</li><li>○ Local bodies</li><li>○ Inspection</li></ul></li><li>• Agreement of the review activity and schedule</li></ul>

Monday 18 August 2014	<ul style="list-style-type: none"> <li>• Examination of the effectiveness of individual bodies <ul style="list-style-type: none"> <li>○ Local Safeguarding Children Board</li> <li>○ Health and Wellbeing Board</li> <li>○ Corporate Parenting Panel</li> <li>○ Homestart</li> <li>○ Quality Assurance Board</li> </ul> </li> </ul>
Tuesday 7 October 2014	<ul style="list-style-type: none"> <li>• Examination of the effectiveness of individual bodies <ul style="list-style-type: none"> <li>○ R:VUE</li> </ul> </li> <li>• The view of organisations participating in oversight and governance <ul style="list-style-type: none"> <li>○ Homestart</li> <li>○ Newbury Family Counselling Service</li> <li>○ A2Dominion</li> </ul> </li> </ul>
Monday 10 November 2014	<ul style="list-style-type: none"> <li>• Examination of the effectiveness of individual bodies <ul style="list-style-type: none"> <li>○ Munro Board</li> </ul> </li> <li>• Gap analysis</li> </ul>
Thursday 8 January 2015	<ul style="list-style-type: none"> <li>• Formulation of the recommendations</li> </ul>

#### 4. Acknowledgements

- 1.7 The Chairman and Members of the task group would like to thank all those who supported and gave evidence to the review.

#### 5. Background

- 1.8 In meeting its statutory duties and delivering its functions, Children's Services (CS) work in the three main activity areas of

- (1) Child Protection – the protection of children from harm caused by physical abuse, emotional abuse, sexual abuse and neglect.
- (2) Looked After Children - local authorities look after children if their parents or the people who have parental responsibilities and rights to look after them are unable to care for him/her, have been neglecting him/her or if the child has committed an offence. The local authority has specific responsibilities and duties towards a child who is being looked after or who has been looked after, including care leavers and children who are adopted.
- (3) Early Help – the provision of services for children, young people and parents that support families through their difficulties by providing practical advice, services and professional help. This includes help for children with disabilities and their families and is intended to stop problems from getting worse.

- 1.9 These core activities are sometimes delivered by voluntary services which are, on occasion, commissioned by CS.

## 2. Findings

### *Statutory inspection*

- (4) Regulatory inspection of CS is provided by the Office of Standards in Education (Ofsted) and regular, unannounced, examinations of policy and practise are undertaken. Ofsted inspectors will examine the arrangements in place for
  - (a) Children and young people at risk of harm (but who have not yet reached the 'significant harm' threshold) and for whom a preventative service would provide the help that they and their family need to reduce the likelihood of that risk of harm escalating and reduce the need for statutory intervention
  - (b) Children and young people referred to the local authority, including those for whom urgent action has to be taken to protect them; those subject to further assessment; and those subject to child protection enquiries
  - (c) Children and young people who become the subject of a multi-agency child protection plan setting out the help that will be provided for them and their families to keep them safe and to promote their welfare
  - (d) Children and young people who have been assessed as no longer needing a child protection plan, but who may have continuing needs for help and support
  - (e) Children and young people are receiving (or whose families are receiving) social work services where there are significant levels of concern about children's safety and welfare, but these have not reached the significant harm threshold or the threshold to become looked after
  - (f) Children and young people who are missing from education or being offered alternative provision
  - (g) Children and young people looked after either by being accommodated under section 20 or those 'in care' during or as a result of proceedings under section 31 of the Children Act 1989 and those accommodated through the police powers of protection and emergency protection orders
- (5) Inspections usually involve between 7 and 9 inspectors for a period of one month and, as might be expected, all three of the main CS activity areas are covered.
- (6) Results from inspections show that, in the main, the larger authorities (such as county councils) perform better than smaller authorities. Although it is not entirely clear why this might be, the resilience of larger services afforded by economies of scale may be a significant factor.
- (7) Staff who have been involved in Ofsted inspections report that they are intense and tiring.
- (8) In order to prepare for Ofsted inspections, local authorities work collaboratively to conduct 'peer reviews'. Whilst peer reviews are seen as being beneficial, they place significant demands on CS staff.

