

Decision maker:	Cabinet member children and families
Decision date:	Friday, 18 January 2019
Title of report:	Executive response to the Review of Section 20 processes and procedures following High Court judgement of historic failings
Report by:	Assistant Director Safeguarding and Family Support

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To agree the executive response to the recommendations from the task and finish group's review of section 20 processes and procedures following High Court judgement of historical failings. The task and finish group was supportive of the action taken and the new arrangements introduced, and made seven recommendations to the executive. It is proposed that all of the recommendations are accepted and the responses to them are set out in appendix 1.

Recommendation(s)

That:

- (a) **the response to the children and young people scrutiny committee's recommendations regarding the task and finish group's review of section 20 processes and procedures following High Court judgement of historic failings in Herefordshire, as attached at appendix 1 be approved.**

Alternative options

1. None proposed; it is a statutory requirement to provide a response to the recommendations made by the children and young people's scrutiny committee. It is open to the executive to accept, partially accept or reject a recommendation from the scrutiny committee; should a recommendation not be accepted an explanation should be provided.

Key considerations

2. Under Section 20 of the Children Act 1989, children may be accommodated by the council if they have no parent or are lost or abandoned or where their parents are not able to provide them with suitable accommodation and agree to the child being accommodated.
3. Between May 2018 and October 2018 a task and finish group to review the section 20 processes and procedures following a High Court judgement of historical failings for children and families in Herefordshire was conducted.
4. Following receipt of the High Court judgement the council has implemented revised processes to ensure that there are robust arrangements in place in respect of all section 20 cases.
5. The children and young people's scrutiny committee met on the 12 November 2018 and approved the report and recommendations from the task and finish group for submission to the executive.
6. The task and finish group was supportive of the action taken and the new arrangements introduced, and made a number of recommendations; these are contained within appendix 1 along with proposed responses. Work is already underway covering a number of the recommendations, as indicated in appendix 1.

Community impact

7. In accordance with the adopted code of corporate governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make to ensure intended outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use of resources while still enable efficient and effective operations and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.
8. The Section 20 processes and procedures for children and families in Herefordshire is an important and integral part in the provision of safeguarding and family support services for vulnerable children and their families throughout Herefordshire. Children and families do benefit from the use of Section 20 when used appropriately and children become looked after by Herefordshire Council through the use of Section 20. This enables the council to work with children, young people and their families where this is possible to keep children and young people safe and give them a great start in life, in support of the council's corporate priorities and Herefordshire's Children and Young People's Plan.

Equality duty

9. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
10. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. The proposed responses as set out are paying due regard to this and as such we do not believe that they have an impact on our equality duty.

Resource implications

11. There are no additional cost implications to these recommendations as actions will be met from existing budgets

Legal implications

12. The recommendations of the task and finish group should be referred to the executive and / or appropriate partner organisations to enable them to consider the recommendations.

Risk management

13. There are no risks associated with agreeing the content of this report as the recommendations provide information and indicate how the work is being taken forward. Risks associated with the actual activity are managed through the children and families directorate risk register and where necessary are escalated to the council's corporate risk register.

Consultees

14. None

Appendices

Appendix 1 – Summary of recommendations and executive responses to the Review of Section 20 processes and procedures following High Court judgement of historic failing

Appendix 2 – Review of Section 20 processes and procedures following High Court judgement of historic failings task and finish group report

Background papers

None identified