## ***Local oversight***

- (9) In addition to being statutorily regulated, CS activities are overseen and scrutinised by the local bodies set out in the following sections.

### ***Local Safeguarding Children Board***

- (10) Section 13 of the Children Act 2004 requires each local authority to establish a Local Safeguarding Children Board (LSCB) for their area. The West Berkshire LSCB is made up of organisations which work with children and young people. The LSCB is the key mechanism for agreeing how local services and professionals should work together to safeguard and promote the welfare of children and is subject to the Ofsted inspection regime.
- (11) The West Berkshire LSCB has 28 members, including the Executive Member for children and young people and senior officers from a number of organisations. It is not unusual for LSCBs to have a large membership but this can lead to diary clashes which can limit attendance. The importance of attendees to have the authority to make decisions is crucial.
- (12) The LSCB is responsible for
- (h) Co-ordinating the activities of all agencies concerned with the protection of children
  - (i) Developing and agreeing local policies and procedures
  - (j) Assuring the quality of child protective services
  - (k) Raising awareness in the wider community of the need to safeguard children.
- (13) The specific Terms of Reference of the LSCB comprise a mixture of those that are statutorily set and some that have been locally determined. All three main CS activity areas are covered within them and a sample of agendas shows that although each is monitored regularly during meetings, early help receives less attention than looked after children or child protection.
- (14) The West Berkshire LSCB usually meets four times per year but will meet more frequently and as required for serious case reviews. The Board shares its Chairman, who is independent and at the time of the review was newly into post, with both Reading and Wokingham Borough LSCBs.
- (15) A number of sub-groups operate
- Quality and Monitoring Group
    - Acts in a quality assurance capacity, facilitating practice audits
    - Oversees reporting from agencies against an agreed programme of action
  - Child Sexual Exploitation (CSE) Group
    - Develops a local response to CSE, both strategic and operational
  - Case Review Group (joint with Reading and Wokingham)

- Commissions and oversees management reviews and case reviews
  - Child Protection Procedures Group (Berkshire-wide)
    - Reviews and implements changes to the pan-Berkshire Child Protection procedures
  - Section 11 Group (Berkshire-wide)
    - Reviews agency self-audits against requirements of Section 11 of the Children Act 2004 (Arrangements to safeguard and promote welfare)
  - Training Group (joint with Reading and Wokingham)
    - Oversees and commissions multi-agency training
    - Quality assures and sets standards for single agency training
  - Child Death Overview Panel (Berkshire-wide)
    - Reviews all child deaths in the locality
    - Identifies trends and themes.
- (16) Participants on sub-groups report that they and the LCSB itself function well.
- (17) The Chairman, who is paid for between 30 and 40 days work per year, is supported by a full-time Business Manager who develops and oversees the Board's business plan.
- (18) LCSB agendas and meetings, which are set at a smaller Executive meeting, can be lengthy and do not always focus on the achievement of goals and priorities set in the Board's business plan. The incoming Chairman has expressed her intent to introduce measures to sharpen the focus of the LSCB's activity and to encourage more off-line work between meetings.
- (19) The LSCB has links and formal working protocols with a number of the other bodies, for example the Munro Board.
- (20) Recent challenges experienced by CS teams indicate that there may be scope for earlier intervention and escalation by the LSCB when it is made aware of risks to the successful delivery of CS activity.

#### *Health and Wellbeing Board*

- (21) The Health and Social Care Act 2012 established Health and Wellbeing Boards as fora where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities. Health and wellbeing board members collaborate to understand their local community's needs, agree priorities and encourage commissioners to work in a more joined-up way. The intended outcome is for patients and the public to experience more joined-up services from the NHS and local councils.
- (22) Formed in April 2013, the West Berkshire Health and Wellbeing Board (H&WBB) has representatives from West Berkshire Council, Newbury and District Clinical Commissioning Group, North and West Reading Clinical Commissioning Group, Healthwatch and the voluntary sector. Its meetings are open to the public.

(23) Reflecting the broad nature of the Board's remit, the Health and Wellbeing Strategy only currently incorporates the topics below as CS-related priorities

- Keeping children and young people safe, including prevention
- Supporting parents and families of all children, especially those who are vulnerable.

In addition, however, looked after children were recognised as being more likely than the general population to be at risk of health inequality.

The Strategy is in the process of being reviewed. The revised Strategy is likely to include looked after children as a 'hot focus'.

(24) The Board's attention has, until recently, been on public health matters. The Board has however identified a need to focus on the integration of health and social care which has realigned the H&WBB's priority. This may account for a sample of H&WBB meeting papers showing that CS related items are not being considered at Board meetings.

(25) Whilst acknowledging that they serve different purposes, the work of the H&WBB and the LSCB, where it might intersect for vulnerable children or those in care, does not appear to be co-ordinated. This is despite the existence of a protocol to govern the relationships between the two bodies.

#### *Corporate Parenting Panel*

(26) The Council has a responsibility to all the children and young people who are looked after by foster families, in supported lodgings and in residential care. As such it must act as a 'corporate parent' and share with the birth parents a responsibility to ensure that all children are given the conditions and opportunities to develop and thrive.

(27) The panel consists of

- Councillors
- Foster care representatives
- Education officers
- Children's Services officers.

(28) Members of the panel discuss and review

- Changes in policy for looked after children
- How West Berkshire's profile of children in care compares to the national one
- Recent performance data for services provided to West Berkshire's looked after children
- Children and young people's reported experiences of their care
- Special activities, such as an Adoption Activity Day.

(29) The panel also hears specially prepared presentations by the Communities Director and from children and young people themselves, through R:Vue, the authority's Children in Care Council.

- (30) Although all Elected Members of the Council have corporate parenting responsibilities and, as such, may attend meetings of the Corporate Parenting Panel, attendance is usually limited to those with an interest in the topic (typically around twelve). This does not and has not hindered the effectiveness of the Panel, although it is recognised that wider knowledge of its work and a resultant increase in Member participation might be beneficial.
- (31) The Corporate Parenting Panel has produced a 'pledge' of commitments to children and young people in care, covering the following areas
- Family
  - Accommodation
  - Social workers
  - 'Life' (perhaps best described as 'wellbeing')
  - Education and future plans.

#### *Munro Board*

- (32) In May 2011 Professor Eileen Munro reported to the Secretary of State for Education the findings of her review into child protection in England. The report set out proposals for reform which, taken together, were intended to create the conditions that would enable professionals working with children to make the best judgments about the help to give to them. This involved moving from a system that had become overly bureaucratic and focused on compliance to one that valued and developed professional expertise and was focused on the safety and welfare of children and young people.
- (33) Professor Munro set out 15 recommendations, many of which were for local authorities and included a 'systems change' to the way that services for young people were delivered. The involvement of frontline social workers in the system change was seen as being essential to its success.
- (34) The Council has established its own 'Munro Board' in order to carry through implementation of the recommendations. In addition to Council officers, its membership incorporates representatives from the voluntary sector, who report that the Board is focussed and purposeful in its activities. It also provides for a networking forum.
- (35) The Terms of Reference for the Board show that although its wider context is a focus on systems/process improvement, workforce development and culture change, the CS activity of early help is also expressly examined. Sampling of the Board's agenda papers show that this topic is actively kept under review.

#### *Quality Assurance Board*

- (36) The Quality Assurance Board has been established for in-service scrutiny of the quality of Children's Services. The Board considers



complaints, feedback, audits of work and reports in order to contextualise the effectiveness and value of the service overall.

- (37) The board is chaired by the Communities Director and takes its membership from CS officers working in frontline teams.
- (38) As recommended by the Munro report, examination and performance review of CS cases allows for continuous learning from cases to be incorporated into service delivery.
- (39) The Board oversees a quality assurance and improvement programme that has the following components
  - An auditing framework
  - Practice observation
  - Scrutiny of performance information
  - Service user feedback
  - Staff/stakeholder feedback.
- (40) The CS quality assurance framework, within which the Board sits, indicates that of the three core CS activities, child protection and looked after children are more likely to be scrutinised than early help.
- (41) Recent challenges experienced by CS teams, suggest that there may be scope for earlier intervention and escalation by the Quality Assurance Board when it is made aware of risks to the successful delivery of CS activity.

#### *R:Vue*

- (42) R:Vue is the West Berkshire Looked After Children's Committee and is attended by young people in care. It provides looked after children with the opportunity to voice their opinions and experiences of care services. It does not give consideration to either of the other CS core activities.
- (43) The level of attendance varies, to usually between 20 and 30, as young people, who may not be subject to extended periods of care, generally participate for short periods of time only.
- (44) The work of R:Vue – which is sub-divided into an 11 – 16 age group and a 16 – 18 age group – is supported by a Youth Worker who co-ordinates events and assists with attendance at meetings. Young people involved in the group receive training and an introduction to the role of the Council.
- (45) The group assists with the coordination of events for children in care and provides comment and feedback on proposed CS changes. For example:
  - The group had been asked, by the Independent Reviewing Officers' Group, to create an information pack for newly 'Looked after Children' which offers leaflets and other useful information. The opportunity to provide honest and constructive feedback was very much valued

- The wording and content of the Corporate Parenting Panel's 'pledge' was reviewed by the members of R:Vue to consider its relevance, their understanding of the content and whether it matched their experiences and needs. The activity was, again, extremely useful and well received.

(46) Although the group currently sets its own work, an identified area of development would be for the Corporate Parenting Panel to provide more, perhaps strategic, direction for the group. The group could also help to shape future consultations for looked after children and work as a point of contact for social media queries, incorporating their views and experiences to increase participation.

## **7. Conclusions**

- 2.2 The task group has found that overall the framework of governance bodies that is in place for the oversight of Children's Services activities is functioning as it should.
- 2.3 Each of the bodies concerned has clear terms of reference, appropriate membership and meets at the necessary frequency.
- 2.4 The core CS activity areas of child protection and looked after children receive adequate scrutiny, however oversight of the plans and arrangements for early help would benefit from more visibility. This should ensure that it remains an integral part of the Council's activity to support children, particularly as budgets continue to experience pressure.
- 2.5 There is, inevitably, some overlap and duplication of activity (for example between the LSCB's Quality and Monitoring Group and the Council's Quality Assurance Board). As these groups however serve different purposes and have different audiences and participants, their utility is not diminished by their mutual existence and both should remain in operation. Crucially, there are no gaps in the oversight framework.
- 2.6 A number of recommendations to improve the overall operation of oversight and supervision of CS activities are set out below.

## **8. Recommendations**

2.7 The Task Group proposes the following recommendations for the Portfolio Holder for Children and Young People

(47) Strong consideration should be given to the participation in a peer review of CS activity, in order to identify weaknesses in practise and in readiness for the, overdue, Ofsted inspection. This recommendation is made in full cognisance of the undoubted demand that the review will place on CS staff but it is the view of the task group that the benefits would outweigh the costs.

(48) Clear and explicit support should be given to the Chair of the Local Safeguarding Children's Board to achieve

- (a) The regular attendance and participation of representatives who have the necessary knowledge and authority to take informed decisions on behalf of their organisation

- (b) A programme of work and scrutiny of the activity, at Board meetings, that is sharply focussed on results
  - (c) More examination of the arrangements for and effect of early help.
  - (d) Early identification of those matters, for example rising pressures on individual social work teams, that require prompt escalation and intervention.
  - (e) Greater co-ordination of its work with that of other bodies, for example the Health and Wellbeing Board.
- (49) Working with the Executive Member for Health and Wellbeing, the provision of early help for children and families should be given a higher profile than currently in the work and meetings of the Health and Wellbeing Board.
- (50) Measures should be introduced by the Quality Assurance Board to ensure the early identification of those matters, for example rising pressures on individual social work teams, that require prompt escalation and intervention.
- (51) In order that the young people concerned are provided with focus and direction, encouragement should be given to the Corporate Parenting Panel to request more activity and comment from R:Vue. This will help both bodies to more effectively meet their remit.
- (52) Following the May Council elections, a Member Development Session should be delivered to inform both new and existing councillors of their corporate parenting duties and to seek their regular attendance at meetings of the Corporate Parenting Panel.

2.8 The Task Group also proposes that an update report should be provided to the Overview and Scrutiny Management Commission in September 2015.

## **Appendices**

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There are no appendices to this report.